

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTION 17-1-30.1 OF THE MUNICIPAL CODE TO PROVIDE FOR AN EXCEPTION TO ALLOW LEGALLY RECOGNIZED AND ZONED DUPLEX LOTS TO SUBDIVIDE AND DECLARING AN EMERGENCY**

**WHEREAS**, the Town of Blue River, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

**WHEREAS**, pursuant to Title 31, Article 23, Part 2, C.R.S., the Town possesses the statutory authority to enact regulations and processes for the subdivision of land within the boundaries of the Town; and

**WHEREAS**, the Town enacted subdivision regulations conforming with Title 31, Article 23, Part 2, C.R.S. and Section 17-1-30.1 of the Municipal Code establishes certain limitations on the ability to subdivide property as a means of limiting density and land use impacts within the Town and advancing the health, safety, and welfare of the Town; and

**WHEREAS**, a limited number of legally recognized and platted lots within the Town are located within a zone district which authorizes residential duplex use; and

**WHEREAS**, Town Board finds that the subdivision of lots authorized for residential duplex use will best preserve property rights or zoning authorizations granted to lot owners, will not appreciably or unreasonably create additional density and associated impacts, and will implement the Town’s zoning ordinance and zoning map; and

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Amendment of Section 17-1-30.1 of the Municipal Code pertaining to the Temporary Suspension of Subdivisions that Create New Lots.** Section 17-1-30.1 of the Municipal Code of the Town of Blue River is hereby amended by the addition of a new subsection (d) to read in full as follows:

- (d) Subdivision of a Lot for an Authorized Duplex Structure. An lot shall be exempt from this Section 17-1-30.1 provided that: (1) the lot was lawfully created and was zoned for residential duplex use prior to December 1, 2022; (2) the lot meets or exceeds with the minimum lot size for the lot’s existing zone district; (3) the lot is, or will be, limited to one residential duplex structure and lawfully permitted accessory structures; (4) the subdivision of the lot will create only one additional lot; and (5) the subdivision of the lot will locate a lot line along the common wall of a residential duplex structure. Following the subdivision of a lot for residential

duplex use as permitted by this subsection (d), further subdivision of the lot or lots shall not be permitted.

**Section 2 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 3. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 4. Emergency Declared, Effective Date.** The Town Board legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety. Absent the passage of this Ordinance as an Emergency Ordinance, the Town’s previously approved zoning ordinance and map cannot be implemented and property owners cannot exercise authorizations conferred by applicable zoning for duplex use. This Ordinance shall be effective immediately upon adoption in accordance with law.

**INTRODUCED, READ, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

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