

Chapter 14.03

ZONING - PROVISIONS, USES AND REQUIREMENTS

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Part 1

General Provisions

14.03.010 Establishment of Zone Districts. To carry out the provisions of this Title the Town of DeBeque, Colorado is divided into zone districts. The purposes of dividing the Town into zone districts are: to recognize that certain areas of the Town are in various stages of development; to preserve the character of certain neighborhoods in the Town; to conserve the value of property; and to establish and encourage appropriate land uses in existing and newly annexed areas of the Town. It is intended that the boundaries of the zone districts shown on the zoning map adopted contemporaneously herewith, will not be usually changed unless it is demonstrated that the character of an area has so changed that amending the zoning map is in the public interest. The Town is divided into the following districts:

- A. RZD Residential Zone District (Ord. 436 §2, 2013)
- B. OTC Old Town Center District
- C. SC Service Commercial District
- D. P Public Zone District
- E. HC Highway Commercial (Ord. 325, §1(part) 2006)
- F. I Industrial (Ord. 325, §1(part) 2006)
- G. AGI Agricultural/Open Space I Zone District (Ord. 373, §1, 2008)
- H. AGII Agricultural/Open Space II Zone District (Ord. 373, §1, 2008)

14.03.020 Incorporation of the Zoning Map. The location and boundaries of the zone districts established by the Ordinance codified herein are shown on the Official Zoning Map of the Town of De Beque, Colorado, which is incorporated into this Title. The Zoning Map, together with all data shown thereon and all amendments thereto is, by reference, made a part of this Title. The Zone District Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the seal of the Town of De Beque and the date of adoption. Changes in the boundary of any zone district shall be made only upon amendment to the Ordinance codified herein and shall be recorded on the Zoning Map within thirty (30) days of the effective date of the amending Ordinance with an entry on the Zoning Map giving the number of the amending Ordinance and the date with the signature of the Mayor, attested by the Town Clerk. The Zoning Map shall be located in the office of the Town Clerk and in other such places designated by the Board of Trustees of the Town. Copies of the Zoning Map shall be

made available to the public at a moderate price.

14.03.030 Zone District Boundaries. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, 1/4 section lines, 1/2 section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of Town or County roads or highways or right-of-way lines or extensions thereof. For non-subdivided property or where a zone district boundary divides a lot or parcel, the location of such boundary, unless indicated by dimension, shall be determined by the scale of the Zone District Map. Where a zone district boundary coincides with a right-of-way line and the right-of-way is abandoned, the zone district boundary shall then follow the centerline of the former right-of-way. Land not part of a public, railroad, or utility right-of-way which is not indicated as being in any zone district shall be considered to be included in the most restricted adjacent zone district even when such district is separated from the land in question by a public, railroad, or utility right-of-way.

14.03.040 Annexation and Zoning. All territory annexed to the Town of De Beque subsequent to the effective date of the Ordinance codified herein shall be zoned according to district classifications of this Title. Such classifications shall be determined through a recommendation of the Planning Commission upon referral of the proposed annexation by the Town Board of Trustees to the Planning Commission. The proposed zoning shall be established in accordance with applicable State statutes.

14.03.050 Application of Regulations.

A. Conformity to Use Regulations: Except as hereinafter provided, no building, structure or property shall hereafter be used, and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the District Regulations for the district in which such land, building or structure is located. All buildings or structures must comply in all respects with the provisions of the building code adopted by the Town of De Beque.

B. Conformity to Setback, Bulk, Site Area and Height Provisions: Except as hereinafter provided, no building or structure shall be erected nor shall any existing building or structure be moved, altered or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the District Regulations for the district in which such buildings, structures or open space is located.

C. Lot Area, Yard, Frontage, Open Space, and Parking Restrictions: Except as hereinafter provided, no lot area, yard, frontage, other open space or parking provided about any building for the purpose of complying with provisions of this Title shall be considered as providing lot area, yard, frontage, other open space or parking for any other building, and no lot

area, yard, frontage, other open space or parking for a building on any other lot.

14.03.060 Principal and Accessory Uses. The primary use of a lot is referred to as a “principal use” which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the Zone District Provisions. Only one (1) principal building and its customary accessory buildings may be erected on any single lot.

A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an “accessory use.” Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Title.

14.03.070 Permitted Uses. Those uses designated as permitted in the Zone District Provisions are allowed as a matter of right and without special authorization.

14.03.080 Special Review Uses.

A. Intent: Uses designated as Special Review Uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic capacities, potential environmental effects, and compatibility with the neighborhood. It is the intent of these Regulations to provide a review of Special Review Uses so that the community is assured that any proposed Special Review Uses are suitable for the proposed location and are compatible with the surrounding land uses.

B. When Allowed: Special Review Uses may be permitted in designated zone districts upon approval of the Town of De Beque Board of Trustees as provided in these Regulations.

C. Application and Review: All applications for Special Review Uses will be reviewed according to the procedures set forth in Chapter 14.06. Application submittal requirements are specified in Chapter 14.06.

14.03.090 Nonconforming Uses and Structures.

A. Intent: Within the zone districts established in this Code there exist structures and uses of land, which were lawfully established before this Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Code as amended. It is the intent of these Regulations to permit such nonconformities to continue until they are removed, but not to allow them to be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone district.

B. Nonconforming Uses of Land: Where at the time of the passage of these Land Use Regulations, or amendments thereof, lawful uses of land exists which would not be permitted by the Regulations imposed by this Title, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy greater area of land than was occupied at the effective date of adoption or amendment of this Title;

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Title;

3. If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Title for the zone district in which such land is located; and

4. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

A nonconforming use shall not be changed to a use of a lower or less restrictive classification, but such nonconforming use may be changed to another use of the same or higher classification as further specified in subsection 14.03.090(F).

C. Nonconforming Structures: Where a lawful structure at the effective date of the adoption or amendment of these Regulations that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structures or nonconforming portion of a structure be destroyed by any means and shall not have been repaired or replaced within one (1) year from the date of loss, it shall not be reconstructed except in conformance with the provisions of this Title.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone district in which it is located after being moved.

D. Repairs and Maintenance:

1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding ten percent (10%) of the current replacement cost of the nonconforming structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone district in which it is located.

E. Nonconforming Lots of Record: Where, at the effective date of the adoption of these Regulations or amendments hereto, a lot of record was in separate ownership and cannot meet the minimum requirements for area or width, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided such lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

The effect of building on contiguously owned nonconforming lots is to combine the lots into a single lot. It may be necessary to combine two (2) or more lots in order to meet the minimum lot size, setbacks and other requirements of zoning. The combining of nonconforming lots to comply with the zoning requirements may be accomplished by affidavit submitted to the Town by the owner of the lots to be combined provided that individual lots are not divided and further provided that the number of lots does not increase. The Board of Trustees must approve the combining of the lots and the affidavit. An Amended Plat is not required for this purpose provided the nonconforming lots are being combined for purposes of constructing one (1) single family dwelling unit.

F. Priority of Use Classification: Whenever in this Chapter reference is made to a higher (or more restrictive) classification and lower (or less restrictive) classification of uses in providing that a nonconforming use may be converted to a higher but not lower classification, uses shall be considered higher or lower according to the following sequence (highest to lowest); agricultural, residential, public, office, accommodations, commercial, light industrial and heavy industrial.

14.03.100 Uses Not Itemized. Uses not listed in a zone district are prohibited except that such uses may be allowed by approval of a Special Review Use application pursuant to the provisions of Chapter 14.06 provided:

A. Such uses are found to be similar to permitted uses and ought to have been listed when the zone district regulations were adopted; and

B. Such uses are allowed only on the property subject to the Special Review Use application.

14.03.110 Zoning Variances. Special exceptions to the provisions of the zone districts may be granted by the Board of Adjustment pursuant to the provisions of Chapter 14.06. Such special exceptions are known as variances.

14.03.120 Rezoning. The Town may, from time to time, amend the number shape or boundaries of any zone district. Such an amendment to a zone district boundary is known as rezoning. Rezoning applications are reviewed pursuant to the provisions of Chapter 14.06.

In addition to the review criteria of Chapter 14.06, the Planning Commission and Board of Trustees may consider the following evaluation criteria for the analysis of Rezoning applications:

A. The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics;

B. The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site;

C. The impacts of the land uses of the proposed rezoning upon expected environmental quality including air and water quality; and

D. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance.

14.03.130 Other Zoning Provisions.

A. Land and Building Use Regulations: In addition to regulations contained elsewhere in this Title, the use of land and buildings shall be governed by the provisions set forth in these zoning requirements.

B. Utilities: Nothing in this Title shall be construed to prevent construction or installation of underground and above ground public utility lines, including mains, distribution lines, and related appurtenances in any zone district necessary to provide utility service within the Town of De Beque. Storage, maintenance facilities and business offices shall be restricted to

their appropriate zone district. Telecommunication towers, and utility treatment, processing, distribution and production facilities, including but not limited to, power generation plants, substations, gas compressor stations and telephone exchange facilities, are a special use in the OTC and SC Zone Districts. Transmission lines, as defined in Section 4.01.180 of this Title, are a special use in all zone districts.

C. Frontage: Each lot or parcel in separate ownership shall have at least twenty-five lineal feet (25') of frontage on a public street. Every building devoted wholly or in part to residential use shall front on a public street.

D. Yard requirements:

1. On double frontage lots or lots extending from one street to another paralleling street, both streets shall be considered front streets for purposes of calculating front yard setbacks.

2. On corner lots, the owner/developer shall determine which yard shall be the rear yard if the definition of a rear yard defines more than one (1) rear yard. On corner lots bordered by two (2) streets, in the Residential Zone District (RZD), the common property line between the corner lot and an adjacent lot shall be considered as a side yard for the purposes of determining building setback requirements provided the common lot line is a side yard of the adjoining lot. (See, Section 14.03.200 for setback requirements.)

3. On lots bordered on two (2) or more sides by streets, the required front yard setback shall be observed along all streets.

4. Where a lot in a business, commercial or industrial zone district shares a common side lot line with a lot in a residential district, the required side yard setback of the residential district shall be observed along the common lot line in the commercial or industrial district.

5. Where the side yard of a lot in a business, commercial or industrial district is an extension of the front yard of a lot in an adjacent residential district, a side yard setback equal to one-half ($\frac{1}{2}$) the required front yard setback of the residential district shall be observed by the lot in the commercial district.

6. For purposes of setback calculations, a two-family dwelling shall be constructed as one (1) building occupying one (1) lot.

7. On a vacant lot bordered on two (2) sides by previously constructed buildings which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard

setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.

8. Every part of required yard shall be unobstructed by building from ground level to the sky except for projections of architectural features as follows:

a. Cornices, sills and ornamental features may project twelve inches (12") into a yard;

b. Roof eaves may project eighteen inches (18") into a yard;

c. Uncovered porches, slabs and patios, walks, steps, fences, hedges, and walls are not restricted when less than forty-two inches (42") above ground level;

d. Fire escapes and individual balconies not used as passageways may project eighteen inches (18") into any required side yard, or four feet (4') into any required front or rear yard;

e. Solar collection devices and equipment may project eighteen inches (18") into a yard.

E. Fences, hedges, and walls: All fences, hedges and walls may be permitted in the required yards of any district subject to the following conditions and requirements.

1. All fences and walls are subject to the building code requirements.

2. It shall be the responsibility of the property owner to locate all property lines. No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owner.

3. No fence, hedge, wall or sign shall be placed nearer than twelve inches (12") to any public sidewalk.

4. No barbed wire or sharp-pointed or electrically charged fence shall be permitted.

5. Fences or walls shall not exceed seven feet (7') in height except a higher fence may be required by the Town as a condition of approval of a Special Review Use. The height shall be measured at the finished grade on the side nearest the street or

abutting property.

6. On corner lots, no fence, hedge or wall over forty-two inches (42") in height above the elevation of the curb shall be placed in the intersection of a triangular area formed by three (3) points as established by: (i) the intersection of the property line at the corner; (ii) by measuring thirty feet (30') back from this intersection on each property line and connecting the two (2) ends of the legs to form a triangle.

7. At the intersection of a street and alley, no retaining wall or fence over forty-two inches (42") in height shall be placed within seven feet (7') of the corner of the lot next to the public right-of-way and the alley.

8. No fence, hedge or wall located within the front yard setback area shall exceed forty-two inches (42") in height.

F. Height Provisions: The maximum height of buildings shall be measured vertically at the front yard setback line from undisturbed or natural ground level to the top of a flat or mansard roof or to the midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof; for lots sloping less than one foot (1') vertical in ten feet (10') horizontal away from the established street grade. On lots sloping more than one foot (1') vertically in ten feet (10') horizontally, the vertical height shall parallel the existing grade prior to construction of the building and not exceed the required height at any point of the building from existing grade.

All heights shall be measured vertically from undisturbed grade. Height limitations of this regulation shall not apply to stacks, vents, antennae, cooling towers, elevator bulkheads, solar panels, tanks or similar mechanical appurtenances which extend no more than ten feet (10') above the permitted height. No limitation shall apply to monuments, cupolas, domes, towers, spires and similar noninhabitable structural appurtenances for public or semipublic buildings.

G. Gasoline Service or Filling Stations:

The following regulations shall apply to all gasoline service or filling stations:

1. All buildings shall be located at least forty feet (40') from any street right-of-way line;

2. Fuel pumps and other appliances shall be located at least fifteen feet (15') from any street right-of-way line;

3. All service, storage, or similar activities shall be conducted entirely on the premises;

4. All major repair work, if any, shall be conducted within a completely enclosed building; and

5. Open storage of wrecked or inoperable automobiles or trucks, discarded tires, automotive parts or similar materials shall not be permitted.

H. Yard Sheds:

Yard sheds are allowed as uses by right in the RZD zone district as accessory uses to residential dwellings subject to the following conditions and requirements. A building permit is not required for the erection of a yard shed provided all of the following requirements are satisfied.

1. Yard sheds are structures that shall be used only for the storage of lawn and garden maintenance equipment and supplies and may not be used for human or animal habitation. Only one (1) yard shed is allowed for each principal use (e.g., a residential dwelling).

2. Yard sheds may not exceed one hundred forty-four square feet (144 sq. ft.) in total area.

3. The maximum linear wall dimensions of yard sheds shall not exceed twelve feet (12') on any side.

4. The maximum height of yard shed will not exceed eight feet (8') measured from the natural grade of the ground to the highest point of the roof or wall whichever is greater.

5. No hazardous or flammable materials may be stored in a yard shed.

6. A yard shed may be placed within the rear yard building setback area provided that the shed is not placed on a permanent foundation and can be moved upon demand of the Town of De Beque or a utility company if the placement of the yard shed interferes with the intended use of an easement or creates an unsightly or unsafe condition and further provided that no portion of the yard shed including roof eaves is located or extends beyond the property line. In the event a yard shed is to be placed on a utility easement, approval for the placement must be granted by the affected utility company (or the Town of De Beque for Town facilities). Yard sheds may not be placed in a drainage easement or drainage way. Yard sheds placed within the building setback area must be screened from the view of adjacent streets and adjacent property.

I. Landscaping

1. Landscaping in SC Zone District. All required yards abutting a street for lots in the SC Zone District must be landscaped for an average of five feet (5') within the area closest to the street.

2. Landscaping in I Zone District. All required yards abutting a street for lots in the I Zone District must be landscaped for an average of five feet (5') within the area closest to the street. (Ord. 325, §2(part), 2006)

J. Driveways. All driveways, parking areas and site circulation routes shall be paved in conformance with the standards in the Town of De Beque Public Works Manual. All driveways and access points shall be situated at approximately right angles to the street. A driveway for parking may bisect the front yard. No parking shall be allowed on required landscaped areas.

K. Interstate 70 Setback. A required setback from County Rd. 45 or Interstate 70 shall be a minimum of twenty-five (25') from the edge of right-of-way of the nearest traffic lane. The setback area must be effectively landscaped in conformance with all applicable sections of the Town of De Beque Municipal Code, screen outside storage areas and present the impression of low intensity land use. The landscaping shall be maintained in a "green and growing" condition and shall be approved as part of an annexation, the building permit application or subdivision approvals. No lots shall front on Interstate 70.

L. Landscaping in RZD Zone District:

Parking areas for multi-family dwellings shall be landscaped in accordance with the provisions of Section 14.07.

M. Landscaping of Single Family Lots. Landscaping of every individual single family lot must be completed within six (6) months following issuance of the certificate of occupancy for the residence located on such lot, unless an extension is granted by the Town Planner and any applicable homeowners association because of weather conditions or the time of year. Landscaping must include the installation of grass lawns in the front and rear yards or the installation of xeriscaping in the front and rear yards in such a manner to reduce weed growth and stabilize the soil. Landscaping shall also include the planting of at least one (1) tree in the front yard of each single family lot. If a residential subdivision is subject to a declaration of covenants issued after the effective date of this subsection, the declaration shall include these landscaping requirements. These landscaping requirements may be enforced by the Town, the subdivider or homeowners association. (Ord. 363 §1, 2007)

N. Screening and Outside Storage. All outside storage areas shall be screened with a 100% opaque fence with a minimum height of seven feet (7') to screen storage from view when observed from the centerline of all adjoining street right-of-ways. All stored, piled or stacked materials shall be configured to ensure adequate screening by the opaque fence and equipment

shall be stored in the lowest operating position. All screening fences shall be maintained in a good and safe condition. All fences with structural support members on one side shall be constructed with structural support members facing to the interior of the property. (Ord. 363 §2, 2007)

14.03.140 Home Occupations.

A. Home Occupations Allowed by Right: The following home occupations may be permitted in any residence subject to the criteria specified in subsection 14.03.140 (C).

1. Office for the conduct of a business or profession
2. Artist or craft studio
3. Clothing alterations

B. Home Occupations Permitted as Special Review Uses: Home occupations other than those uses specified in subsection 14.03.140(A) may be permitted if approved as a Special Review Use provided the home occupation use is permitted as either a use by right or a Special Review Use in the zone district in which the residence (home) is located.

C. A home occupation may be placed in any zone as a use by right or as a Special Review Use, as specified this Section, provided the following standards are satisfied.

1. No persons other than family members residing in the dwelling are to be engaged in the business or home occupation.
2. No more than twenty-five percent (25%) of the floor area of the dwelling is used for the business or home occupation.
3. An accessory building may be used provided the floor area requirements are not exceeded and that the accessory building can be converted to a common accessory building upon termination of the home occupation.
4. A minimum of one (1) additional off-street parking space shall be provided on site for the home occupation, but more may be required by the Town as necessary.
5. The property must maintain a non-business appearance at all times.

6. No sign may exceed one and one-half square feet (1 ½ sq. ft.).

7. The home occupation can be shown not to be a nuisance to surrounding properties due to noise, odor or increased traffic. If a home occupation is lawfully established and a nuisance resulting from the home occupation is determined to exist after the establishment of the home occupation, the Town Board of Trustees shall allow the owners one hundred twenty (120) days in which to correct the nuisance, relocate the use, or terminate use of the property for the home occupation.

14.03.150 General Requirements for All Business, Commercial and Industrial Uses.

- A. All service, fabrication and repair operations shall be conducted within a building.
- B. All outdoor storage of materials and trash receptacles, other than public receptacles, shall be enclosed by a solid opaque fence and/or screened by landscaping.
- C. All applicable environmental standards of Mesa County, the Town of De Beque, the State of Colorado or the United States government shall be complied with at all times.
- D. All business, commercial and industrial facilities adjacent to residential uses shall be screened from the residential use with landscaping and opaque fencing of a minimum height of seven feet (7') subject to review and approval of the Town Board of Trustees.

14.03.160 Common Interest Communities. The use of land and the subdivision or other development of land in the Town of De Beque shall comply with the provisions of the Colorado Common Interest Ownership Act which is contained in Article 33.3, Title 38 C.R.S.

14.03.170 Descriptions and Limitations of Zone Districts.

A. RZD - Residential Zone District

Description: The Residential Zone District is primarily a residential district intended to accommodate mixed residential housing types, including single-family housing, townhouses and low-scale apartment units. Few nonresidential uses are permitted in the Residential Zone District. (Ord. 436 §2, 2013)

B. OTC - Old Town Center Zone District

1. Description: The Old Town Center Zone District is intended to provide community center and tourist commercial uses in the traditional commercial center of the Town. The OTC District offers opportunities for attractive street and pedestrian areas designed to attract visitors from the highway oriented tourist area. The OTC District also provides a unique office setting for smaller establishments.

2. Limitations: Outside storage shall be permitted only in conjunction with another use permitted in the Old Town Center (OTC) Zone District. All outside storage and private trash and refuse disposal facilities must be screened from view from adjacent streets and adjacent property.

C. SC - Service Commercial Zone District

1. Description: The Service Commercial Zone District is intended to provide areas for wholesale and service commercial uses located away from residential uses.

2. Limitations: Outside storage shall be permitted only in conjunction with another use permitted in the Service Commercial (SC) Zone District. All outside storage and private trash and refuse disposal facilities must be screened from view from adjacent streets and adjacent property.

D. HC - Highway Commercial Zone District

1. Description: The Highway Commercial Zone District is intended to provide highway oriented lodging/accommodations and commercial uses located near the Interstate 70 interchange and near major highway frontages. Properties in this District are highly visible from major thoroughfares and particular care needs to be taken with building design, building exterior treatments, parking areas, lighting, signage and landscaping to ensure an attractive appearance of all properties in this District.

2. Limitations:

a. Exterior signage shall be based on a comprehensive signage plan for the site that meets all applicable sign standards, building codes adopted by the Town and, as relevant, signed standards adopted by the Colorado Department of Transportation (CDOT). A signage plan shall be submitted detailing the design, size, placement, location, construction and lighting subject to review and approval by the Town.

b. Limited outside storage may be permitted only in conjunction with another use permitted in the Highway Commercial (HC) Zone District and shall be screened from view from the Interstate 70 corridor. Trash and refuse disposal facilities must be screened from view from adjacent streets and adjacent property using design and materials that match the exterior appearance of the buildings on the site.

c. Parking lots shall include perimeter landscaping and landscaped islands/medians to break up large paved areas. Areas outside of buildings shall also be landscaped. A landscaping plan that conforms to all of the applicable sections of the De Beque Municipal Code shall be submitted for review and approval by the Town.

d. All exterior lighting shall be designed and installed to eliminate glare, lighting trespass on adjacent properties and excessive illumination levels. All exterior light fixtures shall be full cut off, downcast and shall be “dark sky compliant”. An exterior lighting plan that conforms to all of the applicable sections of the De Beque Municipal Code shall be submitted for review and approval by the Town.

E. P - Public Zone District

1. Description: The Public (P) Zone District is intended to provide for the use of land on some of the property owned by the Town of De Beque. The Public (P) Zone District may be used only for Town of De Beque municipal purposes as further described in 17.03.180.

2. Limitations:

a. Only land owned by the Town of De Beque may be zoned P - Public.

b. Transfer of Ownership: Whenever property within the Public Zone District is transferred to private or public ownership other than the Town of De Beque, such transferred area must be rezoned to an appropriate Town zone district and all subsequent use of the property shall conform to the new zone district requirements.

c. Outside Storage: Outside storage shall be permitted only in conjunction with another use permitted in the Public (P) Zone District. All outside storage must be screened from adjacent streets and adjacent property.

F. I - Industrial Zone District

1. Description: The Industrial (I) Zone District is intended to provide areas for light and general industrial businesses, and locations where conflicts with residential, commercial and other land uses are minimized. Uses in the Industrial (I) Zone District are further governed by the land use regulations provisions described in Section 14.03.150.

2. Limitations:

a. All exterior lighting shall be designed and installed to eliminate glare, lighting trespass on adjacent properties and excessive illumination levels. All exterior light fixtures shall be full cut off, downcast and shall be “dark sky compliant”. An exterior lighting plan that conforms to all of the applicable sections of the Municipal Code shall be submitted for review and approval by the Town.

b. Storage of any materials, equipment, vehicles, etc. shall be enclosed or screened as required by Town standards.

G. AGI - Agricultural/Open Space I Zone District

1. Description: The Agricultural/Open Space I (AGI) Zone District is intended to provide areas for small rural, ranchette types uses where small numbers of animals, including but not limited to poultry, horses and livestock, may be kept and non-intensive farming activities may be conducted. The AGI Zone District is also intended for open space parcels or future park sites. One single family residence is permitted.

2. Limitations: Lot size is a minimum of one (1) acre and a maximum of five (5) acres. The maximum number of animals that may be kept on a lot, in addition to household pets, is five (5). Outdoor storage and maintenance of agricultural equipment, products, and materials is permitted.
(Ord. 373, § 2, 2008)

H. AGII - Agricultural/Open Space II Zone District

1. Description: The Agricultural/Open Space II (AGII) Zone District is intended to provide areas for medium to large sized farm and ranch operations including but not limited to such operations as poultry and livestock and crop production such as corn, hay, fruit and vineyards. The AGII Zone District is also intended for medium to large open space parcels or future park sites. One single family residence is permitted. A second residence for a family member or caretaker is a use by special review.

2. Limitations: The minimum lot size is 5.1 acres. Use by right density for horses or livestock per acre is two (2). Use by special review density for horses or livestock per acre is a maximum of four (4). Feedlots are prohibited. Outdoor storage and maintenance of agricultural equipment, products and materials is permitted. Barns, stables, horseback riding arenas and academies, veterinarian facilities, greenhouses, game preserves, fruit and vegetable processing, parks, ballfields, swimming pools and similar uses, are uses by right.

(Ord. 373, § 2, 2008)

14.03.180 Schedule of Uses.

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Single-family dwellings		P	■	■	■	■	■	P	P
Two-family dwellings		S	■	■	■	■	■	S	S
Multiple-family dwellings and town homes		S	■	■	■	■	■	■	■

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Campground & RV Park (limited stay)		■	■	S	S	■	■	S	S
Dwellings in the same building as a business		■	S	S	S	■	S	S	S
Mobile homes		S	■	■	■	■	■	■	■
Mobile home parks		S	■	■	■	■	■	■	■
Adult entertainment		■	■	■	■	■	S	■	■
Above Ground Public Utilities		S	S	S	■	S	P	S	S
Agricultural uses		S	■	■	■	■	S	P	P
Assembly halls		■	P	■	■	■	■	■	■
Automated teller machine facilities		■	P	P	P	■	■	■	■
Automobile and truck repair		■	■	S	S	■	P w/ Screened outside Storage	■	■
Automobile service stations		■	S	P	P	■	P	■	■
Automotive sales and service		■	■	P	S	■	P	■	■
Bakeries		■	P	P	P	■	P	■	■
Bed and breakfast accommodations		S	■	■	P	■	■	S	S
Car washes		■	S	S	P	■	P	■	■
Carpentry and contractors shops		■	■	P	■	■	P w/ Screened outside Storage	■	■
Churches		S	■	S	S	■	■	S	S

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Clubs and lodges		■	P	■	P	■	■	■	■
Convenience retail stores		■	S	S	P	■	■	S	■
Day care centers and homes		S	■	■	■	■	■	S	S
Day care on-site as an accessory use to a business for the use of employees of the business		■	S	S	S	■	S	S	S
Dry cleaning establishments		■	■	P	P	■	P	■	■
Drive-in restaurants		■	S	S	P	■	■	■	■
Drive-up banks		■	S	S	P	■	■	■	■
Eating and drinking establishments excluding drive-in restaurants		■	P	P	P	■	■	■	■
Equipment sales and rental		■	■	P	S	■	P	S	S
Financial institutions		■	S	S	S	■	■	S	■
Frozen food lockers		■	■	P	■	■	P	S	S
Governmental buildings, facilities, and associated uses including temporary housing for working crews		■	P	P	P	S	S	S	S
Grocery stores		■	S	S	P	■	■	■	■
Group homes for the developmentally disabled or for persons sixty (60) years of age or older		S	■	■	■	■	■	S	S

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Horses, keeping of; stables and other equestrian facilities		S	■	S	■	■	S	P	P
Hospitals		■	S	P	S	■	■	■	■
Hotels and motels		■	S	S	P	■	■	S	S
Indoor commercial or public recreation facilities		■	S	P	P	■	■	S	P
Kennels		■	■	S	S	■	S	P	P
Laundromats		■	P	P	P	■	P	■	■
Libraries		■	P	■	S	■	■	■	■
Machine shops		■	■	P	S	■	P	■	■
Manufacturing, fabrication and assembly		■	■	S	S	■	P	■	■
Medical and dental clinics		■	S	S	P	■	■	■	■
Mobile home sales		■	■	S	S	■	S	■	■
Municipal wastewater treatment facilities		■	■	■	■	S	P	P	P
Municipal water treatment facilities		■	■	■	■	S	P	P	P
Nursing homes		S	■	■	■	■	■	■	■
Offices for the conduct of a business or profession		■	P	P	P	■	P	■	■
Outside storage- Unscreened		■	S	S	■	■	S	P	P
Outside storage-Screened		■	S	S	S	S	P	P	P
Paint and body shops		■	■	S	S	■	P	■	■
Parks		P	P	■	P	■	P	P	P

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Parks and Open Space owned by the Town		P	P	■	P	P	S	P	P
Parking lots or garages		■	S	S	S	■	P	■	■
Personal service establishments		■	P	P	P	■	■	■	■
Personal service establishment as a home occupation		S	■	■	■	■	■	S	S
Personal storage units (mini-storage)		■	■	S	■	■	■	■	■
Public buildings		■	P	P	P	■	P	P	P
Public transit stops		P	P	P	P	P	P	P	P
Public transit maintenance facilities		■	■	■	■	■	P	■	■
Publishing		■	■	P	P	■	P	■	■
Recreational vehicle sales and service		■	■	P	S	■	P	■	■
Retail Marijuana Store		■	S	S	S	■	S	■	■
Retail Marijuana Cultivation Facility-Limited		■	S	S	S	■	S	S	S
Retail Marijuana Cultivation Facility		■	■	■	S	■	S	S	S
Retail Marijuana Product Manufacturing Facility		■	S	S	S	■	S	■	■
Retail Marijuana Testing Facility		■	S	S	S	■	S	■	■
Retail sales establishments		■	P	P	P	■	P	■	■
Schools		S	S	S	■	■	■	S	S

Land Use		RZD	OTC	SC	HC	P	I	AGI	AGII
Storage yards		■	■	S	■	■	S	S	S
Telecommunications facilities		S	S	S	■	S	S	S	S
Telecommunications facilities, towers		■	S	S	■	■	S	S	S
Theaters		■	S	S	P	■	■	■	■
Truck stops		■	■	S	S	■	S	■	■
Underground Utilities		P	P	P	P	P	P	P	P
Utility treatment, processing, distribution and production facilities		■	S	S	■	■	S	■	■
Veterinary animal hospitals		■	■	S	P	■	S	P	P
Warehouses		■	■	P	■	■	P	■	■
Wholesale establishments		■	■	P	■	■	P	■	■
Uses not listed		S	S	S	S	■	S	S	S

P = Permitted as a use by right

S = Special Review Use

■ = Not permitted

(Ord. 373, §4, 2008); (Amended Ord. 436 §2, 2013); (Amended Ord. 440 §1, 2013); (Amended Ord. 443 §1, 2014); (Amended Ord. 450 §1, 2015).

14.03.190 Reserved.

14.03.200 Schedule of Requirements - RZD, OTC, SC HC, I and P Districts.

Zoning Requirements		RZD	OTC	SC	HC	I	P	AGI	AGII
Minimum Lot Size		6,000 square ft. per single family dwelling 4,000 square feet per each attached dwelling unit	3,000 square feet for a non-residential use 4,500 square feet for uses combined with residential uses	9,000 square feet.	3,000 square feet.	3,000 square feet.	NA	9,000 square feet for a single family dwelling 6,000 square feet for each attached dwelling unit	9,000 square feet for a single family dwelling 6,000 square feet for each attached dwelling unit
Maximum Lot Coverage (percent)		50%	80%	65%	65%	65%	65%	50%	50%
Maximum Building Height		25 feet	25 feet	25 feet	35 feet	35 feet	25 feet	25 feet	25 feet
Maximum Floor Area Ratio		1:1	2:1	1:1	1.5:1	1:1	1:1	1:1	1:1
Minimum Building Setbacks:(1) Front Yard:		15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	0 feet	10 feet	20 feet	20 feet	20 feet	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater
(2) Rear Yard:		10 feet Except on corner lots where rear yard adjoins side yard of adjacent lot, then a minimum of 5 feet or ½ height of the building whichever is greater	0 feet	10 feet	20 feet	20 feet	20 feet	10 feet	10 feet
(3) Side Yard:		A minimum of 5 feet or ½ the height of the building, whichever is greater	0 feet	10 feet	10 feet	10 feet	10 feet	A minimum of 5 feet or ½ the height of the building, whichever is greater	A minimum of 5 feet or ½ the height of the building, whichever is greater
(4) Setback From Streams and Rivers		25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line

Note: Also subject to the provisions of Section 14.03.130

(Ord. 373, §4, 2008); (Amended Ord. 420 §1, 2012) (Amended Ord. 436 §2, 2013); (Amended Ord. 440 §1, 2013).