

TOWN OF DE BEQUE ORDINANCE NO. 546

SERIES 2025

AN ORDINANCE AMENDING SECTION 14.03.060: PRINCIPLE AND ACCESSORY USES, SECTION 14.03.090: SCHEDULE OF USES TABLE 14.03.020, SECTION 14.03.100: DIMENSIONAL REQUIREMENTS, AND SECTION 14.01.180: GENERAL TERMS DEFINED OF THE TOWN OF DE BEQUE MUNICIPAL CODE TITLE 14.

The following describes the intent and purpose of this Ordinance:

- a) The Town of De Beque (the Town) possesses the authority to regulate zoning within the Town for the purpose of promoting the health, safety, and the general welfare of the community pursuant to C.R.S. § 31-23-301 and other applicable law.
- b) The Town of De Beque's Municipal Code Sections 14.03 et. seq. and 14.06.050-14.06.150 outline the review criteria, procedures, and the authority of the Board of Trustees to approve this Ordinance regarding zoning, terms as they relate to zoning, and building code exceptions.
- c) A staff report was completed on January 8 and February 4, 2025, providing an analysis of the proposed text amendment to the Town's Principle and Accessory Uses, establishing zoning regulations for medical marijuana, zoning regulations for natural medicine businesses, zoning regulations for schools in public zones by right, remove Convenience Store as a use type, allow mobile homes as a use by right in residential zone districts, address Dimensional Requirements for original Townsite lots, clarification of the language regarding the authorized exceptions to maximum building height requirements .and the addition of new General Terms as defined in the Town's Code.
- d) The Planning Commission reviewed the staff reports as they relate to the above-referenced text changes and made its recommendations for approval by the Board of Trustees as indicated in the attached exhibits, as required under 14.06.100(B).
- e) The Board of Trustees held a duly noticed public hearing to consider this Ordinance on February 25, 2025.
- f) The Board of Trustees considered all the evidence presented by staff, other interested parties, comments of review agencies, staff recommendations, and comments from the public.
- g) The Board of Trustees determines that it is in the public interest that the Town Code is clear on what constitutes a principle and accessory use, that the Schedule of Uses Table reflects all permitted and special uses allowed in every zone district, that new zoning regulations are adopted in anticipation of the State of Colorado's issuance of licenses to Natural Medicine Businesses, building code and exceptions to such codes are clear and understandable, and that the General Terms section of the Town's Code is updated to reflect these new zoning regulations.

- h) Additionally, the Board of Trustees determines that it is in the public interest that contiguous lots within the original Townsite, which are typically smaller in area, be treated as a single lot for purposes of applicant compliance with Town dimensional standards, such as area, lot size, and setbacks.

Therefore, the Town of De Beque Municipal Code is amended to read as follows:

Amended Section 14.03.060: Principal and Accessory Uses is adopted as set forth in **Exhibit 1**, attached.

Amended Section 14.03.090: Schedule of Uses Table 14.03.020, is adopted as set forth in **Exhibit 2**, attached.

Amended Section 14.03.100: Dimensional Requirements is adopted as set forth in **Exhibit 3**, attached.

Amended Section 14.03.120: Use-Specific Standards is adopted as set forth in **Exhibit 4**, attached.

Amended Section 14.03.180: General Terms Defined is adopted to include the additional terms as listed in **Exhibit 5**, attached.

Approved by the Board of Trustees this 25th day of February, 2025. This Ordinance shall take effect thirty (30) days from the date of publication.

TOWN OF DE BEQUE BOARD OF TRUSTEES:

Cindy Farris
Cindy Farris, Mayor Pro Tem

02/27/25
Date

ATTEST:

Lisa Rogers
Lisa Rogers, Town Clerk

02/27/25
Date



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14.03.060: PRINCIPAL AND ACCESSORY USES

A. Principal Uses

1. Principal uses, permitted in the town's zone districts, are identified in Section 14.03.090 and are categorized as: Agricultural Uses; Commercial & Industrial Uses; Public, Institutional, and Civic Uses; and Residential Uses. All principal uses are subject to the applicable requirements of this Title.
2. Only one (1) principal use and one (1) principal building per lot is allowed in the Residential zone district (RZD) unless specifically permitted by an approved Special Use or Planned Unit Development (PUD).
3. More than one (1) principal use and principal building per lot is allowed in the non-residential zone districts (OTC, SC, HC, I, P, and AG).
4. When more than one (1) principal building is on a lot the following requirements shall be met:
 - a. The minimum spacing between separate buildings shall be ten (10) feet or half ($\frac{1}{2}$) the height of the tallest building, whichever is greater.
 - b. Adequate infrastructure (e.g., roads, sidewalks, etc.) and utilities (e.g., water, sewer, electricity, gas, etc.) to serve each building must be provided.

B. Accessory Uses

1. Accessory uses, permitted in the town's zone districts, are identified in Section 14.03.090 and are subject to the applicable requirements of this Title.
2. A principal use must be established on a lot before an accessory use is permitted. This requirement does not apply to fences, which are permitted on a lot prior to a principal use being established.
3. More than one (1) accessory use may be permitted per lot.
4. Unless otherwise stated in this Section, any land use or structure identified as an accessory use in Section 14.03.090 may be permitted as a principal use on a lot if a Special Use is approved for such land use or structure.

Exhibit 2

14.03.090: SCHEDULE OF USES

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

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

Table 14.03.020: Schedule of Uses

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

Exhibit 2

Table 14.03.020: Schedule of Uses (continued)

USE TYPE	ZONE DISTRICTS							USE-SPECIFIC STANDARDS
	RZD	OTC	SC	HC	P	I	AG	
Commercial & Industrial Uses (continued)								
Manufacturing, Fabrication, and Assembly	-	-	S	P	-	P	-	-
Medical Marijuana, Center	-	S	S	S	-	S	-	Section 5.22.200
Medical Marijuana, Infused-Products Manufacturing Facility	-	S	S	S	-	S	-	Section 5.22.200
Medical Marijuana, Testing Facility	-	S	S	S	-	S	-	Section 5.22.200
Natural Medicine Cultivation Facility	-	-	S	S	-	S	S	Section 14.03.120(G)
Natural Medicine Healing Center	-	S	S	S	-	S	-	Section 14.03.120(G)
Natural Medicine Products Manufacturer	-	-	S	S	-	S	-	Section 14.03.120(G)
Natural Medicine Testing Facility	-	-	S	S	-	S	-	Section 14.03.120(G)
Office	-	P	P	P	P	P	-	-
Optional Premises Cultivation Operation	-	-	-	S	-	S	S	Section 5.22.200
Outside Storage, Unscreened	-	S	S	-	-	S	P	-
Outside Storage, Screened	-	S	S	S	S	P	P	-
Parking Lot or Garage, Commercial	-	S	S	S	-	P	-	-
Personal Service Establishment	-	P	P	P	-	P	-	-
Personal Storage Units (Mini-Storage)	-	-	S	P	-	P	-	-
Publishing	-	P	P	P	-	P	-	-
Recreation Facility, Indoor	-	S	P	P	P	P	S	-
Recreational Vehicle (RV) Sales & Service	-	-	P	P	-	P	-	-
Retail or Rental Business	-	P	P	P	-	P	S	-
Retail Marijuana, Cultivation Facility	-	-	-	S	-	S	S	Section 5.22.200
Retail Marijuana, Cultivation Facility - Limited	-	S	S	S	-	S	S	Section 5.22.200
Retail Marijuana, Product Manufacturing Facility	-	S	S	S	-	S	-	Section 5.22.200
Retail Marijuana, Store	-	S	S	S	-	S	-	Section 5.22.200
Retail Marijuana, Testing Facility	-	S	S	S	-	S	-	Section 5.22.200
Storage Yard	-	-	S	-	-	S	S	-
Truck Stop	-	-	S	S	-	S	-	-
Warehouse	-	-	P	P	-	P	-	-
Wholesale Establishment	-	-	P	P	-	P	-	-
Public, Institutional, and Civic Uses								
Above Ground Public Utilities	S	-	S	S	S	P	S	-
Assembly Hall	-	P	P	P	P	-	-	-
Club, Lodge, or Fraternal Organization	-	P	P	P	-	-	-	-

Exhibit 2

Table 14.03.020: Schedule of Uses (continued)

[illegible]

Exhibit 2

Table 14.03.020: Schedule of Uses (continued)

USE TYPE	ZONE DISTRICTS							USE-SPECIFIC STANDARDS
	RZD	OTC	SC	HC	P	I	AG	
Accessory Uses (continued)								
Outside Storage, Accessory to a Residential Use	P	-	-	-	-	-	P	-
Shipping Containers, Permanent	S	-	S	S	S	S	S	Section 14.03.120(H)
Shipping Containers, Temporary	P	P	P	P	P	P	P	Section 14.03.120(I)
Yard Shed	P	P	P	P	P	P	P	Section 14.03.120(J)
Unlisted Uses								
Unlisted Use	S	S	S	S	S	S	S	Section 14.03.080

LEGEND

P: Permitted Use | S: Special Use | - : Not Permitted

(Ord. 373, §4, 2008); (Amended Ord. 436 §2, 2013); (Amended Ord. 440 §1, 2013); (Amended Ord. 443 §1, 2014); (Amended Ord. 450 §1, 2015); (Amended Ord. 498, § 2, 2019).

Exhibit 3

14.03.100 : DIMENSIONAL REQUIREMENTS

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

Table 14.03.030: Dimensional Requirements for All Zone Districts

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

¹ Per lot or parcel in separate ownership.

LEGEND

SF: Square Feet | LF: Linear Feet

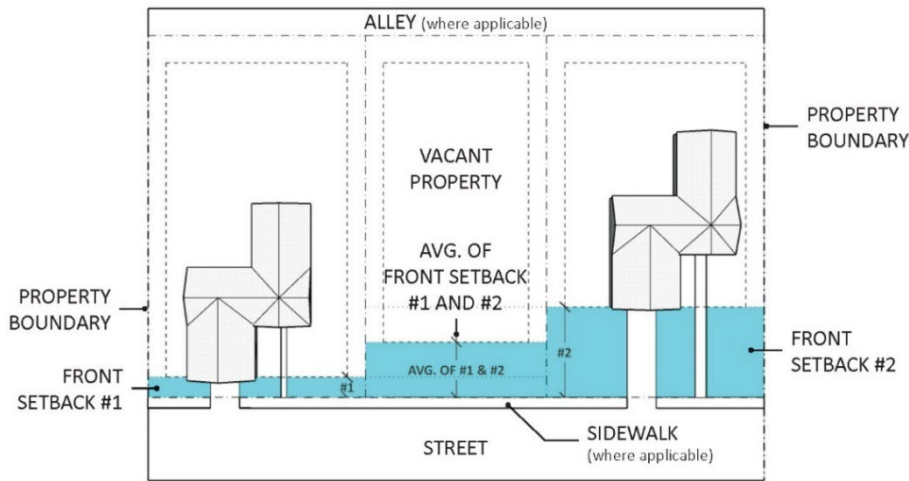
(Ord. 373, §4, 2008); (Amended Ord. 420 §1, 2012) (Amended Ord. 436 §2, 2013); (Amended Ord. 440 §1, 2013)

B. Authorized Exceptions to Setback Requirements

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

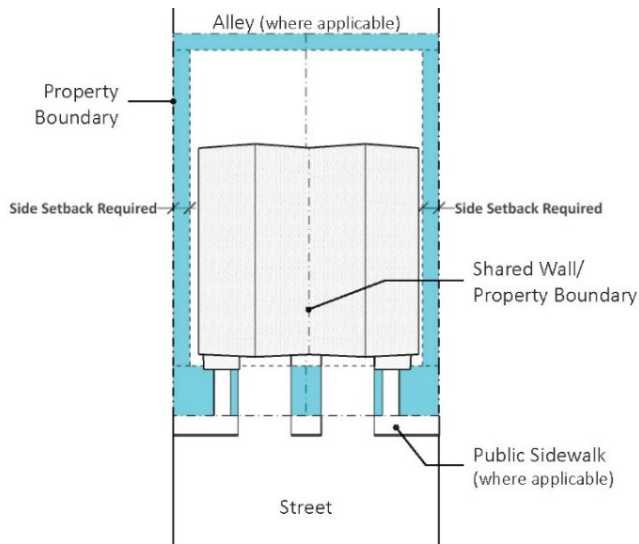
Exhibit 3

Diagram 14.03.010: Averaging Setbacks



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

Diagram 14.03.020: Buildings with Shared Walls



4. On double frontage lots (i.e., lots extending from one street to another paralleling street), the front yard setback for the zone district shall be observed from both streets.
5. On corner lots, the owner/developer shall determine which yard shall be the rear yard if the definition of a rear yard defines more than one (1) rear yard.
6. Every part of a required yard shall be unobstructed from ground level to the sky. Select improvements and architectural features may encroach into required setbacks as follows:
 - a. Cornices, sills, and ornamental features may project up to one foot (1') into a required yard.
 - b. Roof eaves may project up to eighteen inches (18") into a required yard.

Exhibit 3

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

C. Authorized Exceptions to Building Height Requirements

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

1. Cupolas, domes, towers, spires, belfries or similar noninhabitable structural appurtenance may exceed the maximum building height by no more than ten feet (10').
2. Parapet walls may exceed the maximum building height by up to four feet (4').
3. Stacks, vents, chimneys, antennae, cooling towers, elevator bulkheads and overrides, solar panels, tanks, or similar mechanical equipment may extend up to ten feet (10') above the maximum building height.

D. Authorized Exceptions for Original Townsite Lots

The following shall apply to contiguous original townsite lots that are under common ownership and are all located in the same zone district:

1. The perimeter of the lots may be used to measure and establish compliance with the minimum front, side, and rear setback requirements for the applicable zone district.
2. The combined area of the lots may be used to calculate and establish compliance with the minimum lot area and maximum lot coverage requirements for the applicable zone district.
3. A structure(s) may be constructed across shared lot lines.
4. Any conveyance of a lot(s) that results in noncompliance with any applicable requirement of this Title and/or other Title of De Beque's Municipal Code is prohibited.
5. In the discretion of the Board of Trustees, the owner(s) of contiguous original Townsite lots may be required to execute and record a covenant notifying successors in title of development

Exhibit 3

pursuant to this subsection, the requirements of this Title, and/or other provisions of De Beque's Municipal Code.

E. Measurement Standards

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

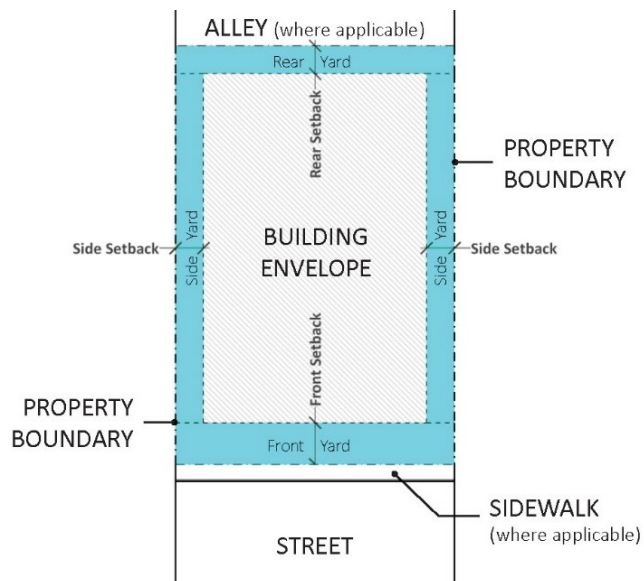
1. Lot Measurements

- a. *Lot Area*. Measured as the total area within the boundaries of a lot.
- b. *Lot Width*. Measured as the horizontal distance between the side lot lines, at the front lot line.
- c. *Lot Depth*. Measured as the horizontal distance between the front and rear lot lines.

2. Setback Measurements

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

Diagram 14.03.030: Setback Measurements



3. Height Measurements

- a. *Building and Structure Height for Lots with Slopes Less than 1:10*. Unless otherwise provided in this Title, for lots sloping less than one foot (1') vertically in ten feet (10') horizontally, away from the established street grade, the height of a building or structure shall be measured as the vertical distance between undisturbed or natural ground level to:

Exhibit 3

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

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

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

Exhibit 4

14.03.120 : USE-SPECIFIC STANDARDS

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

A. Accessory Dwelling Units

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

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

B. Dwelling(s), Accessory to a Business

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

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

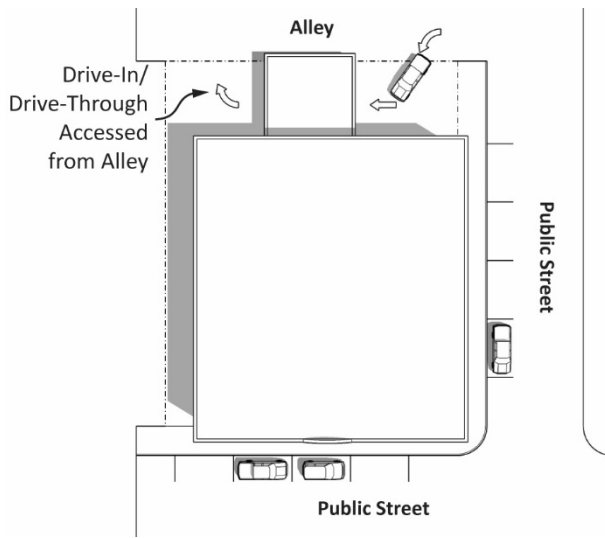
C. Drive-In/Drive-Through

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

Exhibit 4

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

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



D. Fences, Hedges, and Walls

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

1. General Requirements

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

2. Siting Requirements

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

3. Design Requirements

- a. The following types of fencing are prohibited:
 - i. Barbed wire, razor wire, or similar types of sharp-pointed fencing.
 - ii. Electrically charged fencing.

Exhibit 4

- b. Fences or walls shall not exceed seven feet (7') in height unless required by the town as a condition of approval of a Special Use.
- c. Fences, hedges, or walls located within a front yard shall not exceed forty-two inches (42") in height.

E. Fueling Stations

A fueling station must comply with the following standards:

- 1. All buildings shall be a minimum of forty feet (40') from any street right-of-way line.
- 2. Fuel pumps and other appliances shall be a minimum of fifteen feet (15') from any street right-of-way line.
- 3. All service, storage, or similar activities shall be conducted entirely on the premises.
- 4. Open storage of wrecked or inoperable automobiles, trucks, discarded tires, automotive parts, or similar materials is not permitted.

F. Home Occupations

A home occupation must comply with the following standards:

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

Exhibit 4

G. Natural Medicine Businesses

A natural medicine cultivation facility, healing center, products manufacturer, and/or testing facility shall comply with the following standards:

1. Must be a minimum of four hundred feet (400') from an existing licensed childcare facility or a private or public school. This distance shall be calculated in accordance with the applicable requirements of the State of Colorado.
2. Cannot operate unless licensed by the State Licensing Authority.

H. 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.

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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.

I. 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).

J. 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.

Exhibit 4

- c. Cannot be used for human or animal habitation, or as a garage.
 - d. No hazardous or explosive materials can be stored in a yard shed.
- 2. Building Permit Requirements.
 - a. A building permit is not required for a yard shed that is two hundred square feet (200 SF), or less, in total area and complies with the standards in this Subsection.
 - b. A building permit is required for a yard shed that is greater than two hundred square feet (200 SF) in total area and/or multiple yard sheds are combined under a single roof.
- 3. Other Permit Requirements.
 - a. Prior to the installation of any utilities (ex. electricity, gas, water, etc.) in a Yard Shed, all required permits must be obtained in accordance with Title 12 of the Municipal Code.
- 4. Siting Requirements.
 - a. May be located anywhere in a rear yard if the yard shed:
 - i. Is not placed on a permanent foundation;
 - ii. Can be moved at the request of the Town of De Beque or a utility company, if the shed's placement interferes with the intended use of an easement;
 - iii. Does not create an unsightly or unsafe condition; AND
 - iv. No portion of the shed, including roof eaves, is located in, or extends beyond, the property line.
 - b. If the shed is placed within a utility easement, the affected utility company or Town of De Beque (for town facilities), must authorize the location of the shed.
 - c. Yard sheds cannot be placed in a drainage easement or drainage way.
- 5. Design Standards.
 - a. The length of yard shed walls cannot exceed twenty feet (20') on any side.
 - b. The height of a yard shed cannot exceed ten feet (10') measured as the vertical distance between undisturbed or natural grade at the base of the shed to the highest point of the shed's roof or wall, whichever is greater.

14.01.180 General Terms Defined.

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

Table 14.01.010: Defined Terms

A	
TERM	DEFINITION
Adverse Impact or Effect	<p>Any of the following:</p> <ol style="list-style-type: none"> 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	<p>Barns; horseback riding arenas and/or academies; game preserves; the cultivation of land to produce agricultural crops, fruit and/or other horticultural crops; animal sheltering; and other similar types of land use.</p> <p>This term shall be synonymous with the term “Agritourism.”</p>

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Alley	A public right of way providing only secondary access to the rear of a property and not intended for primary travel.
Animal Sheltering	The raising, management, housing, stabling, corralling, care, and/or training of ducks, geese, chickens, turkeys, birds or other similar fowl, cats, dogs, cattle or horses or rabbits or other four-legged animals.
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	<p>A residential facility, licensed by the State of Colorado, where accessory services, primarily for older adults or others with special needs, are provided to help with normal daily activities. Nursing and medical care are not usually provided on site.</p> <p>This term shall be synonymous with the terms “Assistive Living,” “Continuing Care Community,” “Senior Independent Living,” “Senior Living Community,” “Senior Housing and Care,” and other similar terminology.</p>
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 that provides maintenance and/or repair services for vehicles, including but not limited to oil changes, tire services, and/or body work. Accessory uses may include the sale of vehicle parts and/or accessories.

Table 14.01.010: Defined Terms (continued)

B	
TERM	DEFINITION
Bed and Breakfast Accommodations	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.
Boarding House	<p>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.</p> <p>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.</p>
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, Principal	A building in which is conducted the primary use of the lot on which the building is located.
Building Height	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 Official	<p>The official or agency responsible for administering and enforcing the Building Code(s) of the Town of De Beque.</p> <p>This term shall be synonymous with the term "Building Inspector."</p>
Business	A sole proprietorship, partnership, joint venture, corporation, firm, enterprise, franchise, association, trust, foundation, or any other

	<p>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.</p> <p>This term shall be synonymous with the term “Commercial Establishment.”</p>
C	
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.
Childcare Center	<p>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.</p> <p>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.</p>

Table 14.01.010: Defined Terms (continued)

C	
TERM	DEFINITION
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.
Childcare, Home	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

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	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.
D	
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	<p>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.</p> <p>This term shall be synonymous with the terms "Eating and Drinking Establishment, Drive-In/Drive Through" and "Financial Institution, Drive-In/Drive-Through."</p>
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.

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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.

Table 14.01.010: Defined Terms (continued)

D	
TERM	DEFINITION
Dwelling, Multi-Family	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.
Dwelling, Single Family	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 with two (2) attached dwelling units arranged side-by-side or arranged one above the other (i.e., stacked), each with an individual entry.
E	
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,

Exhibit 5

	<p>and/or bumper cars. This does not include any adult entertainment establishments.</p> <p>This term shall be synonymous with the terms “Amusement Park” and “Theater.”</p>
F	
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.
Facilitator	A natural person who is 21 years of age, or older, that meets the requirements for a “facilitator” pursuant to the Colorado Natural Medicine Code.
Family	<p>Includes any of the following:</p> <ol style="list-style-type: none"> One (1) or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; A group of persons not related by blood, marriage, adoption, or legal guardianship (including foster children), living together in a dwelling unit; OR Two (2) unrelated persons and their minor children living together in a dwelling unit.
Feedlot	<p>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.</p> <p>This term shall not include areas that are used for crop production and upon which livestock are allowed to graze or feed.</p>
Floor Area	The total inhabitable horizontal floor area of all floors in a building exclusive of garage, storage, and utility areas.

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Floor Area Ratio	The relationship of floor area to total lot area expressed as an arithmetic ratio.
Financial Institution	<p>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.</p> <p>This term shall be synonymous with the term “Bank.”</p>

Table 14.01.010: Defined Terms (continued)

F	
TERM	DEFINITION
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 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.
G	
Garage, Private	A building used for non-commercial storage of not more than four (4) motor vehicles.
Garage, Public	A public building used for the storage of more than four (4) motor vehicles. This definition shall not apply to storage facilities associated with motor vehicles sales or service businesses.
Government Buildings, Facilities, and Associated Uses	A building or a structure owned, operated, and maintained by a government or quasi-governmental entity.
Group Home	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.

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	Unless otherwise stated in this Title, a group home may house up to eight (8) unrelated persons with a common disability (as defined under the Federal Fair Housing Act, the Fair Housing Amendments Act of 1988, or the Americans with Disabilities Act), except for any employees of the facility, in which services and supports are provided to such persons. Group Home services provided within the facility shall not be made available to nonresidents.
Group Home, For the Aged	A group home for the exclusive use of up to eight (8) unrelated persons who are sixty (60) years of age or older (except for any employees of the facility) that do not need nursing or intermediate care facilities and that elect to live in normal residential surroundings. Such a facility must be owned and operated by a non-profit organization or be owned and occupied by an individual who resides at and maintains their primary place of residence in the facility.
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.
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 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.
H	
Home Occupation	Any trade or business activity undertaken for profit and carried on within a dwelling located in a residential zoning district by the occupants thereof; it may be located within the principal building or in an accessory building.

Table 14.01.010: Defined Terms (continued)

H	
TERM	DEFINITION

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Hospital	A facility which makes available more than one (1) of the following: medical, surgical, psychiatric, chiropractic, maternity, and/or nursing services. The facility shall be licensed by the State of Colorado Health Department as a hospital.
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 animal patients.
Hotel or Motel	<p>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.).</p> <p>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</p>
K	
Kennel	An establishment where dogs, cats, and/or other similar domestic animals are bred or raised for sale, are boarded, trained, and/or cared for; and/or are groomed commercially. This shall apply to any facility maintaining space for three (3) or more animals of the same species over the age of six (6) months.
L	
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.

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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.

Table 14.01.010: Defined Terms (continued)

M	
TERM	DEFINITION
Manufactured or Mobile Home	<p>A structure that:</p> <ol style="list-style-type: none"> 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;

	<p>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,</p> <p>5. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.</p> <p>The calculations used to determine the square footage of the structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site, as provided by the guidelines contained in 24 CFR, Part 3280, as referenced below. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but shall not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.</p> <p>All such structures shall be certified pursuant to the provisions of Title VI, Housing and Community Development Act of 1974 (42 USC 5401), as amended, and shall bear certification of said compliance. See 24 CFR Part 3280, Manufactured Home Construction and Safety Standards, as amended.</p> <p>Notwithstanding the above-stated requirements, all structures, whether UBC- or HUD-approved, shall comply with the National Electric Code of 1984 and be certified as such.</p> <p>This term shall not include the terms "Travel Trailers," "Campers," "Camper Buses," or "Motor Homes"; nor shall it include homes designed to be placed on a foundation.</p>
Manufactured or Mobile Home Park or Subdivision	<p>A parcel, or contiguous parcels, of land divided into two (2) or more spaces, which are improved to the standards enacted by the town, that are rented or leased for the placement of a manufactured or mobile home.</p>

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

Table 14.01.010: Defined Terms (continued)

M	
TERM	DEFINITION
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 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, Infused Products Manufacturing Facility	A business licensed pursuant to Chapter 5.22 of De Beque's Municipal Code that creates or manufactures Medical Marijuana-Infused products for sale to Medical Marijuana centers but not to consumers.

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.
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 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.
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.
Mixed-Use Building	<p>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.</p> <p>This term shall be synonymous with the terms "Live/Work," "Loft-Style," and "Vertical Mixed Use."</p>
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.
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.

Table 14.01.010: Defined Terms (continued)

N

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TERM	DEFINITION
Natural Medicine	Psilocybin, psilocin, and other substances defined as “natural medicine” in the Colorado Natural Medicine Code.
Natural Medicine Business	A business licensed by the state licensing authority for natural medicine as a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility pursuant to the Colorado Natural Medicine Code in Article 50 to Title 44, C.R.S. and associated state rules.
Natural Medicine, Cultivation Facility	A location where regulated natural medicine is grown, harvested, and prepared in order to be transferred and distributed to either a natural medicine healing center, a facilitator, a natural medicine products manufacturer, or to another natural medicine cultivation facility.
Natural Medicine, Healing Center	<p>A facility where an entity is licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant.</p> <p>This term shall be synonymous with the term “Healing Center” in the Colorado Natural Medicine Code.</p>
Natural Medicine Product	A product that is infused with natural medicine and intended for consumption.
Natural Medicine, Products Manufacturer	A person who manufactures regulated natural medicine products for transfer to a natural medicine healing center, a facilitator, or to another natural medicine products manufacturer.
Natural Medicine Services	Services defined as “natural medicine services” in the Colorado Natural Medicine Code.
Natural Medicine, Testing Facility	A public or private laboratory licensed, or approved by the Colorado Department of Revenue Natural Medicine Division, to perform testing and research on regulated natural medicine and regulated natural medicine product.
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.

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	<p>Each patient, of such a facility, shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide 24-hour-per-day nursing services under the direction of a registered professional nurse employed full time.</p> <p>This term shall be synonymous with the terms “Nursing Facility,” “Nursing Care Facility,” or “Intermediate Care Facility.”</p>
O	
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 De Beque’s Municipal Code and the State Marijuana Enforcement Division to operate within the Town of De Beque.

Table 14.01.010: Defined Terms (continued)

O	
TERM	DEFINITION
Original Townsite Lots	<p>Lots, typically 25-feet-wide by 125-feet-long, created in De Beque by recorded plats between 1889 and 1955. Such plats include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Town of De Beque (reception no. 8269) ▪ Town of De Beque (reception no. 8687) ▪ Sunshine Addition (reception no. 82517) ▪ Derush Addition (reception no. 164436) ▪ Derush’s First Addition (reception no. 167890)

	<ul style="list-style-type: none"> De Beque Annexation (reception no. 631658) <p>A map of the area in De Beque where these lots are located is provided on the following page.</p>
Outside Storage	<p>Storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four (4) walls and a roof, regardless of how long such materials are kept on the premises.</p> <p>This definition shall not apply to items for sale to the public, such as new and used cars, recreational vehicles, boats, and landscape and building materials, where such items are permitted for sale in the zone district in which they are located. In addition, outdoor storage does not include outdoor parking of motor vehicles regularly used in connection with the operation of an establishment, or outdoor parking for not more than forty-eight (48) hours of motor vehicles intended for servicing in connection with a Principal Use.</p>
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.
P	
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.
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 Establishment	An establishment or business primarily engaged in providing executive, management, administrative, professional, personal,

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	and/or other similar services Accessory uses may include, but are not limited to, the sale of goods that are incidental to a service being provided.
Participant	A person who is 21 years of age, or older, that receives natural medicine services performed by and under the supervision of a facilitator in accordance with the Colorado Natural Medicine Code.

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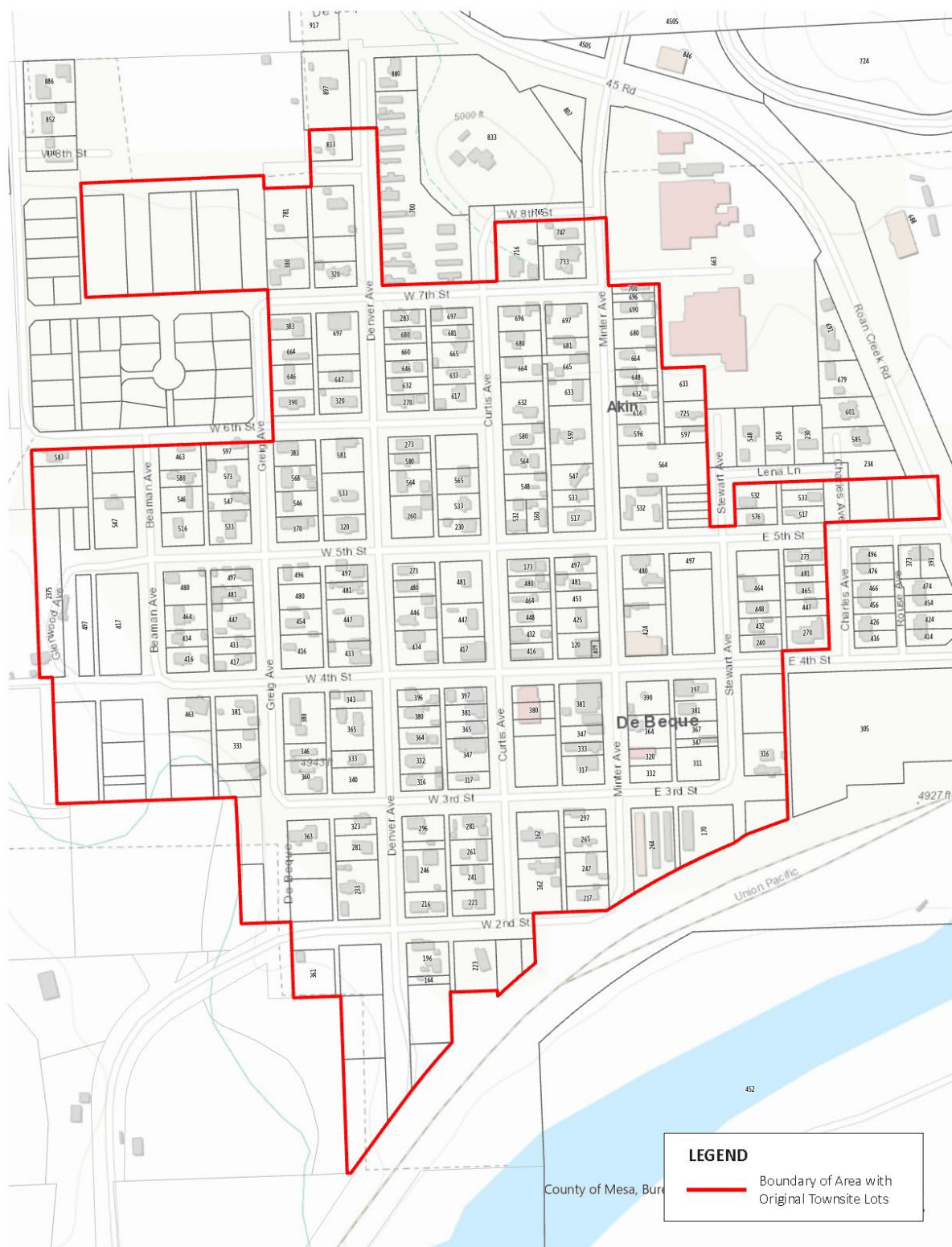


Table 14.01.010: Defined Terms (continued)

P	
TERM	DEFINITION
Personal Storage Units	<p>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.</p> <p>This term shall be synonymous with the terms “Mini-Storage” and “Self-Storage.”</p>
Place of Worship	<p>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.</p> <p>This term shall be synonymous with the terms “Cathedral,” “Chapel,” “Church,” “House of Worship,” “Mosque,” “Shrine,” “Synagogue,” and “Temple.”</p>
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.
Q	
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.
R	

Recreation Facility, Indoor	<p>A facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities which is operated within a building.</p> <p>This term shall not include gaming or gambling establishments.</p>
Recreational Vehicle (RV)	<p>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.</p> <p>This term shall be synonymous with the terms “Travel Trailer,” “Camper Trailer,” “Truck Camper,” “Camper Van,” and “Motor Home.”</p>
Recreational Vehicle (RV) Sales and Service	<p>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.</p> <p>Accessory uses may include the sale of RV parts and/or accessories.</p>
Regulated Natural Medicine	Natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, transferred, and/or dispensed pursuant to the Colorado Natural Medicine Code.
Regulated Natural Medicine Product	A natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, transferred, and/or dispensed pursuant to the Colorado Natural Medicine Code.

Table 14.01.010: Defined Terms (continued)

R	
TERM	DEFINITION
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 De Beque's Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers, where the total floor area used for cultivation does not exceed 6,000 square feet, and the facility is licensed by the State Marijuana Enforcement Division as a tier 1 producer.
Retail Marijuana, Cultivation Facility	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers, and the facility is licensed by the State Marijuana Enforcement Division as a tier 2-5 producer, .
Retail Marijuana, Products Manufacturing Facility	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to purchase Retail Marijuana; manufacture, prepare, and package Retail Marijuana Product; and sell Retail Marijuana and Retail Marijuana Product to other Retail Marijuana Products Manufacturing Facilities and Retail Marijuana Stores, but not to consumers.
Retail Marijuana, Store	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility (including Limited), and Retail Marijuana and Retail Marijuana Products from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.
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

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	for use or consumption, such as, but not limited to, edible product, ointments, and tinctures.
Retail Marijuana, Testing Facility	An entity licensed pursuant to Chapter 5.22 of De Beque's Municipal Code and certified to analyze and certify the safety and potency of Retail Marijuana.
Rezoning	An amendment to the official zoning map consisting of a change in the classification of land from one zone district to another.
S	
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.

Table 14.01.010: Defined Terms (continued)

S	
TERM	DEFINITION
Setback	<p>The required unoccupied open space between the nearest projection of a building or structure and the property line of the lot on which the building or structure is located.</p> <p>A setback may also refer to the horizontal distance between the delineated edge of a wetland(s), stream/river corridor(s), riparian area(s), or wildlife habitat and the closest projection of a building or structure.</p> <p>This term shall be synonymous with the term "Required Yard."</p>
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

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	<p>grounds, but not facilities used primarily for another purpose and incidental to the school.</p> <p>This term shall be synonymous with the terms “Elementary School,” “Middle School,” “Junior High School,” “High School,” “Intermediate School,” “Secondary School,” and other similar terms.</p>
School, Vocational	<p>An educational institution that provides instruction and training in technical skills necessary for specific careers, trades, and/or crafts. Accessory uses may include the sale of goods manufactured on the premises or the supplying of services to the public, provided that such goods or services are directly related to a course of instruction conducted by the school.</p> <p>This term shall be synonymous with the terms “Career School,” “Technical School,” and “Trade School.”</p>
Shed, Yard	<p>A one-story, detached building that is accessory to a residential dwelling and used for the storage of personal property, for a playhouse, as a greenhouse, or for a similar type of use.</p>
Shipping Container	<p>Standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship.</p> <p>This term shall be synonymous with the terms “Cargo Container,” “Storage Container,” and “Freight Container.”</p>
Stable, Community	<p>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.</p>
Stable, Private	<p>Any structure used for sheltering livestock.</p>
State Licensing Authority	<p>The authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storage, distribution, transportation, transfer, and dispensation of regulated natural medicine and regulated natural medicine product in the State of Colorado pursuant to the Colorado Natural Medicine Code.</p>

Table 14.01.010: Defined Terms (continued)

S	
TERM	DEFINITION
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.
T	
Telecommunication Facility	<p>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.</p> <p>This shall not include the term “Telecommunication Tower.”</p>
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 type of multi-family dwelling consisting of abutting dwelling units that share a common building wall(s) with each dwelling unit located upon land owned by the owner of the dwelling unit.
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 kilovolts and larger) and appurtenant facilities which emanate from a power plant or a substation and terminate at a

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	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.
U	
Use, Accessory	A land use or structure that is subordinate to, and serves a purpose that is clearly incidental to, the principal use or building on the lot that it is located on.
Use, Permitted	<p>A land use allowed by right in a particular zone district when listed thereunder with no further conditions or approval required other than compliance with the applicable requirements of this Title.</p> <p>This term shall be synonymous with the terms “Allowed Use,” “Use-by-Right,” and “By-Right-Use.”</p>

Table 14.01.010: Defined Terms (continued)

U	
TERM	DEFINITION
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.
Use, Prohibited	A land use that is not allowed in the Town of De Beque.
Use, Special	A land use that may be allowed in a particular zone district only upon approval by the town. If granted, certain conditions and performance standards may be imposed on such use and must be complied with at all times. Such use shall also comply with the applicable requirements of this Title.

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	This term shall be synonymous with the terms “Special Review Use” and “Conditional Use.”
Utilities, Above Ground	<p>Facilities located on or above the ground surface that are used in conjunction with the provision, distribution, collection, transmission, and/or disposal of electricity, gas, water, wastewater, communication signals, internet and/or other similar services. This includes, but is not limited to, electrical substations, water/wastewater pumping stations, solar energy collection devices for off-site use of energy, compressor stations, communications towers, and similar contrivances.</p> <p>This term shall not include small-scale distribution facilities.</p> <p>(Ord. 440 §2, 2013).</p>
Utilities, Below Ground	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.
V	
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.
W	
Warehouse	<p>A building, or group of buildings, intended and/or used for the bulk storage of raw materials, finished products, merchandise, commodities, and/or other goods, for subsequent delivery, transfer, and/or pickup. Accessory uses may include, but are not limited to, offices, truck fleet parking, and/or maintenance areas.</p> <p>This shall not include a “Self-Storage” or “Mini-Storage” facility.</p>
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.
Y	

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Yard	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 between the front lot line and the minimum front setback.
Yard, Rear	A yard, extending the full width of a lot or parcel, that is situated between the rear lot line and the minimum rear setback.

Table 14.01.010: Defined Terms (continued)

Y	
TERM	DEFINITION
Yard, Side	A yard, extending from the front yard to the rear yard, that is situated between a side lot line and a minimum side setback.
Z	
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)