

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2020-10**

**AN ORDINANCE OF THE TOWN OF BLUE RIVER, COLORADO IMPOSING  
REGULATIONS ON THE SIZE AND HEIGHT OF GARAGES AND SHEDS WITHIN THE R-1  
AND PRD ZONE DISTRICTS**

WHEREAS, the Town of Blue River is a statutory municipal corporation created and organized pursuant to state law; and

WHEREAS, by virtue of state law including, but not limited to, Sections 31-15-401 and 31-23-301 of the Colorado Revised Statutes, the Town of Blue River has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Section 31-23-214 of the Colorado Revised Statutes, such police powers include the power to regulate the location and size of all buildings and structures; and

WHEREAS, the Town does not regulate or specify a maximum size of garages or sheds; and

WHEREAS, the size and height of garages and sheds can impact the character and appearance of a community where such structures are not clearly ancillary and subordinate to the principal permitted use of property.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER,  
COLORADO, ORDAINS:**

**Section 1.**      Amendment of Section 16-1-10. Section 16-1-10 of the Municipal Code of the Town of Blue River is hereby amended by the addition of a new definition for “garage” to read in full as follows:

*Garage* means any enclosed or partially enclosed non-habitable space designed, suitable, or intended for the storage, whether permanent or temporary, of one or more motorized vehicles together with materials, goods, or equipment any other sort or type. A garage may also be used by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

**Section 2.**      Amendment of Section 16-1-10. Section 16-1-10 of the Municipal Code of the Town of Blue River is hereby amended by the addition of a new definition for “shed” to read in full as follows:

*Shed* means any enclosed or partially enclosed non-habitable space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type other than motor vehicles; and/or (ii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

**Section 3.**      Amendment of Section 16-1-10. Section 16-1-10 of the Municipal Code of the Town of Blue River is hereby amended by the addition of a new definition for “motor vehicle” to read in full as follows:

*Motor vehicle* shall have the same meaning as defined by the Model Traffic Code (2020 edition and as may be amended) adopted by Section 8-1-10 of the Town Code.

**Section 4.**     **Amendment of Section 16-1-10.** Section 16-1-10 of the Municipal Code of the Town of Blue River is hereby amended by the addition of a new definition for “habitable space or habitable size” to read in full as follows:

*Habitable space or habitable size* means the portion of a residential structure measured in square feet that is lawfully authorized by Town-adopted building and safety codes for human occupancy and habitation (*i.e.*, living and sleeping).

**Section 5.**     **Amendment of Section 16-5-50 (R-1 Zone District).** Section 16-5-50 of the Municipal Code of the Town of Blue River is hereby amended by the addition of new subsections (c) and (d) to read in full as follows:

(c)     Garages. The maximum total size of any garage or garages on a lot whether detached from or incorporated into a principal permitted structure shall be:

- (1)     for principal permitted residential structures of 5,000 square feet or less in habitable size, the greater of: (i) 800 square feet; or (ii) forty five percent (45%) of the total habitable size of the existing principal permitted structure on the same lot; provided that in no event shall the maximum size of garage(s) on a lot exceed 1,200 square feet; or
- (2)     for principal permitted residential structures of greater than 5,000 square feet in habitable size, twenty-five percent (25%) of the total principal permitted structure’s habitable size.

The maximum height of any garage shall not exceed the lesser of: (1) the height of the existing principal permitted structure on the lot; or (2) the maximum building height for the lot established by Chapter 16 of the Town Code. It is the intent of this subsection that garages shall be subordinate in size and height to both the principal permitted structure and use of a property.

(d)     Sheds. The maximum total size of any shed or sheds on a lot whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. The maximum height of any shed shall fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property.

**Section 6.**     **Amendment of Section 16-6-50 (PRD Zone District).** Section 16-6-50 of the Municipal Code of the Town of Blue River is hereby amended by the addition of new subsections (d) and (e) to read in full as follows:

(d)     Garages. The maximum total size of any garage or garages on a lot whether detached from or incorporated into a principal permitted structure shall be;

- (1)     for principal permitted residential structures of 5,000 square feet or less in habitable size, the greater of: (i) 800 square feet; or (ii) forty five percent (45%) of the total habitable size of the existing principal permitted structure on the same lot; provided that in no event shall the maximum size of garage(s) on a lot exceed 1,200 square feet; or

- (2) for principal permitted residential structures of greater than 5,000 square feet in habitable size, twenty-five percent (25%) of the total principal permitted structure's habitable size.

The maximum height of any garage shall not exceed the lesser of: (1) the height of the existing principal permitted structure on the lot; or (2) the maximum building height for the lot established by Chapter 16 of the Town Code. It is the intent of this subsection that garages shall be subordinate in size and height to both the principal permitted structure and use of a property.

(e) Sheds. The maximum total size of any shed or sheds on a lot whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. The maximum height of a shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property.

**Section 7.** **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 8.** **Safety Clause.** The Town Board hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the Town's statutory authority and under the general police power of the Town of Blue River for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

**Section 9.** **Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED AND READ** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**AMENDED ON SECOND READING, PASSED, ADOPTED AND ORDERED PUBLISHED**  
at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the \_\_\_\_ day  
of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Attorney

Published in the Summit County Journal \_\_\_\_\_, 2020.