

## 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 purposes of these Regulations, this Title, certain terms are defined as follows: 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.

**Commented [MF1]:** Definitions formatted into a Table in the "clean" version of the update to Section 14.01.180.

~~**Above Ground Public Utilities:** facilities located on or above the ground surface that are used in conjunction with transmission of electricity, gas, water, wastewater, telecommunications including, but 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. Above ground public utilities do not include small scale distribution facilities. (Ord. 440 §2, 2013).~~

**Commented [MF2]:** Redefined as "Utilities, Above Ground"

~~**Accessory Use:** A use or structure that is subordinate to the principal use of the lot or to the principal building on the lot and serving a purpose clearly incidental to the permitted use of the lot or principal building in function, area and extent and is compatible with the principle permitted use or structure authorized under the zoning regulations applicable to the property.~~

**Commented [MF3]:** Redefined as "Use, Accessory" and moved under "Use" on page 19

**Adverse Impact or Effect:** Any of the following:

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.
2. A condition that creates, imposes, or leads to a nuisance on a site proposed for development or on off-site property or facilities.
- ~~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.

**Agricultural Use:** 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.

This term shall be synonymous with the term "Agritourism."

**Alley:** A public right-of-way providing only secondary access to the rear of a property and not intended for primary public travel.

~~**Animal Hospital:** A facility for 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 of animal patients.~~

**Commented [MF4]:** Redefined as "Hospital, Veterinary Animal"

**Animal Sheltering:** The raising, management, Maintaining, raising, housing, stabling, or 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.

**Applicant:** 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.

**As Built:** 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.

**Assembly** (as in manufacturing): The creation of a distinct product from the physical, as opposed to chemical, mating, or joining of individual standard component parts.

**Assisted Living Facility:** 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.

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.

**Automated Teller Machine (ATM):** 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.

**Automobile and Truck Repair:** 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.

**Automotive Sales and Service:** A business primarily engaged in the sale, lease, and/or rental of new or used vehicles directly to a final user or a consumer (i.e., not a reseller). Accessory uses may include the sale of vehicle parts and/or accessories, vehicle service, and/or vehicle repair.

**Bed and Breakfast Accommodations:** ~~The rental of rooms within a dwelling for short-term accommodations not to exceed twenty-eight (28) consecutive days. 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. Such use shall be clearly accessory to the residential use of the dwelling, occupy not more than seventy-five percent (75%) of the total floor area of the dwelling, and conform to the following additional conditions:~~

- ~~1. The use shall be carried on wholly within the principal building.~~
- ~~2. There shall be no exterior sign exceeding three square feet (3 sq. ft.) and no other exterior indication of the use or variation from the residential character of the principal building.~~
- ~~3. There shall be adequate off street parking for the use.~~

~~4. As a customary part of the service offered to guests, breakfast may be served by the owner of the dwelling.~~

**Commented [MF5]:** The standards for a Bed & Breakfast, included in this definition, need to be moved to Section 14.03.120: Use-Specific Standards. To be revisited as part of on-going effort to update to Title 14.

~~**Boarding House or Rooming House:** See Rooming and/or Boarding Houses. 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.~~

~~This term shall be synonymous with the terms "Rooming House" and "Furnished Room House."~~

**Building:** 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.

**Building, Accessory:** 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.

~~**Building Height:** The vertical distance above average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. All building heights shall be measured as prescribed in the Building Code(s) adopted by the Town of DeBeque. 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.~~

~~**Building Inspector/Official:** An The official or agency appointed by the Board responsible for administering and enforcing the Building Code(s) of the Town of De Beque. Such official may be contracted from outside the Town government.~~

~~This term shall be synonymous with the term "Building Inspector."~~

**Building, Principal:** A building in which is conducted the primary use of the lot on which the building is located.

~~**Business:** 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."~~

**Car Wash:** 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.).

**Certified Mail:** 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.

**Child Care**~~Childcare~~ **Center:** ~~as defined by the State of Colorado Rules Regulating Family Child Care Homes 7.707.2.C through 7.707.2.D, is when a home or center provides 24-hour childcare or the home or center provides childcare for more than eight (8) children.~~

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.

**Childcare Care, Accessory to a Business:** 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.

**Child Care**~~Childcare~~ **Home:** ~~as defined by State of Colorado Rules Regulating Family Child Care Homes 7.707.2.A1 through 7.707.2.B, is when a family childcare home provides less than 24 hour care for one (1) to eight (8) children on a regular basis in a place of residence.~~

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.

**Clinic, Medical or Dental:** 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).

**Club, Lodge, or Fraternal Organization:** 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.

**Commercial Parking Garage:** A structure used for the parking of motor vehicles and open to the general public for a fee.

**Commercial Parking Lot:** An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles and open to the public for a fee.

**Condominium:** 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.

**County:** The County of Mesa in the State of Colorado.

**Distribution Centers:** Facilities, including buildings and loading areas, utilized specifically for the temporary storage and handling of goods or packages for redistribution or delivery.

**Drainage Easement:** An easement granted for the right to control development of a drainage right-of-way or an area subject to periodic flooding.

**Drive-In or Drive-Through Business:** 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.”

**Dry Cleaning Establishment:** 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.

**Dwelling:** A building or portion thereof used for residential occupancy.

**Dwelling Unit:** One (1) or more rooms in a dwelling occupied by one (1) family living independently of any other family.

**Dwelling, Accessory to a Business:** 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.

**Dwelling, Accessory Unit:** 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.

**Dwelling, Single-Family:** ~~A building containing only one (1) dwelling unit.~~ 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).

**Dwelling, Two-Family:** ~~A building containing two (2) dwelling units.~~ 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.

**Dwelling, Multiple-Family:** ~~A building containing 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.~~

**Eating and Drinking Establishment:** An establishment where food and drink are prepared and served to customers for profit.

**Encroachment:** An improvement extending into or located within, upon, above, or under a setback, public right-of-way, or a public easement.

**Entertainment Business:** 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 term “Amusement Park.”

**Fabrication:** 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.

**Family:** ~~One (1) or more persons living together in a dwelling unit, which shall not include more than four (4) persons unrelated by blood, marriage, or adoption. 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 not more than five (5) 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.

**Feedlot:** 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.

**Floor Area:** The total inhabitable horizontal floor area of all floors in a building exclusive of garage, storage, and utility areas.

**Floor Area Ratio:** The relationship of floor area to total lot area expressed as an arithmetic ratio.

**Financial Institution:** 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.”

**Front of House:** The front of a house shall be the wall that is the least horizontal distance from the property line adjoining the adjacent street whether ~~or not~~ it contains the principal entry to the house.

**Frontage:** The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way.

**Fueling Station:** 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.

**Garage, Private:** ~~Any~~ building used for ~~the non-commercial~~ storage of not more than four (4) motor vehicles.

**Garage, Public:** ~~Any~~ A public building used for the storage ~~for rent or for a fee~~ of more than four (4) motor vehicles. This definition shall not apply to storage facilities associated with motor vehicles sales or service businesses.

**Government Buildings, Facilities, and Associated Uses:** A building or a structure owned, operated, and maintained by a government or quasi-governmental entity.

**Group Homes:** ~~Group homes for the developmentally disabled means a state licensed home for eight (8) or fewer persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy. Group homes for persons sixty (60) years of age or older means an owner-occupied or non-profit home for the exclusive use of not more than eight (8) such persons provided that such group home: (a) shall not be located within seven hundred fifty feet (750') of another such group home and (b) shall comply with any State, County, municipal health, safety, and building and fire codes.~~

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.

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. ~~No Group home services and/or supports provided within the facility shall not be made available to nonresidents.~~

**Group Home, For the Aged:** A group home for the exclusive use of up to eight (8) unrelated persons who are 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.

Such a facility must be owned and operated by a ~~non-profit person or organization that is exempt from income taxes (pursuant to Section 39-22-11, C.R.S.)~~ or be owned and occupied by an individual who resides at and maintains their primary place of residence in the facility.

**Group Home, For the Developmentally Disabled:** 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, developmentally disabled persons, who are persons having cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy.~~

**Group Home, For Persons with Mental Illness:** A group home, licensed by the State of Colorado, for the exclusive use of up to eight (8) persons with mental illness ~~(as defined in Section 27-10-102(7), C.R.S.)~~.

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.

**Home Occupation:** Any trade or business activity undertaken for profit and use for gain or support carried on within a dwelling located in a residence residential zone district only by the occupants thereof; it may be located within the principal building or in an accessory building.

**Hospital:** A facility which makes available more than one (1) of the following: medical, surgical, psychiatric, chiropractic, maternity, tuberculosis, and/or nursing services. The facility shall be licensed by the State of Colorado Health Department as a hospital.

**~~Animal Hospital, Veterinary Animal:~~** 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 of animal patients.

**~~Hotel, or Motel, Lodge:~~** A building occupied as the temporary lodging place of individuals who are lodged with or without meals for compensation. 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.

~~Indoor Commercial Recreation Facilities: A recreation 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 as a business and open to the public for a fee. Gaming or gambling establishments are not considered indoor commercial recreation facilities.~~

Commented [MF6]: Redefined as "Recreation Facility, Indoor"

~~Kennel: An establishment Housing for where dogs, cats, and/or other small animal pets similar domestic animals are bred or raised for sale for breeding, are boarding boarded, trained, and/or cared for; and/or are grooming-groomed purposes commercially. This definition shall applies apply to all any facilities-facility maintaining space for three (3) or more animals of the same species over the age of six (6) months.~~

**Landscaping:** 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.

~~Laundromat: 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.~~

~~Library: 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.~~

**Lot:** 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.

**Lot Area:** The total horizontal area within the boundaries of a lot.

~~Lot Coverage: 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.~~

**Lot Line, Front:** 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.

**Lot Line, Rear:** The property line of a lot opposite or most parallel to the front lot line.

**Lot Line, Side:** Any lot property line other than a front or rear lot line.

**Lot Width:** The distance between side lot lines measured congruent with the front yard setback line.

**Manufactured or Mobile Home:** ~~A single family dwelling which is partially or entirely manufactured in a factory; is not less than twenty four feet (24') in width and thirty six feet (36') in length; is installed on an engineered permanent foundation; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; is certified pursuant to the "National Manufactured Housing and Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et. seq., as amended. The owner/developer shall provide proof of certification to the Town prior to the placement of any manufactured home. All applicable building and zoning requirements must be complied with. A structure that:~~

- ~~1. Is transportable in one or more sections;~~
- ~~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;~~
- ~~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;~~
- ~~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.~~
- ~~5. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.~~

~~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, Chapter XX, 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.~~

~~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 Chapter XX, Part 3280, Manufactured Home Construction and Safety Standards, as amended.~~

~~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.~~

~~The This term "mobile home" shall not include the terms "Travel Trailers," "Campers," "Camper Buses," or "Motor Homes"; nor shall it include or-homes designed to be placed on a foundation.~~

**Manufactured or Mobile Home Park or Subdivision:** A plot of land of at least one (1) acre in area where two (2) or more mobile homes are located for permanent dwelling purposes.

A parcel, or contiguous parcels, of land divided into two (2) or more spaces, which are improved to the standards agreed upon enacted by the town and the landowner, that are rented or leased for the placement of a manufactured or mobile home.

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.

**Manufactured or Mobile Home Sales:** 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.

**Manufacturing, Fabrication, Assembly, or Processing Facility: Manufacturing and Processing:** The mechanical or chemical transformation, or blending, of goods or raw materials into a new state or a finished or semi-finished product; the making of goods, articles, or parts from raw materials by hand or machinery.

A building or a structure, in which goods are manufactured, fabricated, assembled, and/or are otherwise created from raw or previously prepared materials.

**Medical Marijuana:** 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.

**Medical Marijuana Center:** A business licensed pursuant to Chapter 5.22 of ~~the Town 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.

**Medical Marijuana Establishment:** 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 ~~the Town De Beque's~~ Municipal Code and State Law.

**Medical Marijuana-Infused Product:** 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.

**Medical Marijuana-Infused Products Manufacturing Facility:** A business licensed pursuant to Chapter 5.22 of ~~the Town Code~~ De Beque's Municipal Code that creates or manufactures Medical Marijuana-Infused products for sale to Medical Marijuana centers but not to consumers.

**Medical Marijuana Testing Facility:** 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.

**Minor Subdivision:** 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- condominiumization of a property.

~~**Mobile Home:** A transferable, single family dwelling unit suitable for year round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing. Every mobile home, except for mobile homes placed in a mobile home park, shall be placed on a permanent foundation consistent with applicable building codes adopted by the Town. The term "mobile home" shall not include "travel trailers," "campers," "camper buses," or "motor homes," or homes designed to be placed on a foundation.~~

**Mixed-Use Building:** 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."

**Mobile Home or House Trailer Permanent:** Any mobile home facility with or without wheels, so designed and constructed as to permit occupancy thereof for living or sleeping purposes.

**Mobile Home or House Trailer, Transient:** 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.

~~**Mobile Home Park:** A plot of land of at least one (1) acre in area where two (2) or more mobile homes are located for permanent dwelling purposes.~~

**Modular Home:** 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.

**Commented [MF7]:** Redefined as "Manufactured or Mobile Home Park or Subdivision"

**Nursing Home:** ~~A facility which provides nursing care who by reason of illness or physical infirmities, are unable to care for themselves. Typically, these facilities will be licensed by the State of Colorado as a nursing home.~~

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.

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.

This term shall be synonymous with the terms “Nursing Facility,” “Nursing Care Facility,” or “Intermediate Care Facility.”

**Office:** 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.

**Open Space:** 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.

**Optional Premises Cultivation Operation:** A business as described in C.R.S. § 12-43.3-403 that is licensed pursuant to Chapter 5.22 of ~~the Town De Beque’s~~ Municipal Code and the State Marijuana Enforcement Division to operate within the Town of De Beque.

**Outside Storage:** 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.

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.

**Outside Storage, Screened:** 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.

**Outside Storage, Unscreened:** Outside storage that is not screened from view, when observed from the centerline of all adjoining street rights-of-way.

**Park:** 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.

**Parking and Loading Areas:** Any public or private area designed and used for off-street parking spaces and berths for the loading or unloading of commercial motor vehicles.

~~**Permitted Use** Same as Use by Right.~~

Commented [MF8]: Redundant definition, deleted

**Performance Guarantee:** 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.

**Personal Service Establishments:** ~~An Establishments or business primarily engaged in providing executive, management, administrative, professional, personal, and/or other similar services, involving the care of a person or his or her apparel. Accessory uses may include, but are not limited to, the sale of goods that are incidental to a service being provided.~~

**Personal Storage Units:** 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."

**Place of Worship:** 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."

**Public Building:** 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.

**Public Transit Maintenance Facility:** 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.

**Publishing:** A building in which printed items such as books, newspapers, periodicals, tickets, and other printed items are produced or published for distribution and sale.

**Quasi-Governmental Entity:** 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.

~~**Indoor Commercial Recreation Facilities**~~**Facility, Indoor:** A ~~recreation~~ 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 ~~as a business and open to the public for a fee.~~

This term shall not include Gaming or gambling establishments, are not considered indoor commercial recreation facilities.

**Recreational Vehicle (RV):** 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."

**Recreational Vehicle (RV) Sales and Service:** 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.

**Resort:** A facility for transient guests where the primary attraction is generally recreational facilities or activities.

**Retail or Rental Business:** 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.

**Retail Marijuana:** 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.

**Retail Marijuana, Cultivation Facility-Limited:** An entity licensed pursuant to Chapter 5.22 of ~~the Town's 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 ~~six-thousand~~ (6,000) square feet, and the facility is licensed by the State Marijuana Enforcement Division as a tier 1 producer ~~pursuant to~~



[R 506\(C\)\(1\) of the Marijuana Enforcement Division Retail Marijuana Rules, 1 CCR 212 2.](#)

**Retail Marijuana, Cultivation Facility:** An entity licensed pursuant to Chapter 5.22 of ~~the Town's 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 [pursuant to R 506\(C\)\(1\) of the Marijuana Enforcement Division Retail Marijuana Rules, 1 CCR 212 2.](#)

**Retail Marijuana Establishment:** A Retail Marijuana Store, a Retail Marijuana Cultivation Facility (including Limited), a Retail Marijuana Products Manufacturing Facility, or a Retail Marijuana Testing Facility.

**Retail Marijuana Product:** 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.

**Retail Marijuana, Products Manufacturing Facility:** An entity licensed pursuant to Chapter 5.22 of ~~the Town's 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.

**Retail Marijuana, Store:** An entity licensed pursuant to Chapter 5.22 of ~~the Town's 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.

**Retail Marijuana, Testing Facility:** An entity licensed pursuant to Chapter 5.22 of ~~the Town's De Beque's~~ Municipal Code and certified to analyze and certify the safety and potency of Retail Marijuana.

**Rezoning:** An amendment to the official zoning map consisting of a change in the classification of land from one zone district to another.

~~**Rooming and/or Boarding Houses:** A structure used for dwelling purposes by persons who pay a fee for food and/or lodging services.~~

Commented [MF9]: Redundant definition, deleted

**Sand and Gravel Extraction and Processing:** 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.

**Setback:** 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.

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.

This term shall be synonymous with the term “Required Yard.”

**School, College or University:** 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.

**School, Kindergarten - Grade 12:** 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.

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.

**School, Vocational:** 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.

This term shall be synonymous with the terms “Career School,” “Technical School,” and “Trade School.”

**Sheds, Yard:** A ~~Structure~~ 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, shall only be used for the storage of lawn and garden maintenance equipment and supplies and may not be used for human or animal habitation.

**Shipping Container:** 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.

This term shall be synonymous with the terms “Cargo Container,” “Storage Container,” and “Freight Container.”

**Stable, Community:** 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.

**Stable, Private:** Any structure used for sheltering livestock.

**Storage Yard:** 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.

**Street:** A public right-of-way either dedicated or established by usage, other than an alley, which provides primary access to adjacent property.

**Structure:** 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.

**Telecommunication Facility:** 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.”

**Telecommunication Tower:** 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.

**Townhouse:** A ~~dwelling~~ type of multi-family dwelling consisting of adjacent abutting dwelling units that sharing a common side-building wall(s) with each dwelling unit located upon land owned by the owner of the dwelling unit.

This term shall be synonymous with the term “Rowhome.”

**Transit Stop:** 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).

**Transmission Lines:** Electric lines (69 ~~Kv~~ 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.

**Truck Stop:** 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.

**Use:**

**Accessory Use, Accessory:** A land use or structure that is subordinate to, and serves a purpose that is clearly incidental to, the principal use ~~of the lot or to the principal building on the lot~~ that is located on, and serving a purpose clearly incidental to the permitted use of the lot or principal building in function, area and extent and is compatible with the principle permitted use or structure authorized under the zoning regulations applicable to the property.

**Use, ~~by Right~~ Permitted:** A land use allowed by right in a particular zone district when listed thereunder with no further conditions or approval required other than ~~the general terms and stipulations of these Regulations~~ compliance with the applicable requirements of this Title.

This term shall be synonymous with the terms “Allowed Use,” “Use-by-Right,” and “By-Right-Use.”

**Use, Principal:** 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; ~~a noncommercial lot is restricted to one (1) principal use; noncommercial lots include all lots in the RZD zone district.~~

**Use, ~~by Right~~:** A use allowed in a particular zone district when listed thereunder with no further conditions or approval required other than the general terms and stipulations of these Regulations.

**Use, Prohibited:** A land use that is not allowed in the Town of De Beque.

**Use, ~~Special Review~~ Uses:** A land use that may be allowed in a particular zone district only upon approval by permit of the Town/town, which permit may be granted or denied. If granted, certain conditions and performance standards may be imposed on such use and must be complied with by the permittee at all times. Such use shall also comply with the applicable requirements of this Title.

This term shall be synonymous with the terms “Special Review Use” and “Conditional Use.”

**Above Ground Public Utilities, Above Ground:** Ffacilities 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, ~~telecommunications signals, internet and/or other similar services. This including~~ 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.

This term shall ~~Above ground public utilities do~~ not include small-scale distribution facilities. (Ord. 440 §2, 2013).

**Utilities, Underground:** 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.

**Vehicle:** An automobile, motor vehicle, or other vehicle, as defined in the Model Traffic Code for Colorado, as adopted by the Town of De Beque.

**Warehouse:** 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.

This does not include a “Self-Storage” or “Mini-Storage” facility.

**Wholesale Establishment:** 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.

**Yard:** An open space not in any alley or street, 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.

**Yard, Front:** A yard, extending the full width of a lot or parcel, that is situated the depth of which is measured in the least horizontal distance between the front lot line and the minimum front setback, nearest wall of the principal building; such distance being referred to as the front yard setback.

**Yard, Rear:** A yard, extending the full width of the a lot or parcel, the that is situated depth of which is measured in the least horizontal distance between the rear lot line and the minimum rear setback, the nearest wall of the principal building; such depth being referred to as the rear yard setback.

**Yard, Side:** A yard, extending from the front yard to the rear yard, the width of which is measured in the least horizontal distance between the side lot and the nearest wall of the principal building that is situated between a side lot line and a minimum side setback.

**Zone District:** 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.

DRAFT

Chapter 14.03

ZONING - PROVISIONS, USES AND REQUIREMENTS

**Part 1**

**General Provisions**

Sections:

- 14.03.010 Establishment of Zone Districts.
- 14.03.020 Incorporation of the Zoning Map.
- 14.03.030 Zone District Boundaries.
- 14.03.040 Annexation and Zoning.
- 14.03.050 Application of Regulations.
- 14.03.060 Principal and Accessory Uses.
- 14.03.070 Permitted, Special, and Prohibited Uses.
- ~~14.03.080 Special Uses.~~
- ~~14.03.090 Nonconforming Uses and Structures.~~
- ~~14.03.100 Uses Not Itemized 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
- ~~14.03.110 Zoning Variances.~~
- ~~14.03.120 Rezoning.~~
- ~~14.03.130 Other Zoning Provisions.~~
- ~~14.03.140 Home Occupations.~~
- ~~14.03.150 General Requirements for all Business, Commercial and Industrial Uses~~
- ~~14.03.160 Common Interest Communities.~~

**Commented [MF1]:** Moved to Chapter 14.01: General Provisions

**Commented [MF2]:** Moved to Chapter 14.06: Review Procedures

**Commented [MF3]:** Moved to Section 14.03.120: Use-Specific Standards

**Part 2**

**Zone District Provisions**

Sections:

- ~~14.03.170 Descriptions and Limitations of Zone Districts.~~
- ~~14.03.180 Schedule of Uses.~~
- ~~14.03.190 Reserved.~~
- ~~14.03.200 Schedule of Requirements – RZD, OTC, SC and P Districts.~~

(De Beque used to have an R-1 and R-2 residential district for duplex and multi-family homes. R-2 was eliminated and now requires a Special Use for multi-family units. This is cumbersome. An R-2 District should be re-established in the locations where it previously existed).

**Commented [DF4]:** Planning Commission Agreed to reestablish the R-1 & R-2 Zone Districts

**Commented [MF5R4]:** Creation of second residential zoning district to be revisited as part of on-going effort to update to Title 14.

**Part 1**

**General Provisions**

**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 ~~T~~own into zone districts are to:
1. Recognize that certain areas of the ~~Town~~-town are in various stages of development;
  2. ~~to p~~Preserve the character of certain neighborhoods in the ~~Town~~town;
  3. ~~to e~~Conserve the value of property; ~~and~~AND
  4. ~~to e~~Establish and encourage appropriate land uses in existing and newly annexed areas of the ~~Town~~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~~-town is divided into the following districts:

**Table 14.03.010: Zone Districts**

<b>ZONE DISTRICT</b>	<b>ABBREVIATION</b>	<b>PURPOSE</b>
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 near 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. The purpose of the district is to 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.



**Table 14.03.010: Zone Districts (continued)**

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

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

**Commented [MF6]:** Creation of second residential zoning district to be revisited as part of on-going effort to update to Title 14.

**14.03.020030 Incorporation of the Zoning Map.**

- A. The location and boundaries of the town's zone districts, established by the Ordinance codified herein, ~~are shall be~~ shown on a map entitled ~~the~~ "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 ~~Zone District~~Zoning Map shall be ~~identified by bear~~ the signature of the Mayor, attested by the Town Clerk, ~~and bearing~~ the seal of the Town of De Beque, and the date of adoption.
- D. The Zoning Map shall be maintained as follows:
  1. ~~All~~ Changes ~~in the boundary of any zone district to the Zoning Map~~ shall be made ~~only upon by an~~ amendment to the Ordinance codified herein.
  2. ~~and shall be recorded on the Zoning Map w~~Within thirty (30) days of the effective date of the amending Ordinance, ~~the Town Planner shall update with an entry on~~ the Zoning Map

**Commented [DF7]:** Planning Commission agreed to combine the two AG Districts

**Commented [MF8]:** Consolidated into Table 14.03.010: Zone Districts

~~giving the to reflect the amendment and note the number of the amending Ordinance, and The updated Zoning Map shall be signed and dated by the date with the signature of the Mayor, attested by the Town Clerk.~~

3. The Zoning Map ~~shall be located~~is to be kept in the town's municipal offices and made available on the town's website, of the Town Clerk and in other such places designated by the Board of Trustees of the Town. ~~Copies of the Zoning Map shall be made available to the public at a moderate price.~~

#### 14.03.03020 ~~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 ~~T~~town roads, or Ccounty roads, ~~or~~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 ~~Zone District~~Zoning Map.
2. Where a zone district boundary coincides with a right-of-way line ~~and the of a~~ right-of-way ~~is that has been~~ abandoned, the ~~zone district~~ boundary shall ~~then 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 ~~which and~~ is not indicated as being in any zone district shall be ~~considered to be~~ included in the most ~~restricted restrictive,~~ adjacent zone district even ~~when 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.

#### 14.03.040 ~~Annexation and Zoning~~Zoning of Annexed Land.

A. ~~All territory~~Any land annexed to the Town of De Beque, ~~subsequent to~~after the effective date of the Ordinance codified herein, shall be zoned in accordance with ~~according to the zone~~ district classifications ~~set forth in of this Title~~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. Such classifications shall be determined through a recommendation of the Planning Commission upon referral of the proposed annexation by the Town Board of Trustees to the Planning Commission. The petitioner for annexation may request that annexed land be placed in a specific zone district(s). The proposed 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 hereinafter provided in this Title, no building, structure or property all land shall hereafter be used, be designed to be used, or be intended to be used and no building or structure shall be erected and no existing building or structure shall be moved, altered or extended nor shall any land, building or structure be used, designed to be used or intended to be used for any purpose or in any manner other than as provided for among the uses hereinafter listed in the District Regulations for their conformance with the use regulations for the zone district in which such land, building or structure is located.
  - 2. Except as otherwise provided in this Title, all buildings and structures shall be erected, moved, altered, extended, used, be designed to be used, or be intended to be used in conformance with the use regulations for the zone district in which such building or structure is located.
  - 3. All buildings or structures must comply in all respects with the provisions of the building code adopted by the Town of De Beque.
- B. Conformity to Setback, Bulk, Site Area and Height Provisions Dimensional Requirements Required:
  - 1. Except as hereinafter otherwise provided in this Title, no all buildings and/or structures shall be erected, nor shall any existing building or structure be moved, altered, or extended nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site area, building bulk, building location and height provisions hereinafter provided in the District Regulations in conformance with the dimensional requirements for the zone district in which such buildings or structures or open space is/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 ~~hereinafter 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, ~~and no lot area, yard, frontage, other open space or parking for a building on any other lot.~~

14.03.060 Principal and Accessory Uses.

A. Principal Uses.

1. The primary use of a lot is referred to as a “~~P~~Principal ~~u~~Use” ~~which and~~ may be a land use or a structure.
2. Only one (1) ~~P~~Principal ~~U~~se per lot is allowed ~~in any zone district except for in zone districts commercial and industrial zone districts~~ where residential and non-residential uses and/or ~~where different multiple~~ non-residential uses ~~may be~~ allowed in the same building ~~as specified in the Zone District Provisions.~~
3. In the Residential Zone District (RZD) Only one (1) principal building and its customary accessory buildings may be erected on any single lot.
4. In the non-residential zone districts (OTC, More than one (1) principal building may be erected on a lot, subject to the review and approval of Certificate of Planning & Zoning Compliance, pursuant to Section 14.01.120.

B. Accessory Uses.

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

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

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 — Special Uses:~~

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

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

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

14.03.090 **Nonconforming Uses and Structures.**

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

B. **Nonconforming Uses of Land:** Where at the time of the passage of these Land Use

**Commented [MF9]:** Consolidated with Section 14.03.070: Permitted, Special, and Prohibited Uses

Regulations, or amendments thereof, lawful uses of land exists which would not be permitted by the Regulations imposed by this Title, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy greater area of land than was occupied at the effective date of adoption or amendment of this Title;
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this Title;
3. If any such nonconforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Title for the zone district in which such land is located; and
4. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

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

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

1. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structures or nonconforming portion of a structure be destroyed by any means and shall not have been repaired or replaced within one (1) year from the date of loss, it shall not be reconstructed except in conformance with the provisions of this Title.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone district in which it is located after being moved.

D. Repairs and Maintenance Nonconforming Structures:

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

nonconforming shall not be increased.

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

E. **Nonconforming Lots of Record:** Where, at the effective date of the adoption of these Regulations or amendments hereto, a legally created lot of record that does not meet the minimum requirements for area or dimensions and which does not adjoin property under the same ownership, may be used for a structure or building that is permitted in the applicable zone district provided such structure or building shall conform to all other applicable dimensional standards in the zone district. If such lot adjoins other property under the same ownership, a boundary line adjustment with the adjoining parcel or merging of the non-conforming lot with the adjoining property shall be required provided the resulting lot or lots conform to all use and dimensional requirements of the zone district before a structure or building is allowed on the property.

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

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

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

~~14.03.100080 Uses Not Itemized~~ Classification of Unlisted Uses.

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

**Commented [DF10]:** I think the language is more streamlined and a simpler process.

**Commented [MF11R10]:** Moved to Chapter 14.01: General Provisions

**Commented [MF12]:** Moved to Chapter 14.01: General Provisions

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

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

~~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.~~

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

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

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

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

~~B. The impacts of the rezoning upon expected traffic generation and road safety, availability of~~



~~on-site and off-site parking and the availability of adequate utility services and street access to the site;~~

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

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

~~E. There has been a substantial change in use or character of the surrounding properties that supports rezoning;~~

~~F. The rezoning substantially complies with the Comprehensive Plan and the Future Land Use Map;~~

~~14.03.130 Other Zoning Provisions:~~

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

~~B. Utilities: Nothing in this Title shall be construed to prevent construction or installation of underground and above ground public utility lines, including mains, distribution lines, and related appurtenances in any zone district necessary to provide utility service within the municipal limits of the Town of De Beque. Storage, maintenance facilities and business offices shall be restricted to their appropriate zone district. Telecommunication towers, and utility treatment, processing, distribution and production facilities, including but not limited to, power generation plants, substations, gas compressor stations and telephone exchange facilities, are a special use in the OTC and SC Zone Districts. Transmission lines, as defined in Section 4.01.180 of this Title, are a special use in all zone districts;~~

~~C. Frontage: Each lot or parcel in separate ownership shall have at least twenty-five lineal feet (25') of frontage on a public street. Except for Accessory Dwelling units associated with single-family residential units, every building devoted wholly or in part to residential use shall front on a public street.~~

~~D. Yard requirements:~~

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

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

**Commented [MF13]:** Moved to Chapter 14.06: Review Procedures

**Commented [MF14]:** Section deleted. All provisions under this Section have been incorporated with other Sections of Chapter 14.03 or moved to other Chapters of Title 14.

**Commented [MF15]:** Redundant language, not needed

**Commented [DF16]:** Standards for reviewing Cell/Telecommunication towers are needed.

**Commented [MF17R16]:** To be revisited as part of on-going effort to update to Title 14.

**Commented [MF18]:** Addressed in/Incorporated with Table 14.03.020: Schedule of Uses

**Commented [MF19]:** Incorporated with Table 14.03.030: Dimensional Requirements for All Zone Districts

**Commented [MF20]:** Moved to Section 14.03.100: Dimensional Requirements

the adjoining lot. (See, Section 14.03.200 for setback requirements.)

3. On lots bordered on two (2) or more sides by streets, the required front yard setback shall be observed along all streets.
4. Where a lot in a business, commercial or industrial zone district shares a common side lot line with a lot in a residential district, the required side yard setback of the residential district shall be observed along the common lot line in the commercial or industrial district.
5. Where the side yard of a lot in a business, commercial or industrial district is an extension of the front yard of a lot in an adjacent residential district, a side yard setback equal to one-half (½) the required front yard setback of the residential district shall be observed by the lot in the commercial district.
6. For purposes of setback calculations, a two-family dwelling shall be constructed as one (1) building occupying one (1) lot.
7. On a vacant lot bordered on two (2) sides by previously constructed buildings which do not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the averaged front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.
8. Every part of required yard shall be unobstructed by building from ground level to the sky except for projections of architectural features as follows:
  - a. Cornices, sills and ornamental features may project twelve inches (12") into a yard;
  - b. Roof eaves may project eighteen inches (18") into a yard;
  - c. Uncovered porches, slabs and patios, walks, steps, fences, hedges, and walls are not restricted when less than forty-two inches (42") above ground level;
  - d. Fire escapes and individual balconies not used as passageways may project eighteen inches (18") into any required side yard, or four feet (4') into any required front or rear yard;
  - e. Solar collection devices and equipment may project eighteen inches (18") into a yard and/or setback.
- E. Fences, hedges, and walls: All fences, hedges and walls may be permitted in the required yards of any district subject to the following conditions and requirements.
  1. All fences and walls are subject to the building code requirements.

**Commented [MF21]:** Moved to Section 14.03.100: Dimensional Requirements

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

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

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

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

**Commented [MF22]:** Moved to Section 14.03.100: Dimensional Requirements

6. On corner lots, no fence, hedge or wall over forty-two inches (42") in height above the elevation of the curb shall be placed in the intersection of a triangular area formed by three (3) points as established by:

(i) the intersection of the property line at the corner;

(ii) by measuring thirty feet (30') back from this intersection on each property line and connecting the two (2) ends of the legs to form a triangle.

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

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

**Commented [MF23]:** Moved to Section 14.03.120: Use-Specific Standards

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

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

**Commented [MF24]:** Moved to Section 14.03.100: Dimensional Requirements

G. **Gasoline Service or Filling Stations Fueling Station:**

The following regulations shall apply to all gasoline service or filling stations  
A fueling station must comply with the following standards:

1. All buildings shall be ~~located at least a minimum of~~ forty feet (40') from any street right-of-way line.
2. Fuel pumps and other appliances shall be ~~located at least 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. ~~All major repair work, if any, shall be conducted within a completely enclosed building; and~~
5. Open storage of wrecked or inoperable automobiles or trucks, discarded tires, automotive parts, or similar materials ~~shall is not be~~ permitted.

**Commented [MF25]:** Moved to Section 14.03.120: Use-Specific Standards

#### H. Yard Sheds:

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

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

1. General Standards.
  - a. ~~Only one (1) yard shed is allowed for each principal use (e.g., a residential dwelling). 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. ~~Yard sheds are structures that shall be used only for the storage of lawn and garden maintenance equipment and supplies and may Cannot be used for human or animal habitation, or as a garage.~~
  - d. ~~No hazardous, explosive, or flammable 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 (200) square feet, 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 (200) square feet in total area and/or multiple yard sheds are combined under a single roof.~~
3. Other Permit Requirements.
  - a. ~~A building permit is not required for a yard shed that is two hundred (200) square feet, or less, in total area and complies with the standards in this Subsection.~~
4. Siting Requirements.

- a. May be placed located within the anywhere in a rear yard building setback area provided that 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 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. Cannot be placed in a drainage easement or drainage way.
5. Design Requirements.
- a. ~~Yard sheds may not exceed one hundred forty four square feet (144 sq. ft.) in total area.~~
  - b. The maximum linear wall dimensions of yard sheds shall not exceed ~~twelve twenty~~ feet (~~12'20'~~) on any side.
  - c. The ~~maximum~~ height of yard shed ~~will cannot~~ exceed ~~eight ten~~ feet (~~8'10'~~), as measured from the natural grade at the base of the ~~ground shed~~ to the highest point of the shed's roof or wall, whichever is greater.

**Commented [MF26]:** Moved to Section 14.03.120: Use-Specific Standards

**I. Landscaping**

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

**Commented [MF27]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

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

**Commented [MF28]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

- K. Interstate 70 Setback. A required setback from County Rd. 45 or Interstate 70 shall be a minimum of twenty-five (25') from the edge of right-of-way of the nearest traffic lane. ~~The setback area must be effectively landscaped in conformance with all applicable sections of the Town of De Beque Municipal Code, screen outside storage areas and present the impression of low intensity land use. The landscaping shall be maintained in a "green and growing" condition and shall be approved as part of an annexation, the building permit application or~~

**Commented [MF29]:** Incorporated into Table 14.03.030: Dimensional Requirements for All Zone Districts

~~subdivision approvals. No lots shall front on Interstate 70.~~

**Commented [MF30]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

L. Landscaping in RZD Zone District:

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

**Commented [MF31]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

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

**Commented [MF32]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

N. Screening and Outside Storage.

~~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:~~

- ~~1. All outside storage areas shall~~ **Must** be screened with a ~~100%an~~ opaque fence with a minimum height of ~~seven feet (7')~~ **six feet (6')** ~~to that screens the storage area from view when observed from the centerline of all adjoining street rights-of-ways.~~
- ~~2. All stored, piled, or stacked materials shall~~ **must** be configured to ensure adequate screening by the opaque fence.
- ~~and All equipment shall~~ **must** be stored in the lowest operating position.
- ~~3. All screening fences shall~~ **must** be maintained in a good and safe condition.
- ~~4. All fences, with structural support members on one side, shall~~ **must** be constructed with ~~the structural support members facing to the interior of the property. (Ord. 363 §2, 2007)~~

**Commented [MF33]:** Moved to Section 14.03.110: General Use Standards and consolidated with Section 14.03.110(D): Non-Residential Uses

14.03.140 Home Occupations.

~~A home occupation must comply with the following standards:~~

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

- ~~1. Office for the conduct of a business or profession~~
- ~~2. Artist or craft studio~~

~~3. Clothing alterations~~

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

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

- ~~1. In addition to family members residing in the dwelling, up to two (2) additional fulltime equivalent employees that do not reside on the property may be engaged in the business or home occupation.  
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 of the dwelling is used for the business or home occupation can be used for a home occupation.~~
- ~~3. An accessory building may be used provided the floor area requirements are not exceeded, and that the accessory building can be converted back to a common accessory building upon termination of the home occupation.~~
- ~~4. A minimum of one (1) additional off street parking space shall be provided on site for the home occupation, but more may be required by the Town as necessary.  
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.~~
- ~~5. The property must maintain a non-business appearance at all times.~~
- ~~6. No sign may exceed one and one half square feet (1 ½ sq. ft.).  
Signage for a home occupation is permitted in accordance with Chapter 14.13.~~
- ~~7. The A home occupation can be shown must demonstrate that it is not to be a nuisance to surrounding properties due to noise, odor, or increased traffic. If a home occupation is lawfully established and a nuisance resulting from the home occupation is determined to exist after the establishment of the home occupation, the Town Board of Trustees shall allow the owners one hundred twenty (120) days in which to correct the nuisance, relocate the use, or terminate use of the property for the home occupation.~~

**Commented [MF34]:** Moved to Section 14.03.120: Use-Specific Standards

~~14.03.150 General Requirements for All Business, Commercial and Industrial Uses Non-Residential Uses.  
All non-residential uses shall comply with the following standards:~~

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

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

14.03.170 Descriptions and Limitations of Zone Districts.

A. RZD - Residential Zone District

Description: ~~The Residential Zone District is to provide area primarily a-for residential district uses intended to and~~ accommodate mixed residential housing types, including single-family housing, townhouses and ~~low small-scale apartment units, buildings. Few Limited non-~~residential uses are permitted in ~~the Residential Zone District this zone district.~~ (Ord. 436 §2, 2013)

B. OTC - Old Town Center Zone District

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

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

C. SC - Service Commercial Zone District

**Commented [MF35]:** Incorporated with Section 14.03.110: General Use Standards

**Commented [MF36]:** Moved to Chapter 14.01: General Provisions

**Commented [MF37]:** Incorporated with Table 14.03.010: Zone Districts

**Commented [MF38]:** Incorporated with Table 14.03.010: Zone Districts

**Commented [MF39]:** Incorporated with Table 14.03.020: Schedule of Uses

**Commented [MF40]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.



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

**Commented [MF41]:** Incorporated with Table 14.03.010: Zone Districts

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

**Commented [MF42]:** Incorporated with Table 14.03.020: Schedule of Uses

**Commented [MF43]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

#### D. HC - Highway Commercial Zone District

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

**Commented [MF44]:** Incorporated with Table 14.03.010: Zone Districts

2. Limitations:

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

**Commented [MF45]:** Move to Chapter 14.13: Sign Code and revise to eliminate any duplication.

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

**Commented [MF46]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.110: General Use Standards

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

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

**Commented [MF47]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

#### E. P - Public Zone District

1. Description: ~~The Public (P) Zone District is intended to provide for the use of land~~

~~on some of the property owned by the Town of De Beque. The Public (P) Zone District may be used only for Town of De Beque municipal purposes as further described in 17.03.180.~~

~~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.~~

**Commented [MF48]:** Incorporated with Table 14.03.010: Zone Districts

~~2. **Limitations:**~~

~~a. Only land owned by the Town of De Beque, other local governments and federal government agencies may be zoned P - Public~~

~~b. Transfer of Ownership: Whenever property within the Public Zone District is transferred to private ownership or a non-government entity as identified in Section 14.03.170E2a, such transferred area must be rezoned to an appropriate Town zone district and all subsequent use of the property shall conform to the new zone district requirements.~~

**Commented [MF49]:** To be revisited as part of on-going effort to update to Title 14.

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

**Commented [MF50]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.110: General Use Standards

F. I - Industrial Zone District

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

**Commented [MF51]:** Incorporated with Table 14.03.010: Zone Districts

2. **Limitations:**

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

**Commented [MF52]:** Move to Chapter 14.08: Design Standards and revise to eliminate any duplication.

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

**Commented [MF53]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.110: General Use Standards

G. AGI - Agricultural/Open Space I Zone District

**Commented [MF54]:** Combined with AGII Zone District

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

**Commented [MF55]:** Incorporated with Table 14.03.010: Zone Districts

and if the parcel is large enough, a separate single dwelling unit for one or more ranch employees working on site are permitted per lot.

**Commented [MF56]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.120: Use-Specific Standards

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

**Commented [MF57]:** To be revisited as part of on-going effort to update to Title 14.

**Commented [MF58]:** Addressed in Table 14.03.020: Schedule of Uses - Keeping of Animals in Excess of Allowances in Title 9

**Commented [MF59]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.110: General Use Standards

(Ord. 373, § 2, 2008)

H. **AGII - Agricultural/Open Space II Zone District**

**Commented [MF60]:** Combined with AGI Zone District

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

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

**Commented [MF61]:** To be revisited as part of on-going effort to update to Title 14.

**Commented [MF62]:** Addressed in Table 14.03.020: Schedule of Uses - Keeping of Animals in Excess of Allowances in Title 9

**Commented [MF63]:** Incorporated with Table 14.03.020: Schedule of Uses

**Commented [MF64]:** Incorporated with Table 14.03.020: Schedule of Uses and Section 14.03.110: General Use Standards

(Ord. 373, § 2, 2008)

**Commented [MF65]:** Addressed in Table 14.03.020: Schedule of Uses - Agricultural Use

**14.03.180090 Schedule of Uses.**

Table 14.03.020 lists the uses allowed within the town'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 14.03.210. Each Use Type listed in Table 14.03.020 is defined in Chapter 14.##: Terms & Definitions.

Table 14.03.020: Schedule of Uses

Land Use/Use Type	Zone Districts								Use-Specific Standards
	RZD	OTC	SC	HC	P	I	AGI	AGH	
<b>Agricultural Uses</b>									
Agricultural Use	S	■	■S	■S	■	S	P	P	■
Feedlot	■	■	■	■	■	■	■	■	■
Horses, keeping of, stables and other equestrian facilities	S	■	S	■	■	S	P	P	■
Keeping of Animals in Excess of Allowances in Title 9									

**Commented [MF66]:** To be discussed with P&Z at Feb. 14 Meeting

Table 14.03.020: Schedule of Uses

Land Use/Use Type	Zone Districts								Use-Specific Standards
	RZD	OTC	SC	HC	P	I	AGI	AGH	
<b>Commercial &amp; Industrial Uses</b>									
Adult Entertainment Establishment	■	■	■	■S	■	S	■	■	Chapter 14.11
Automobile and Truck Repair	■	■	SP	SP	■	P w/ Screened outside Storage	■	■	■
Automotive Sales and Service	■	■	P	SP	■	P	■	■	■
Bakery	■	P	P	P	■	P	■	■	■
Bed and Breakfast Accommodations	SP	■	■	P	■	■	S	S	■
Campground &-or Recreational Vehicle (RV) Park (limited stay)	■	■	S	S	■	■	S	S	
Car Wash	■	S	SP	P	■	P	■	■	■
Carpentry and Contractors' Shop	■	■	P	■P	■	P w/ Screened outside Storage	■	■	■
Day care centers and homes Childcare Center, Licensed	S	■	■P	■P	■	■	S	S	■
Childcare, Home	P	P	P	P	P	P	P		■
Medical and dental clinics Clinic, Medical or Dental	■	SP	SP	P	■	■P	■	■	■
Convenience retail Store	■	S	S	P	■	■P	S	■	■
Dry Cleaning Establishment	■	■	P	P	■	P	■	■	■
Eating and Drinking Establishment excluding drive- in restaurants	■	P	P	P	■	■P	■	■	■
Drive-in restaurants Eating and Drinking Establishment, Drive-In/Drive- Through	■	SP	SP	P	■	■P	■	■	Section 14.03.120(C)
Theaters Entertainment Business	■	SP	SP	P	■	■P	■	■	■
Equipment sales and rental	■	■	P	S	■	P	S	S	
Financial Institution	■	SP	SP	SP	■	■P	■S	■	■
Drive-up banks Financial Institution, Drive- In/Drive-Through	■	SP	SP	P	■	■P	■	■	Section 14.03.120(C)
Frozen food lockers	■	■	P	■	■	P	S	S	
Automobile Service Station Fueling Station	■	S	P	P	■	P	■	■	Section 14.03.120(E)
Grocery Store	■	S	S	P	■	■P	■	■	■
Hospital	■	S	P	SP	■	■P	■	■	■
Veterinary animal hospitals Hospital, Veterinary Animal	■	■P	SP	P	■	SP	P	P	■
Hotel and-or Motel	■	SP	SP	P	■	■	S	S	■
Kennel	■	■	S	S	■	SP	PS	P	■

Commented [MF67]: Consolidated into new use type: "Retail or Rental Business"

Table 14.03.020: Schedule of Uses

Land Use/Use Type	Zone Districts								Use-Specific Standards
	RZD	OTC	SC	HC	P	I	AGI	AGH	
<b>Commercial &amp; Industrial Uses (continued)</b>									
Laundromat	■	P	P	P	■	P	■	■	■
Machine Shop	■	■	P	S	■	P	■	■	■
Manufactured/Mobile Home Sales	■	■	S	SP	■	SP	■	■	■
Manufacturing, Fabrication, and Assembly	■	■	S	SP	■	P	■	■	■
Offices for the conduct of a business or profession	■	P	P	P	■P	P	■	■	■
Outside Storage, Unscreened	■	S	S	■	■	S	P	P	■
Outside Storage, Screened	■	S	S	S	S	P	P	P	■
Paint and body shops	■	■	S	S	■	P	■	■	■
Parking Lot or Garage, Commercial	■	S	S	S	■	P	■	■	■
Personal Service Establishment	■	P	P	P	■	■P	■	■	■
Personal Storage Units (Mini-Storage)	■	■	S	■P	■	P	■	■	■
Publishing	■	■P	P	P	■	P	■	■	■
Indoor commercial or public recreation facilities Recreation Facility, Indoor	■	S	P	P	■P	■P	S	P	■
Recreational Vehicle (RV) Sales and Service	■	■	P	SP	■	P	■	■	■
Retail sales establishments or Rental Business	■	P	P	P	■	P	■	■	■
Retail Marijuana <sub>1</sub> Cultivation Facility	■	■	■	S	■	S	S	S	Section 5.22.200
Retail Marijuana <sub>1</sub> Cultivation Facility-Limited	■	S	S	S	■	S	S	S	Section 5.22.200
Retail Marijuana <sub>1</sub> Product Manufacturing Facility	■	S	S	S	■	S	■	■	Section 5.22.200
Retail Marijuana <sub>1</sub> Store	■	S	S	S	■	S	■	■	Section 5.22.200
Retail Marijuana <sub>1</sub> Testing Facility	■	S	S	S	■	S	■	■	Section 5.22.200
Storage Yard	■	■	S	■	■	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	S	P	S	S	■
Assembly Hall	■	P	■P	■P	■P	■	■	■	■
Clubs and lodges Club, Lodge, or Fraternal Organization	■	P	■P	P	■	■	■	■	■

Commented [MF68]: Consolidated with "Manufacturing, Fabrication, and Assembly"

Commented [MF69]: Consolidated with "Automotive Sales and Service"

Table 14.03.020: Schedule of Uses

Land Use/Use Type	Zone Districts								Use-Specific Standards
	RZD	OTC	SC	HC	P	I	AGI	AGH	
<b>Public, Institutional, and Civic Uses (continued)</b>									
Governmental Buildings, Facilities, and Associated Uses including temporary housing for working crews	■	P	P	P	SP	SP	S	S	■
Library	■	P	■P	SP	■P	■	■	■	■
Municipal Wastewater Treatment Facilities	■	■	■	■	SP	P■	P■	P	■
Municipal Water Treatment Facilities	■	■	■	■	SP	P■	P■	P	■
Park or Open Space Area	P	P	■P	P	■P	P	P	P	■
Parks and Open Space owned by the Town	P	P	■	P	P	S	P	P	■
Churches Place of Worship or Similar Type of Religious Use	S	■	S	SP	■	■P	S	S	■
Public Building	■	P	P	P	■P	P	P	P	■
Public Transit Maintenance facilities/Facility	■	■	■	■P	■	P	■	■	■
School	S	S	S	■S	■	■S	S	S	■
Telecommunications facilities	S	S	S	■	S	S	S	S	■
Telecommunication Facilities, and Towers	■	S	S	■S	■	S	S	S	■
Public Transit Stop	P	P	P	P	P	P	P	P	■
Underground Utilities	P	P	P	P	P	P	P	P	■
Utility Treatment, Processing, Distribution, and Production Facilities	■S	S	S	■S	■S	S	■S	■	■
<b>Residential Uses</b>									
Assisted Living Facility	S	■	P	■	■	■	S		■
Multiple family dwellings and town homes Dwelling, Multi-Family (including Townhomes)	S	■	■	■	■	■	■	■	■
Single family dwellings Dwelling, Single-Family	P	■	■	■	■	■	P	P	■
Two family dwellings Dwelling, Two-Family (Duplex)	SP	■	■	■	■	■	SP	S	■
Group Home for the developmentally disabled or for persons sixty (60) years of age or older	S	■	■P	■	■	■	S	S	
Mobile homes Manufactured/Mobile Home	S	■	■	■	■	■	■P	■	Chapter 14.12
Mobile home parks Manufactured/Mobile Home Park	S	■	■	■	■	■	■	■	Chapter 14.12
Nursing Home	S	■	■P	■	■	■	■S	■	■

Commented [MF71]: Consolidated with "Parks or Open Space Areas"

Commented [MF71]: Consolidated with "Telecommunication Facilities and Towers"

Table 14.03.020: Schedule of Uses

Land Use Use Type	Zone Districts								Use-Specific Standards
	RZD	OTC	SC	HC	P	I	AGI	AGH	
<b>Accessory Uses</b>									
Accessory Dwelling Unit	P	■	■	■	■	■	P		Section 14.03.120(A)
Automated Teller Machine facilities	■	P	P	P	■	■	■	■	■
Day care on-site as an accessory use to a business for the use of employees of the business Childcare, Accessory to a Business	■	SP	SP	SP	■P	SP	SP	S	■
Dwellings in the same building as a business Dwelling, Accessory to a Business	■	SP	S	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)
Personal service establishment as a Home Occupation	SP	■P	■P	■P	■P	■P	SP	S	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>									
Uses not listed Unlisted Use	S	S	S	S	■S	S	S	S	Section 14.03.080

Commented [MF72]: Re-classified as an "Accessory Use"

Commented [MF73]: Allowed in the back half of the building (i.e., not fronting on street) or the 2nd story of the building. Refer to Section 14.03.120: Use-Specific Standards.

**LEGEND**

P = Permitted as a use by right 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).

~~14.03.190 Reserved.~~

14.03.200100 Schedule of Requirements – RZD, OTC, SC, HC, I and P Districts Dimensional Standards.

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 Standards for All Zone Districts

Zoning Requirements	ZONE DISTRICTS							
	RZD	OTC	SC	HC	I	P	AGI	AGH
<b>Lot Requirements, Minimum</b>								
Minimum Lot Size	6,000 SF	3,000 square feet for a non-residential use	9,000 square feet	3,000 square feet	3,000 square feet	NA	9,000 SF	9,000 square feet for a single family dwelling
Lot Area per Single-Family Detached Dwelling	6,000 square ft. per single family dwelling	4,500 square feet for uses combined with residential uses					6,000 square feet for each attached dwelling unit	6,000 square feet for each attached dwelling unit
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	-	-	
Lot Area per Dwelling Unit in 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	

Commented [MF74]: To be revisited as part of on-going effort to update to Title 14.

Commented [MF75]: To be revisited as part of on-going effort to update to Title 14.

Commented [MF76]: To be revisited as part of on-going effort to update to Title 14.

Commented [MF77]: To be revisited as part of on-going effort to update to Title 14.

Commented [MF78]: To be revisited as part of on-going effort to update to Title 14.



<b>Setbacks, Minimum (continued)</b>								
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 Normal High-Water Line of Streams and/or Riverbanks	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	
<b>Additional Requirements</b>								
Maximum Lot Coverage (percent) Lot Coverage, Maximum	50%	80%	65%	65%	65%	65%	50%	50%
Maximum Building Height Building Height, Maximum	25 feet	25 feet	25 feet	35 feet	35 feet	25 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	
Maximum Floor Area Ratio	1:1	2:1	1:1	1.5:1	1:1	1:1	1:1	1:1
Minimum Building Setbacks:(1) Front Yard:	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	0 feet	10 feet	20 feet	20 feet	20 feet	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater	15 feet from the right-of-way or 20 feet from the sidewalk whichever is greater

	10 feet Except on corner lots where rear yard adjoins side yard of adjacent lot, then a minimu m of 5 feet or ½ height of the building whichev er is greater								
(2) Rear Yard:		0 feet	10 feet	20 feet	20 feet	20 feet	10 feet	10 feet	
	A minimu m of 5 feet or ½ the height of the building ; whichev er is greater	0 feet	10 feet	10 feet	10 feet	10 feet	A minim um of 5 feet or ½ the height of the buildin g; whiche ver is greater	A minim um of 5 feet or ½ the height of the buildin g; whiche ver is greater	
(3) Side Yard:		0 feet	10 feet	10 feet	10 feet	10 feet	A minim um of 5 feet or ½ the height of the buildin g; whiche ver is greater	A minim um of 5 feet or ½ the height of the buildin g; whiche ver is greater	
(4) Setback From Streams and Rivers	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	25 feet from the normal high water line	

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

**LEGEND**

SF: Square Feet | LF: Linear Feet

Note: Also subject to the provisions of Section 14.03.130

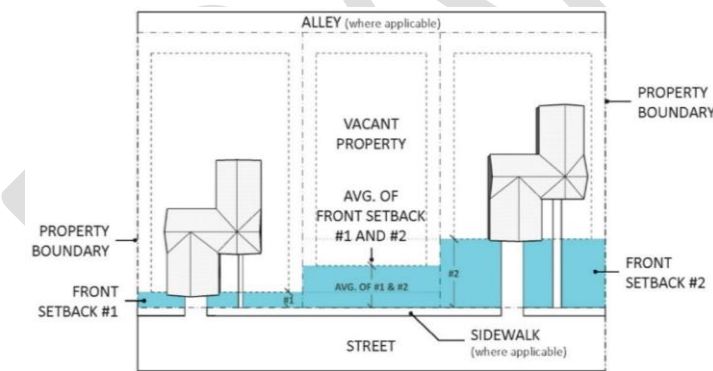
Commented [MF79]: Note deleted, not needed

(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

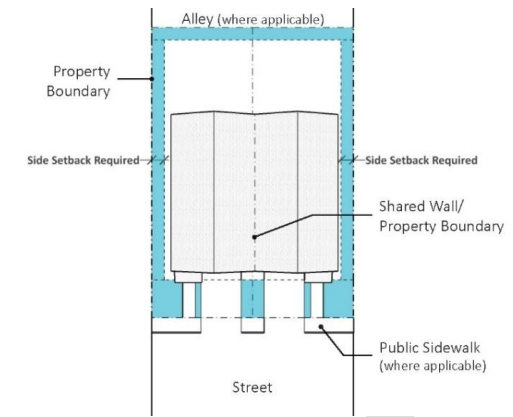
1. Where a lot in a ~~business, commercial or industrial non-residential~~ zone district (OTC, SC, HC, I, P, or AG) shares a ~~common~~ side lot line with a lot in a residential zone district (RZD), the required side yard setback of the residential zone district shall ~~be observed~~apply along both sides of the common lot line, ~~in the commercial or industrial district.~~
2. Where the side yard of a lot in a business, commercial or industrial district is an extension of the front yard of a lot in an adjacent residential district, a side yard setback equal to one half (1/2) the required front yard setback of the residential district shall be observed by the lot in the commercial district.
3. ~~On a~~When a vacant lot is bordered on two (2) sides by ~~previously~~ lots with existing principal constructed buildings or structures, either of which do not meet the required front yard setback requirements for the zone district, the required front yard setback for the vacant lot shall be ~~established as the averaged~~ of the front setbacks of the front yard setback of the two (2) adjacent buildings or structures on the adjoining lots. ~~Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum front yard setback for the district.~~

Diagram 14.03.010: Averaging Setbacks



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



5. On double frontage lots ~~or (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, shall be considered front streets for purposes of calculating front yard setbacks.~~
6. 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.
7. ~~On corner lots bordered by two (2) streets, in the Residential Zone District (RZD), the common property line between the corner lot and an adjacent lot shall be considered as a side yard for the purposes of determining building setback requirements provided the common lot line is a side yard of the adjoining lot. (See, Section 14.03.200 for setback requirements.)~~
8. ~~On lots bordered on two (2) or more sides by streets, the required front yard setback shall be observed along all streets.~~
9. Every part of required yard shall be unobstructed ~~by building~~ from ground level to the sky, except for ~~select improvements and projections of architectural features as follows that may encroach into required setbacks as follows:~~
  - a. Cornices, sills, and ornamental features may project ~~up to twelve inches~~ one foot (42" 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 ~~not restricted when permitted in a required yard if they do not exceed a height of less than~~ forty-two inches (42") above ground level.
  - d. Covered front porches or stoops may extend up to eight feet (8') into a required front

**Commented [MF80]:** Incorporated with Table 14.03.030: Dimensional Standards for All Zone Districts

**Commented [MF81]:** Incorporated with Table 14.03.030: Dimensional Standards for All Zone Districts

yard, if 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 ~~any~~ required side yard, or up to four feet (4') into ~~any~~ required front or rear yard.
- f. Solar collection devices and equipment may project up to eighteen inches (18") into a required yard and/or setback.
- 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. No limitation shall apply to monuments, cupolas, domes, towers, spires and similar noninhabitable structural appurtenances for public or semipublic buildings. 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. Height limitations of this regulation shall not apply to stacks, vents, chimneys, antennae, cooling towers, elevator bulkheads and overrides, solar panels, tanks, or similar mechanical appurtenances equipment which may extend no more than up to ten feet (10') above the permitted maximum building height, if in compliance with the applicable screening requirements set forth in Chapter 14.08.

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.

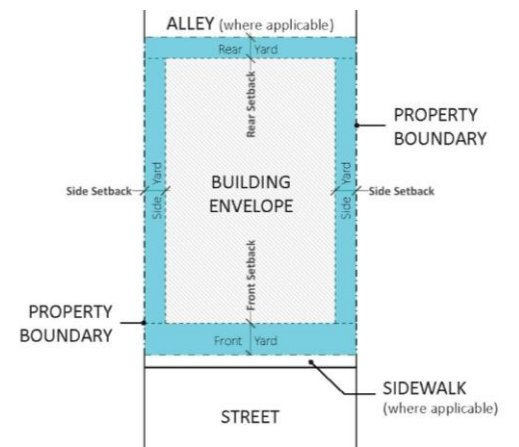
2. Setback Measurements

- 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. ~~The maximum height of buildings shall be measured vertically at the front yard setback line from undisturbed or natural ground level to the top of a flat or mansard roof or to the midpoint between the eave line, ridge line of a gable, gambrel, hip, shed or similar pitched roof; for lots sloping less than one foot (1') vertical in ten feet (10') horizontal away from the established street grade.~~

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 at the front yard setback line 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. ~~On~~ Unless otherwise provided in this Title, for lots sloping more than one foot (1') vertically in ten feet (10') horizontally, the vertical 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-existing/preconstruction grade, prior to construction of the building and not exceed the required height at any point of the building from existing grade.

- c. Yard Shed Height. Measured- Shall be measured as the vertical distance between from the undisturbed or natural grade of the ground at the base of a yard shed to and the highest point of the shed's roof or wall, whichever is greater.
- d. Fence, Hedge, or Freestanding Wall Height. The height shall be measured as the vertical distance between the undisturbed or natural grade at the finished grade on the side nearest the street or abutting property 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 environmental standards regulations of Mesa County, the Town of De Beque, the State of Colorado, and/or the federal United States government shall 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

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

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 therefrom 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. All business, commercial and industrial facilities when adjacent to a residential uses, a non-residential use must shall be screened from the residential such use with landscaping and an opaque fencing with of a minimum height of seven six feet (67'), subject to review and approval of the Town Board of Trustees. This standard does not apply to residential uses located in the same building as a non-residential uses.
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:



- a. Must be screened with an opaque fence with a minimum height of ~~seven-six~~ seven-six feet (~~7'6"~~) 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 ~~and structure~~ to a single-family detached dwelling.
3. An ADU may ~~Can~~ 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~~ is not required to front on a public street.
6. ADUs ~~S~~ shall not exceed eight hundred (800) square feet.
7. Each ADU ~~M~~ must be a separate dwelling unit that is, ~~or can be, isolated~~ separated from

the primary dwelling unit.

8. ADU's ~~M~~ 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 ~~S~~ 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 ~~M~~ may be located anywhere in the second story of the building.

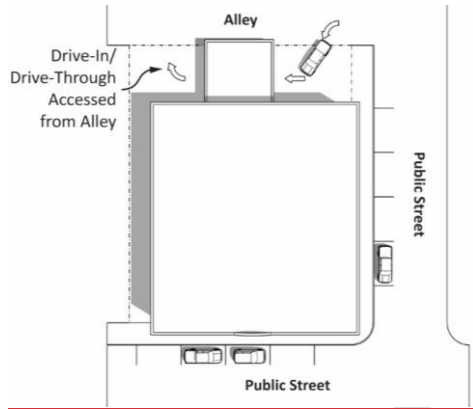
C. Drive-In/Drive-Through

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

~~All fences, hedges, and walls may be permitted in the required yards of any district subject to the following conditions and requirements.~~ must comply with the following standards:

1. General Requirements

- a. All fences and walls are ~~subject to the~~ must comply with applicable building code requirements.
- b. ~~It shall be the responsibility of the property owner to accurately locate all property lines. No fence, hedge, or wall may extend beyond, or across, a property line unless with the authorized by a joint written agreement of 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. No fence, hedge, wall or sign shall be placed nearer than twelve inches (12") to any public sidewalk.
- b. ~~On corner lots, no fence, hedge or wall over forty-two inches (42") in height above the elevation of the curb shall be placed in the intersection of a triangular area formed by three (3) points as established by:~~
  - i. ~~the intersection of the property line at the corner;~~
  - ii. ~~by measuring thirty feet (30') back from this intersection on each property line and connecting the two (2) ends of the legs to form a triangle.~~
- c. ~~At the intersection of a street and alley, no retaining wall or fence over forty-two inches (42") in height shall be placed within seven feet (7') of the corner of the lot next to the public right of way and the alley.~~
- 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. ~~No b~~Barbed wire, razor wire, or similar types of sharp-pointed fencing.

ii. ~~or e~~Electrically charged fence-fencings shall be permitted.

b. Fences or walls shall not exceed seven feet (7') in height ~~except a higher fence may be unless~~ required by the ~~T~~own as a condition of approval of a Special Use. ~~The height shall be measured at the finished grade on the side nearest the street or abutting property.~~

c. ~~No f~~Fences, hedges, or walls located within ~~the a~~ front yard ~~setback area~~ shall not exceed forty-two inches (42") in height.

E. Fueling Stations:

~~The following regulations shall apply to all gasoline service or filling stations~~  
A fueling station must comply with the following standards:

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

2. Fuel pumps and other appliances shall be ~~located at least 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. ~~All major repair work, if any, shall be conducted within a completely enclosed building; and~~

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

F. Home Occupations.

A home occupation must comply with the following standards:

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

~~1. Office for the conduct of a business or profession~~

~~2. Artist or craft studio~~

~~3. Clothing alterations~~

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

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

~~1. In addition to family members residing in the dwelling, up to two (2) additional fulltime equivalent employees that do not reside on the property may be engaged in the business or home occupation.~~

~~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 ~~of the dwelling is used for the business or home occupation~~can be used for a home occupation.~~

~~3. An accessory building may be used provided the floor area requirements are not exceeded, and that the accessory building can be converted back to a common accessory building upon termination of the home occupation.~~

~~4. A minimum of one (1) additional off-street parking space shall be provided on site for the home occupation, but more may be required by the Town as necessary.~~

~~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.~~

~~5. The property must maintain a non-business appearance at all times.~~

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

~~Signage for a home occupation is permitted in accordance with Chapter 14.13.~~

~~7. ~~The~~ A home occupation ~~can be shown~~must operate in such a manner demonstrate that it is not to be a nuisance to surrounding properties due to noise, odor, vibration, glare, dust, or 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 a nuisance resulting from the home occupation is determined to exist after the establishment of the home occupation, the Town Board of Trustees shall allow the owners one hundred~~

~~twenty (120) days in which to correct the nuisance, relocate the use, or terminate use of the property for the home occupation. 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.
2. General Standards.
  - a. Cannot be used for temporary or permanent habitation by humans or animals.
  - b. 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.
  - c. Must be secured against unauthorized entry.
  - d. Must comply with all applicable health regulations.
  - e. Storage of materials on top of a shipping container is prohibited.
  - f. Materials stored within a shipping container are subject to review and approval by the Fire District.
3. Building Permit Requirements.
  - a. 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.
  - b. Any additions to, or remodels of, a shipping container require the issuance of a building permit.
  - c. 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.
4. Other Permit Requirements.
  - a. 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.
5. Siting Requirements.
  - a. Cannot be placed in a public right-of-way, accessway, front yard or any required off-street parking, loading, or landscape area.
  - b. Must comply with the applicable requirements set forth in Section 14.03.100, including but not limited to setbacks and lot coverage.
  - c. Vertical stacking of shipping containers is prohibited.

- d. If not on a permanent foundation, a storage container must be placed on a level, all-weather surface to ensure stability and safety.
- 6. Design Standards.
  - a. 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.
  - b. 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').
- 7. 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. Yard sheds are structures that shall be used only for the storage of lawn and garden maintenance equipment and supplies and may ~~Cannot~~ be used for human or animal habitation, or as a garage.
    - d. No hazardous, ~~or explosive, or flammable~~ materials can be stored in a yard shed.

2. Building Permit Requirements.
  - c. A building permit is not required for a yard shed that is two hundred (200) square feet, or less, in total area and complies with the standards in this Subsection.
  - d. A building permit is required for a yard shed that is greater than two hundred (200) square feet in total area and/or multiple yard sheds are combined under a single roof.
3. Other Permit Requirements.
  - b. A building permit is not required for a yard shed that is two hundred (200) square feet, or less, in total area and complies with the standards in this Subsection.
4. Siting Requirements.
  - d. May be ~~placed~~ located ~~within the~~ anywhere in a rear yard ~~building setback area~~ provided that 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.
  - e. 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.
  - f. Yard sheds ~~Can~~ cannot be placed in a drainage easement or drainage way.
5. Design Requirements.
  - a. ~~Yard sheds may not exceed one hundred forty four square feet (144 sq. ft.) in total area.~~
  - b. The length ~~maximum linear wall dimensions~~ of yard sheds walls shall not exceed twelve twenty feet (12'20') on any side.
  - c. The ~~maximum~~ height of yard shed ~~will can~~ not exceed eight ten feet (8'10'), as measured from the undisturbed or natural grade at the base of the ~~ground shed to and~~ the highest point of the shed's roof or wall, whichever is greater.