Title 14

LAND USE REGULATIONS

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Chapter 14.01

GENERAL PROVISIONS AND DEFINITIONS

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Part 1

General Provisions

14.01.010 Short Title. The Ordinance codified in this Title 14 shall be known and may be cited and referred to as the "DeBeque Land Use Regulations" and herein may be referred to as "these Regulations" or "this Code" or "Title 14".

14.01.020 Purpose. The regulations in this Title shall be held to be the minimum requirements enacted to promote the health, safety and general welfare of the Town of DeBeque, Colorado. To these ends such regulations have been prepared in accordance with the general plan of the Town, and are designed to lessen congestion in the streets, to secure safety from fire, panic, flood waters and other dangers; to provide adequate open spaces for light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to designate, regulate and restrict the location and use of buildings, signs, fences, structures and land for residence, commerce, trade, industry and other purposes; to regulate and limit the height, number of stories, and size of buildings, signs, fences, and other structures hereafter erected or altered; to establish standards for off-street parking; to divide the Town into zones of such number, shape, and area as may be deemed best suited to carry out these Regulations; and to provide for the administration, enforcement, amendment and review of these Regulations. This Title is drawn with reasonable consideration, among other things, of the character of the Town, neighborhoods and other areas of the Town regarding the suitability for particular uses, to conserve the value of buildings and encourage the most appropriate uses of land throughout the Town, and to otherwise provide for the growth of an orderly and viable community.

14.01.030 Authority. This Title is authorized by Sections 31-23-101 *et. seq.*, C.R.S.; Sections 29-20-101 *et. seq.*, C.R.S. and Sections 24-65-101 *et. seq.*, C.R.S.

14.01.040 Jurisdiction. These Regulations shall apply to all land and all land uses within the municipal boundaries of the Town of DeBeque, Colorado.

14.01.050 Organization. This Title is divided into separate chapters to address different aspects of these Regulations. The headings and section titles in these Regulations are for convenience only and are not intended to be used to interpret or give effect to any of the provisions of these Regulations.

14.01.060 Public Notice Requirements. For all actions of the Town described in this Title 14 requiring public hearings, the applicant shall provide public notice and shall demonstrate that such public notice conforms to the following requirements.

A. Notice shall be sent by certified mail, return receipt requested, to all property owners within two hundred feet (200') of the property in question at least fifteen (15) days in advance of the hearing.

B. Notice of the hearing shall be published in a newspaper of general circulation within the Town at least fifteen (15) days in advance of the hearing.

C. In accordance with Section 24-65.5-103, C.R.S., not less than thirty (30) days before the date scheduled for the first public hearing for a development application (subdivision or special review use applications), the applicant shall provide notice to the owners of the mineral estate. Such notice shall be by certified mail, return receipt requested.

D. Notice shall be posted on the subject property at least fifteen (15) days in advance of the hearing.

E. All notices shall include:

1. A statement of the nature of the matter being considered;

2. The time, date and place of the public hearing;

3. The agency or office and phone number where further information may be obtained; and

4. A legal description of the subject property.

14.01.070 Vested Property Rights.

A. Purpose. The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, Colorado Revised Statutes, which Article establishes a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan.

B. Definitions: Unless modified in this subsection, the terms used in this Section shall have the same meaning as set forth in Section 24-68-102, C.R.S. As used in this Section, unless the context otherwise requires:

1. "Site specific development plan" means a plan that has been submitted to the Town by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, which plan shall create a vested property right. The following shall be considered site specific development plans:

DEVELOPMENT REVIEW PROCEDURE	SITE SPECIFIC DEVELOPMENT PLAN
a. Special Use Review pursuant to Section 14.03.080	Site Plan approval by Town Board
b. Subdivision Review pursuant to Chapter 14.04, including major subdivisions, minor subdivisions, resubdivisions and division of property into condominium or townhouse units	Final Plat, as approved by the Town Board

If not indicated above, a site specific development plan shall mean the final approval step, irrespective of the name or designation of such approval, which occurs prior to building permit application.

Provided, however, the Town Board may by agreement with the applicant designate an approval step other than those indicated above, or the final approval step, to serve as the site specific development plan approval for a specific project.

The following are specifically excluded from, and shall not constitute, a site specific development plan: variances issued by the Board of Adjustment, sketch plans, preliminary plans, business licenses, floodway or flood plain permits, franchises, temporary use permits, any comprehensive master plan element, creation of improvement districts, zoning or rezoning, final architectural plans, or final construction drawings and related documents specifying materials and methods for construction of improvements.

2. "Vested property right" means the right to undertake and complete development and use of property under the terms and conditions of a site specific development plan.

C. Applications - Approval by the Town.

1. Except as otherwise provided in this subsection, an application for approval of a site specific development plan as well as the approval, conditional approval, or denial of approval of a plan shall be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town. For purposes of this subsection, "laws and regulations" includes any zoning or development law of general applicability adopted by the Town as well as any zoning or development regulations that have previously been adopted for the particular parcel described in the plan and that remain in effect at the time of application for approval of the plan. In the

event the application for a site specific development plan requires review and approval in multiple stages, "application" means the original application submitted at the first stage in any process that may culminate in the ultimate approval of a site specific development plan.

2. Notwithstanding the limitations contained in subsection (1) above, the Town may adopt a new or amended law or regulation when necessary for the immediate preservation of public health and safety and may enforce such law or regulation in relation to applications for site specific development plans pending at the time such law or regulation is adopted.

D. Alternative Creation of Vested Property Rights. If any applicant desires an approval step, other than as defined in subsection (B)(1) above, to constitute an approval of a site specific development plan with the effect of creating vested property rights pursuant to this Section and Article 68 of Title 24, C.R.S., the applicant must so request at least thirty (30) days prior to the date of said approval by the Town Board or Planning Commission, as applicable, is to be considered. Failure to do so renders the approval by the Town Board or Planning Commission, as the case may be, to not constitute an approval of a "site specific development plan" and no vested property right shall be deemed to have been created by such approval, except in the case of an approval as set forth in subsection (B)(1) above.

E. Establishment of Vested Property Rights; Public Notice Required. A vested property right shall be deemed established with respect to any property upon the approval, or conditional approval, of a site specific development plan, following notice and public hearing, by the Town. A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, as approved, including any amendments thereto. A site specific development plan shall be deemed approved upon the effective date of the Town's legal action, resolution or ordinance relating thereto. Such approval shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication, in a newspaper of general circulation within the Town, of a notice advising the general public of the site specific development plan approval and creation of a vested property right pursuant to this Section and Article 68 of Title 24, C.R.S. Such publication shall occur no later than fourteen (14) days following approval.

F. Approval of Site Specific Development Plan - Conditions.

1. The Town may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town

Board, after public hearing, result in the forfeiture of vested property rights. This subsection shall be strictly construed.

2. Terms and conditions imposed or agreed upon may include, without limitation:

a. Future approvals by the Town not inconsistent with the original approval;
b. Approvals by other agencies or other governments;
c. Satisfactory inspections;
d. Completion of all or certain phases of a project by certain dates;
e. Waivers of certain rights;
f. Completion and satisfactory review of studies and reports;
g. Payment of fees to the Town or other governmental or quasi-governmental agencies as they become due and payable;
h. Payment of costs and expenses incurred by the Town relating to the approval;
i. Continuing review and supervision of the plan and its implementation and development;
j. Obtaining and paying for building permits, water taps and wastewater taps;
k. Compliance with other codes and laws, including building codes, of general applicability;
l. Construction of improvements or facilities for the use of future inhabitants or the public at large;
m. Payment of any applicable impact fees; and
n. Dedication of public or park land, common area or open space, with provision for its maintenance; or payment of a fee in lieu thereof.

G. Duration and Termination of Vested Property Rights.

1. A property right which has been vested pursuant to this Section and Article 68 of Title 24, C.R.S., shall remain vested for a period of three (3) years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Town.

2. Notwithstanding the provisions of subsection (1) above, the Town is authorized to enter into development agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years where warranted in the light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

3. Following approval or conditional approval of a site specific development plan, nothing contained in this Section or Article 68 of Title 24, C.R.S. shall exempt such a plan from subsequent reviews and approvals by the Town to insure compliance with the terms and conditions of the original approval, if such further reviews and approvals are not inconsistent with said original approval.

H. Waiver of Vested Property Rights. An applicant may waive a vested property right by separate agreement, which shall be recorded in the office of the Mesa County Clerk and Recorder. Unless otherwise agreed to by the Town, any landowner requesting annexation to the Town shall waive in writing any preexisting vested property rights as a condition of such annexation.

I. Subsequent Regulation Prohibited - Exceptions.

1. A vested property right, once established as provided in this Section and Article 68 of Title 24, C.R.S., precludes any zoning or land use action by the Town or pursuant to an initiated measure which would alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except:

a. With the consent of the affected landowner;

b. Upon the discovery of natural or manmade hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of site specific development plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or

c. To the extent that the affected landowner receives just compensation for all costs, expenses and liabilities incurred by the landowner after approval by the Town, including, but not limited to, costs incurred in preparing the site for development consistent with the site specific development plan, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants' fees, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

2. Establishment of a vested property right pursuant to law shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the Town of DeBeque, including, but not

limited to, building, fire, plumbing, electrical, housing, mechanical, and dangerous building codes.

J. Payment of Costs. In addition to any and all other fees and charges imposed by this Title, the applicant for approval of a site specific development plan shall pay all costs incurred by the Town as a result of the site specific development plan review, including publication of notices, public hearing and review costs, when such costs are incurred apart and in addition to costs otherwise incurred by the Town or applicant for a public hearing relative to the subject property.

K. Other Provisions Unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this Title pertaining to the development and use of property.

L. Limitations. Nothing in this Section is intended to create any vested property right, but only to implement Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed and the provisions hereof no longer effective.

14.01.080 Fees. A. Each application shall be submitted with the fees set forth in this Section for that application. The fees set forth in this Section shall be considered a minimum for each type of application. To the extent these application fees do not provide sufficient funds to pay for outside professional services for the review of the application, the applicant will be charged the actual review costs including but not limited to, the costs of outside Town consultants and Town legal fees. All fees shall be due and payable upon submission, and all additional fees will be due and payable at such time as a statement is presented to the applicant.

B. As provided elsewhere in this Code, all costs of providing notice, including publication, mailing, and posting, shall be borne by the applicant.

C. Recording and filing fees imposed by the Mesa County Clerk and Recorder, and others, as a result of the application, shall be advanced by the applicant prior to the documents being tendered for recording.

D. Schedule of Fees:

Land Use Application	Fee
Annexation Review Fees	$250.00
Pre-Application Conference	No charge for the first hour; $75.00 per hour thereafter

Major Subdivision - Sketch Plan	$350.00
Major Subdivision - Final Plan	$350.00
Minor Subdivision	$350.00
Rezoning	$250.00
Zoning Special Review	$250.00
Zoning Variance	$ 75.00
Mobile Home Parks	$500.00
Campgrounds	$500.00
Text Amendments to Title 14	$250.00
Applications not listed	$250.00

14.01.090 Severability. If any section, subsection, paragraph, clause, phrase or provision of these Regulations shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these Regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

14.01.100 Amendment. Amendments to these Regulations may be proposed by any person who is an owner of real property in the Town of DeBeque, Colorado or by the Town of DeBeque Planning Commission or by the Board of Trustees of the Town of DeBeque. Amendments to these Regulations shall be known as text amendments and will be reviewed by the Planning Commission and Town Board of Trustees as prescribed in Chapter 14.06 of these Regulations.

A. Zone District Amendments. The Town may, from time to time, amend the number, shape or boundaries of any zone district or any regulation of or within such district, or any other provisions of this Title.

B. Procedure. Amendments to this Title shall be considered by the Planning Commission and the Town Board of Trustees pursuant to the requirements of Chapter 14.06.

C. Protest -- Board of Trustees Decision. In case of protest against a zone district amendment signed by the owners of twenty percent (20%) or more, either of the area of lots included in such proposed zone district amendment, or of those immediately adjacent in the area thereof extending one hundred feet (100') therefrom, or from those directly opposite thereto, extending one hundred feet (100') therefrom, or from those opposite thereto, extending one hundred feet (100') from the street frontage of such opposite lots, such zone district amendment shall not become effective except by a favorable vote of two-thirds (2/3) of the members of the Town Board of Trustees present and voting on the issue.

14.01.110 Land Dedication Requirements.

A. Land dedication -- General requirements. For every annexation, subdivision (except minor subdivisions) or residential or commercial development, the Board of Trustees shall require the dedication of certain sites for parks and recreation use or fee in lieu of dedication, and may require reservation of sites for school and other public purposes. Land dedicated may include the one-hundred-year floodplain, national and State historical or natural features, and proposed public areas set aside in State, regional, County or Town comprehensive plans. Land dedicated shall not include sites for technical, private or public schools, or public agencies, sites for service organizations which are not open to the general public, and sites unsuitable for public use due to steep slopes, rock formations, adverse topography, utility easements, or other features which may be harmful to the health and safety of the citizens.

These requirements shall not apply in cases where satisfactory dedication arrangements were made and approved by the Board of Trustees at the time of annexation or previous subdivision of the same property.

B. Method and amount of land dedicated.

1. The subdivider shall convey to the Town by means of a final plat dedication, or shall deed land to be used for public recreation at locations designated by the Town in the following manner:

a. The subdivider shall dedicate to the Town land in the ratio of seven (7) acres for every one thousand (1,000) residents of the proposed subdivision or development;

b. For the purpose of the foregoing requirement, the number of residents attributable to each subdivision shall be:

i. Single-family dwellings, 3.5 residents per unit,
ii. Two-family dwellings, 3.0 residents per unit,
iii. Multi-family dwellings, 2.5 residents per unit,

2. In the case of commercial or industrial development, the subdivider or developer shall dedicate and convey to the Town by means of final plat dedication or deed, eight percent (8%) of the total gross lot area to be used as public recreation at locations designated by the Town.

3. A minimum of eighty percent (80%) of land dedicated shall lend itself to utilization for public recreation purposes which includes, but is not limited to, the following: play fields, tennis courts, picnic sites and boating areas.

C. Reservation of land for schools and other public agencies.

1. If requested by a public agency, the Board of Trustees may require a subdivider or developer to reserve land areas sufficient for development of school or other public agency facilities. A public agency includes the State of Colorado, or any political subdivision thereof.

2. Land reserved shall, by the nature of its natural topography, soil condition and connecting utilities, lend itself to development of the desired facility.

3. Land reserved shall be purchased by the public agency at its fair market value as determined below, according to the following schedule:

a. Within ninety (90) days following approval of the final plat, the requesting agency and the subdivider or developer shall enter into an option agreement for a period of no greater than one (1) year, with a renewal provision for one (1) additional year.

b. When the option is signed, the public agency shall deposit with an escrow agent an amount which shall be determined by the public agency and the developer to equal the actual costs and expenses, plus ten percent(10%), of the costs of replatting the subdivision if the option is not exercised. In the event the public agency and developer cannot agree upon the estimated expenses, then the Town Board of Trustees shall make the determination. In the event the option is extended for an additional year, the public agency shall deposit an additional ten percent (10%) of the estimated costs and expenses with the escrow agent.

c. For the purpose of this Section, the fair market value of the land reserved shall be the value of the raw, undeveloped land, plus a proportionate share, as they benefit the reserved land, of the actual cost of the improvements required by the subdivider or developer.

d. In the event the public agency and the subdivider or developer cannot agree as to the fair market value, the parties shall submit the matter to binding arbitration, under such rules and regulations as the Board of Trustees may, by resolution, prescribe.

D. <u>Credit for private recreation facilities.</u>

The Town may give the subdivider or developer credit for private recreation facilities in the development, provided that:

1. The amount of land to be dedicated may be reduced by no more than fifty percent (50%) of the requirements of this Section;

2. The Board of Trustees determines that the private recreation facilities offered will absorb a major portion of the recreational demands of the residents or employees of the proposed development;

3. The private recreation facilities will be constructed at the same time as or prior to the housing, industrial or commercial facilities in the development;

4. There are sufficient safeguards in the Subdivision Improvements Agreement to insure that the private recreation facilities are completed at the same time as or before the remainder of the development.

E. Cash payment in lieu of dedication.

1. At the option of the Board of Trustees, the subdivider or developer may be required, on or before final passage of the ordinance approving the subdivision, to pay to the Town payment in cash or to transfer other property in lieu of land dedication. The amount of cash payment shall be as determined by this Section for the land fee. If the Board determines to accept other property instead of, or as a partial payment toward the cash payment required hereunder, the Board shall determine the value of the other property.

2. Payment in lieu of land dedication shall be made prior to final approval of the ordinance approving the subdivision, and such payment shall be placed in a recreation fund to be established and maintained by the Town for the acquisition of land and for the improvement of parks, playgrounds and recreation areas in the Town, and may benefit the residents of the Town in general, as well as those of the proposed subdivision.

3. The fee which may be accepted in lieu of land dedication shall be established each year as of January 1st by the Board of Trustees upon a recommendation from the Planning Commission. Provided, however, said fee shall be as set for the preceding year unless the Board of Trustees finds that the fee structure requires amendment due to land value increases or decreases. Fees shall be based on the average cost of vacant undeveloped residential land within the corporate limits of the Town.

4. In extraordinary circumstances, the Board of Trustees may authorize the deferral of the payment of cash in lieu of dedication as required by this Section. In such event, the owner of the property shall agree with the Town, in such form as shall be acceptable to the Town Attorney, to pay such sums at the time of the issuance of any building permit or permits upon the property. Notice shall be given of such deferred

payment by the recording of a mortgage or other security instrument with the Clerk and Recorder of Mesa County, Colorado. In no event, however, shall the deferral of any land dedication fee required by this Section extend for a period of greater than five (5) years from the date it would otherwise be payable. The developer shall agree to pay the higher of either the land dedication fee calculated in accordance with this Section at the time originally owed, or at the time actually paid.

14.01.120 Interpretation. In their application and interpretation, the provisions of this Title shall be held to be minimum requirements. This Title is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements. Where this Title imposes a greater restriction than that imposed by such existing provisions of law, contract, or deed, the provisions of this Title shall control.

14.01.130 Certificate of Occupancy.

A. Required. No vacant land shall be occupied and used, and no building hereafter erected shall be occupied or used, until a Certificate of Occupancy has been issued by the Building Inspector.

B. Issuance -- For Building Use. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building shall have been completed in conformity with the provisions of these Regulations and the building code(s) adopted by the Town of DeBeque.

C. Issuance -- For Land Use. Certificate of Occupancy for the use of vacant land or the change in the use of land as herein provided shall be applied for before such land is occupied or used, and a Certificate of Occupancy shall be issued within ten (10) days after the application has been made, provided such use is in conformity with these requirements.

D. Record -- Filing Required - Fee. Certificate of Occupancy shall state that the building or land complies with all the building and health laws and ordinances and with the provisions of this Title. A record of all Certificates shall be kept on file in the office of the Town Clerk and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building affected. No fee shall be charged for an original Certificate applied for coincident with the application of building permit. For all Certificates or copies of the original Certificate, there shall be a fee as set by Town Board of Trustees.

14.01.140 Building Permits.

A. Required. No site preparation or building construction for any building shall be commenced without first obtaining a building setback and zoning clearance and a building

permit. The Town of DeBeque issues the appropriate building setback and zoning clearance prior to issuance of a building permit. Mesa County provides building inspection services for the Town of DeBeque. Building permit applications and the appropriate Town building setback and zoning clearance are submitted to Mesa County for processing and scheduling of inspections.

B. Site Plan Required. All applications for building setback and zoning clearance and a building permit shall be accompanied by two (2) copies of a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size of the building(s) to be erected, and the location of the building on the lot with reference to the legally established property lines and such information as may be necessary to provide for the enforcement of these Regulations. For buildings within the MDR District except single family dwelling units, and all the commercial and industrial districts, a site plan must be prepared and approved in accordance with the provisions of Chapter 14.06. before building permits shall be issued. A record of such applications shall be kept in the office of the Building Inspector. Notice of approval of a building permit shall be posted on the subject property within twenty-four (24) hours of such approval.

C. Review -- Public Improvements. All applications for building setback and zoning clearance and building permits shall be reviewed by the Town Planning Commission to determine whether or not the proposed construction will require the installation or construction of public improvements, such as street paving, curbs, gutters, sidewalks, drainage facilities or other public improvements. In the event the applicant does not agree to the public improvements required by the Planning Commission, the applicant may appeal the Planning Commission's decision to the Town of DeBeque Board of Trustees. The appeal must be submitted to the Town Clerk within fifteen (15) days of the Planning Commission's decision. Within thirty (30) days of receipt of the appeal, the Board of Trustees shall review the public improvements requirement and determine the public improvements that must be completed as conditions of approval of a zoning clearance as part of the issuance of the building permit.

If the Town determines that the proposed construction makes necessary any such public improvements, the Town Clerk shall so inform the Building Inspector, and in such event, a condition shall be inserted in the building permit which shall require the construction of such public improvement or public improvements by the permittee, and the dedication thereof to the Town. The cost of such improvement shall be borne by the permittee, and the construction thereof shall be at the sole cost, risk and expense of the permittee, subject to the provisions of any applicable Town ordinance, regulation or policy. All such improvements are to be constructed in full compliance with the Town of DeBeque engineering regulations, design standards and construction specifications as may be adopted by resolution from time to time.

14.01.150 Violations.

A. Designated. It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provision of this Title or any amendment thereof. Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Title or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Title shall be guilty of a violation of this Title.

B. Penalty. Any person, firm or corporation upon conviction of a violation of this Title shall be guilty of a Class B municipal offense.

C. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Title or other regulation made under authority conferred hereby, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.

14.01.160 Subdivision Improvements Agreements and Development Improvements Agreements. The Board of Trustees shall not approve a Subdivision Final Plat application until a Subdivision Improvements Agreement and related documents, setting forth financial arrangements to secure the actual construction of subdivision improvements required by the Board of Trustees, has been executed between the applicant or developer and the Town. The Subdivision Improvements Agreement shall include a guarantee to construct all required development improvements together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the subdivision engineering design and the development schedule.

The Board of Trustees, on a case by case basis, may require that an applicant for a Special Review Use or for a building permit enter into a Development Improvements Agreement which shall include a guarantee to construct all required development improvements together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the engineering design and the development schedule.

A. Construction of Improvements. The applicant or developer, at its sole expense, shall design, purchase, and install all elements of all public and other necessary subdivision or development improvements whether such improvements are located within the subdivision or development property (on-site) or outside of the subdivision (off-site). The public and other necessary subdivision or development improvements shall be designed and built in conformance with the Town of DeBeque Public Works Manual in effect as of the date of the Subdivision Improvements Agreement or Development Improvements Agreement, unless otherwise provided in the approved plans and specifications. All such public or other subdivision or development

improvements shall be designed and approved by a registered professional engineer retained by the developer or applicant. All drawings and plans for such improvements shall be stamped by the engineer. Prior to the commencement of construction of subdivision or development improvements, the Town Engineer shall review and approve the drawings and plans.

B. Schedule of Improvements to Be Constructed by Developer or Applicant. The Subdivision Improvements Agreement or the Development Improvements Agreement shall include a schedule of improvements showing in detail the public and other required subdivision or development improvements, including shallow utilities, landscaping, revegetation and other subdivision or development improvements that the developer or applicant shall be responsible for constructing, and the costs therefor. No work shall be commenced on such improvements by the developer or applicant until such time as the schedule of improvements has been approved by the Town and the performance guarantee provided pursuant to appropriate sections of the Subdivision Improvements Agreement or Development Improvements Agreement. The schedule of improvements shall at a minimum include the following improvements and associated construction costs necessary to provide the improvements for the development of the subdivision, establishment of a Special Review Use when a Development Improvements Agreement is required by the Board of Trustees, or construction of a structure subject to a building permit when a Development Improvements Agreement is required by the Board of Trustees. All improvements shall be constructed in accordance with the applicable provisions of the Town of DeBeque Public Works Manual.

1. Water Distribution System. Water distribution facilities including water mains, lateral service lines to the lot lines, valves, fire hydrants, and all other appurtenant facilities necessary to provide treated municipal water service

2. Wastewater Collection System. Wastewater collection system to fully service the subdivision, including collection lines, service lines to the lot lines, manholes, and all other appurtenant facilities necessary to provide municipal wastewater service

3. Street Improvements. Street improvements necessary to fully service the subdivision, including grading, road base and sub-base, asphalt, curbs and gutters, sidewalks, handicap ramps, drainage facilities, and all other appurtenant facilities necessary to provide street access

4. Storm drainage facilities and appurtenances

5. Utilities, including, telephone, cable television, electrical service, natural gas service

6. Street lighting

7. Soil stabilization and revegetation measures

8. Visual screening facilities

9. Non-potable water irrigation system

10. Landscaping

11. Any other subdivision or development improvements required by the Board of Trustees as a condition of approval of the subdivision, Special Review Use or building permit.

12. The Subdivision Improvements Agreement or the Development Improvements Agreement shall also describe terms and stipulations relative to the transfer of water rights from the subdivider to the Town pursuant to the Town of DeBeque Municipal Code.

C. Construction Schedule. The Subdivision Improvements Agreement or Development Improvements Agreement shall include a time schedule for the construction and completion of the public and other required subdivision improvements or development improvements. Said schedule shall provide for a commencement date as well as a date when such improvements will be substantially completed. Under such schedule, all public and other required subdivision or development improvements shall be completed no later than one (1) year following the start of development. Said schedule shall be reviewed and approved by the Board of Trustees prior to the commencement of construction of any such improvements.

Where the developer or applicant is prevented from commencing or completing any of the public and other required improvements within the time periods set forth in the construction schedule or otherwise set forth in the Subdivision Improvements Agreement or Development Improvements Agreement due to an unforeseeable cause or delay beyond the control and without the fault or negligence of the developer or applicant the times for commencement and/or completion of such improvements may be extended by the Board of Trustees in an amount equal to the time lost due to such delay if a request is made in writing to the Town by the developer or applicant. Delays beyond the control of the developer or applicant shall include, but not be limited to, acts of neglect by the Town, fires, floods, epidemics, abnormal weather conditions, strikes, freight embargos or acts of God. Time extensions, however, will not be granted for rain, snow, wind or other natural phenomena at normal intensity within Mesa County. Delays attributable to and within the control of the developer's or applicant's contractors, subcontractors or suppliers shall be deemed to be delays within the control of the developer or applicant.

D. Warranty. The applicant or developer shall warrant any and all public improvements constructed by the applicant or developer which are conveyed or dedicated to the

Town pursuant to the Subdivision Improvements Agreement or Development Improvements Agreement for a period of two (2) years from the date the Town's Engineer certifies that the same conform with the approved specifications. Specifically, but not by way of limitation, the applicant or developer shall warrant the following:

1. That the title conveyed shall be good and its transfer rightful; and

2. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and

3. Any and all facilities so conveyed shall be free of any and all defects in materials or workmanship.

E. Town Inspections. The Town shall have the right to make engineering inspections and require testing during construction of the public and other required improvements in such reasonable intervals as the Town Engineer may request. Inspection, acquiescence and approval of any engineering inspector of the construction of physical facilities, at any particular time, shall not constitute the approval by the Town of any phase of the construction of such public and other improvements. Such approvals shall be made by the Town only after completion of construction and in the manner hereinafter set forth.

F. Approval by Town Engineer. Upon completion of construction by the applicant or developer of such public and other improvements, the Town Engineer shall inspect the improvements and certify with specificity its conformity or lack thereof to the approved plans and specifications. The applicant or developer shall make all corrections necessary to bring the system or improvements into conformity with applicable Town standards and the construction plans, as approved. The Town shall be under no obligation to provide any water service, irrigation service, or wastewater collection service until all such facilities are brought into conformance with the applicable plans and specifications and approved by the Town Engineer.

G. Provision of "As-built" Drawings. The applicant or developer shall provide all necessary engineering designs, surveys, field surveys, and "as-built" drawings for all public improvements and utility improvements which shall be approved by the Town Engineer, and any incidental services related to the construction of the improvements, at its sole cost and expense. The legal description of all utility service lines shall be prepared by a registered land surveyor at the applicant's or developer's sole expense. In addition, all expenses incurred by the Town in updating the Town's base maps shall be paid by the applicant or developer, to the Town.

H. Conveyance of Public Improvements. All public improvements constructed by the applicant or developer in accordance with the Subdivision Improvements Agreement or Development Improvements Agreement, including water mains, laterals, fire hydrants and other water distribution facilities; all irrigation lines and facilities; all wastewater collection mains,

laterals and related improvements; handicap ramp improvements; and required curbs, gutters, sidewalks and street improvements shall be dedicated to the Town and warranted for a period of two (2) years following completion and approval, as provided in Section 14.01.160(D) . Upon completion of construction in conformity with the plans, and any properly approved changes, the applicant or developer shall convey to the Town, by bill of sale, all physical facilities constructed by the applicant or developer necessary for the extension, maintenance and repair of municipal utility services and other public facilities. Acceptance of said conveyance shall be authorized by the Board of Trustees. Following such dedication or conveyance, the Town shall be solely responsible for the maintenance of such improvements, unless otherwise provided for by agreement, except for any correction work required during the warranty period. In addition, all other improvements such as shallow utility installations and other improvements as shown in approved construction drawings submitted to the Town shall be warranted for a period of two (2) years following completion and approval, as provided in Section 14.01.160(D).

I. Improvements Required Prior to Issuance of Building Permits and Certificates of Occupancy.

1. Unless otherwise set forth in the Subdivision Improvements Agreement, no building permit for construction of any residential structure or building within a subdivision shall be issued until the following improvements have been installed and approved by the Town Engineer. When the Board of Trustees requires that a Development Improvements Agreement be executed as a condition of approval of a Special Review Use or a building permit no building permit for construction of any residential structure or building shall be issued until the following improvements have been installed and approved by the Town Engineer.

a. Survey monuments

b. Wastewater lines and laterals to each lot

c. Water mains and laterals to each lot

d. Irrigation lines and laterals to each lot

e. Fire hydrants (if required)

f. Storm drainage structures (if any)

g. Utilities, including telephone, cable television, electrical service and gas lines.

h. Grading and base construction of streets and alleys

i. Soil stabilizing structures

2. No certificate of occupancy for any residential building or other structure within a subdivision or property subject to a Subdivision Improvements Agreement or Development Improvements Agreement shall be issued until the following improvements have been installed by the applicant or developer and approved by the Town Engineer.

a. Street paving and curbs and gutters

b. Sidewalks and bikeways

c. Street signs

d. Street lighting

e. Landscaping

f. Land dedication deeds

g. Final soil stabilization and revegetation measures

h. Any other improvements required by the Subdivision Improvements Agreement or Development Improvements Agreement

J. Revegetation Required. All areas disturbed by construction shall be promptly revegetated with native vegetation following completion of such work unless a building permit application has been requested for a particular lot. The applicant or developer shall comply with all regulations of the Town concerning dust suppression. In addition, the applicant or developer shall control all noxious weeds and rodents within such areas to the reasonable satisfaction of the Town of DeBeque until conveyed to individual lot owners.

K. Performance Guarantee Security Required. In order to secure the construction and installation of the public and other required improvements itemized in the schedule of improvements, for which the applicant or developer is responsible, the applicant or developer shall furnish the Town with a cash, letter of credit, cash bond, performance bond, or other security acceptable to the Town Attorney and the Board of Trustees to secure the performance and completion of such public and other required improvements included in a Subdivision Improvements Agreement or Development Improvements Agreement, in an amount equal to one hundred ten percent (110%) of the estimated cost of said improvements.

L. Partial Release of Performance Guarantee Security. Upon completion of portions of the improvements by the applicant or developer, evidenced by a detailed cost breakdown of the completed improvements, the amount of any performance guarantee security issued pursuant to the Subdivision Improvements Agreement or Development Improvements Agreement may be reduced by seventy-five percent (75%) of the approved estimated cost for the installation of such improvements, upon written request of the applicant or developer, and approval by the Board of Trustees. Upon completion of all of the public and other required improvements by the applicant or developer, and upon final inspection and approval by the Town Engineer of all such improvements, the Board of Trustees shall further authorize the reduction of the amount of the security guaranteeing the public and other required improvements to ten percent (10%) of the approved total estimated cost of such improvements.

M. Full Release of Performance Guarantee Security. Any performance guarantee issued pursuant to a Subdivision Improvements Agreement or Development Improvements Agreement shall be fully released and discharged upon expiration of the two (2) year warranty period, and the correction of any defects discovered during such warranty period.

N. Notice of Default Upon the applicant's or developer's failure to perform its obligations under the terms of a Subdivision Improvements Agreement or Development Improvements Agreement within the time periods set forth in the Subdivision Improvements Agreement or Development Improvements Agreement, the Town's Mayor shall give written notice to the applicant or developer of the nature of the default and an opportunity to be heard before the Board of Trustees concerning such default. If such default has not been remedied within thirty (30) days of receipt of the notice or of the date of any hearing before the Board of Trustees, whichever is later, (or such reasonable time period as is necessary to cure the default provided that the applicant or developer has commenced to cure the default), the Town's Mayor may then give written notice to the applicant or developer and to the issuer or holder of the performance guarantee security that the Town, as agent for the applicant or developer, is proceeding with the task of installing the public and other required improvements in whole or in part and that the said security will be expended by the Town for the installation of public or other improvements required by the Development Improvements Agreement or Subdivision Improvements Agreement.

O. Power of Attorney Granted. The applicant or developer, as a condition of a Development Improvements Agreement or Subdivision Improvements Agreement, shall designate and irrevocably appoint the Mayor of the Town of DeBeque, Colorado, as its Attorney-In-Fact and agent for the purpose of completing all public and other necessary improvements required by the Subdivision Improvements Agreement or Development Improvements Agreement in the event of a default by the applicant or developer. The power of attorney may be enforced by the Town pursuant to all legal, and equitable remedies available, including an action for specific performance in a court of competent jurisdiction.

P. Increase in Amount of Performance Guarantee Security. If a substantial amount of time elapses between the time of posting of the performance guarantee security and actual construction of the improvements, the Town reserves the right to require a reasonable increase in the amount of the applicable security, if necessary, because of estimated increased costs of construction.

Q. Cost Estimate Not Binding The purpose of the cost estimate described in Section 14.01.160(B) above is solely to determine the amount of security required and may be revised from time to time to reflect the actual costs. No representations are made as to the accuracy of these estimates, and the applicant or developer shall agree to pay the actual cost of all such public and other required improvements. Neither the estimated costs nor the amount of the security establishes the maximum amount of the applicant's or developer's liability.

R. Reimbursement of Costs Prior to the approval and acceptance of the construction and installation of the required public and other necessary improvements, the applicant or developer shall pay to the Town the actual cost of all inspections of such improvements made or conducted at the direction of the Board of Trustees, Town Engineer, or Town Public Works Director.

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 "DeBeque Zoning Map" mean the Official Zoning Map of the Town of DeBeque, 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. For purposes of these Regulations, certain terms are defined as follows:

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).

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

Animal Sheltering: Maintaining, raising, housing, stabling or corralling of ducks, geese, chickens, turkeys, birds or other similar fowl, cats, dogs, cattle or horses or rabbits or other four legged animals.

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.

Bed and Breakfast Accommodations: The rental of rooms within a dwelling for short-term accommodations not to exceed three (3) days. Such use shall be clearly accessory to the residential use of the dwelling, occupy not more than twenty-five percent (25%) 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. Not more than one (1) separate occupancy per dwelling per night shall be allowed.

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

Boarding house or Rooming house: See Rooming and/or Boarding Houses.

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.

Building Inspector: An official or agency appointed by the Board to administer the Building Code(s). Such official may be contracted from outside the Town government.

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

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 general 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.

Day Care Center: Any facility providing care for five (5) or more children between the ages of zero (0) to fifteen (15) years during daylight hours for compensation. This definition shall apply to all such activities whether profit or non-profit in nature.

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

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

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

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units.

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.

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.

Front of House: The front of a house shall be the wall containing the principal entry to the house which allows pedestrian entry directly to that part of the house commonly used by visitors to the house and is not a service or secondary entrance 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.

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

Garage, Public: Any building used for the storage for rent or for a fee of more than three (3) motor vehicles. This definition shall not apply to storage facilities associated with motor vehicles sales or service businesses.

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.

Home Occupation: Any use for gain or support carried on within a dwelling located in a residence 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 nursing services. The facility shall be licensed by the State of Colorado Health Department as a hospital.

Hotel, Motel, Lodge: A building occupied as the temporary lodging place of individuals who are lodged with or without meals for compensation, with rooms usually occupied singly, and no provisions made for cooking in any individual room.

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 general public for a fee. Gaming or gambling establishments are not considered indoor commercial recreation facilities.

Kennel: Housing for dogs, cats or other small animal pets for breeding, boarding or grooming purposes. This definition applies to all facilities 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.

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 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 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.

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.

Minor Subdivision: A division of a lot into four (4) or fewer lots, a realignment, or 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, with the exception of 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.

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 ten (10) acres in area where two (2) or more mobile homes are located for permanent dwelling purposes.

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.

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.

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.

Personal Service Establishments: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

Personal Storage Units: Multiple storage areas completely enclosed within a building, or series of buildings, in which flammable, toxic and hazardous liquids and chemicals are not allowed; and under a single ownership and does not allow individual offices within units.

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

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 Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not to consumers, and where the total floor area used for cultivation shall not exceed 2,000 square feet.

Retail Marijuana Cultivation Facility: An entity licensed pursuant to Chapter 5.22 of the Town's Municipal Code to cultivate, prepare, and package Retail Marijuana and sell Retail Marijuana to Retail Marijuana Establishments, but not 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 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 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 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 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. This definition applies to those structures accommodating three (3) or more persons who pay for such services on a more or less permanent basis.

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.

Stable, Community: Any structure or fenced area used for sheltering livestock owned by landowners within a subdivision or subdivisions where by 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 which is affixed to the ground by use of footings, foundations, posts or pillars. This definition shall include, but not be limited to, signs, buildings and fences.

Townhouse: A dwelling type consisting of adjacent dwelling units sharing common side building walls with each dwelling unit located upon land owned by the owner of the dwelling unit.

Transmission Lines: Electric lines (69 Kv and over) 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 DeBeque.

Use:

Use, Principal: The purpose or function for which a lot, structure or building is intended, designed or constructed, or the 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 LDR and MDR zone districts.

Use, Accessory: A use incidental, customary and subordinate to the principal use of the lot, structure or building and on the same lot;

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, Special Review: Uses allowed only by permit of the Town, which permit may be granted or denied. If granted, certain conditions and performance standards may be imposed and must be complied with by the permittee.

Yard: An open space not in any alley or street, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard, Front: A yard extending the full width of the lot or parcel, the depth of which is measured in the least horizontal distance between the front lot line and the 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 lot or parcel, the depth of which is measured in the least horizontal distance between the rear lot line and 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.

(Amended Ord. 443, §2, June 2014)

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.