

**TOWN OF DE BEQUE ORDINANCE NO. 531**

**(Series 2023)**

**AN ORDINANCE AMENDING CHAPTERS 14.01 AND 14.03 OF THE DE BEQUE MUNICIPAL CODE PERTAINING TO: DEFINITIONS OF VARIOUS LAND USES PERMITTED IN ZONING DISTRICTS; SETBACKS AND HEIGHT RESTRICTIONS; NOISE STANDARDS, ACCESSORY DWELLING UNITS, SHIPPING CONTAINERS; AND RELATED PROVISIONS.**

The following describes the intent and purpose of this ordinance.

- a. From time to time the Town of De Beque revises its ordinances to address changes in the law or new community concerns.
- b. Over a period of many months the Planning Commission held a series of public meetings for the purpose of obtaining input on the matrix of approved uses authorized in the various zoning districts within the Town. During that process the Planning Commission determined that changes to various use classifications were needed for clarity.
- c. In the course of those proceedings, the Planning Commission also prioritized changes to code provisions governing building setbacks, accessory uses, Accessory Dwelling Units (ADUs), the use of shipping containers, and the placement of sheds or similar outbuildings. All of these changes are deemed appropriate, given development needs within the Town.
- d. The Planning Commission recommended approval of the changes proposed in this ordinance.
- e. The Board of Trustees held a duly noticed public hearing to consider this ordinance on March 28, 2023. The Board has considered the input from public comments.
- f. The Board of Trustees finds that it is in the public interest that land use regulations provide clear guidance for property owners, and that those regulations are tailored to protect property rights and the public interest.

THEREFORE, the De Beque Municipal Code is amended to read as follows:

Amended Chapter 14.03, Provisions, Uses, and Requirements is adopted as set forth in **Exhibit 1**, attached.

Amended Sections 14.01.170 through 14.01.190, pertaining to definitions, are adopted as set forth in **Exhibit 2**, attached.

Approved by a majority of the De Beque Board of Trustees, at a regularly scheduled meeting of the Board on March 28, 2023, at which meeting quorum was present. This ordinance shall take effect thirty (30) days from the date of publication.

TOWN OF DE BEQUE

Shanelle Hansen                      3-28-23  
Shanelle Hansen, Mayor                      Date

ATTEST:

Lisa M. Rogers                      03/28/2023  
Lisa Rogers, Town Clerk                      Date



**CHAPTER 14.03: PROVISIONS, USES, AND REQUIREMENTS****SECTIONS**

- 14.03.010: Establishment of Zone Districts
- 14.03.020: Zone District Boundaries
- 14.03.030: Incorporation of the Zoning Map
- 14.03.040: Zoning of Annexed Land
- 14.03.050: Application of Regulations
- 14.03.060: Principal and Accessory Uses
- 14.03.070: Permitted, Special, and Prohibited Uses
- 14.03.080: Classification of Unlisted Uses
- 14.03.090: Schedule of Uses
- 14.03.100: Dimensional Requirements
- 14.03.110: General Use Standards
- 14.03.120: Use-Specific Standards

### 14.03.010: ESTABLISHMENT OF ZONE DISTRICTS

- A. To carry out the provisions of this Title the Town of De Beque, Colorado is divided into zone districts. The purposes of dividing the town into zone districts are to:
1. Recognize that certain areas of the town are in various stages of development;
  2. Preserve the character of certain neighborhoods in the town;
  3. Conserve the value of property; AND
  4. Establish and encourage appropriate land uses in existing and newly annexed areas of the town.
- B. It is intended that the boundaries of the zone districts shown on the Zoning Map adopted contemporaneously herewith, will not usually be changed unless it is demonstrated that the character of an area has so changed that amending the Zoning Map is in the public interest.
- C. The town is divided into the following districts:

**Table 14.03.010: Zone Districts**

ZONE DISTRICT	ABBREVIATION	PURPOSE
Agricultural/ Open Space (Ord. 373, §1, 2008)	AG	To provide areas for small rural, ranchette residential 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 district is also intended for open space parcels or future park sites.
Highway Commercial (Ord. 325, §1(part) 2006)	HC	To provide highway-oriented lodging/accommodations and commercial uses near the Interstate-70 interchange and major highway frontages.  Properties in this zone district are highly visible from major thoroughfares and careful consideration needs to be given to the design of buildings, parking areas, lighting, signage, and landscaping to ensure an attractive appearance.
Industrial (Ord. 325, §1(part) 2006)	I	To provide areas for light and general industrial businesses, and locations where conflicts with residential, commercial, and other land uses are minimized.
Old Town Center	OTC	To provide areas for community center and tourist commercial uses in the traditional commercial center of the town; offer opportunities for attractive street and pedestrian areas designed to attract visitors from the highway-oriented tourist area; and provide a unique setting for smaller establishments.
Public	P	To provide areas for government facilities, recreation facilities, utility services, schools, parks, open space areas, and other similar land uses that serve a public function.

Table 14.03.010: Zone Districts (continued)

ZONE DISTRICT	ABBREVIATION	PURPOSE
Residential (Ord. 436 §2, 2013)	RZD	To provide areas primarily for residential uses and accommodate mixed residential housing types, including single-family housing, townhouses, and small-scale apartment buildings. Limited non-residential uses are permitted in this zone district.
Service Commercial	SC	To provide areas for wholesale and service commercial uses located away from residential uses.

**14.03.020: ZONE DISTRICT BOUNDARIES**

- A. Except where otherwise indicated, zone district boundaries shall follow municipal corporation limits, section lines, ¼ section lines, ½ section lines, center lines of major rivers or tributaries, lot lines of platted blocks, center lines of town roads, county roads, highways, interstates, or right-of-way lines or extensions thereof.
- B. When there is uncertainty about the boundaries of a zone district shown on the town’s Zoning Map, the following rules shall apply:
  - 1. 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 Zoning Map.
  - 2. Where a zone district boundary coincides with a right-of-way line of a right-of-way that has been abandoned, the boundary shall be construed as following the centerline of the former right-of-way.
  - 3. Land that is not part of a public, railroad, or utility right-of-way and is not indicated as being in any zone district shall be included in the most restrictive, adjacent zone district even if such district is separated from the land in question by a public, railroad, or utility right-of-way.
  - 4. A zone district boundary indicated as approximately following the town’s municipal limits shall be construed as following such limits.
  - 5. A zone district boundary indicated as approximately following platted lot lines or platted parcel boundary lines shall be construed as following such lot lines or parcel boundary lines.
  - 6. A zone district boundary indicated as approximately following the centerline of a river or stream shall be construed as following such centerline.

**14.03.030: INCORPORATION OF THE ZONING MAP**

- A. The location and boundaries of the town’s zone districts, established by the Ordinance codified herein, shall be shown on a map entitled “Official Zoning Map of the Town of De Beque, Colorado” (referenced herein as the “Zoning Map”), which is incorporated into this Title.
- B. The Zoning Map, together with all data shown thereon and all amendments thereto, is by reference made a part of this Title.

- C. The Zoning Map shall bear the signature of the Mayor, attested by the Town Clerk, the seal of the Town of De Beque, and the date of adoption.
- D. The Zoning Map shall be maintained as follows:
  - 1. All changes to the Zoning Map shall be made by an amendment to the Ordinance codified herein.
  - 2. Within thirty (30) days of the effective date of an amending Ordinance, the Town Planner shall update the Zoning Map to reflect the amendment and note the number of the Ordinance. The updated Zoning Map shall be signed and dated by the Mayor, attested by the Town Clerk.
  - 3. The Zoning Map is to be kept in the town's municipal offices and made available on the town's website.

#### **14.03.040: ZONING OF ANNEXED LAND**

- A. Any land annexed to the Town of De Beque, after the effective date of the Ordinance codified herein, shall be zoned in accordance with the zone district classifications set forth in this Chapter.
- B. The Board of Trustees shall designate a zone district(s) for such land at the time of annexation. Prior to the designation of a zone district(s), the Board of Trustees shall refer the proposed annexation to the Planning Commission for a recommendation. The petitioner for annexation may request that annexed land be placed in a specific zone district(s). The zoning of annexed land shall be established in accordance with applicable State statutes.
- C. The zoning for annexed land shall not become effective until the effective date of the Ordinance approving the annexation.
- D. This Subsection shall not preclude subsequent rezoning of annexed land in accordance with Chapter 14.06 of this Title.

#### **14.03.050: APPLICATION OF REGULATIONS**

- A. **Conformity to Use Regulations Required**
  - 1. Except as otherwise provided in this Title, no land shall hereafter be used, be designed to be used, or be intended to be used for any purpose or in any manner other than in accordance with the regulations for the zone district in which such land is located.
  - 2. Except as otherwise provided in this Title, no building or structure shall hereafter be erected, moved, altered, extended, used, be designed to be used, or be intended to be used for any purpose or in any manner other than in accordance with the regulations for the zone district in which such building or structure is located.

**B. Conformity to Dimensional Requirements Required**

1. Except as otherwise provided in this Title, all buildings and structures shall be erected, moved, altered, or extended in conformance with the dimensional requirements for the zone district in which such buildings or structures are located.
2. Except as otherwise provided in this Title, no yard surrounding a building or structure may be encroached upon or reduced in any manner, except for in conformance with the applicable requirements set forth in Section 14.03.100.

**C. Lot Area, Yard, Frontage, Open Space, and Parking Restrictions**

Except as otherwise provided in this Title, 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.

**14.03.060: PRINCIPAL AND ACCESSORY USES**

**A. Principal Uses**

- 1.The primary use of a lot is referred to as a “Principal Use” and may be a land use or a structure.
2. Only one (1) Principal Use per lot is allowed except in zone districts where residential and non-residential uses and/or multiple non-residential uses are allowed in the same building.
3. Only one (1) principal building and its customary accessory buildings may be erected on a lot.

**B. Accessory Uses**

1. A land use or structure that is customary, incidental, and accessory to a Principal Use is referred to as an “Accessory Use” and must be located on the same lot as the Principal Use.
2. Accessory Uses, permitted in the town’s zone district, are identified in Section 14.03.090 and are subject to any limitations listed in this Title.

**14.03.070: PERMITTED, SPECIAL, AND PROHIBITED USES**

Section 14.03.090 identifies the Principal and Accessory Uses allowed in De Beque’s zone districts. Table 14.03.020, set forth in Section 14.03.180, uses the following classification system to specify if a land use is a “Permitted Use,” “Special Use,” or if it is prohibited:

**A. Permitted Uses**

A “P” indicates that a use is allowed by right in a zone district, subject to all applicable requirements of this Title, including, but not limited to, General Use Standards (refer to Section 14.03.110), Use-Specific Standards (refer to Section 14.03.120), Dimensional Requirements, (refer to Section 14.03.100), and Design Standards (refer to Chapter 14.08).

**B. Special Uses**

1. An “S” indicates that a use is allowed in a zone district, subject to the approval by the Board of Trustees (refer to Chapter 14.06) and all applicable requirements of this Title, including, but not limited to, General Use Standards (refer to Section 14.03.110), Use-Specific Standards (refer to

Section 14.03.120), Dimensional Requirements, (refer to Section 14.03.100), and Design Standards (refer to Chapter 14.08).

2. Uses designated as a Special Use 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, 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 Uses so that the community is assured that any proposed Special Use is suitable for the proposed location and is compatible with the surrounding land uses.

### C. Prohibited Uses

An “-” indicates that a use is not allowed in a zone district.

## 14.03.080: CLASSIFICATION OF UNLISTED USES

The town recognizes that new types of land uses, not listed in this Chapter, may emerge over time. When an application is made for such a land use, the following procedures shall be followed to determine an appropriate classification:

### A. Determination by Town Planner

1. The Town Planner shall provide an interpretation as to which existing use type, in Section 14.03.090, an unlisted use should be classified as. In doing so, the Town Planner shall consider the purpose of the town’s zone districts, the nature of the unlisted use, and the potential impacts on surrounding properties.
2. If the Town Planner determines that an unlisted use falls within an existing use type, they shall provide written notification of their decision to the applicant, the Planning Commission, and the Town Board. The decision by the Town Planner shall be effective fourteen (14) days after written notification is sent.

### B. Special Use Required

If the Town Planner is unable to determine a classification for an unlisted use, they shall notify the applicant that such use will only be permitted upon the approval of a Special Use, in accordance with Chapter 14.06.

### C. Appeal of a Decision

An applicant may appeal a decision by the Town Planner to the Board of Adjustment, in accordance with Sections 14.06.160 -14.06.240.

## 14.03.090: SCHEDULE OF USES

Table 14.03.020 lists the uses allowed within the De Beque’s zone districts and provides cross-references to the specific requirements associated with certain types of uses (i.e., Use-Specific Standards).

All uses listed in Table 14.03.020 must comply with the General Use Standards set forth in Section 14.03.110. Definitions for Use Types listed in Table 14.03.020 are set forth in Chapter 14.01.



Table 14.03.020: Schedule of Uses

USE TYPE	ZONE DISTRICTS							USE-SPECIFIC STANDARDS
	RZD	OTC	SC	HC	P	I	AG	
<b>Agricultural Uses</b>								
Agricultural Uses	S	-	S	S	-	S	P	-
Feedlot	-	-	-	-	-	-	-	-
Keeping of Animals in Excess of Allowances in Title 9	S	-	S	-	-	S	P	-
<b>Commercial &amp; Industrial Uses</b>								
Adult Entertainment Establishment	-	-	-	S	-	S	-	Chapter 14.11
Automobile & Truck Repair	-	-	P	P	-	P	-	-
Automotive Sales & Service	-	-	P	P	-	P	-	-
Bakery	-	P	P	P	-	P	-	-
Bed & Breakfast Accommodations	P	-	-	P	-	-	S	-
Campground or Recreational Vehicle (RV) Park	-	-	S	S	-	-	S	-
Car Wash	-	S	P	P	-	P	-	-
Carpentry & Contractors' Shop	-	-	P	P	-	P	-	-
Childcare Center, Licensed	S	-	P	P	-	-	S	-
Childcare, Home	P	P	P	P	P	P	P	-
Clinic, Medical or Dental	-	P	P	P	-	P	-	-
Convenience Store	-	S	S	P	-	P	S	-
Dry Cleaning Establishment	-	-	P	P	-	P	-	-
Eating & Drinking Establishment	-	P	P	P	-	P	-	-
Eating & Drinking Establishment, Drive-In/Drive-Through	-	P	P	P	-	P	-	Section 14.03.120(C)
Entertainment Business	-	P	P	P	-	P	-	-
Financial Institution	-	P	P	P	-	P	-	-
Financial Institution, Drive-In/Drive-Through	-	P	P	P	-	P	-	Section 14.03.120(C)
Fueling Station	-	S	P	P	-	P	-	Section 14.03.120(E)
Grocery Store	-	S	S	P	-	P	-	-
Hospital	-	S	P	P	-	P	-	-
Hospital, Veterinary Animal	-	P	P	P	-	P	P	-
Hotel or Motel	-	P	P	P	-	P	-	-
Kennel	-	-	S	S	-	P	S	-
Laundromat	-	P	P	P	-	P	-	-
Manufactured/Mobile Home Sales	-	-	S	P	-	P	-	-
Manufacturing, Fabrication, and Assembly	-	-	S	P	-	P	-	-
Office	-	P	P	P	P	P	-	-
Outside Storage, Unscreened	-	S	S	-	-	S	P	-
Outside Storage, Screened	-	S	S	S	S	P	P	-
Parking Lot or Garage, Commercial	-	S	S	S	-	P	-	-
Personal Service Establishment	-	P	P	P	-	P	-	-

Table 14.03.020: Schedule of Uses (continued)

USE TYPE	ZONE DISTRICTS							USE-SPECIFIC STANDARDS
	RZD	OTC	SC	HC	P	I	AG	
<b>Commercial &amp; Industrial Uses (continued)</b>								
Personal Storage Units (Mini-Storage)	-	-	S	P	-	P	-	-
Publishing	-	P	P	P	-	P	-	-
Recreation Facility, Indoor	-	S	P	P	P	P	S	-
Recreational Vehicle (RV) Sales & Service	-	-	P	P	-	P	-	-
Retail or Rental Business	-	P	P	P	-	P	-	-
Retail Marijuana, Cultivation Facility	-	-	-	S	-	S	S	Section 5.22.200
Retail Marijuana, Cultivation Facility - Limited	-	S	S	S	-	S	S	Section 5.22.200
Retail Marijuana, Product Manufacturing Facility	-	S	S	S	-	S	-	Section 5.22.200
Retail Marijuana, Store	-	S	S	S	-	S	-	Section 5.22.200
Retail Marijuana, Testing Facility	-	S	S	S	-	S	-	Section 5.22.200
Storage Yard	-	-	S	-	-	S	S	-
Truck Stop	-	-	S	S	-	S	-	-
Warehouse	-	-	P	P	-	P	-	-
Wholesale Establishment	-	-	P	P	-	P	-	-
<b>Public, Institutional, and Civic Uses</b>								
Above Ground Public Utilities	S	-	S	S	S	P	S	-
Assembly Hall	-	P	P	P	P	-	-	-
Club, Lodge, or Fraternal Organization	-	P	P	P	-	-	-	-
Governmental Buildings, Facilities, and Associated Uses	-	P	P	P	P	P	S	-
Library	-	P	P	P	P	-	-	-
Municipal Wastewater Treatment Facilities	-	-	-	-	P	-	-	-
Municipal Water Treatment Facilities	-	-	-	-	P	-	-	-
Park or Open Space Area	P	P	P	P	P	P	P	-
Place of Worship or Similar Type of Religious Use	S	-	S	P	-	P	S	-
Public Building	-	P	P	P	P	P	P	-
Public Transit Maintenance Facility	-	-	-	P	-	P	-	-
School	S	S	S	S	-	S	S	-
Telecommunication Facilities & Towers	-	S	S	S	-	S	S	-
Transit Stop	P	P	P	P	P	P	P	-
Underground Utilities	P	P	P	P	P	P	P	-
Utility Treatment, Processing, Distribution, and Production Facilities	S	S	S	S	S	S	S	-

Table 14.03.020: Schedule of Uses (continued)

USE TYPE	ZONE DISTRICTS							USE-SPECIFIC STANDARDS
	RZD	OTC	SC	HC	P	I	AG	
<b>Residential Uses</b>								
Assisted Living Facility	S	-	P	-	-	-	S	-
Dwelling, Multi-Family (including Townhomes)	S	-	-	-	-	-	-	-
Dwelling, Single-Family	P	-	-	-	-	-	P	-
Dwelling, Two-Family (Duplex)	P	-	-	-	-	-	P	-
Group Home	S	-	P	-	-	-	S	-
Manufactured/Mobile Home	S	-	-	-	-	-	P	Chapter 14.12
Manufactured/Mobile Home Park	S	-	-	-	-	-	-	Chapter 14.12
Nursing Home	S	-	P	-	-	-	S	-
<b>Accessory Uses</b>								
Accessory Dwelling Unit	P	-	-	-	-	-	P	Section 14.03.120(A)
Automated Teller Machine	-	P	P	P	-	-	-	-
Childcare, Accessory to a Business	-	P	P	P	P	P	P	-
Dwelling, Accessory to a Business	-	P	S	S	-	S	S	Section 14.03.120(B)
Fence, Hedge, or Wall	P	P	P	P	P	P	P	Section 14.03.120(D)
Home Occupation	P	P	P	P	P	P	P	Section 14.03.120(F)
Non-Commercial Garage, Carport, or Similar Type of Use	P	P	P	P	P	P	P	-
Outside Storage, Accessory to a Non-Residential Use	-	P	P	P	P	P	P	Section 14.03.110(D)
Outside Storage, Accessory to a Residential Use	P	-	-	-	-	-	P	-
Shipping Containers, Permanent	S	-	S	S	S	S	S	Section 14.03.120(G)
Shipping Containers, Temporary	P	P	P	P	P	P	P	Section 14.03.120(H)
Yard Shed	P	P	P	P	P	P	P	Section 14.03.120(I)
<b>Unlisted Uses</b>								
Unlisted Use	S	S	S	S	S	S	S	Section 14.03.080

**LEGEND**

P: Permitted Use | S: Special 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); (Amended Ord. 498, § 2, 2019).

### 14.03.100: DIMENSIONAL REQUIREMENTS

- A. Table 14.03.030 sets forth the dimensional requirements for De Beque’s zone districts. These requirements define the minimum lot, setback, and public street frontage requirements and maximum lot coverage and building height allowances, unless otherwise restricted or exempted in this Title.

**Table 14.03.030: Dimensional Requirements for All Zone Districts**

	ZONE DISTRICTS						
	RZD	OTC	SC	HC	I	P	AG
<b>Lot Requirements, Minimum</b>							
Lot Area per Single-Family Detached Dwelling	6,000 SF	-	-	-	-	-	9,000 SF
Lot Area per Attached Dwelling Unit	4,000 SF	-	-	-	-	-	6,000 SF
Lot Area per Non-Residential Building	-	3,000 SF	9,000 SF	3,000 SF	3,000 SF	-	-
Lot Area per Mixed-Use Building	-	3,000 SF	9,000 SF	3,000 SF	3,000 SF	-	-
<b>Setbacks, Minimum</b>							
Front Yard	10 feet	0 feet	10 feet	20 feet	20 feet	20 feet	10 feet
Side Yard	5 feet	0 feet	10 feet	10 feet	10 feet	10 feet	5 feet
Side Yard, Abutting Street	5 feet	0 feet	10 feet	20 feet	20 feet	20 feet	5 feet
Side Yard, Abutting Alley	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
Rear Yard	10 feet	0 feet	10 feet	20 feet	20 feet	20 feet	10 feet
Rear Yard, Abutting Alley	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
From the Right-of-Way for I-70 or County Road 45	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
From Stream or Riverbank	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
<b>Additional Standards</b>							
Lot Coverage, Maximum	50%	80%	65%	65%	65%	65%	50%
Building Height, Maximum	25 feet	25 feet	25 feet	35 feet	35 feet	25 feet	25 feet
Frontage on a Public Street, Minimum <sup>1</sup>	25 LF	25 LF	25 LF	25 LF	25 LF	25 LF	25 LF

<sup>1</sup> Per lot or parcel in separate ownership.

**LEGEND**

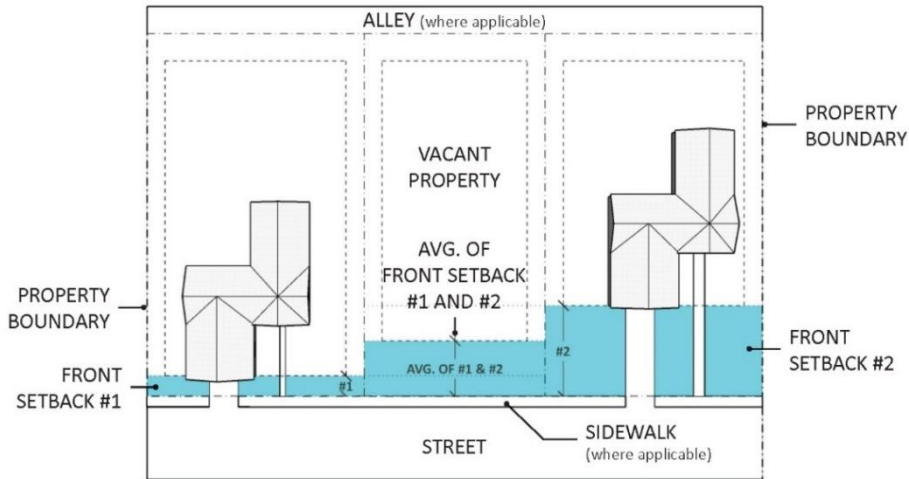
SF: Square Feet | LF: Linear Feet

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

**B. Authorized Exceptions to Setback Requirements**

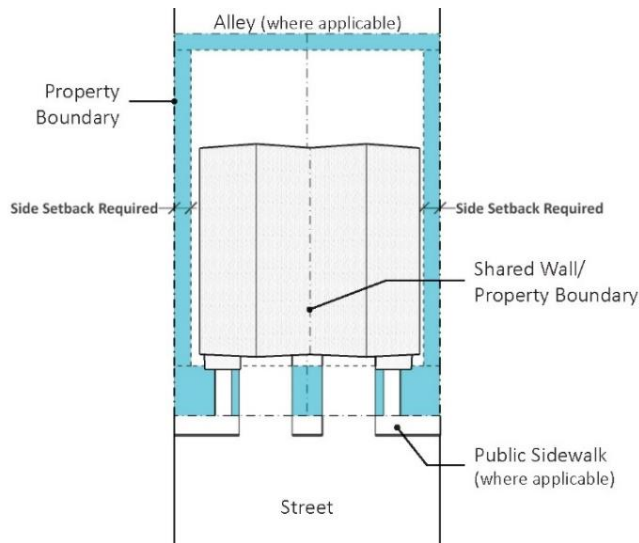
1. Where a property in a non-residential zone district (OTC, SC, HC, I, P, or AG) shares a side lot line with a property in a residential zone district (RZD), the required side yard setback of the residential zoning district shall apply along both sides of the common lot line.
2. When a vacant lot is bordered on two sides by lots with existing principal buildings or structures, either of which do not meet the front setback requirements for the zone district, the required front setback for the vacant lot shall be the average of the front setbacks of the buildings or structures on the adjoining lots.

Diagram 14.03.010: Averaging Setbacks



3. When buildings share a common wall(s) (e.g., a duplex), only those buildings that do not share a common wall(s) need observe the required side setback for the zone district.

Diagram 14.03.020: Buildings with Shared Walls



4. On double frontage lots (i.e., lots extending from one street to another paralleling street), the front yard setback for the zone district shall be observed from both streets.
5. 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.
6. Every part of a required yard shall be unobstructed from ground level to the sky. Select improvements and architectural features may encroach into required setbacks as follows:
  - a. Cornices, sills, and ornamental features may project up to one foot (1') into a required yard.

- b. Roof eaves may project up to eighteen inches (18") into a required yard.
- c. Uncovered porches, slabs, and patios, walks, steps, fences, hedges, and walls are permitted in a required yard if they do not exceed a height of forty-two inches (42") above ground level.
- d. Covered front porches or stoops may extend up to eight feet (8') into a required front yard, provided that the porch or stoop is at least five feet (5') from any lot line.
- e. Fire escapes and individual balconies, not used as passageways, may project up to eighteen inches (18") into a required side yard or up to four feet (4') into a required front or rear yard.
- f. Solar collection devices and equipment may project up to eighteen inches (18") into a required yard.
- g. Driveways may be located within any required setback.
- h. ADA access ramps may be located within any required yard.
- i. Utility lines and minor, incidental utility structures (e.g., fire hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

### C. Authorized Exceptions to Building Height Requirements

Architectural features shall not exceed the maximum building height, unless specifically authorized below:

- 1. Cupolas, domes, towers, spires, belfries or similar noninhabitable structural appurtenance may be up to twenty-five percent (25%) greater ten feet (10') higher than the maximum building height.
- 2. Parapet walls may exceed the maximum building height by up to four feet (4').
- 3. Stacks, vents, chimneys, antennae, cooling towers, elevator bulkheads and overrides, solar panels, tanks, or similar mechanical equipment may extend up to ten feet (10') above the maximum building height.

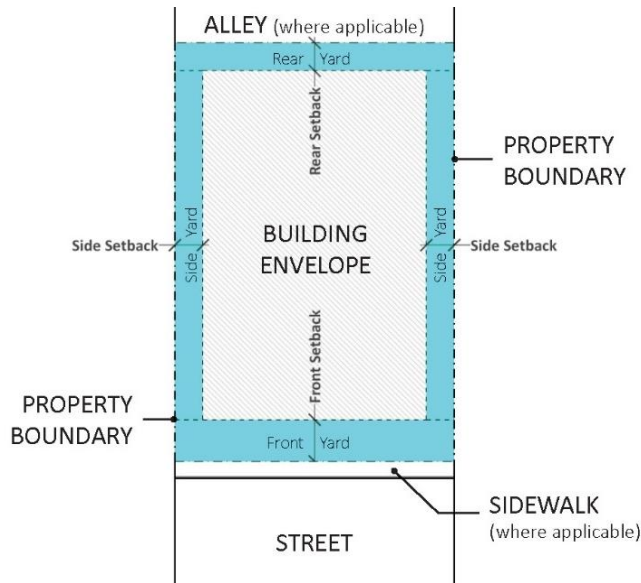
### D. Measurement Standards

The following standards shall be used for measuring, interpreting, and enforcing the dimensional requirements set forth in this Section.

- 1. Lot Measurements
  - a. *Lot Area*. Measured as the total area within the boundaries of a lot.
  - b. *Lot Width*. Measured as the horizontal distance between the side lot lines, at the front lot line.
  - c. *Lot Depth*. Measured as the horizontal distance between the front and rear lot lines.
- 2. Setback Measurements
  - a. *Front Setback*. Measured as the horizontal distance of a line perpendicular to the front lot line extending towards the rear lot line.

- b. *Side Setback*. Measured as the horizontal distance of a line perpendicular to a side lot line extending towards the opposite side lot line.
- c. *Rear Setback*. Measured as the horizontal distance of a line perpendicular to the rear lot line extending towards the front lot line.

**Diagram 14.03.030: Setback Measurements**



3. Height Measurements

- a. *Building and Structure Height for Lots with Slopes Less than 1:10*. Unless otherwise provided in this Title, for lots sloping less than one foot (1') vertically in ten feet (10') horizontally, away from the established street grade, the height of a building or structure shall be measured as the vertical distance between undisturbed or natural ground level to:
  - i. The top of a flat or mansard roof; OR
  - ii. The midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof.
- b. *Building and Structure Height for Lots with Slopes Greater than 1:10*. Unless otherwise provided in this Title, for lots sloping more than one foot (1') vertically in ten feet (10') horizontally, the height of a building or structure shall be measured as the vertical distance between undisturbed or natural ground level to:
  - i. The top of a flat or mansard roof; OR
  - ii. The midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof.

The maximum building height for such a lot shall parallel the slope of the lot's existing/preconstruction grade.

- c. *Yard Shed Height.* Shall be measured as the vertical distance between the undisturbed or natural grade at the base of a yard shed and the highest point of the shed’s roof or wall, whichever is greater.
- d. *Fence, Hedge, or Wall Height.* Shall be measured as the vertical distance between the undisturbed or natural grade at the base of a fence, hedge, or wall and the highest point of the fence, hedge, or wall.

**14.03.110: GENERAL USE STANDARDS**

The following standards shall apply to all uses in all zone districts in the Town of De Beque:

**A. Compliance with Town, State, and Federal Regulations Required**

All applicable regulations of the town, the state of Colorado, and the federal government must be complied with at all times.

**B. Vibration**

Ground vibration that is perceptible, without an instrument, any distance beyond a property line, is prohibited.

**C. Noise**

- 1. The maximum permissible noise levels in the Town of De Beque shall be in accordance with C.R.S. 25-12-103. Table 14.03.040 serves as a reference to the maximum permissible noise levels set forth in C.R.S. 25-12-103.

**Table 14.03.040: Maximum Permissible Noise Levels by Zone and Time Period**

ZONE	TIME PERIOD	
	7:00 AM to next 7:00 PM	7:00 PM to next 7:00 AM
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

- 2. Every activity, to which this Title applies, shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet (25’) or more in excess of the db(A) established in Table 14.03.040 shall constitute prima facie evidence that such noise is a public nuisance.
- 3. In the hours between 7:00 a.m. and the next 7:00 p.m., the noise levels permitted in Table 14.03.040 may be increased by ten (10) db(A) for a period of not to exceed fifteen (15) minutes in any one (1) hour period.
- 4. Periodic, impulsive, or shrill noises shall be considered a public nuisance when such noises are at a sound level of five (5) db(A) less than those listed in Table 14.03.040.
- 5. Construction projects shall be subject to the maximum permissible noise levels specified for the Industrial zone for the period within which construction is to be completed pursuant to any



applicable construction permit issued by the town or, if no time limitation is imposed, for a reasonable period of time for completion of project.

6. Measurements. Measurements with a sound level meter shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.
7. Exemptions. The provisions of this Subsection are:
  - a. Not intended to apply to the operation of aircraft or to other activities which are subject to federal law with respect to noise control;
  - b. Not applicable to the use of property for purposes of conducting speed or endurance events involving motor or other vehicles, but such exception is effective only during the specific period of time within which such use of the property is authorized by the town; AND
  - c. Not applicable to the use of property by the State of Colorado, any political subdivision of the State of Colorado, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays.

#### **D. Non-Residential Uses**

All non-residential uses shall comply with the following standards:

1. When adjacent to a residential use, a non-residential use must be screened, from such use, with an opaque fence with a minimum height of six (6) feet. This standard does not apply to residential uses located in the same building as a non-residential use.
2. All outside storage areas, associated with a non-residential use, must comply with the following standards, unless otherwise authorized by an approved Special Use Permit:
  - a. Must be screened with an opaque fence with a minimum height of six (6) feet that screens the storage area from view when observed from the centerline of all adjoining street rights-of-way.
  - b. All stored, piled, or stacked materials must be configured to ensure adequate screening by the opaque fence.
  - c. All equipment must be stored in the lowest operating position.
  - d. All screening fences must always be maintained in a good and safe condition.
  - e. All fences, with structural support members on one side, must be constructed with the structural support members facing the interior of the property.

#### **E. Compliance with Standards**

1. An approval by the town, for any use requiring a permit(s) and/or license(s) from the town, the county and/or a state or federal agency, shall not become valid until it has been certified to the

Town Planner that the appropriate permit(s) and/or license(s) have been issued to the user and that the use complies with all applicable regulations.

2. No building permit or certificate of occupancy shall be issued until without evidence of the ability to comply with the appropriate standards and mitigation measures., as deemed necessary by the Town Planner, has been provided to the Town Planner.
3. Noncompliance with any of the applicable standards shall be grounds for the revocation of any permits issued by the town.

#### **14.03.120: USE-SPECIFIC STANDARDS**

The following standards apply to specific uses identified in Section 14.03.090.

##### **A. Accessory Dwelling Units**

An accessory dwelling unit (ADU) shall comply with the following standards:

1. Only one (1) ADU per parcel is allowed.
2. An ADU is only allowed as an accessory use to a single-family detached dwelling.
3. An ADU may be fully attached to, or within, the principal dwelling unit.
4. A detached ADU may be located to the side or rear of the principal dwelling unit and not beyond the front building line.
5. An ADU is not required to front on a public street.
6. ADUs shall not exceed eight hundred (800) square feet.
7. Each ADU must be a separate dwelling unit that is separated from the primary dwelling unit.
8. ADU's must have separate exterior access. An airlock type entry is permitted if separate access to the accessory dwelling unit is provided immediately following entry into the primary dwelling unit.
9. Must have cooking (stove, sink, refrigerator, and counter space), sleeping, and sanitary facilities (toilet, sink, shower [or bathtub]).
10. ADUs shall not have more than two (2) bedrooms.
11. A minimum of one (1) off-street parking space per ADU shall be provided. Off-street parking shall comply with the applicable requirements of Chapter 14.09.
12. The ownership of an ADU shall not be severed from the ownership of the Principal Use on the lot.

**B. Dwelling(s), Accessory to a Business**

A dwelling(s) that is accessory to a business shall comply with the following standards:

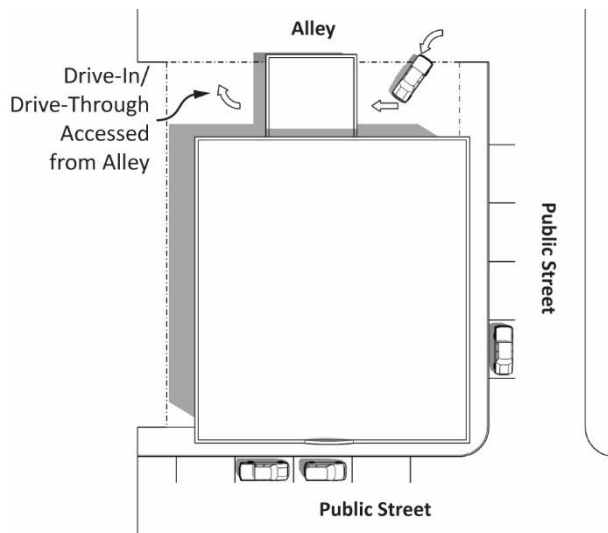
1. Must be located in the same building as the business that the dwelling(s) is accessory to.
2. If located at the street level of the building, the dwelling cannot be in any portion of the building the fronts on a street.
3. The dwelling may be located anywhere in the second story of the building.

**C. Drive-In/Drive-Through**

A drive-in/drive-through in the Old Town Center (OTC) zone district shall comply with the following standards:

1. Must be located to the side or rear of a building and accessed from an existing access point or from an alley abutting the lot.
2. Must be designed and constructed so that pedestrians entering and exiting a building (associated with the drive-in/drive-through) are not required to cross the drive-in/drive-through lane(s). If it is necessary for pedestrians to cross the drive-in/drive-through lane(s), the crossing shall be clearly demarcated with signage and striping, unique paving material, or other similar treatment.

**Diagram 14.03.040: Drive-In/Drive-Through Accessed from Alley**



#### **D. Fences, Hedges, and Walls**

Fences, hedges, and walls must comply with the following standards:

##### **1. General Requirements**

- a. All fences and walls must comply with applicable building code requirements.
- b. No fence, hedge, or wall may extend beyond, or across, a property line unless authorized by a joint written agreement with the abutting property owner(s). It shall be the responsibility of the property owner to accurately locate all property lines.

##### **2. Siting Requirements**

- a. Fences, hedges, and walls must be a minimum of one foot (1') from any public sidewalk.
- b. No fence, hedge, or wall over forty-two inches (42") in height shall be placed within sight distance triangles required at all intersections of driveways, parking access, or alleys and streets and at all intersections of streets (refer to Chapter 14.08).

##### **3. Design Requirements**

- a. The following types of fencing are prohibited:
  - i. Barbed wire, razor wire, or similar types of sharp-pointed fencing.
  - ii. Electrically charged fencing.
- b. Fences or walls shall not exceed seven feet (7') in height unless required by the town as a condition of approval of a Special Use.
- c. Fences, hedges, or walls located within a front yard shall not exceed forty-two inches (42") in height.

#### **E. Fueling Stations**

A fueling station must comply with the following standards:

1. All buildings shall be a minimum of forty feet (40') from any street right-of-way line.
2. Fuel pumps and other appliances shall be a minimum of 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. Open storage of wrecked or inoperable automobiles, trucks, discarded tires, automotive parts, or similar materials is not permitted.

#### **F. Home Occupations**

A home occupation must comply with the following standards:

1. No persons other than those residing in the dwelling and up to two (2) full-time employees are to be engaged in a home occupation.

2. No more than twenty-five percent (25%) of the dwelling's floor area can be used for a home occupation.
3. An accessory building may be used for a home occupation provided the floor area requirements are not exceeded.
4. All activity associated with a home occupation must be conducted within an enclosed building.
5. A minimum of one (1) off-street parking space per employee of a home occupation shall be provided. Off-street parking shall comply with the applicable requirements of Chapter 14.09.
6. The property must maintain a non-business appearance at all times.
7. Signage for a home occupation is permitted in accordance with Chapter 14.13.
8. A home occupation must operate in such a manner that it is not a nuisance to surrounding properties due to noise, odor, vibration, glare, dust, increased traffic, or other adverse impacts or effects. If a home occupation is lawfully established and other persons complain of nuisance conditions, the town may issue a notice of violation directing the owner or occupant to cure or abate specific conditions within one hundred twenty (120) days. If the owner or occupant fails or refuses to timely abate the violation(s) the town may undertake enforcement as provided for other violations of zoning laws, including injunctive relief, damages, or both as applicable.

**G. Shipping Containers, Permanent**

A permanent shipping container is permitted as an accessory use in all zone districts, except for the Old Town Center (OTC) zone district, subject to the following standards:

1. Special Use Permit Required.
  - a. Approval of a Special Use Permit, in accordance with Chapter 14.06, is required prior to the placement of a permanent shipping container.
  - b. If approved, a shipping container must comply with all conditions of approval and the standards set forth in this Section, at all times.
- b. General Standards.
  - i. Cannot be used for temporary or permanent habitation by humans or animals.
  - ii. Must be kept in a state of good repair so that the container can be moved intact, does not have holes due to damage or rust, and is not infested with vermin or other pests.
  - iii. Must be secured against unauthorized entry.
  - iv. Must comply with all applicable health regulations.
  - v. Storage of materials on top of a shipping container is prohibited.
  - vi. Materials stored within a shipping container are subject to review and approval by the Fire District.

- c. Building Permit Requirements.
  - i. A building permit is required prior to the placement of a shipping container larger than two hundred square feet (200 SF) in total area to ensure effective anchoring/foundation in accordance with Title 12 of the Municipal Code.
  - ii. Any additions to, or remodels of, a shipping container require the issuance of a building permit.
  - iii. Issuance of a Certificate of Planning and Zoning Compliance, by the town, in accordance with Section 14.01.120 is required prior to the issuance of a building permit.
- d. Other Permit Requirements.
  - i. Prior to the installation of any utilities (ex. electricity, gas, water, etc.) in a Shipping Container, all required permits must be obtained in accordance with Title 12 of the Municipal Code.
- e. Siting Requirements.
  - i. Cannot be placed in a public right-of-way, accessway, front yard or any required off-street parking, loading, or landscape area.
  - ii. Must comply with the applicable requirements set forth in Section 14.03.100, including but not limited to setbacks and lot coverage.
  - iii. Vertical stacking of shipping containers is prohibited.
  - iv. If not on a permanent foundation, a storage container must be placed on a level, all-weather surface to ensure stability and safety.
- f. Design Standards.
  - i. The exterior of a shipping container must match the color of existing structures on the property. The exterior color must be changed within ninety (90) days of placement on the property.
  - ii. If placed on a non-residential property, adjacent to a residential use, a shipping container must be screened from such the residential use with an opaque fence with a minimum height of seven feet (7').
- g. Non-Conforming Shipping Containers.  
All owners of property that currently contain a shipping container(s), have one hundred eighty (180) calendar days from the effective date of the ordinance, codified in this Section, to bring their property into full compliance with the provisions of this Section.

#### **H. Shipping Containers, Temporary**

The temporary placement of a shipping container is permitted as an accessory use in all zone districts subject to the following standards:

1. May be placed on a residentially zoned property, or on a property the principal use of which is residential, for the limited purpose of loading and unloading household contents for a maximum of thirty (30) days in one (1) calendar year.

2. May be used as an office or storage for equipment and/or materials storage while there is an active building permit for the property where the container is located.
3. Must comply with the General Standards for permanent shipping containers set forth in Subsection 14.03.120(G).

#### **I. Yard Sheds**

A yard shed is allowed as an accessory use to a residential dwelling, subject to the following standards:

1. General Standards.
  - a. There is no limit on the number of yard sheds allowed provided that the applicable lot coverage requirements set forth in Section 14.03.100 are not exceeded.
  - b. All yard sheds require the issuance of Certificate a Planning & Zoning Compliance, by the town, in accordance with Section 14.01.120.
  - c. Cannot be used for human or animal habitation, or as a garage.
  - d. No hazardous or explosive materials can be stored in a yard shed.
2. Building Permit Requirements.
  - a. A building permit is not required for a yard shed that is two hundred square feet (200 SF), or less, in total area and complies with the standards in this Subsection.
  - b. A building permit is required for a yard shed that is greater than two hundred square feet (200 SF) in total area and/or multiple yard sheds are combined under a single roof.
3. Other Permit Requirements.
  - a. Prior to the installation of any utilities (ex. electricity, gas, water, etc.) in a Yard Shed, all required permits must be obtained in accordance with Title 12 of the Municipal Code.
4. Siting Requirements.
  - a. May be located anywhere in a rear yard if the yard shed:
    - i. Is not placed on a permanent foundation;
    - ii. Can be moved at the request of the Town of De Beque or a utility company, if the shed's placement interferes with the intended use of an easement;
    - iii. Does not create an unsightly or unsafe condition; AND
    - iv. No portion of the shed, including roof eaves, is located in, or extends beyond, the property line.
  - b. If the shed is placed within a utility easement, the affected utility company or Town of De Beque (for town facilities), must authorize the location of the shed.
  - c. Yard sheds cannot be placed in a drainage easement or drainage way.
5. Design Standards.
  - a. The length of yard shed walls cannot exceed twenty feet (20') on any side.

- b. The height of a yard shed cannot exceed ten feet (10') measured as the vertical distance between undisturbed or natural grade at the base of the shed to the highest point of the shed's roof or wall, whichever is greater.



**Part 2**

## Definitions

14.01.170 Rules of Construction. For the purposes of this Title, any words and phrases set forth in this Section shall have the meanings respectively ascribed to them herein, and the word "building" shall include the word "structure" and the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used."

In addition, whenever appropriate with the context:

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word "shall" is always mandatory.
- D. The word "may" is permissive.
- E. The word "lot" includes the word "plot" or "parcel" or "site".
- F. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- G. The words "zoning map" or "De Beque Zoning Map" mean the Official Zoning Map of the Town of De Beque, Colorado.
- H. The words "Town Clerk" shall include "Building Official" and/or any positions which may be appointed on a full or part-time basis or retained on a consulting basis for the purpose of reviewing development applications.

14.01.180 General Terms Defined.

- A. For the purposes of this Title, certain terms are defined as set forth in Table 14.01.010.
- B. Any term, phrase, word, or derivation thereof, used in this Title and not defined in this Chapter, other Title of De Beque's Municipal Code, or other Code adopted by the town shall be construed according to the common and approved usage of the language, but technical terms that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Table 14.01.010: Defined Terms**

<b>A</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Adverse Impact or Effect</b>	<p>Any of the following:</p> <ol style="list-style-type: none"> <li>1. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.</li> <li>2. A condition that creates, imposes, or leads to a nuisance on a site proposed for development or on off-site property or facilities.</li> <li>3. A condition that creates, imposes, aggravates, or leads to a negative aesthetic condition on a site proposed for development or on off-site property or facilities. For example, a proposed building that blocks a scenic view corridor or a commercial building whose height and mass is out of scale and proportion with adjacent residential buildings.</li> </ol>
<b>Agricultural Use</b>	<p>Barns; horseback riding arenas and/or academies; game preserves; the cultivation of land to produce agricultural crops, fruit and/or other horticultural crops; animal sheltering; and other similar types of land use.</p> <p>This term shall be synonymous with the term “Agritourism.”</p>
<b>Alley</b>	A public right of way providing only secondary access to the rear of a property and not intended for primary travel.
<b>Animal Sheltering</b>	The raising, management, housing, stabling, corralling, care, and/or training of ducks, geese, chickens, turkeys, birds or other similar fowl, cats, dogs, cattle or horses or rabbits or other four-legged animals.
<b>Applicant</b>	A party, or parties, with a connection to a property that is the subject of a requested procedure under this Title. This may include but is not limited to an owner of record; an owner or leaseholder of subsurface mineral rights; a government or quasi-governmental entity; a developer or a subdivider; a purchaser of a for-sale property under a sale; and/or, a duly authorized representative.
<b>As Built</b>	Drawings prepared to a scale, stamped by a professional engineer or surveyor, which represent the actual location and construction of a public utility, street, or other public improvement within a subdivision or development in the town.
<b>Assembly</b> (as in manufacturing)	The creation of a distinct product from the physical, as opposed to chemical, mating, or joining of individual standard component parts.
<b>Assisted Living Facility</b>	<p>A residential facility, licensed by the State of Colorado, where accessory services, primarily for older adults or others with special needs, are provided to help with normal daily activities. Nursing and medical care are not usually provided on site.</p> <p>This term shall be synonymous with the terms “Assistive Living,” “Continuing Care Community,” “Senior Independent Living,” “Senior Living Community,” “Senior Housing and Care,” and other similar terminology.</p>
<b>Automated Teller Machine (ATM)</b>	An electronic device that provides banking and other electronic services (e.g., postage stamp sales), that is operated by a financial institution or retailer for the convenience of its customers.
<b>Automobile and Truck Repair</b>	A business that provides maintenance and/or repair services for vehicles, including but not limited to oil changes, tire services, and/or body work. Accessory uses may include the sale of vehicle parts and/or accessories.
<b>Automotive Sales and Service</b>	A business that provides maintenance and/or repair services for vehicles, including but not limited to oil changes, tire services, and/or body work. Accessory uses may include the sale of vehicle parts and/or accessories.

**Table 14.01.010: Defined Terms (continued)**

<b>B</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Bed and Breakfast Accommodations</b>	A single-family dwelling in which the owner provides, for compensation, sleeping accommodations and one (1) or more meals on a day-to-day basis, for a period of no more than twenty-eight (28) consecutive days.
<b>Boarding House</b>	A dwelling in which the owner or lessee resides and supplies, for hire, long-term lodging, with or without meals, to three (3) or more persons, either individually or as families.  This does not include a motel, hotel, hostel, bed and breakfast, short-term vacation rental, hospital, assisted living facility, nursing home, or other similar use specifically defined in De Beque’s Municipal Code.
<b>Building</b>	Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind. Buildings do not include industrial equipment or structures such as cooling towers or refinery equipment
<b>Building, Accessory</b>	A detached subordinate building located on the same lot as the principal building, and the use of which is incidental to the principal building or use of the lot; such a building shall not be used for living or sleeping quarters.
<b>Building, Principal</b>	A building in which is conducted the primary use of the lot on which the building is located.
<b>Building Height</b>	Unless otherwise provided in this Title, the vertical distance between undisturbed or natural ground level to the top of a flat or mansard roof; or the midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof. Building height shall be measured in accordance with the provisions of Chapter 14.03.
<b>Building Official</b>	The official or agency responsible for administering and enforcing the Building Code(s) of the Town of De Beque.  This term shall be synonymous with the term “Building Inspector.”
<b>Business</b>	A sole proprietorship, partnership, joint venture, corporation, firm, enterprise, franchise, association, trust, foundation, or any other individual or entity engaged in profit-making activities, including but not limited to the manufacturing, purchase, sale, lease, distribution, or exchange of goods and/or the provision of services.  This term shall be synonymous with the term “Commercial Establishment.”
<b>C</b>	
<b>Car Wash</b>	A business engaged in the washing, cleaning, polishing, and/or detailing of the exterior and/or interior of vehicles. This shall include a self-service, full-service (with employees who wash vehicles), and fully-automated car/auto wash. Accessory uses may include, but are not limited to, the sale of incidental goods (e.g., air fresheners, gift cards, etc.).
<b>Certified Mail</b>	A service, of the United States Postal Service, that provides the sender with a mailing receipt and electronic verification that an article was delivered or that a delivery attempt was made.
<b>Childcare Center</b>	A commercial or noncommercial establishment, licensed by Mesa County and/or the State of Colorado, that offers care and supervision for five (5) or more children, under the age of 16 years not related to the owner, operator, or manager of the establishment, for less than 24-hours per calendar day. Accessory uses may include offices, recreation areas, and/or parking areas.  This term shall be synonymous with the terms “Day Care Center,” “Day Nurseries,” “Nursery Schools,” “Preschools,” “Playgroups,” “Summer Camps,” and, “Centers for Mentally Retarded Children,” and other similar terms.

**Table 14.01.010: Defined Terms (continued)**

<b>C</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Childcare Care, Accessory to a Business</b>	The care and supervision of children under the age of 16 years, for less than 24-hours per calendar day, that is accessory to a business on the same property and that only provides services to the employees of said business.
<b>Childcare, Home</b>	A dwelling used for the care and supervision of less than five (5) children under the age of 16 years, other than the occupant's own children, for less than 24-hours per calendar day. Home childcare shall be considered a home occupation.
<b>Clinic, Medical or Dental</b>	A commercial establishment where patients, who are not lodged overnight, are admitted for examination and treatment by an individual, or group of, licensed health care practitioner(s) and/or dentist(s).
<b>Club, Lodge, or Fraternal Organization</b>	A building owned, leased, operated, and/or used by an organization of persons for social, cultural, educational, recreational, social and/or other similar purpose, the use of which is typically restricted to the members of such organization and their guests.
<b>Commercial Parking Garage</b>	A structure used for the parking of motor vehicles and open to the general public for a fee.
<b>Commercial Parking Lot</b>	An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles and open to the public for a fee.
<b>Condominium</b>	A residential building consisting of individual air-space units together with interests in common elements appurtenant to such units which are or can be separately owned or purchased.
<b>County</b>	The County of Mesa in the State of Colorado.
<b>D</b>	
<b>Distribution Centers</b>	Facilities, including buildings and loading areas, utilized specifically for the temporary storage and handling of goods or packages for redistribution or delivery.
<b>Drainage Easement</b>	An easement granted for the right to control development of a drainage right-of-way or an area subject to periodic flooding.
<b>Drive-In or Drive-Through Business</b>	A business which, by design (e.g., drive-in lane, drive-up window, outdoor microphone/speaker, etc.), allows customers to receive goods and/or services while remaining in their vehicle.  This term shall be synonymous with the terms "Eating and Drinking Establishment, Drive-In/Drive Through" and "Financial Institution, Drive-In/Drive-Through."
<b>Dry Cleaning Establishment</b>	A commercial establishment, regulated by the U.S. Environmental Protection Agency (EPA), that is primarily engaged in receiving, cleaning, and finishing of clothing, fabrics, textile, and/or similar materials, wherein a specialized cleaning and/or spotting agent is used.
<b>Dwelling</b>	A building or portion thereof used for residential occupancy.
<b>Dwelling Unit</b>	One (1) or more rooms in a dwelling occupied by one (1) family living independently of any other family.
<b>Dwelling, Accessory to a Business</b>	A permanent, subordinate dwelling unit that is accessory to a business on the same property and that is occupied by an employee(s) of said business.
<b>Dwelling, Accessory Unit</b>	A permanent, subordinate dwelling unit added to, created within, or detached from the single-family detached dwelling (i.e., primary residential building) on the same property, that provides basic requirements for living, sleeping, cooking, and sanitation.

**Table 14.01.010: Defined Terms (continued)**

<b>D</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Dwelling, Multi-Family</b>	Three (3) or more attached dwelling units within a single building and under a single roof, such as an apartment building, or arranged side-by-side, with each dwelling located on its own lot, such as townhomes or rowhomes.
<b>Dwelling, Single Family</b>	A building with one (1) dwelling unit (IBC, IRC, or HUD standard) that has no physical connection to a building located on any other lot or tract (i.e., is detached).
<b>Dwelling, Two-Family</b>	A building with two (2) attached dwelling units arranged side-by-side or arranged one above the other (i.e., stacked), each with an individual entry.
<b>E</b>	
<b>Eating and Drinking Establishment</b>	An establishment where food and drink are prepared and served to customers for profit.
<b>Encroachment</b>	An improvement extending into or located within, upon, above, or under a setback, public right-of-way, or a public easement.
<b>Entertainment Business</b>	A business that offers amusement activities that may include but are not limited to the presentation of motion pictures or live performances, billiards, video game arcades, bowling, rollercoasters, and/or bumper cars. This does not include any adult entertainment establishments.  This term shall be synonymous with the terms “Amusement Park” and “Theater.”
<b>F</b>	
<b>Fabrication</b>	The creation of a product from a change in the physical shape of matter; the final step in utilization of a natural resource, such as wood and metal working operations.
<b>Family</b>	Includes any of the following:  1. One (1) or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit;  2. A group of persons not related by blood, marriage, adoption, or legal guardianship (including foster children), living together in a dwelling unit; OR  3. Two (2) unrelated persons and their minor children living together in a dwelling unit.
<b>Feedlot</b>	A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding, growth, and weight gain prior to slaughter. Feed for livestock is typically brought on-site rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland.  This term shall not include areas that are used for crop production and upon which livestock are allowed to graze or feed.
<b>Floor Area</b>	The total inhabitable horizontal floor area of all floors in a building exclusive of garage, storage, and utility areas.
<b>Floor Area Ratio</b>	The relationship of floor area to total lot area expressed as an arithmetic ratio.
<b>Financial Institution</b>	A business that is primarily engaged in financial activities, including but not limited to the collection, management, and distribution of funds and currencies; the investment management; the provision of insurance; and/or, the brokering or dealing of securities.  This term shall be synonymous with the term “Bank.”

**Table 14.01.010: Defined Terms (continued)**

<b>F</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Front of House</b>	The front of a house shall be the wall that is the least horizontal distance from the property line adjoining the adjacent street whether it contains the principal entry to the house.
<b>Frontage</b>	The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way.
<b>Fueling Station</b>	A commercial establishment, operated at a fixed location, at which gasoline, diesel, hydrogen, or any other vehicle engine fuel (including charging for electrical vehicles), is offered for sale to the public.
<b>G</b>	
<b>Garage, Private</b>	A building used for non-commercial storage of not more than four (4) motor vehicles.
<b>Garage, Public</b>	A public building used for the storage of more than four (4) motor vehicles. This definition shall not apply to storage facilities associated with motor vehicles sales or service businesses.
<b>Government Buildings, Facilities, and Associated Uses</b>	A building or a structure owned, operated, and maintained by a government or quasi-governmental entity.
<b>Group Home</b>	<p>A residential facility that houses and provides services or treatment to related and/or unrelated persons who share a common characteristic such as an intellectual or developmental disability, a health condition, age, or recovery from an alcohol or chemical dependency.</p> <p>Unless otherwise stated in this Title, a group home may house up to eight (8) unrelated persons with a common disability (as defined under the Federal Fair Housing Act, the Fair Housing Amendments Act of 1988, or the Americans with Disabilities Act), except for any employees of the facility, in which services and supports are provided to such persons. Group Home services provided within the facility shall not be made available to nonresidents.</p>
<b>Group Home, For the Aged</b>	<p>A group home for the exclusive use of up to eight (8) unrelated persons who are sixty (60) years of age or older (except for any employees of the facility) that do not need nursing or intermediate care facilities and that elect to live in normal residential surroundings.</p> <p>Such a facility must be owned and operated by a non-profit organization or be owned and occupied by an individual who resides at and maintains their primary place of residence in the facility.</p>
<b>Group Home, For the Developmentally Disabled</b>	A group home, licensed by the State of Colorado, for the exclusive use of up to eight (8) persons having medical, physical, or developmental disabilities.
<b>Group Home, For Persons with Mental Illness</b>	<p>A group home, licensed by the State of Colorado, for the exclusive use of up to eight (8) persons with mental illness.</p> <p>As defined here a person with mental illness shall exclude any person determined to be not guilty by reason of insanity to any violent offense under the laws of Colorado or any other state, and such person shall not be placed in a group home.</p>
<b>H</b>	
<b>Home Occupation</b>	Any trade or business activity undertaken for profit and carried on within a dwelling located in a residential zoning district by the occupants thereof; it may be located within the principal building or in an accessory building.

**Table 14.01.010: Defined Terms (continued)**

<b>H</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Hospital</b>	A facility which makes available more than one (1) of the following: medical, surgical, psychiatric, chiropractic, maternity, and/or nursing services. The facility shall be licensed by the State of Colorado Health Department as a hospital.
<b>Hospital, Veterinary Animal</b>	A facility for the treatment of diseased or injured animals under the direction of a veterinarian. Care provided includes medication, surgery, care of wounds, sores, diet, etc. Facilities are available for boarding animal patients.
<b>Hotel or Motel</b>	A building, or group of buildings, containing individual guest rooms intended and/or used for temporary lodging, for compensation, on a nightly basis. Accessory uses may include, but are not limited to, a restaurant, meeting rooms, entertainment amenities, and/or recreational facilities (e.g., pool, hot tub, fitness center, etc.).  This term does not include a “Hostel,” “Boardinghouse,” “Bed and Breakfast,” “Short-Term Vacation Rental,” “Hospital,” “Medical Center,” or other similar use specifically defined in De Beque’s Municipal Code
<b>K</b>	
<b>Kennel</b>	An establishment where dogs, cats, and/or other similar domestic animals are bred or raised for sale, are boarded, trained, and/or cared for; and/or are groomed commercially. This shall apply to any facility maintaining space for three (3) or more animals of the same species over the age of six (6) months.
<b>L</b>	
<b>Landscaping</b>	The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.
<b>Laundromat</b>	A commercial establishment providing self-serve washing, drying, and/or dry-cleaning machines for clothing, household fabrics and/or similar materials, on a pay-per-use basis, to the public. Incidental equipment for ironing, finishing, and/or similar activities may also be provided on the premises.
<b>Library</b>	A building, portion of a building, or a structure in which literary, musical, artistic, and/or other reference materials are kept and made available for reading, reference, and/or lending.
<b>Lot</b>	A place, plot or parcel of land or assemblage of contiguous parcels of land as established by survey, plat, or deed, occupied by a building or group of buildings and such yards as required herein and having frontage on a dedicated public street.
<b>Lot Area</b>	The total horizontal area within the boundaries of a lot.
<b>Lot Coverage</b>	The portion (i.e., percentage) of a lot’s area that is covered or occupied by permanent buildings and structures, including garages and carports. Lot coverage does not include areas such as driveways, parking, walkways, or covered or uncovered porches, decks, or balconies.
<b>Lot Line, Front</b>	The property line of a lot dividing the lots from the adjoining street. Any yard adjacent to a street shall be considered a front yard. On a corner lot or double frontage lot, the property owner may elect which street frontage shall be the front lot line for the purpose of determining the rear yard only.
<b>Lot Line, Rear</b>	The property line of a lot opposite or most parallel to the front lot line.
<b>Lot Line, Side</b>	Any lot property line other than a front or rear lot line.
<b>Lot Width</b>	The distance between side lot lines measured congruent with the front yard setback line.



**Table 14.01.010: Defined Terms (continued)**

<b>M</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Manufactured or Mobile Home</b>	<p>A structure that:</p> <ol style="list-style-type: none"> <li>1. Is transportable in one or more sections;</li> <li>2. If built before June 15, 1976, has a body which, in traveling mode, is 8-feet or more in width and 32-feet in length;</li> <li>3. If built after June 15, 1976, has a body which, in the traveling mode, is 8-feet or more in width or 40-feet or more in length, or, when erected on-site, is 320 or more square feet;</li> <li>4. Is built on a permanent chassis and designed to be used as a single-family detached dwelling with or without a permanent foundation when connected to the required utilities; AND,</li> <li>5. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.</li> </ol> <p>The calculations used to determine the square footage of the structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site, as provided by the guidelines contained in 24 CFR, Part 3280, as referenced below. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but shall not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.</p> <p>All such structures shall be certified pursuant to the provisions of Title VI, Housing and Community Development Act of 1974 (42 USC 5401), as amended, and shall bear certification of said compliance. See 24 CFR Part 3280, Manufactured Home Construction and Safety Standards, as amended.</p> <p>Notwithstanding the above-stated requirements, all structures, whether UBC- or HUD-approved, shall comply with the National Electric Code of 1984 and be certified as such.</p> <p>This term shall not include the terms "Travel Trailers," "Campers," "Camper Buses," or "Motor Homes"; nor shall it include homes designed to be placed on a foundation.</p>
<b>Manufactured or Mobile Home Park or Subdivision</b>	<p>A parcel, or contiguous parcels, of land divided into two (2) or more spaces, which are improved to the standards enacted by the town, that are rented or leased for the placement of a manufactured or mobile home.</p> <p>Services and/or utilities within a manufactured or mobile home park may be privately owned but must be maintained in accordance with all applicable town, county, and/or state rules and regulations.</p>
<b>Manufactured or Mobile Home Sales</b>	<p>A business primarily engaged in the sale of new or used manufactured or mobile homes, as defined in this Chapter, to a final user or a consumer (i.e., not a reseller). Accessory uses may include the storage of for-sale manufactured and/or mobile homes on the premise.</p>



Table 14.01.010: Defined Terms (continued)

<b>M</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Manufacturing, Fabrication, Assembly, or Processing Facility</b>	A building or a structure, in which goods are manufactured, fabricated, assembled, and/or are otherwise created from raw or previously prepared materials.
<b>Medical Marijuana</b>	All parts of the plant of the genus Cannabis whether growing or not, including immature plants, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed Medical Marijuana Establishment. “Medical Marijuana” does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
<b>Medical Marijuana, Center</b>	A business licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code that sells Medical Marijuana and/or Medical Marijuana-Infused products to registered patients or primary caregivers as defined in Article XVIII, Section 14 of the Colorado Constitution, but is not a primary caregiver.
<b>Medical Marijuana, Infused Products Manufacturing Facility</b>	A business licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code that creates or manufactures Medical Marijuana-Infused products for sale to Medical Marijuana centers but not to consumers.
<b>Medical Marijuana, Testing Facility</b>	A public or private laboratory licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code and certified or approved by the Colorado Marijuana Enforcement Division to conduct research and analyze Medical Marijuana, Medical Marijuana-Infused products, and Medical Marijuana concentrate for contaminants and potency.
<b>Medical Marijuana Establishment</b>	A Medical Marijuana center, Medical Marijuana-Infused products manufacturing facility, optional premises cultivation operation, or Medical Marijuana testing facility licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code and State Law.
<b>Medical Marijuana Infused Product</b>	A product infused with Medical Marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.
<b>Minor Subdivision</b>	A division of a lot into four (4) or fewer lots, a realignment, or conversion of up to four (4) residential units into a condominium.
<b>Mixed-Use Building</b>	A building, existing or proposed, in which there is more than one type of use (e.g., residential and commercial uses, residential and industrial uses, etc.). Typically, in such a building, non-residential uses are located on the first floor (i.e., street level) and residential uses (i.e., dwellings) are located on the floors above.  This term shall be synonymous with the terms “Live/Work,” “Loft-Style,” and “Vertical Mixed Use.”
<b>Mobile Home or House Trailer, Permanent</b>	Any mobile home facility with or without wheels, so designed and constructed as to permit occupancy thereof for living or sleeping purposes.
<b>Mobile Home or House Trailer, Transient</b>	Any vehicle designed for transport on wheels which has cooking, eating, living, and sleeping facilities. Such units may or may not contain sanitary facilities. These units customarily are moved at least once per year and are licensed as vehicles.

**Table 14.01.010: Defined Terms (continued)**

<b>M</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Modular Home</b>	A dwelling that is partially, or wholly, constructed off-site (e.g., in a factory), in compliance with Title 12 of De Beque’s Municipal Code and all other applicable town, state, and/or federal requirements, and then transported to a lot.
<b>N</b>	
<b>Nursing Home</b>	<p>A type of long-term care facility, licensed by the State of Colorado, that is planned, organized, operated, and maintained to provide human health services, with related social care, to inpatients who require regular medical care and 24-hour-per-day nursing services for illness, injury, or disability.</p> <p>Each patient, of such a facility, shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide 24-hour-per-day nursing services under the direction of a registered professional nurse employed full time.</p> <p>This term shall be synonymous with the terms “Nursing Facility,” “Nursing Care Facility,” or “Intermediate Care Facility.”</p>
<b>O</b>	
<b>Office</b>	A building, or portion of a building, used for administrative work, clerical work, technical services, professional services, governmental activity, and/or similar business activities of a non-retail nature.
<b>Open Space</b>	Land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.
<b>Optional Premises Cultivation Operation</b>	A business as described in C.R.S. § 12-43.3-403 that is licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code and the State Marijuana Enforcement Division to operate within the Town of De Beque.
<b>Outside Storage</b>	<p>Storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four (4) walls and a roof, regardless of how long such materials are kept on the premises.</p> <p>This definition shall not apply to items for sale to the public, such as new and used cars, recreational vehicles, boats, and landscape and building materials, where such items are permitted for sale in the zone district in which they are located. In addition, outdoor storage does not include outdoor parking of motor vehicles regularly used in connection with the operation of an establishment, or outdoor parking for not more than forty-eight (48) hours of motor vehicles intended for servicing in connection with a Principal Use.</p>
<b>Outside Storage, Screened</b>	Outside storage that is screened from view, when observed from the centerline of all adjoining street rights-of-way, with a fence, wall, berm, landscaping, or combination thereof.
<b>Outside Storage, Unscreened</b>	Outside storage that is not screened from view, when observed from the centerline of all adjoining street rights-of-way.
<b>P</b>	
<b>Park</b>	Land that is designed, maintained, and used for active and/or passive recreational activities and that is open for the public’s use and enjoyment. A park, by way of example only, may include public ballfields, courts, playgrounds, picnic areas, restrooms, greenways, water features, trails, and/or natural areas.

**Table 14.01.010: Defined Terms (continued)**

<b>P</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Parking and Loading Areas</b>	Any public or private area designed and used for off-street parking spaces and berths for the loading or unloading of commercial motor vehicles.
<b>Performance Guarantee</b>	A security that may be accepted by the town as a guarantee that improvements, required as part of an application for a subdivision or a development, are satisfactorily completed.
<b>Personal Service Establishment</b>	An establishment or business primarily engaged in providing executive, management, administrative, professional, personal, and/or other similar services. Accessory uses may include, but are not limited to, the sale of goods that are incidental to a service being provided.
<b>Personal Storage Units</b>	Multiple storage areas completely enclosed within a building, or series of buildings, in which explosive, flammable, toxic and hazardous liquids and chemicals are not allowed; and under a single ownership and does not allow businesses or offices within units.  This term shall be synonymous with the terms “Mini-Storage” and “Self-Storage.”
<b>Place of Worship</b>	A building or structure, together with any appurtenant buildings, structures, and/or uses, where persons regularly assemble to participate in acts of worship, religious study, and/or similar religious activities.  This term shall be synonymous with the terms “Cathedral,” “Chapel,” “Church,” “House of Worship,” “Mosque,” “Shrine,” “Synagogue,” and “Temple.”
<b>Public Building</b>	A building (e.g., library or museum) that is established to serve the public and that is owned, operated, and maintained by a governmental, quasi-governmental, or non-profit entity.
<b>Public Transit Maintenance Facility</b>	A facility intended to be, or is, used for the purpose of storing, maintaining, servicing, and/or repairing vehicles used in conjunction with a public transportation system.
<b>Publishing</b>	A building in which printed items such as books, newspapers, periodicals, tickets, and other printed items are produced or published for distribution and sale.
<b>Q</b>	
<b>Quasi-Governmental Entity</b>	An entity, such as a special district, that is a political subdivision of the State of Colorado and is typically formed to provide necessary public services that the Town of De Beque or Mesa County cannot otherwise provide.
<b>R</b>	
<b>Recreation Facility, Indoor</b>	A facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities which is operated within a building.  This term shall not include gaming or gambling establishments.
<b>Recreational Vehicle (RV)</b>	A vehicle designed primarily as temporary living quarters for recreational, camping, and/or travel purposes and either has its own motive power or is mounted on or drawn by another vehicle.  This term shall be synonymous with the terms “Travel Trailer,” “Camper Trailer,” “Truck Camper,” “Camper Van,” and “Motor Home.”

**Table 14.01.010: Defined Terms (continued)**

<b>R</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Recreational Vehicle (RV) Sales and Service</b>	A business primarily engaged in the sale, lease, and/or rental of new or used RVs directly to a final user or a consumer (i.e., not a reseller), and/or the maintenance and/or repair RVs, including but not limited to oil changes, tire services, and/or body work.  Accessory uses may include the sale of RV parts and/or accessories.
<b>Resort</b>	A facility for transient guests where the primary attraction is generally recreational facilities or activities.
<b>Retail or Rental Business</b>	A business engaged in the sale, lease, and/or rental of new or used goods or products directly to a final user or a consumer, not a reseller.
<b>Retail Marijuana</b>	All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed Retail Marijuana Establishment. "Retail Marijuana" does not include industrial hemp, nor does it include fiber produced from stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
<b>Retail Marijuana, Cultivation Facility-Limited</b>	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers, where the total floor area used for cultivation does not exceed 6,000 square feet, and the facility is licensed by the State Marijuana Enforcement Division as a tier 1 producer.
<b>Retail Marijuana, Cultivation Facility</b>	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers, and the facility is licensed by the State Marijuana Enforcement Division as a tier 2-5 producer, .
<b>Retail Marijuana, Products Manufacturing Facility</b>	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to purchase Retail Marijuana; manufacture, prepare, and package Retail Marijuana Product; and sell Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Stores, but not to consumers.
<b>Retail Marijuana, Store</b>	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility (including Limited), and Retail Marijuana and Retail Marijuana Products from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.
<b>Retail Marijuana Establishment</b>	A Retail Marijuana Store, a Retail Marijuana Cultivation Facility (including Limited), a Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Testing Facility.
<b>Retail Marijuana Product</b>	Concentrated Retail Marijuana and Retail Marijuana Product that are comprised of Retail Marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible product, ointments, and tinctures.

**Table 14.01.010: Defined Terms (continued)**

<b>R</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Retail Marijuana, Testing Facility</b>	An entity licensed pursuant to Chapter 5.22 of De Beque’s Municipal Code and certified to analyze and certify the safety and potency of Retail Marijuana.
<b>Rezoning</b>	An amendment to the official zoning map consisting of a change in the classification of land from one zone district to another.
<b>S</b>	
<b>Sand and Gravel Extraction and Processing</b>	The mining of sand and/or gravel from its naturally occurring location; the processing of sand and gravel through a series of operations that entails gravel crushing, and transformation through asphalt and concrete batch plants.
<b>Setback</b>	<p>The required unoccupied open space between the nearest projection of a building or structure and the property line of the lot on which the building or structure is located.</p> <p>A setback may also refer to the horizontal distance between the delineated edge of a wetland(s), stream/river corridor(s), riparian area(s), or wildlife habitat and the closest projection of a building or structure.</p> <p>This term shall be synonymous with the term “Required Yard.”</p>
<b>School, College or University</b>	An accredited institution of higher education that offers academic programs and is authorized to grant certificates and/or associate, bachelor’s, master’s, and/or doctoral degrees. Continuing education, high school equivalency (i.e., GED), workforce training/development, and/or similar types of programs may also be offered.
<b>School, Kindergarten - Grade 12</b>	<p>A public, private, or parochial educational facility that meets the requirements of the applicable laws of the State of Colorado and provides an educational program for students in any grade from kindergarten through grade 12. A school shall include the school grounds, but not facilities used primarily for another purpose and incidental to the school.</p> <p>This term shall be synonymous with the terms “Elementary School,” “Middle School,” “Junior High School,” “High School,” “Intermediate School,” “Secondary School,” and other similar terms.</p>
<b>School, Vocational</b>	<p>An educational institution that provides instruction and training in technical skills necessary for specific careers, trades, and/or crafts. Accessory uses may include the sale of goods manufactured on the premises or the supplying of services to the public, provided that such goods or services are directly related to a course of instruction conducted by the school.</p> <p>This term shall be synonymous with the terms “Career School,” “Technical School,” and “Trade School.”</p>
<b>Shed, Yard</b>	<p>A one-story, detached building that is accessory to a residential dwelling and used for the storage of personal property, for a playhouse, as a greenhouse, or for a similar type of use.</p>
<b>Shipping Container</b>	<p>Standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship.</p> <p>This term shall be synonymous with the terms “Cargo Container,” “Storage Container,” and “Freight Container.”</p>

**Table 14.01.010: Defined Terms (continued)**

<b>S</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Stable, Community</b>	Any structure or fenced area used for sheltering livestock owned by landowners within a subdivision or subdivisions whereby virtue of covenants, deed restrictions or contract, an area is designated and approved by the Board of Trustees as a community stable.
<b>Stable, Private</b>	Any structure used for sheltering livestock.
<b>Storage Yard</b>	A yard used for the storage of equipment, building materials, and similar items provided that the storage yard is not open to the public, is not used for salvage and further that all service, fabrication, and repair operations shall be conducted within a building and that all outdoor storage of materials and trash receptacles shall be enclosed by a solid opaque fence and screened by landscaping.
<b>Street</b>	A public right-of-way either dedicated or established by usage, other than an alley, which provides primary access to adjacent property.
<b>Structure</b>	Any man-made object constructed or erected that requires a location on the ground or attached to something having location on the ground. This definition shall include, but not be limited to, signs, buildings, and fences.
<b>T</b>	
<b>Telecommunication Facility</b>	All lines, buildings, structures, and easements that are intended to be, or are, used by a public or private telecommunication provider for the provision, distribution, collection, and/or transmission of communication signals, internet, and/or other similar telecommunication services.  This shall not include the term “Telecommunication Tower.”
<b>Telecommunication Tower</b>	A structure (e.g., a pole, a spire, etc.) that is intended to be, or is, used to support antennas or other wireless transmitting and/or receiving devices. This includes any supporting lines, cables, wires, braces, masts, and/or other structural element that is required to support such a structure.
<b>Townhouse</b>	A type of multi-family dwelling consisting of abutting dwelling units that share a common building wall(s) with each dwelling unit located upon land owned by the owner of the dwelling unit.
<b>Transit Stop</b>	Any land, building, or structure designated and used as a stop for the waiting, loading, and/or unloading of the passengers of a public transit vehicle (e.g., a public bus stop) and/or a private transit vehicle (e.g., a taxi service stop).
<b>Transmission Lines</b>	Electric lines (69 kilovolts and larger) and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation; or pipeline/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances; and are not necessary to provide utility service within the Town of De Beque.
<b>Truck Stop</b>	An establishment primarily engaged in the fueling, servicing, repair, and/or parking of tractor trucks and/or similar commercial vehicles. Such an establishment may include the sale of accessories and/or equipment for such vehicles, and/or overnight accommodations, showers, and/or restaurants for the drivers of such vehicles.
<b>U</b>	
<b>Use, Accessory</b>	A land use or structure that is subordinate to, and serves a purpose that is clearly incidental to, the principal use or building on the lot that it is located on.

**Table 14.01.010: Defined Terms (continued)**

<b>U</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Use, Permitted</b>	<p>A land use allowed by right in a particular zone district when listed thereunder with no further conditions or approval required other than compliance with the applicable requirements of this Title.</p> <p>This term shall be synonymous with the terms “Allowed Use,” “Use-by-Right,” and “By-Right-Use.”</p>
<b>Use, Principal</b>	<p>The primary purpose or function for which a lot, structure, or building is intended, designed, or constructed, or the primary activity which is carried on within said lot, structure, or building.</p>
<b>Use, Prohibited</b>	<p>A land use that is not allowed in the Town of De Beque.</p>
<b>Use, Special</b>	<p>A land use that may be allowed in a particular zone district only upon approval by the town. If granted, certain conditions and performance standards may be imposed on such use and must be complied with at all times. Such use shall also comply with the applicable requirements of this Title.</p> <p>This term shall be synonymous with the terms “Special Review Use” and “Conditional Use.”</p>
<b>Utilities, Above Ground</b>	<p>Facilities located on or above the ground surface that are used in conjunction with the provision, distribution, collection, transmission, and/or disposal of electricity, gas, water, wastewater, communication signals, internet and/or other similar services. This includes, but is not limited to, electrical substations, water/wastewater pumping stations, solar energy collection devices for off-site use of energy, compressor stations, communications towers, and similar contrivances.</p> <p>This term shall not include small-scale distribution facilities. (Ord. 440 §2, 2013).</p>
<b>Utilities, Above Ground</b>	<p>Facilities located below the ground surface that are used in conjunction with the provision, distribution, collection, transmission, and/or disposal of electricity, gas, water, wastewater, communication signals, internet, and/or other similar services.</p>
<b>V</b>	
<b>Vehicle</b>	<p>An automobile, motor vehicle, or other vehicle, as defined in the Model Traffic Code for Colorado, as adopted by the Town of De Beque.</p>
<b>W</b>	
<b>Warehouse</b>	<p>A building, or group of buildings, intended and/or used for the bulk storage of raw materials, finished products, merchandise, commodities, and/or other goods, for subsequent delivery, transfer, and/or pickup. Accessory uses may include, but are not limited to, offices, truck fleet parking, and/or maintenance areas.</p> <p>This shall not include a “Self-Storage” or “Mini-Storage” facility.</p>
<b>Wholesale Establishment</b>	<p>A business primarily engaged in the sale, storage, and/or distribution of goods, commodities, merchandise, and/or other similar items to a reseller (or resellers) and not a final user or a consumer. This does not include the sale, storage, and/or distribution of junk, salvage, bulk fuels, or hazardous substances as defined in Section 25-5-502(10)(a), C.R.S.</p>



**Table 14.01.010: Defined Terms (continued)**

<b>Y</b>	
<b>TERM</b>	<b>DEFINITION</b>
<b>Yard</b>	A portion of a lot or parcel, between a minimum setback and a lot/property line, that is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.
<b>Yard, Front</b>	A yard, extending the full width of a lot or parcel, that is situated between the front lot line and the minimum front setback.
<b>Yard, Rear</b>	A yard, extending the full width of a lot or parcel, that is situated between the rear lot line and the minimum rear setback.
<b>Yard, Side</b>	A yard, extending from the front yard to the rear yard, that is situated between a side lot line and a minimum side setback.
<b>Z</b>	
<b>Zone District</b>	A specific area of the town, delineated on the zoning map, within which uniform regulations and standards govern the use, layout, size, and/or design of land, buildings, and/or structures.

(Amended Ord. 443, §2, 2014); (Amended Ord. 467, §2, 2015); (Ord. 486, §3, 2017); (Ord. 48, §6, 2017)

14.01.190 Other Definitions. Other definitions are found in various sections of these Regulations. Such other definitions sections further define relevant terms necessary for the enforcement of these Regulations. The rules of construction prescribed in Section 14.01.170 apply to all definitions in these Regulations.