



Agenda

Regular Meeting of the Board of Trustees  
0110 Whispering Pines Circle, Blue River, CO

November 15, 2022

5:00 p.m. Work Session

6:00 p.m. Regular Meeting

The public is welcome to attend the meeting either in person or via Zoom. The Zoom link is available on the Town website: [Board of Trustees | Town of Blue River \(colorado.gov\)](#).

Please note that seating at Town Hall is limited.

**5:00 p.m. WORK SESSION**-Land Use Code Review – Finish Chapter 16A. Begin beginning Articles of 16B.

**6:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES**

- I. CALL TO ORDER, ROLL CALL
- II. APPROVAL OF CONSENT AGENDA
  - a. Minutes, October 18, 2022
  - b. Approval of Bills
- III. COMMUNICATIONS TO TRUSTEES
  - a. Citizen Comments (Non-Agenda Items Only- **3-minute limit please**). Any written communications are included in the packet.
- IV. NEW BUSINESS
- V. ORDINANCE CONSIDERATION FOR APPROVAL
  - a. Ordinance 2022-08 An Ordinance Amending the Blue River Municipal Code by the Adoption of a New Section 10-8-50 Titled Prohibited Hunting, Trapping, and Poisoning of Animals
- VI. PUBLIC HEARING
  - a. Public Hearing 2023 Budget
- VII. RESOLUTIONS
  - a. Budget Resolutions
    - i. Resolution 2022-06 Resolution to Adopt Budget
    - ii. Resolution 2022-07 Resolution to Appropriate Sums of Money
    - iii. Resolution 2022-08 Resolution to Set Mill Levies
    - iv. Resolution 2022-09 A Resolution Designating Any Unspent Revenues Available on December 31, 2022 as Non-Emergency Reserve Increases
- VIII. INTRODUCTIONS & POSSIBLE DISTRIBUTION
  - a. Ordinance 2022-06 An Ordinance Amending the Blue River Municipal Code by Adoption Building Chapter 18

IX. REPORTS

- a. Mayor
  - i. Finance Committee Report
- b. Trustees
  - i. Citizen Advisory Committee-Trustee Finley
  - ii. Open Space & Trails Committee-Trustee Dixon
  - iii. Planning & Zoning-Trustee Hopkins
  - iv. Transit Authority-Trustee Pilling
  - v. Wildfire Council-Trustee Slaughter
  - vi. CDOT-Trustee Fossett
- c. Attorney's Report

X. OTHER BUSINESS

**Next Meeting, Tuesday, December 20, 2022**

*Reports from the Town Administrator, Mayor and Trustees; Scheduled Meetings and other matters are topics listed on the Regular Trustees Agenda. If time permits at the work session, the Mayor and Trustees may discuss these items. The Board of Trustees may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.*

# TOWN OF BLUE RIVER, COLORADO

## MEMORANDUM

TO: Mayor & Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: October 5, 2022

SUBJECTS: **Chapter 16A PART 2 – USE REGULATIONS**  
**Chapter 16A PART 3 – ZONING PROCESSES**  
**Intro to:**  
**Chapter 16B – DEVELOPMENT & DESIGN STANDARDS**

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The Board of Trustees (BOT) was previously provided two different versions of the DRAFT proposed Land Use Code (LUC) for Blue River:

- Multi-colored Version of Chapters 16, 16A, 16B, 16C, and 17
- Clean Version of the Land Use Code

On September 20, the BOT review Chapter 16 - Land Use Code General Provisions

On October 18, the BOT reviewed Part 1 of Chapter 16A - Zoning

On November 15, the BOT will review **Part 2 and Part 3** of **Chapter 16A** and then move into **Chapter 16B** and, with some luck, proceeding through **Article VI**.

To assist in your review, please note the following:

You have two versions of the same draft LUC:

- A “**REDLINED**” version that contains many different colors and strikeouts. The coding for this version is as follows:
  - If the text is **BLUE**, it is either exact language from the current Blue River Municipal Code or the Architectural Guidelines or the language is very similar and revised to be clearer or more enforceable, so the concept is the same in the new code.
  - If the text is UNMARKED without color, it is new language.
  - If the text is **YELLOW**, it is merely a placeholder to remind me on final editing to ensure that the references are correct.
  - If the text is **GREEN**, it is either a question to be answered by the BOT (such as a distance or a height) OR it is a question for me to later determine if the green text is needed in the final.
- A largely “**CLEAN**” Version that might be easier to review. You will find both **YELLOW** and **GREEN** text that is merely for future drafting reference.

## Review Outline for **Chapter 16A PART 2- USE REGULATIONS**

The following is intended to assist the BOT in reading Part 2 of Chapter 16A and understanding its contents. Part 2 of Chapter 16 A pertains to use regulations for special land uses found in some of the zone districts.

In Part 2 are the following use regulations:

Article XVI	Residential Dwelling Units
Article XVII	Sales/Management Office
Article XVIII	Group Home
Article XIX	Accessory Apartment
Article XX	Home Occupation Use
Article XXI	Family Childcare Home

To be deleted  
as unneeded.



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### **Article XVI Residential Dwelling Units – Use Conditions on Building Permits**

A large portion of Blue River is currently devoted to existing residential use. Future development will likely also be largely residential. The vast majority of this residential use is within the R-1 Zone District. The R-1 Zone District limits each lot to only one (1) residence (with a few exceptions of accessory apartment and short-term rental).

Article XVI addresses one common situation - the construction of a new residence or an addition to or conversion of an existing residential use. These new and additional/converted residences often include improvements and space that will accommodate a second residential occupancy on a lot.

Over the last several years, owners have lawfully obtained building permits to build what appears on the permit to be a single residential use or an expansion of an existing single residential use.

Unfortunately, owners have used the building permit to construct space that can accommodate a separate and additional residential dwelling unit. For example, an owner may secure a building permit to “expand my garage to provide for an additional bedroom with bath for my personal use.” Then, the owner adds a kitchenette or cooking capacity and rents or leases out the new space to another residential user as a separate residential unit. This practice – although unlawful – is difficult to enforce after the fact. Owners claim they did not know that the additional unit was unlawful, and they claim that they spent considerable money on the improvement authorized by the building permit. In addition, it is often challenging to evict a renter after they have moved into the new residence.

Article XVI authorizes the Town to impose a “Use Restriction” on any residential building permit. The condition states that the space and improvement constructed under the permit cannot be used for a second dwelling unit. This Use Restriction can be recorded against the property and notify both the current owner as well as future owners that any use of the property for a second dwelling unit is unlawful. The Use Restriction will greatly aid in enforcement should the owner rent or lease the additional space to another resident or family.

## **Article XVII      Reserved. Sales/Management Office**

To be deleted  
as unneeded.

This Use Regulation was intended to allow a sales office for new subdivisions. This can be deleted, and the use addressed if there is ever a need for this use. This Article will be listed as "reserved" for future use.

## **Article XVIII      Group Home**

A Group Home generally includes up to eight (and sometimes more) persons protected by federal or state law<sup>1</sup> who desire to reside in a residential zone district. These persons are commonly physically or mentally disabled, elderly, or recovering from alcohol or drug addiction. A group home is a residential facility that provides permanent residential accommodations and oftentimes on-site caretaking of the residents who each share a common disability or challenge.

In the past, governments discriminated against disabled individuals by placing group homes in industrial or commercial zone districts. Today, federal and state law recognizes this practice as discriminatory and, therefore, mandates that local governments allow group homes within all residential zone districts. The Department of Justice actively enforces the federal law and to some degree Colorado also enforces its state laws.

Article XVIII comports with federal and state law and encourages group homes to contact the Town Manager so that the Town can make reasonable accommodations to enable the Town to meet its federal and state legal obligations for group homes.

## **Article XIX      Home Occupation Use**

The Town has historically allowed home occupations within residential zone districts. Some degree of residential home occupations is commonly permitted in virtually all local governments. Local governments differ significantly between their home occupation regulations - some communities for home occupation and others are exceedingly accommodating.

However, home occupations may impact the residential neighborhood in an adverse manner unless regulated. Article XIX provides for regulation of home occupations and set standards for these occupations that will best enable reduce impact on the immediate neighborhood. In short, the regulations seek to limit the size, noise, odors, visitation, and appearance of the home occupation, so the use is not readily identifiable as a commercial operation within the residential zone district.

The Article also establishes certain *prohibitions* on home occupations which are commonly recognized as inconsistent or incompatible with residential neighborhoods. An owner may not conduct motor vehicle service or repair from a residential home or a funeral or mortuary.

## **Article XIX      Accessory Apartments**

This Article is substantially identical to the current regulations in the Municipal Code for Accessory Apartments. In short, the Town allows a property owner to operate an Accessory Apartment where the owner consolidated or combined two lots (2) into one (1) lot. Because the owner previously

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<sup>1</sup> Fair Housing Amendments Act of 1988 (42 U.S.C. § 3601 et seq.) and C.R.S. § 31-23-303.

held a right to develop two (2) residential units on the two (2) lots, the Town allows the owner to retain the right to build a second residential dwelling unit on the combined lot.

The Town's historic practice of allowing two (2) residential dwelling units to be located on a single lot following consolidation is not a requirement imposed or mandated by law. Customarily, a local government that authorizes consolidation of lots (all do) requires the combined lot to be used in accordance with the underlying zone district. For Blue River, this would mean an owner who voluntarily combines lots into one lot would forego any opportunity to build a second residential dwelling unit (Accessory Apartment).

## **Article XXI      Family Child Care Home**

This Article is new to the Land Use Code. More recent state legislation created an obligation on local government to accommodate a Family Child Care Home. This Article parrots requirements of state law so that, in the future, the Town can more easily apply the state law through the reference in its Land Use Code.

## **Review Outline for** **Chapter 16A PART 3- ZONING PROCESSES**

Part 3 of Chapter 16A provides for details regarding procedures to amend existing zoning districts, change regulations, or grant variances. These processes are very common and the procedures need to be detailed to ensure that applicants and the public are provided due process. Blue River's prior Municipal Code provisions did not detail the processes by which individuals could change in zoning or change in zoning regulations.

## **Articles XXVI and XXVII – Map Revision and Text Amendment**

The first two Articles (**Map Revision** and **Text Amendment**) provide for processes that are consistent with the Town's current practices but also include greater detail and some additional provisions.

As a starting point, all Map Revisions and Text Amendments must be approved by the *governing body* of the Town. These actions cannot be delegated to the Planning & Zoning Commission (P&Z). The P&Z does, however, have a statutory role to provide a recommendation to the Board of Trustees in this role is retained in the Land Use Code. For Map Revisions and Text Amendments, the review by the P&Z is administrative in nature, meaning that there is no formal public hearing required before the P&Z. Nevertheless, the P&Z's meeting and its consideration of any application will be posted, and the public may attend the P&Z's review because it is an open meeting.

The current process for notification of zoning actions as well as the process described by the new Land Use Code, require publication of notice in a local newspaper and on the Town's website. This practice is retained by the new Land Use Code. This practice is also the only mandatory requirement by state law for any zone district change for regulatory change to the municipal code.



However, the new Land Use Code provides for "courtesy notice" that includes either or both of a mailed notice and a posted notice (in addition to the required published notice). A courtesy notice is a phrase used to describe a notice that is not mandated or required by the local government's regulations but can be undertaken to help advise the public of a public hearing. If the courtesy notice is not made incorrectly, this defect shall not affect the process.

The town has oftentimes mailed notice to adjacent property owners within 300 feet of the affected property. This practice can, sometimes, create confusion regarding whether the notice was properly addressed or was received by the addressee. For this purpose, the courtesy of mailed notice - which will be a common practice - will be sent to owners within 300 feet of the affected property. If the town elects, in the future, to post notice a sign would be located on the property that is subject to the zoning action.

In short, these two Articles detail practices that are commonly used within the Town as well as add to greater understanding and specificity about how to undertake a change in zoning.

A critical component of the new Land Use Code for these two Articles is the addition of specific criteria for approval of a Map Revision and a Text Amendment. Criteria for approval for these two actions and is required for any judicial review of the Town's decision.

## **Article XXVIII - Zoning Variance (Important)**

This Article is critical. Whenever a property owner suffers an unreasonable hardship due to the Land Use Code's zoning provisions and the owner cannot make reasonable use of property, the owner is entitled to apply for a "Zoning Variance." The variance process is recognized by state law and this Article is necessary to implement state law and address zoning problems.

State law requires that the local government appoint a "Board of Adjustment" to hear applications for variances. In the new Land Use Code, the Board of Trustees serves as the Board of Adjustment. Because the state law requires the Board of Adjustment to be only five members, the Board of Trustees will determine prior to a Zoning Variance hearing which five members of the Board of Trustees will sit as the Board of Adjustment and render a decision. State law also mandates that a variance may only be granted upon the vote of *four of the five members*.

The Board of Trustees should first recognize that a Zoning Variance only allows the owner to vary a standard such as height, setback, or another size or dimensional requirement imposed by the zone district. The Zoning Variance process does not allow an owner to change the *uses* within the zone district.

Like a Map Revision or Text Amendment, the process for notice and hearing is the same for a Zoning Variance. P&Z will conduct an administrative review of the application and make a recommendation to the Board of Trustees. The Board of Trustees will then hold a public hearing on the application after notice is provided which includes required notice by publication and a possible courtesy notice by mailing or posting.

Criteria for approval is required to be met in order to grant the variance. The criteria are a critical part of the Zoning Variance because variances are not to be easily granted in all instances because varying the zone district requirements is antithetical and could be harmful to the zone

district itself. So, Zoning Variances are a very special situation that is limited to an unreasonable hardship for the property owner. One of the important criteria is that the owner cannot obtain a variance "after the fact." That is, an owner who illegally constructs and improvement in violation of the zone district cannot secure a variance to legalize the illegal action. This criterion is commonly used in most variance processes and is intended to prevent "bad actors" from finding it is easier to "ask for forgiveness than to ask for permission."

## **Review Outline for a Portion of** **Chapter 16B - DEVELOPMENT & DESIGN STANDARDS**

Chapter 16B pertains to Development & Design Standards. These are the provisions that will be most important to both the Board of Trustees as well as owners of property. These standards address how the permitted use on a lot may be constructed (size, shape, materials, color). Later portions of Chapter 16B address "Accessory Improvements" (such as berms and decks) which are accessory to the principal building.

### **Article I - General**

Whereas Chapter 16A (Zoning) specifies what an owner can do with their lot in the way of "uses," Chapter 16B implements Chapter 16A with specific details about how the uses are to be constructed or conducted.

An important part of this Article pertains to the purpose of the Development & Design Standards. In reviewing and applying the standards of Chapter 16B, the interpretation and application must advance the natural mountain character, to be compatible with the vegetation found in Blue River, and to make use of natural contours, minimize excavation, and protect residents' privacy and impact from noise and traffic.

### **Article II - Subdivision and Lot Design**

This Article establishes standards on how a lot is to be created from a unsubdivided parcel or created from a subdivided parcel that is large enough to be divided.

The Article is straightforward and requires lots to be created so that utilities can be brought to the property, requires the dedication of utility easements, and to ensure that the lot is suitable in its size and shape to be developed in accordance with the zone district. The Article is necessary to prevent owners from creating challenging lots for development and later requesting zoning variances in order to develop the property. In short, creating a new or reconfigured lot must contemplate easements, limitations such as steep slopes and drainage ways and, in many cases, the lot may need to be larger than the minimum size required by the zone district.

The Article incorporates the state law requirement that every lot be created so that the lot has access to a public thoroughfare (a public road). This state statutory standard prevents the creation of "landlocked" lots that will create problems in the future for the Town when a subsequent owner seeks to develop and needs access across private properties. Where the subdivision is a "Major Subdivision," the Town is authorized to require secondary access. Lastly, lot design must



provide for dedicated snow storage easements so the Town can manage the public rights-of-way when plowing snow and protecting the health and safety of the public.

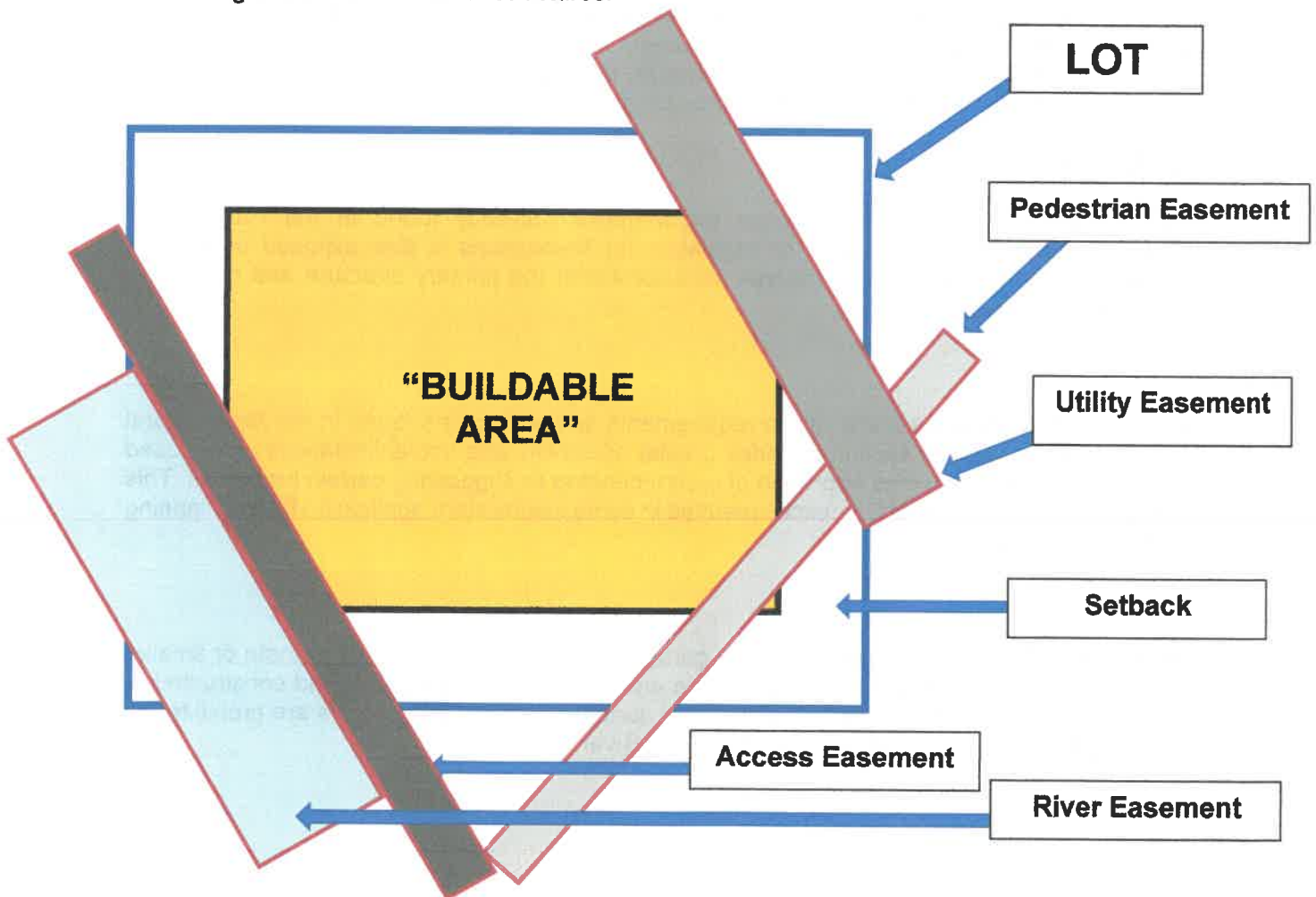
### Article III - Utilities and Easements

Article III is necessary to ensure that newly created lots provide for adequate easements for public utilities, access, drainage, and snow storage. Without a specific requirement in the Land Use Code, it is exceedingly difficult for a municipality to mandate the dedication of easements.

Article III recognizes that development cannot occur upon private pedestrian easements granted within subdivisions.

### Article IV - Setbacks, Buildable Area, and Building Siting

Article IV is important to ensure that the lot owner understands that the principal building and garage cannot be located within easements designed for other purposes. In effect, this Article IV creates "Buildable Area." The Buildable Area is the space that remains after the setbacks, easements, and other limitations such as topography on the property are detracted from the lot area. Article IV acknowledges a number of easements that prevent and, therefore, prohibit owners from using these easements for structures.



## **Article V - Building Design Standards and Building Architecture**

Article V addresses building height, architectural style, foundations, roof form, garages, window and door design, balconies and railings, and chimney and roof penetrations. Many of these issues (except for architectural style) is addressed by the current Architectural Guidelines of the Town. However, Article V is more detail in its requirements so that the requirements may be more enforceable and binding upon development.

### **Building Height**

Section 16B-5-20 includes provisions that are consistent with the current method by which the Town measures building height. However, there are specific exceptions to building height allowed by the Land Use Code to ease in the application of heights for nominal and inconsequential variations and for special roof height exception.

### **Architectural Style**

Section 16B-5-30 is intended for consideration by the Board of Trustees although **it is not necessary to include in the Land Use Code**. The underlying intent of this section is to ensure that development within the Town of the community and that structures which are wholly inconsistent with the character are precluded or prohibited. The regulation of architectural styles is not uncommon and can be found in communities with specialized needs and specialized character that the community wishes to advance. However, architectural style is not regulated in the majority, if not a vast majority, of local governments; these governments take an “anything goes” approach as long as the structure meets the building code requirements.

### **Foundations**

Section 16B-5-30 mimics many of the requirements currently found in the Architectural Guidelines. The principal limitation or regulation for foundations is that exposed portions of foundations must be treated in a manner consistent with the primary structure and not left as exposed concrete walls.

### **Roofs**

Section 16B-5-70 includes many of the requirements and restrictions found in the Architectural Guidelines. However, this section provides greater specificity and actual limitations as opposed to the Architectural Guidelines approach of recommending or suggesting certain limitations. This approach in the Architectural Guidelines resulted in some inconsistent application by the Planning & Zoning Commission.

### **Garages**

Section 16B-5-80 includes requirements for garages. Garages are to be subordinate or smaller than the principal residence. Garage doors are encouraged to be simplified and constructed of wood or metal with a color to match the adjacent surfaces. White garage doors are prohibited to protect the natural environmental view within Blue River.

**Windows and Door Design**

Section 16 B-5-90 is consistent with the current standards of the Architectural Guidelines.

**Balconies and Railings**

Section 16B-5-100 repeats the provisions contained in the Architectural Guidelines.

**Chimney and Roof Penetrations**

Section 16B-5-110 repeats the provisions contained in the Architectural Guidelines.

**Article VI - Building Materials and Colors**

Much of Article VI includes the provisions previously found in the Architectural Guidelines. The idea in Article VI is that properties will not be used for exterior structure materials or colors that are inconsistent with the natural mountain environment of the Town.

One issue that the Board of Trustees may wish to address is the use of wood shake. The Architectural Guidelines did not prohibit the use of wood shake for either roofing or siding. This authorization for shake is retained in the current Land Use Code. However, wood shake is recognized as a potential source of combustion and fire events and is prohibited in some communities. Many insurance companies provide either a discount for removal of wood shake or impose a surcharge for insurance for buildings with wood shake.

Please contact me directly if you have any questions.



## **CHAPTER 16A**

### **Zoning**

#### **Part 1        Zone Districts**

Article I	General.
Article II	Zoning Districts and Zoning Map.
Article III	Residential District (R-1)
Article IV	Transition District (TD)
Article V	Planned Residential District (PRD)
Article VI	Mixed Use District (MU)
Article VII	Undisturbed Open Space District (UOP)
Article VIII	Recreation and Floodplain District (RF)

Article IX through XV        *Reserved*

#### **Part 2        Use Regulations**

Article XVI	Residential Dwelling Units.
Article XVII	Sales/Management Office.
Article XVIII	Group Home.
Article XIX	Accessory Uses.
Article XX	Home Occupation Use.
Article XXI	Family Child Care Home

Article XXII through XXV        *Reserved*

#### **Part 3        Processes**

Article XXVI	General – Zoning Processes.
Article XXVI	Initial Zoning and Rezoning.
Article XXVII	Zoning Variance.

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**Part 1 – Zone Districts**

<b>Article I</b>	<b>General.</b>
<b>Article II</b>	<b>Zoning Districts and Zoning Map.</b>
<b>Article III</b>	<b>Residential District (R-1).</b>
<b>Article IV</b>	<b>Transition District (TD).</b>
<b>Article V</b>	<b>Planned Residential District (PRD).</b>
<b>Article VI</b>	<b>Mixed Use District (MU)</b>
<b>Article VII</b>	<b>Undisturbed Open Space District (UOP).</b>
<b>Article VIII</b>	<b>Recreation and Floodplain District (RF).</b>

**Article IX through XV**      *Reserved.*

**ARTICLE I – General.**

<b>Sec. 16A-1-10.</b>	<b>Title</b>
<b>Sec. 16A-1-20.</b>	<b>Intent and Purpose.</b>
<b>Sec. 16A-1-30.</b>	<b>Reference to Chapter 16 General Provisions.</b>
<b>Sec. 16A-1-40.</b>	<b>Definitions.</b>

**Sec. 16A-1-10. Title.**

Chapter 16A of the Blue River Municipal Code shall be referred to as the "Town of Blue River Zoning Ordinance" or "Zoning Ordinance."

**Sec. 16A-1-20. Intent and Purpose.**

- (a) Intent. The Zoning Ordinance is generally intended to divide the Town of Blue River into different districts or zones, that are intended, for the most part, to be separate from one another. Uses permitted within each district or zone are intended to be restricted or limited by characteristics or elements such as setback, height, size, and operation.
- (b) Purpose. The purpose of this Zoning Ordinance is to: (1) encourage and provide for uses that are deemed appropriate, necessary, and desirable for the Town of Blue River; (2) provide a degree of uniformity of uses within zone districts; (3) coordinate uses between zone districts to advance land use compatibility; (4) reasonably protect property values; (5) create a community that best preserves the natural environment and character that defines the Town of Blue River; (6) secure safety from fire, panic and other dangers; (7) provide adequate light and air and prevent the overcrowding of land and undue concentration of population; and (8) facilitate the adequate provision of transportation, water, sanitary sewer and storm water systems, parks and other public requirements.



**Sec. 16A-1-30. Reference to Chapter 16 General Provisions.**

The provisions of Chapter 16 (General Provisions) shall be applicable to this Chapter 16A.

**Sec. 16A-1-40. Definitions.**

The definitions of words and phrases used in Chapter 16A (Zoning) are found at **Article 3 of Chapter 16** of the Land Use Code.

**ARTICLE II – Zoning Districts and Zoning Map.**

- Sec. 16A-2-10. Zoning Districts Established.
- Sec. 16A-2-20. Official Zoning District Map.
- Sec. 16A-2-30. Changes in Official Zoning District Map.
- Sec. 16A-2-40. Interpretation of Zone District Boundaries
- Sec. 16A-2-50. Overlay Districts.

**Sec. 16A-2-10. Zoning Districts Established.**

In order to carry out the purposes and provisions of this Chapter, the Town of Blue River is divided into the following zoning districts:

CATEGORY	DISTRICT
Residential Districts	Transitional District (TD) Single-Family Residential District (R-1) Planned Residential District (PRD)
Mixed Residential/ Commercial District	Mixed Use District (MUD)
Resource Protection Districts	Undisturbed Open Space District (UOP) Recreation and Floodplain District (RFD)

**~~Sec. 16A-2-10. Zoning districts established.~~**

~~For the purpose of carrying out the provisions of this Chapter, the Town is hereby divided into the following zoning districts:~~

~~(1) Transition District. Each tract or parcel of land not subdivided or subject to covenants which is owned as a parcel by one (1) or more persons or corporation on the effective date hereof. The~~

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~~Zoning Map adopted herewith identifies known tracts or parcels, but if others now exist, the map is not exclusive.~~

- ~~(2) R-1 Low Density Residential District. This district includes all subdivisions now existing which were by covenant restricted to one (1) single family dwelling for each platted lot and those heretofore designated residential mountain estates.~~
- ~~(3) PRO Planned Residential Development District. The appropriate district for the planned residential development of land not exceeding a gross density of six (6) dwelling units per acre and planned according to the requirements set forth hereinafter.~~
- ~~(4) UOP Undisturbed Open Space District. This district includes lands within the Town which may vary in size but which are required to remain undeveloped and on which no building or structure may be erected, occupied or used except as set forth in Article VII of this Chapter.~~

**Sec. 16-3-20. — Zoning Map.**

~~The location of the zoning districts hereby established are shown on the map entitled "Town of Blue River, Colorado, Official Zoning Map," dated August 16, 2014, and said map, along with explanatory matter thereon, is hereby made a part of this Chapter and the same is adopted and approved. The official map shall be filed at the Town Hall and shall be kept current at all times. All amendments to the map made in conformity with this Chapter shall be recorded on the map within four (4) weeks of its adoption.~~

**Sec. 16A-2-20. - Official Zoning District Map.**

- (a) The Town of Blue River Zoning District Map shall be properly attested and kept on file in the Town Hall for any party interested in examining the Map.
- (b) The boundaries of the zoning districts hereby established are shown on a map entitled "*Blue River Zoning District Map*." The Zoning District Map and all notations, references and other information shown thereon shall have the same force and effect as if fully set forth or described in this Chapter, and such map is hereby made part of this Chapter.

**Sec. 16A-2-30. - Changes In Official Zoning District Map.**

- (a) Changes made to a zone district in accordance with procedures authorized by this Chapter shall be made promptly by the amendment of the Official Zoning District Map noting the date of the change and a brief description of the nature of the change. Such entry may be signed by the Mayor and attested by the Town Clerk. The amending ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning District Map. No amendment to this Chapter which involves matter shown on the Official Zoning District map shall become effective until after such change and entry have been made on said map.
- (b) No changes of any nature shall be made on the Official Zoning District Map or matters shown thereon except in conformity with the procedures set forth in this Chapter.

**Sec. 16A-2-40. - Interpretation of Zone District Boundaries.**

Where uncertainty exists as to the boundary of a zone district as shown on the Official Zoning District Map, the following interpretive rules shall apply:

- (a) Boundaries approximately following the center lines of streets or highways shall be construed as following such center lines.
- (b) Boundaries approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries approximately following Town limits shall be construed as following Town limits.
- (d) Boundaries approximately following shorelines or water bodies shall be construed to follow such shorelines or water bodies, and in the event of change in the shoreline or water body, shall be construed as moving with the actual shoreline or actual water body.
- (e) Boundaries approximately following the center line of streams, rivers or canals shall be construed to follow such center lines.
- (f) Distances not specifically indicated on the Official Zoning District Map shall be determined by the general scale of the map, where possible.

**Sec. 16A-2-50. Overlay Districts.**

*Overlay Districts* may be created by the Board by ordinance and super-imposed upon property within any zone district or a portion of a zone district for the purpose of applying specialized regulations to protect the health, safety, and welfare of the Town's inhabitants. For example, an Overlay District together with specific regulations and requirements may be appropriate for lands which include, or which are, adjacent to the following:

- Major thoroughfares and intersections.
- Places of relatively steep slope or grade.
- Wildlife corridors or sensitive wildlife areas.
- Floodplains, drainage corridors, and aquifer recharge areas.
- Ridgelines and locations of aesthetic concern.
- Areas of potential conflicts created by adjacent and dissimilar land uses.

**ARTICLE III Transition District (TD).**

Sec. 16A-3-10.	Purpose.
Sec. 16A-3-20.	Principal permitted uses.
Sec. 16A-3-30.	Accessory uses.
Sec. 16A-3-40.	Prohibited uses.
Sec. 16A-3-50.	District Standards.
Sec. 16A-3-60.	Reserved.
Sec. 16A-3-70.	Zoning Variance.

**DRAFTER'S COMMENT:**

This Zone District was previously included in Chapter 16 and is retained.

**Sec. 16A-3-10. Purpose.**

The Transition District (TD) is intended to provide for reasonable use of land that is typically larger in size, potentially suitable for later subdivision, and held in single ownership or as an undivided interest. Property within the Transition District may present opportunities for later subdivision and development if compatible with surrounding uses.

**Sec. 16A-3-20 Principal Permitted Uses.**

The following uses are permitted in the Transition District:

- One (1) *Single-Family Building* for each transition district legally recognized lot without regard to size, shape or location.
- *Churches-Religious Institution*
- ~~Public school or college~~
- ~~Public library-Public Building~~
- ~~Public museum~~
- *Community Building Center*
- *Group Home*
- Any use of property expressly required by federal or state law to be recognized as a residential use.

Commented [RW33]: Deleted because not foreseen that Blue River will get a school and, if so, change to the district can be made at that time.

Commented [RW34]: Required by federal law

Any use not expressly permitted will require a legislative amendment of this Section. See Section 16A-\_\_-\_\_.

**Sec. 16A-3-30. Accessory Uses.**

- Home occupations and accessory uses are permitted.
- *Family Child Care Home*
- ~~Streets within a platted road or access easement created prior to January 1, 2000.~~
- ~~Private street or driveway approved by the Town and necessary to provide access to a principal permitted use on the same lot.~~
- ~~Streets dedicated to and approved by the Town.~~
- ~~Parking area serving a permitted use.~~
- ~~Utilities to serve such a permitted use~~

Commented [RW35]: All are necessarily allowed in a zone district where development is allowed so they are not "uses" but are accessory improvements (see Chapter 16B)

**Sec. 16A-3-40. Prohibited Uses purposes.**

The following uses are prohibited in the Transition District:

- Any use not otherwise authorized by Section 16A-3-\_\_\_.
- Any Accessory Use not otherwise authorized by Section 16A-3-\_\_\_.

**Sec. 16A-4-50. Accessory Improvements.**

- (a) Permitted Accessory Improvements. The following *accessory improvements* are lawful and permitted provided that such accessory improvements meet all requirements imposed for such improvement. See referenced Sections:

Accessory Improvement	Reference Section
Bern	See Section 16B- -
Garage	See Section 16B- -
Shed (including greenhouse)	See Section 16B- -
Driveway	See Section 16B- -
Parking Areas	
Walkway	See Section 16B- -
Deck	See Section 16B- -
Gazebo, Pergola, and Similar Structures	See Section 16B- -
Hot Tub or Sauna (Exterior)	See Section 16B- -
Recreational Improvement: Fire Pit, Outdoor Fireplace, Chimenea, Playground Equipment	See Section 16B- -
Fences	See Section 16B- -
Walls	See Section 16B- -
Flagpoles	See Section 16B- -
Signs	See Section 16B- -
Lighting	See Section 16B- -
Utilities	See Section 16B- -
Any building, structure, or improvement not listed in this Section 16A-___ and which is administratively determined by the Town Manager as: (a) meeting the definition of Accessory Improvement; and (b) presenting no greater impact upon the neighborhood than other approved Accessory Improvements.	See Section 16- -

- (b) Prohibited Accessory Improvements. The following Accessory Improvements are prohibited in the Transitional District:

Any accessory amenity not listed in Section 16-3-\_\_\_ and specifically including without limitation:

- Tennis, Pickleball, and other outdoor recreational courts.

- Swimming pools (above ground, in ground, and whether or not enclosed within a building or structure).
- Permanent skate or rollerblade park or rink.
- Shooting or archery range.

Commented [RW36]: Suggested and needs discussion

**Sec. 16A-3-50. District Standards.**

Minimum Lot Size	None
Minimum Lot Width	None
Front Yard Setback	Minimum 25 Feet
Rear Yard Setback	Minimum 25 Feet
Side Yard Setback	Minimum 15 Feet
Building Height	Maximum 35 Feet

Commented [RW37]: Recommended to be consistent with R-1 Zone District. If existing buildings in the TD are taller than 35 feet, they will be nonconforming structures that can continue to exist, although not permitted to be increased in height.

**Sec. 16A-3-60. Reserved.**

**Sec. 16A-3-70. Zoning Variance.**

An application for a zoning variance is authorized pursuant to Section 16A-3-70).



#### ARTICLE IV Single-Family Residential District (R-1)

Sec. 16A-4-10.	Purpose.
Sec. 16A-4-20.	Principal Permitted Uses.
Sec. 16A-4-30.	Accessory Uses.
Sec. 16A-4-40.	Prohibited Uses.
Sec. 16A-4-50.	Accessory Improvements.
Sec. 16A-4-60.	District Standards.
Sec. 16A-4-70.	Reserved.
Sec. 16A-4-80.	Zoning Variance.

##### Sec. 16A-4-10. Purpose

The purpose of the Single-Family Residential ~~Low-Density Residential~~ District (R-1) is to encourage low density in the development of land, to preserve the natural and scenic features of open and wooded areas and thereby to preserve the essential character and value of the Town, to facilitate harmonious growth and to understand and respect the physiographic limitations of the environment.

##### Sec. 16A-4-20 Principal Permitted Uses.

The following uses are permitted in the Single-Family Residential District:

- One (1) *Single-Family Building* for each legally recognized lot.
- Local government owned or leased buildings, such as Town or fire department law enforcement buildings, and the necessary elements of utilities to serve such uses.
- *Group Home*
- Any use of property expressly required to be recognized by federal or state law as a residential use.

Commented [RW38]: Need to define

Any use not expressly permitted will require a legislative amendment of this Section. See Section 16A-\_\_-\_\_.

##### Sec. 16A-4-30. Accessory Uses.

The following accessory uses are permitted:

- Home occupations and accessory uses are permitted.
- *Accessory Apartment*. See Article \_\_ of Chapter 16A.
- *Family Child Care Home*.
- ~~Streets within a platted road or access easement created prior to January 1, 2000.~~
- ~~Private street or driveway approved by the Town and necessary to provide access to a principal permitted use on the same lot.~~
- ~~Streets dedicated to and approved by the Town.~~
- ~~Parking area serving a permitted use.~~

Commented [RW39]: Need to define as only when accompanied by a existing permitted use

Commented [RW40]: All are necessarily allowed in a zone district where development is allowed so they are not "uses" but are accessory improvements (see Chapter 16B)

**Sec. 16A-4-40. Prohibited Uses-purposes.**

The following uses are prohibited in the Transition District:

- Any use not otherwise authorized by Section 16A-4-\_\_.
- Any accessory use not otherwise authorized by Section 16A-4-\_\_.

**Sec. 16A-4-50. Accessory Improvements.**

- (c) **Permitted Accessory Improvements.** The following *accessory improvements* are lawful and permitted and, where indicated, regulates such *accessory improvements*:

Accessory Improvement	Reference Section
Berm	See Section 16B- -
Garage	See Section 16B- -
Shed (including greenhouse)	See Section 16B- -
Driveway	See Section 16B- -
Parking Areas	
Walkway	See Section 16B- -
Deck	See Section 16B- -
Gazebo, Pergola, and Similar Structures	See Section 16B- -
Hot Tub or Sauna (Exterior)	See Section 16B- -
Recreational Improvement: Fire Pit, Outdoor Fireplace, Chimenea, Playground Equipment	See Section 16B- -
Fences	See Section 16B- -
Walls	See Section 16B- -
Flagpoles	See Section 16B- -
Signs	See Section 16B- -
Lighting	See Section 16B- -
Utilities	See Section 16B- -
Any building, structure, or improvement not listed in this Section 16A- - and which is administratively determined by the Town Manager as: (a) meeting the definition of Accessory Improvement; and (b) presenting no greater impact upon the neighborhood than other approved Accessory Improvements.	See Section 16- -

- (d) **Prohibited Accessory Improvements.** The following Accessory Improvements are prohibited in the R-1 zone district:

Any accessory amenity not listed in Section 16-4-\_\_ and specifically including without limitation:

- Tennis, Pickleball, and other outdoor recreational courts.

- Swimming pools (above ground, in ground, and whether or not enclosed within a building or structure).
- Permanent skate or rollerblade park or rink.
- Shooting or archery range.

Commented [RW41]: Suggested and needs discussion

**Sec. 16A-4-60. Zone District Standards.**

Minimum Lot Size	80,000 square feet. For lots not meeting the minimum lot size, see <i>Non-Conforming Uses</i> , Section 16A-___
Minimum Lot Width	100 feet
Front Yard Setback	Minimum 25 Feet Rivershore Subdivision: Minimum 15 Feet
Rear Yard Setback	Minimum 25 Feet Rivershore Subdivision: Minimum 15 Feet
Side Yard Setback	Minimum 15 Feet
Building Height	Maximum 35 feet.

~~(4) Waiver of lot area, width and yard requirements. Although the gross density of any lot in a subdivision approved after the effective date of this Code in an R-1 development cannot exceed one (1) dwelling unit per each eighty thousand (80,000) square feet, the Planning and Zoning Commission may, by its discretion, waive lot area, width and yard requirements upon presentation and approval of detailed plans and documents as required herein and a written request from the applicant stating the rationale of the waiver.~~

Commented [RW42]: Advised by legal counsel to delete

~~(e) Height requirements. The maximum building height of any structure in Zone R-1 shall be On steeper lots, where the average slope across the footprint of the proposed structure exceeds fifteen percent (15%), the Planning and Zoning Commission may allow additional height for a limited unobtrusive ridge projection at the downslope terminus of said structure. Such relief will be considered on a case-by-case basis and may not be construed as a blanket waiver for sloping lots in general. The intent of this requirement is that the roof forms for homes on sloping sites step down with the grade to integrate with the natural setting.~~

Commented [RW43]: Advised by legal counsel to delete. Variance is appropriate means to consider height adjustments on case-by-case basis due to hardship. See new Article \_\_\_\_ of this Chapter 16

**Sec. 16A-4-70. Reserved.**

**Sec. 16A-4-80. Zoning Variance.**

An application for a zoning variance is authorized pursuant to Section 16A-4-80.

**~~Sec. 16-5-60. Off-street parking requirements.~~**

~~For every dwelling hereafter erected, two (2) off-street parking spaces shall be provided. Each space shall measure at least twelve (12) feet by twenty-five (25) feet and shall be provided with proper ingress and egress.~~

Commented [RW44]: Move to Parking Section

**~~Sec. 16-5-70. Signs and outdoor advertising devices.~~**

~~No signs or outdoor advertising devices shall hereafter be erected, altered, maintained, moved or permitted unless such sign or device conforms with the following regulations. No new sign or device may be erected unless such sign or device conforms to the following schedule of signs permitted:~~

Commented [RW45]: Need new Sign Code Section conforming with new First Amendment case law

~~(1) Permanent signs.~~

~~a. Identification signs.~~

- ~~1. Purpose. The purpose of identification signs is to identify premises or occupants of premises.~~
- ~~2. Size. Size is limited to three (3) square feet maximum per sign.~~
- ~~3. Number. One (1) sign is permitted for each street upon which the property faces.~~
- ~~4. Illumination. No illumination is permitted.~~

~~b. Subdivision entryway signs.~~

- ~~1. Purpose. A subdivision entryway sign is a sign that is erected on the ground or is supported by one (1) or more columns or poles extended from the ground or from an object on the ground. Such signs are designed for locating and identifying entryway to a subdivision.~~
- ~~2. Size. A subdivision entryway sign shall not exceed twenty-four (24) square feet of visible sign area nor exceed nineteen (19) feet in height.~~
- ~~3. Number. Either one (1) sign is permitted for each subdivision which the subdivision entryway sign is designated to locate and identify, or multiple signs are permitted in a number and amount as may be approved by the Board of Trustees. The Town may temporarily prohibit any sign placement, depending upon the status of the development.~~
- ~~4. Illumination. No illumination is permitted.~~

~~c. Handicapped or physically-challenged identification signs.~~

- ~~1. Purpose. The purpose of these signs is to identify and notify the public of handicapped or physically-challenged persons located or residing within the general area.~~
- ~~2. Size. Size is limited to four (4) square feet maximum per sign.~~
- ~~3. Number. One (1) sign is permitted for each street or within a five-hundred-foot radius of an area where a physically-challenged person resides or is located.~~
- ~~4. Illumination. No illumination is permitted.~~

**(2) Temporary signs.**

- a. **Purpose.** The purpose of temporary signs is to announce the sale or leasing of a property; public events to be held; the builder, architect or tenant of a proposed building or property; real estate development projects; or election campaigns.
- b. **Size.** Size is restricted to four (4) square feet maximum per sign side and limited to two (2) sides per sign; provided, however, that the developer of a real estate project may erect a "real estate project" identification sign not to exceed twenty-four (24) square feet of visible sign area or ten (10) feet in height, measured from the ground to the top of the sign.
- c. **Number.** Either one (1) sign is permitted for each street frontage upon which the property faces and so placed so that only one (1) sign faces each street; provided, however, that real estate project signs are limited to one (1) sign per real estate project area, or multiple signs are permitted in a number and amount as may be approved by the Board of Trustees, which includes the town's ability to Town may temporarily prohibit any sign placement, depending upon the status of the development.
- d. **Illumination.** None. No illumination is permitted.
- e. **Time limit.** Temporary signs must be removed after one hundred eighty (180) days, except for "real estate project signs," which may be located and erected for three hundred sixty-five (365) days. Any application for additional time for temporary sign placement is subject to prior Board of Trustees approval.

- (3) Exempt signs.** Signs erected by the Town or the Colorado Department of Transportation are exempt from the provisions of this Chapter.

**Sec. 16-5-80. R-1 Development procedures.**

Residential R-1 Developments shall be subdivided pursuant to Article VII of this Chapter.

**ARTICLE V Planned Residential District (PRD)**

Sec. 16A-5-10.	Purpose.
Sec. 16A-5-20.	Principal Permitted Uses.
Sec. 16A-5-30.	Accessory Uses.
Sec. 16A-5-40.	Prohibited Uses.
Sec. 16A-5-50.	Accessory Improvements.
Sec. 16A-5-60.	Zone District Standards.
Sec. 16A-5-70.	Other zoning criteria for Planned Residential District.
Sec. 16A-5-80.	Planned Residential District Procedures
Sec. 16A-5-90.	Zoning Variance Not Authorized.

**Sec. 16A-5-10. Purpose**

The purpose of the Planned Residential District is to:

- (1) Encourage flexibility and creativity in the residential development of land;
- (2) Enhance the design, character and quality of new development;



- (3) Maximize the efficient use of land;
- (4) Facilitate the harmonious growth of the Town;
- (5) Preserve the natural and scenic features of open and wooded areas; and
- (6) Understand and respect the physiographic limitations of the environment.

**Sec. 16A-5-20 Principal Permitted Uses.**

The following uses are permitted in the Planned Residential District:

- *Single-Family Building*
- *Two-Family Building*
- *Multi-Family Building*
- *Churches-Religious Institution*
- ~~*Public school or college*~~
- ~~*Public library-Public Building*~~
- ~~*Public museum*~~
- *Community Building Center*
- *Group Home*
- Any use of property expressly required to be recognized by federal or state law as a residential use.

Any use not expressly permitted will require a legislative amendment of this Section. See Section 16A-~~\_\_\_\_~~.

**Sec. 16A-5-30. Accessory Uses.**

The following accessory uses are permitted:

- ~~Home occupations and accessory uses are permitted. See Section 16A-~~\_\_\_\_~~.~~
- *Sales/Management Office.*
- *Family Child Care Home*

**Sec. 16A-5-40. Prohibited Uses-purposes.**

The following uses are prohibited in the Planned Residential District:

- Any use not otherwise authorized by Section 16A-5-20.
- Any accessory use not otherwise authorized by Section 16A-5-30.

**Sec. 16A-5-50. Accessory Improvements.**

- (e) Permitted Accessory Improvements. The following accessory improvements are lawful and permitted and, where indicated, regulates such accessory improvements:

Accessory Improvement	Reference Section



Bern	See Section 16B- -
Garage	See Section 16B- -
Shed (including greenhouse)	See Section 16B- -
Driveway	See Section 16B- -
Parking Areas	
Walkway	See Section 16B- -
Deck	See Section 16B- -
Gazebo, Pergola, and Similar Structures	See Section 16B- -
Hot Tub or Sauna (Exterior)	See Section 16B- -
Recreational Improvement: Fire Pit, Outdoor Fireplace, Chimenea, Playground Equipment	See Section 16B- -
Fences	See Section 16B- -
Walls	See Section 16B- -
Flagpoles	See Section 16B- -
Signs	See Section 16B- -
Lighting	See Section 16B- -
Utilities	See Section 16B- -
Any building, structure, or improvement not listed in this Section 16A- - and which is administratively determined by the Town Manager as: (a) meeting the definition of Accessory Improvement; and (b) presenting no greater impact upon the neighborhood than other approved Accessory Improvements.	See Section 16- -

- (f) Prohibited Accessory Improvements. The following *Accessory Improvements* are prohibited in the R-1 zone district:

Any *accessory improvement* not listed in Section 16-4- and specifically including without limitation:

- Tennis, Pickleball, and other outdoor recreational courts.
- Swimming pools (above ground, in ground, and whether or not enclosed within a building or structure).
- Permanent skate or rollerblade park or rink.
- Shooting or archery range.
- Fences or other similar forms of enclosures
- Walls (see Definition at Section 16- - )
- ~~(1) Roads or streets or private drives not terminating on the same lot, other than in a platted access easement.~~
- Private streets not located within a lawfully existing easement and which do not terminate within the PRD unless approved by the Town with the approval of the PRD.
- Private driveways which do not terminate on the lot that is served by the driveway unless approved by the Town with the approval of the PRD.

Commented [RW46]: Suggested and needs discussion

Commented [RW47]: Current restriction but needs discussion.

**Sec. 16A-5-60. Zone District Standards.**

Minimum Lot Size	To be determined by approval of submitted PRD Plan.
Minimum Lot Width	To be determined by approval of submitted PRD Plan
Front Yard Setback	To be determined by approval of submitted PRD Plan
Rear Yard Setback	To be determined by approval of submitted PRD Plan
Side Yard Setback	To be determined by approval of submitted PRD Plan
Building Height	Maximum 35 feet unless otherwise authorized by approval of submitted PRD Plan.*

\* The maximum height of buildings and structures within a PRD must be approved by the Town Planning and Zoning Commission upon review of each planned residential development in relation to the following factors:

(1) Geographical position; (2) The probable effect impact on surrounding slopes and hills; (3) Adverse visual effects-imparted-to-impacts upon adjoining property owners, other areas of the development, public lands or public rights-of-way; (4) Potential impacts upon adjacent sites, both within and outside of the Planned Residential District, caused by shade, shadows, or loss of air circulation; (5) Surrounding traffic conditions and lines of sight; (6) Uses within each building; and (7) Fire prevention measures.

**Sec. 16A-5-70. Other Zoning Criteria for Planned Residential District.**

Together with compliance with any applicable requirements of Chapter 16B, the following shall be specifically addressed by the Planned Residential District:

- (a) Density. The Applicant shall be responsible for justifying the proposed density in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.
- (d) Off-street parking shall be provided according to the off-street parking provisions of this Chapter.
- (e) Snow storage and snow management shall be provided and depicted on the plan.
- (d) Circulation shall be determined by review of each planned residential development in order to ensure an adequate internal street system, connectivity, and adequate access for

emergency services. Public streets must serve all developments; however, some private streets may be incorporated if: (1) they meet minimum standards established for public streets by the Town; (2) the Planned Development Plan guarantees by written agreement or other mechanism deemed acceptable to the Town that permanent, irrevocable, and ongoing maintenance and snow removal will be provided and emergency vehicles will have continuous access to all development served by private roads.

**Sec. 16A-5-80. Planned Residential District Procedures.**

The process to establish a Planned Residential District shall require the submission of a Major or Minor Subdivision, as applicable, pursuant to Chapter 17 of the Municipal Code which application and subdivision plat shall evidence compliance with the standards and requirement of this Article. Final subdivision plats shall include the title of "[Name of Development] Planned Residential District."

**Sec. 16A-5-90. Zoning Variance Not Authorized.**

Because the Planned Residential District is comprehensively planned to accommodate the limitations and unique features of the property within the District, zoning variances shall not be authorized within the Planned Residential District. Modifications of an established Planned Residential District shall require amendment of the Planned Residential District pursuant to Section 16A-5-90.

**Sec. 16-6-50. Site and structure requirements.**

- (a) ~~Density. The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.~~
- (b) ~~Yard requirements. Yard requirements will be determined upon submission and approval of the preliminary development plans. The applicant shall be responsible for justifying the proposed yard requirements in terms of land planning and fire safety.~~
- (c) ~~Height requirements. The maximum height of structures must be approved by the Planning and Zoning Commission upon review of each planned residential development in relation to the following factors:~~
  - (1) ~~Geographical position.~~
  - (2) ~~The probable effect on surrounding slopes and hills.~~
  - (3) ~~Adverse visual effects imparted to adjoining property owners, other areas of the development, public lands or public rights-of-way.~~
  - (4) ~~Potential problems for adjacent sites, both within and out of the development, caused by shade, shadows, loss of air circulation or loss of view.~~
  - (5) ~~Surrounding traffic conditions and lines of sight.~~
  - (6) ~~Uses within each building.~~
  - (7) ~~Fire prevention measures.~~

**Sec. 16-6-80. Off-street parking requirements.**

Off-street parking shall be provided according to the off-street parking provisions of this Chapter.

(Prior code 6-6-5)

**Sec. 16-6-70. Signs.**

All signs shall conform to the sign provisions of this Chapter.

(Prior code 6-6-6)

**Sec. 16-6-90. Planned residential development procedures.**

Planned residential developments shall be subdivided pursuant to Chapter 17 of this Code.

(Prior code 6-6-8)

**Sec. 16-6-80. Circulation.**

Circulation shall be determined by review of each planned residential development in order to ensure an adequate internal street system. Public streets must serve all such developments; however, private streets may be incorporated if they meet minimum standards established by the Planning and Zoning Commission, if the owner guarantees in writing that permanent, ongoing maintenance and snow removal will be provided, and if all emergency vehicles will have continuous access to all private roads.

(Prior code 6-6-7)

**Sec. 16-6-100. Zoning review.**

At least once every twenty-four (24) months following the approval of a planned residential development, the Planning and Zoning Commission shall review all building permits which have been issued for the development and shall examine the construction which has taken place on the site. If there appear to be violations of any of the provisions of this Chapter or the terms or conditions of the planned residential development approval, the Planning and Zoning Commission shall hold a public hearing on the alleged violations, having first given notice to the planned residential development applicant or owner and all owners of abutting property, including the proper public authority governing abutting public lands. Upon review of the alleged violations, the Planning and Zoning Commission may, if it deems necessary, require that appropriate action be taken to remedy the violation, amend or modify the planned residential development or revoke approval of the planned residential development district.

**Sec. 16-6-110. Waiver of required information.**

If a development involves not more than eight (8) dwelling units with a density which is not in excess of two (2) units per acre, the Planning and Zoning Commission may, at its discretion, waive any or all of the above requirements to be replaced by a site plan at a size no smaller than one (1) inch equal to thirty (30) feet, a boundary survey, the proposed location of structures and the circulation system with approximate dimensions, indication of wooded areas and willow thickets, surface waters, location of easements and

rights-of-way, and the proposed method of providing sewer, water, ongoing maintenance and the treatment of common areas. A topographic map may be required if topography presents a particular problem.

#### ARTICLE VI Mixed Use District (MUD)

Sec. 16A-6-10.	Purpose.
Sec. 16A-6-20.	Minimum Application Requirements.
Sec. 16A-6-30.	Permitted Uses.
Sec. 16A-6-40.	Accessory Uses.
Sec. 16A-6-50.	Accessory Improvements.
Sec. 16A-6-60.	Zone District Standards.
Sec. 16A-6-70.	Other Zoning Criteria for Mixed-Use District.
Sec. 16A-6-80.	MUD Zoning Application.
Sec. 16A-6-90.	Findings and Conclusions.
Sec. 16A-6-100.	Form of MUD Ordinance.
Sec. 16A-6-110.	Amendment of MUD.
Sec. 16A-6-120.	Zoning Variance Not Authorized.

**DRAFTER'S COMMENT:** This is a new zone district that would be potentially available for an owner who wanted to bring in a larger property (likely by annexation) and wanted to propose a variety of uses on the property. Lodge by the Blue would need such a zone district. Including this zone district in a land use code does not grant a right to an owner to gain approval. Applying a zone district to property is discretionary by the BOT so this is merely an opportunity to discuss with any new owner and not a requirement that the Town accept such a new district

##### Sec. 16A-6-10. Purpose

The purpose of the Mixed-Use Zone District (MUD) is to allow for the comprehensively planned and coordinated development of land greater than thirty-five (35) acres in total size which is annexed into the Town after January 1, 2021. All details of development, uses, and improvements in a Mixed-Use District must be described and set forth on a MUD Plan which may incorporate provisions of the Land Use Code. Every MUD Plan shall reserve not less than one-third (1/3) of the parcel size as public or private open space, active or passive parks, riparian or resource protection area, floodplain and floodway, and/or undeveloped buffer areas.

##### Sec. 16A-6-20. Minimum Application Requirements.

A parcel of land may be proposed for zoning as a Mixed-Use District only where the land and proposed development will meet or exceed the following minimum requirements:

- (1) The property is annexed into the Town of Blue River on or after January 1, 2021, and is authorized by an annexation agreement to seek application for a Mixed-Use Zone District;
- (2) A minimum parcel size of thirty-five (35) acres; and
- (3) The planned development of the property will reserve not less than one-third (1/3) of the parcel size as public or private open space, active or passive parks, riparian or resource protection area, floodplain and floodway, and/or undeveloped buffer areas.

**Commented [RW48]:** Note: The MU District cannot be applied to property currently within the Town. So, there is no risk that an owner will ask to convert existing residential property to mixed use. The zoning of land that is within future annexations (if annexation were to occur) will always be subject to the discretion of the Board and there will be no risk that such future annexed land will be zoned MUD unless the Board directs.



**Sec. 16A-6-30. Permitted Uses.**

An application for a Mixed-Use District may include any two or more of the following uses subject to the designation of the areas associated with each use within the MUD Plan and the consideration and discretionary approval of the Board of Trustees as best serving the health, safety, and welfare of the community:

- *Dwelling, Single-family.*
- *Dwelling, Two-family* provided that ownership, lease, or rental of all units is deed or covenant restricted to: (i) business owners and/or employees of the commercial businesses within the Mixed-Use District; or (ii) employees of a public law enforcement agency, fire or fire/rescue agency or district, or public emergency medical services, providing services within Summit County.
- *Dwelling, Multi-family* provided that ownership, lease, or rental of all units is deed or covenant restricted to: (i) business owners and/or employees of the commercial businesses within the Mixed-Use District; or (ii) employees of a public law enforcement agency, fire or fire/rescue agency or district, or public emergency medical services, providing services within Summit County.
- *Hotel* as defined by Section 16-\_\_\_\_ not exceeding \_\_\_\_\_ total square feet or a total of \_\_\_\_\_ rentable rooms for overnight accommodations.
- *Restaurant* as defined by Section 16-\_\_\_\_ not exceeding \_\_\_\_\_ square feet in total size for each Restaurant.
- *Event Center* as defined by Section 16-\_\_\_\_.
- *Public Building.*
- *Community Center.*
- *Group Home.*
- Any use permitted as a permitted use in the Undisturbed Open Space District (UOP) (see Section 16A-\_\_\_\_).
- Any use authorized as a permitted use in the Recreation and Floodplain District (see Section 16A-\_\_\_\_).

Commented [KW49]: The size of the hotel would be subject to the BOT approval. No specific size needs to be set as an owner has no legal right to either the hotel or the size.

Any use not expressly permitted will require a legislative amendment of this Section. See Section 16A-\_\_\_\_.

**Sec. 16A-6-40. Accessory Uses.**

- *Family Child Care Home* within a residential dwelling unit.

No other accessory uses shall be permitted in a Mixed-Use District including, specifically, a Home Occupation.

**Sec. 16A-6-50. Accessory Improvements.**

- (a) Permitted Accessory Improvements. Each Mixed-Use District shall identify the *accessory improvements* permitted within the District and the scope, extent, and other regulations to govern the *accessory improvements*. See, e.g., Accessory Uses and regulations of Section 16A-4\_\_\_\_.

(b) Prohibited Accessory Improvements. The following Accessory Improvements are prohibited in the Mixed-Use Zone District:

- Tennis, Pickleball, and other outdoor recreational courts.
- Swimming pools (above ground, in ground, and whether or not enclosed within a building or structure).
- Permanent skate or rollerblade park or rink.
- Shooting or archery range.
- Fences or other similar forms of enclosures.
- Private streets not located within a lawfully existing easement and which do not terminate within the MUD unless approved by the Town with the approval of the MUD.
- Private driveways which do not terminate on the lot that is served by the driveway unless approved by the Town with the approval of the MUD.

Commented [RW50]: Suggested and needs discussion

**Sec. 16A-8-60. Zone District Standards.**

Minimum Lot Size	To be determined by approval of submitted MUD Plan.
Minimum Lot Width	To be determined by approval of submitted MUD Plan
Front Yard Setback	To be determined by approval of submitted MUD Plan
Rear Yard Setback	To be determined by approval of submitted MUD Plan
Side Yard Setback	To be determined by approval of submitted MUD Plan
Building Height	Maximum 35 feet unless otherwise authorized by approval of submitted MUD Plan.*

\* The maximum height of buildings and structures within a MUD must be approved by the Town upon review of each MUD in relation to the following factors:

(1) Geographical position; (2) The probable impact on surrounding slopes and hills; (3) Adverse visual impact upon adjoining property owners, other areas of the development, public lands or public rights-of-way; (4) Potential impacts upon adjacent sites, both within and outside of the MUD, caused by shade, shadows, or loss of air circulation; (5) Surrounding traffic conditions and lines of sight; (6) Uses within each building; and (7) Fire prevention measures.



**Sec. 16A-6-70. Other Zoning Criteria for Mixed-Use District.**

- (a) **Density.** The applicant shall be responsible for justifying the proposed density level in terms of land planning and physiographic data, but in no case shall the gross density exceed six (6) dwelling units per acre of land.
- (b) **Off-street parking** shall be provided according to the parking provisions of Chapter 16A-6-10.
- (c) **All signs** shall conform to the sign provisions of Chapter 16A-6-15.
- (d) **Vehicular circulation** shall be determined by review of each planned residential development in order to ensure an adequate internal street system, connectivity, and adequate access for emergency services. Public streets must serve all developments; however, some private streets may be incorporated if: (1) they meet minimum standards established for public streets by the Town; (2) the Mixed-Use Plan guarantees by written agreement or other mechanism deemed acceptable to the Town that permanent, irrevocable, and ongoing maintenance and snow removal will be provided and emergency vehicles will have continuous access to all development served by private roads.

**Sec. 16A-6-80. MUD Zoning Application.**

An owner seeking approval of a Mixed-Use Zone District shall submit an application in a form promulgated by the Town Manager containing ownership and contact information. All Mixed-Use Zone District applications shall include a MUD Zoning Plan that shall provide, at a minimum, the following detail:

- (1) A description of all allowed uses for the property including designation of the areas or zones within the property where such uses may be located. All uses must be described with specificity including, where appropriate, residential densities, and total number and type of residential units. The specific amount of square feet for areas or zones set aside for the proposed uses may be identified generally and shall customarily be defined by the topography and/or natural features of the property.
- (2) A description of lot sizes, minimum lot frontages, setbacks, and maximum building heights for all uses. If the property is intended for future subdivision, the plan shall identify the potential lot arrangement together with setbacks from anticipated subdivided lot boundaries. For areas generally designated for types of residential use, minimum lot areas, lot widths, and front, side, and rear yard setbacks shall be identified. The Mixed-Use District shall not constitute subdivision; later subdivision of the property will be required in accordance with Chapter 17.
- (3) **Accesses, streets, drive aisles, and parking areas** sufficient to accommodate all uses of the property.
- (4) **Designation of areas** to be preserved as public or private open space, active or passive park or recreation, public or private trails, riparian or resource protection, and/or undeveloped buffers that will best integrate the mixed uses into the residential character of the Town and preserve and protect existing residential uses from impacts reasonably

associated with the proposed uses. Such areas are assumed to remain undeveloped unless a description of the types and forms of development (e.g., gazebos, warming huts), together with maximum structure sizes, setbacks, and heights are included in the MUD Zoning Plan.

- (5) Sample illustrations of the intended design aesthetic for all structures, materials, and colors to be incorporated into future development.

**Sec. 16A-6-90. Findings and Approval.**

All new MUD applications require an administrative review and recommendation by the Planning and Zoning Commission and review and consideration of approval by the Town Board of Trustees following a public hearing. Final approval of a MUD application shall require findings by the Board of Trustees that the application and Zoning Plan meets or exceeds the following criteria:

- The property meets the minimum requirements for a Mixed-Use District provided by Section 16A-6-\_\_\_
- The planned development of the property demonstrates that adjacent uses located within the Town will be adequately protected from adverse impacts of the mixed use due to logically located undeveloped buffer areas;
- The planned development of the property provides efficiency in the layout of uses, parking areas, and the provision of roads, utilities and other infrastructure necessary to serve the proposed mixed uses;
- The planned development will reasonably implement applicable provisions of the Blue River Comprehensive Plan.
- The development of the property in accordance with the Mixed-Use Zone District will preserve the residential and open character of the Town;
- For any commercial development proposals, the proposed development of the property in accordance with the Mixed-Use Zone District will directly serve the commercial needs of the Town; and
- The development of the property in accordance with the Mixed-Use Zone District will be adequately served with utilities, sufficient parking, and access.

**Sec. 16A-6-100. Form of MUD Ordinance.**

Approval of a Mixed-Use Zone District shall require the approval of an ordinance which includes an illustration of the property with the designation of areas to be devoted to varying uses together with a narrative of the uses, structures, setbacks, building heights, and limitations and conditions authorized within each designated area. The illustration and narrative shall be subject to review

and recommendation of the Town Attorney as to the sufficiency of the plan to meet the need for specificity for the zoning of property. Applicants are encouraged to work closely with the Town Manager and Town Attorney in preparing the MUD Zoning Plan and supporting documents to ensure adequacy of the Plan to meet the Town's requirements.

**Sec. 16A-6-110. Amendment of MUD.**

Any change to an approved Mixed-Use Zone District shall be subject to the same process of review and approval as the initial approval of the District.

**Sec. 16A-6-120. Variances.**

Because the Mixed-Use District is comprehensively planned to accommodate the limitations and unique features of the property within the District, zoning variances shall not be authorized within the Mixed-Use District. Modifications of an established Mixed-Use District shall require amendment of the Mixed-Use District pursuant to Section 16A-~~6-110~~.

**ARTICLE VII Undisturbed Open Space District (UOP)**

Sec. 16A-7-10.	Purpose.
Sec. 16A-7-20.	Principal Permitted Uses.
Sec. 16A-7-30.	Accessory Uses.
Sec. 16A-7-40.	Improvements.
Sec. 16A-7-50.	Zone District Standards.
Sec. 16A-7-60.	Zoning Variance Not Authorized.

**Sec. 16A-7-10. Purpose**

The Undisturbed Open Space District (UOP) is intended to zone property that was restricted from development and is to be preserved in an undisturbed, natural, and undeveloped state pursuant to a reservation or grant included in an instrument of conveyance, covenant, or other agreement. Occasional pruning or planting of vegetation to preserve and enhance the existing flora, fauna and wildlife may be allowed by approval of the Board of Trustees if consistent with the reservation or grant.

Commented [RWS1]: If this is needed and acceptable, why subject the action to the Town's approval?

**Sec. 16A-7-20 Principal Permitted Uses.**

The following uses are permitted in the Undisturbed Open Space District:

- Uses expressly permitted by the document or instrument preserving the property in an undisturbed, natural, and undeveloped state.

**Sec. 16A-7-30. Accessory Uses.**

- No accessory uses are permitted.

**Sec. 16A-7-40. Improvements.**

Although no use or improvement of the property within an UOP District is generally permitted, the following *improvements* are permitted in the Undisturbed Open Space District unless inconsistent with a reservation or grant associated with the property within the UOP District:

- Underground utilities ~~only provided that: (i) any land disturbed by installation of utilities be but only so long as the person or entity installing the utility agrees to restore the land to its natural state that existed prior to installation of utilities; posts a bond in twice the amount of the estimated cost of installation and removal and provides a permanent surety which guarantees repair and restoration of any property damaged or altered by future maintenance of the installed utility; and (ii) prior to installation of utilities, the owner enters into an agreement with the Town to guarantee the restoration of the property which agreement may, at the Town's discretion, require the posting of bond or other surety to ensure the completion of restoration.~~
- Fire hydrants shall be allowed only along or within twenty (20) feet of the outer property boundary of any area zoned UOP.
- Roadways in existence and located on any parcel of land which is zoned UOP may continue in existence and may be maintained, repaired and paved. Such roadways may not be widened or relocated. ~~moved without the approval by motion of a majority of the governing body of the Board of Trustees.~~

Any other *accessory improvements* of the property within an UOP District are prohibited unless approved by the Board of Trustees.

**Sec. 16A-7-50. Zone District Standards.**

Minimum Lot Size	None
Minimum Lot Width	None
All Setbacks	Minimum 5 Feet.
Building Height	Maximum 5 feet.

**Sec. 16A-7-60. Zoning Variance Not Authorized.**

Zoning variances shall not be authorized within the Undisturbed Open Space District.

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**Sec. 16-7-10. Permitted uses.**

- ~~(a) Uses permitted in the UOP—Undisturbed Open Space District are any existing use or use reserved or granted in any instrument of conveyance dated prior to the effective date of this Code.~~
- ~~(b) Areas zoned UOP may be used for underground utilities only, but only so long as the person or entity installing the utility agrees to restore the land to its natural state that existed prior to installation, posts a bond in twice the amount of the estimated cost of installation and removal and provides a permanent surety which guarantees repair and restoration of any property damaged or altered by future maintenance of the installed utility.~~
- ~~(c) Fire hydrants shall be allowed only along or within twenty (20) feet of the outer boundary of any area zoned UOP.~~
- ~~(d) Roadways in existence and located on any parcel of land which is zoned UOP may continue in existence and may be maintained, repaired and paved. Such roadways may not be widened or moved without the approval by motion of a majority of the governing body of the Board of Trustees.~~

20

**Sec. 16-7-20. Accessory uses.**

~~There shall be no accessory uses in a UOP District.~~

**Sec. 16-7-30. Prohibited uses.**

~~Except as provided in Section 16-7-10 above, no structures, buildings, walls, roads, foundations, signs, fences, posts or poles of any kind whatsoever, whether temporary or permanent, may be erected, placed, stored or in any way placed upon any area zoned UOP.~~

**Sec. 16-7-40. Preservation of natural features.**

~~UOP-zoned districts shall be preserved in their natural state. Occasional pruning or planting to preserve and enhance the existing flora, fauna and wildlife may be allowed only upon a majority vote of the Board of Trustees.~~

Commented [RW52]: Moved to purpose of the UOP District

**ARTICLE VIII Recreation and Floodplain District (RFD)**

Sec. 16A-8-10.	Purpose.
Sec. 16A-8-20.	Principal Permitted Uses.
Sec. 16A-8-30.	Prohibited Uses.
Sec. 16A-8-40.	Accessory Uses.
Sec. 16A-8-50.	Improvements.
Sec. 16A-8-60.	Zone District Standards.
Sec. 16A-8-70.	Zoning Variance Not Authorized.

**DRAFTER'S COMMENT:** This Article is NEW and Intended to allow the Town to zone property for preservation. This district can be used on portions of property seeking zoning to, for example, protect river easement areas

Commented [RW53]: This is a NEW zone district. Would be applied to protect the Blue River floodway and floodplain and to extend to areas desired for recreational purposes.

**Sec. 16A-8-10. Purpose**

The Recreation and Floodplain District (RFD) is intended to zone property that will be preserved from intensive development to either: (1) protect property from impacts due to natural water flows and floods; or (2) provide for passive or lower-intensive recreational uses such as trails, fishing, boating, kayaking, ice skating, or other common recreational activities.

The Recreation and Floodplain District may be applied to a lot in a manner that would result in a portion of the lot being within one zone district (e.g., the R-1 District) and a portion within the RFD. Such division of the lot by two zone districts is intended to allow for a building site while also recognizing that the lot is limited in development potential due to the existence of floodplain or other restriction.

**Sec. 16A-8-20 Principal Permitted Uses.**

The following principal permitted uses are authorized in the Recreation and Floodplain District:

- Uses expressly authorized by Army Corp of Engineers, or any other federal or state agency with jurisdiction over waterways and floodplains.
- Uses deemed by the Board of Trustees after review and consideration to be not inconsistent with lower-intensive recreation or floodplain management.

**Sec. 16A-8-30. Prohibited Uses.**

The following uses are specifically prohibited in the Recreation and Floodplain District:

- Any use not otherwise expressly authorized by Section 16A-8-30.

**Sec. 16A-8-40. Accessory Uses.**

- No accessory uses are permitted.

**Sec. 16A-8-50. Improvements.**

Although some minimal use and improvement of the property within a Recreation and Floodplain District is permitted, the following improvements are permitted in the Recreation and Floodplain District unless inconsistent with a reservation or grant associated with the property within the District:

- Underground utilities provided that: (i) any land disturbed by installation of utilities be restored to its natural state that existed prior to installation of utilities; and (ii) prior to installation of utilities, the owner enters into an agreement with the Town to guarantee the restoration of the property which agreement may, at the Town's discretion, require the posting of bond or other surety to ensure the completion of restoration.
- Fire hydrants shall be allowed only along or within twenty (20) feet of the outer property boundary of any area zoned RFD.

- Roadways in existence and located on any parcel of land which is zoned RFD may continue in existence and may be maintained, repaired and paved. Such roadways may not be widened or relocated.
- Permanent or temporary improvements commonly associated with flood water management such as, but not limited to, drop structures, swales, embankments, retaining walls, conduits, and channels.
- Permanent or temporary improvements commonly associated with lower-intensity recreational uses such as, but not limited to, gazebo, picnic table, benches, warming hut, boardwalks, retaining wall not greater than five (5) feet in height for trail or area protection; and restrooms which do not exceed 200 square feet without approval of the Town. No structure may exceed 10 feet in height measured from the immediate average grade level of the structure.

Any other improvements of the property within a Recreation and Floodplain District are prohibited unless approved by the Board of Trustees. Without limiting the foregoing, the following improvements are specifically prohibited as wholly inconsistent with the purposes of the Recreation and Floodplain District:

- Garages, sheds, or other similar structures used for storage of vehicles or equipment.
- Fences and enclosures except to protect from entry of persons into protected or environmentally sensitive areas as approved by the Town.
- Any use or structure prohibited by the Army Corp of Engineers, or any other federal or state agency with jurisdiction over waterways and floodplains.
- Any private use or structure that requires a conditional or final letter of map revision the Army Corp of Engineers or other federal or state agency for the use or structure.

**Sec. 16A-8-60. Zone District Standards.**

Minimum Lot Size	None
Minimum Lot Width	None
All Setbacks	Minimum 10 Feet.
Building Height	Maximum 10 feet.

**Sec. 16A-8-70. Zoning Variance Not Authorized.**

Variances shall not be authorized within the Recreation and Floodplain District.





**Part 2 Use Regulations**

Article XVI	Residential Dwelling Units.
Article XVII	Sales/Management Office.
Article XVIII	Group Home.
Article XIX	Accessory Apartment.
Article XX	Home Occupation Use.
Article XXI	Family Child Care Home

Article XXII through XXV Reserved

Article XVI Residential Dwelling Unit Use.

Sec. 16A-16-10. Use Restrictions.  
Sec. 16A-16-20. Notice of Use Restriction as Condition of Building Permit.

**DRAFTER'S COMMENT:**  
Although zone districts can generally recognize allowable uses, certain uses require more detail in how the use will be regulated and conducted. Use regulation is different than structure or building regulation (See Chapter 16B for Development Design & Operational Regulations)

**Sec. 16A-16-10. Use Restrictions.**

- (a) **Authorized Use.** Each *dwelling unit*, whether a single or separate unit, or a unit within a two-family or multi-family structure, shall be used principally and primarily as a place for residential accommodations by one (1) *family* living, sleeping, and cooking as an independent housekeeping unit.
- (b) **Legal Occupancy.** Each dwelling unit may be lawfully occupied by ownership or by lease or rental. A lawful occupancy by lease or rental shall be for a period greater than thirty (30) consecutive days. Lease or rental for thirty (30) consecutive days or less (a "*short-term rental*") shall be unlawful unless such short-term rental is undertaken pursuant to the Town's issuance of a short-term rental license in accordance with Article \_\_\_\_\_ of Chapter \_\_\_\_\_ of the Municipal Code. Because the short-term rental of property is not a right of use and is a privilege subject to annual licensing, the short-term rental of property may not constitute a nonconforming use of a dwelling unit.
- (c) **Unlawful Division.** It shall be unlawful and a violation of the Municipal Code to convert, separate, add to, or otherwise divide a dwelling unit to accommodate or serve more than one (1) *family* unless otherwise approved by the Town pursuant to the Land Use Code. An unlawful conversion, separation, addition to, or division includes, but is not limited to, the creation of an unapproved *apartment* or a *lock-off unit*.

**Sec. 16A-16-20. Notice of Use Restriction as Condition of Building Permit.**

- (a) **Application.** This section applies to the application for issuance of a building permit for the following:
  - (1) The creation, construction, or expansion of any accessory building or structure, including a garage, that is greater than \_\_\_\_\_ square feet in *gross floor area* and

which building, structure, or garage is served by, or can reasonably be served by, water, sanitary sewer, and electrical services; or

- (2) Any expansion, remodeling, reconfiguration, or modification of any part of portion of an *existing dwelling unit* that could, in the Town's opinion, reasonably permit, accommodate, create, or be used for an apartment, lock-off, or an additional dwelling unit; or
  - (3) Any new construction of a dwelling unit that the design of which, in the Town's opinion, could reasonably permit, accommodate, create, or be used for an apartment, lock-off, or an additional dwelling unit.
- (b) Condition for Building Permit. Prior to issuance of a building permit for the improvement of any *lot* as provided in (a) above, the owner of such *lot* shall execute a notice to be recorded by the Town in the real property records for the lot, which gives notice that the issuance of the building permit does not authorize or permit the occupancy of the building or structure as an accessory apartment, lock-off, or additional dwelling unit and such occupancy is specifically prohibited by Article        of Chapter 16A of the Town of Blue River Municipal Code. The form of such required notice shall be promulgated by the Town.

**Article XVII                      Sales/Management Office Use.**

Sec. 16A-17-10.              Generally.  
Sec. 16A-17-20.              Use Restrictions.

**Sec. 16A-17-10. Generally.**

A *Sales/Management Office* is an accessory use to the principal permitted use of residential property operated for the primary purpose of providing sales and property management information and services to associated residential dwelling units.

**Sec. 16A-17-10. Use Restrictions.**

When permitted by the applicable zone district, a *Sales/Management Office* shall be:

- (a) Less than 1,000 square feet in *gross floor area*;
- (b) Located within or adjacent to: (1) property being actively marketed for sale or rental of existing or proposed residential dwelling units; or (2) property that was sold or rented as residential dwelling units;
- (c) Limited to primarily and principally providing sales and property management information and services to such residential dwelling units; and

- (d) As a secondary and subordinate use and purpose of the Sales/Management Office, may provide for the retail sale of goods, commodities, or services provided that all required authorizations, permits, and licenses (including sales tax license) are obtained.

**Article XVIII Group Home.**

Sec. 16A-18-10. Authorization.  
Sec. 16A-18-20. Compliance with Applicable Town Laws.  
Sec. 16A-18-30. Reasonable Accommodation Requests.

**Sec. 16A-18-10. Authorization.**

A *group home* as defined by Section 16- - is a *principally permitted use* of a residential *dwelling unit* in accordance with state and federal law. No permit or Town approval is required, although the owner of a *group home* is strongly encouraged to contact the Town Manager to ensure understanding and compliance with the Town rules and regulations applicable to the operation of a group home.

**Sec. 16A-18-20. Compliance with Applicable Town Laws.**

A *group home* shall comply with all Town laws applicable to the residential use of property including, but not limited to, requirements imposed by Chapter 16B.

**Sec. 16A-18-20. Reasonable Accommodation Requests.**

An *owner* of a *group home* seeking a reasonable accommodation from compliance with Town laws as may be permitted by federal law for group homes subject to the Fair Housing Amendments Act ("FHAA") are encouraged to consult with the Town Manager regarding such request. The Town Manager is authorized to administratively grant written requests detailing the scope and purpose for the accommodation following consultation with the Town Attorney and confirmation that the request is both reasonable and supported by the FHAA. A denial of a request for accommodation is a final administrative decision appealable to the Board of Trustees in accordance with Section 16- -.

**Article XIX Home Occupation Use.**

Sec. 16A-19-10. Purpose.  
Sec. 16A-19-20. Home Occupation Standards.  
Sec. 16A-19-30. Prohibited Home Occupations.

**Sec. 16A-19-10. Purpose.**

The purpose of this Article is to provide regulations for home occupations within the Town to ensure that a home occupation is secondary or incidental in relation to the residential use of the main structure or dwelling and to ensure compatibility with the residential character of the

Commented [RW54]: Entire Article from Ordinance No. 2020-12 BUT WAS CREATED AS ARTICLE 17 of Chapter 16

neighborhood. The standards set forth herein for the physical features, building character, and operations of home occupations ensure that the uses are compatible with the surrounding neighborhood and do not negatively affect the character or quality of life in the Town.

**Sec. 16A-19-20. Home Occupation Standards.**

A home occupation shall be unlawful unless the home occupation complies with all of the following standards:

- (a) The home occupation shall obtain and maintain at all times a valid business license with the Town.
- (b) The home occupation shall be secondary and subordinate to the main use of the dwelling as a residence and shall occupy no more than twenty-five percent (25%) of the floor area of the main floor of a dwelling.
- (c) If located within a lawfully permitted accessory structure, attached or detached garage, or shed, the home occupation shall not occupy more than two hundred (200) square feet of total floor area.
- (d) The existence of a home occupation at the residence shall not be recognizable from the exterior of the residential structure. All aspects of the home occupation shall be contained and conducted within a completely enclosed building. No exterior advertising, signs or outdoor displays associated with the home occupation shall be permitted. There shall be no outside storage on the premises of materials, goods, or equipment used in connection with the home occupation.
- (e) The home occupation shall not create any noise, vibration, smoke, dust, heat, or glare inconsistent with or in excess of the impacts associated with common residential use of property or that is detrimental to the residential use of nearby properties.
- (f) The home occupation shall not create any odors that are perceptible from the outside of the building in which the home occupation is conducted.
- (g) No structural alteration of the exterior of the principal residence, including the construction of an additional entrance, shall be permitted to accommodate the home occupation.
- (h) The home occupation shall be conducted only by the residents of the property exclusively and there shall be no non-resident employees permitted on or at the property in association with the home occupation at any time.
- (i) All parking needs created by the residential property and the home occupation shall be accommodated by off-street parking. Parking associated with the residential property and the home occupation shall comply with all applicable parking standards imposed by the Town for residential property within the applicable zone district.

- (j) No more than two (2) visitor, customer, or vendor vehicles associated with the home occupation shall be present at the residential property at any one time.
- (k) If the home occupation is subject to any local, state, or federal regulation, the home occupation shall comply with all applicable regulations at all times.
- (l) No storage of motor fuels in amounts that are greater than typically stored for residential home use shall be permitted for a home occupation. Storage of more than five (5) gallons of gasoline or diesel fuel on site, or storage of more than fifteen (15) gallons of biodiesel on site, shall be presumed to be in violation of this standard. No storage of hazardous materials in amounts that are greater than typically stored for residential home use shall be permitted by a home occupation.
- (m) No pick-up or delivery by commercial vehicles or heavy trucks other than mail and parcel pick-up and delivery services commonly engaged in providing service to residential properties shall be permitted for a home occupation. Pick-up and delivery shall be limited to no more than two (2) visits each day.

**Sec. 16A-19-30. Prohibited Home Occupations.**

The following home occupations are prohibited in the Town. Exclusion of an occupation from the following list shall not be interpreted as expressly permitting an unlisted use.

- (a) Motor vehicle service, repair, maintenance, salvage, reconstruction, restoration, cleaning, wash, detailing, sale, or storage.
- (b) Butcher, meat processing, or taxidermy.
- (c) Funeral home or mortuary.
- (d) Veterinary clinic or kennel that provides commercial or for-profit care or boarding for animals. Such limitation shall not preclude volunteer fostering of animals for domestic animal rescues or other similar organizations provided that the maximum number of animals permitted for residential property is not exceeded.
- (e) Large appliance repair.
- (f) Medical or dental office (except psychiatric, mental health, or other counseling services).
- (g) Overnight accommodations including commercial bed and breakfast (not to include lawfully permitted short term rentals authorized by the Municipal Code).
- (h) Personal services providing non-medical service on a recurring basis including, but not limited to, barbershop, hair salon, nail salon, beauty parlor, massage therapy or tailoring if such occupation is designed to serve more than one (1) customer at a time or serves more than one (1) customer at a time.



- (i) Any occupation using spray painting equipment.

**Article XX**

**Accessory Apartments**

Sec. 16A-20-10.	Purpose and Applicability.
Sec. 16A-20-20.	Reserved.
Sec. 16A-20-30.	Location and Design.
Sec. 16A-20-40.	Number of Units Allowed.
Sec. 16A-20-50.	Size of Units Allowed.
Sec. 16A-20-60.	Water and Sewer.
Sec. 16A-20-70.	Parking.
Sec. 16A-20-80.	Compliance with Building and Fire Codes.
<del>Sec. 16-8-90.</del>	<del>Impact on Neighborhood.</del>
<del>Sec. 16-8-100.</del>	<del>Definitions.</del>

**DRAFTER' COMMENT:** This Article is substantially identical to Accessory Apartment provisions in current Chapter 16.

**Commented [RW55]:** Does BR have any of these approved? Will BR approve more in the future? If not, this can all be deleted.

**Sec. 16A-20-10. Purpose and Applicability.**

- (a) The purpose of this Article is to permit the construction of accessory apartments in single-family dwellings within R-1 zone districts in the Town subject to the criteria and conditions set forth below.
- (b) The provisions of this Article shall apply only to R-1 building sites which exist on lots created by the elimination of a lot line formerly existing between two (2) lots, thus combining two (2) former lots into one (1).

**Sec. 16A-20-20. Reserved.**

**Sec. 16A-20-30. Location and Design.**

An accessory apartment shall be incorporated into the primary residence on the property or a garage serving the primary residence. Residences which contain accessory apartments shall be designed so as to retain a single-family character. An accessory apartment may have a separate kitchen and may have a separate entrance from that of the residence with which it is associated.

**Sec. 16A-20-40. Number of Units Allowed.**

- (a) Where accessory apartments are permitted, no more than one (1) accessory apartment shall be permitted on each parcel. In order to maintain the single-family character of neighborhoods where accessory apartments are permitted, a maximum of ten percent (10%) of the single-family dwellings in each subdivision filing at build-out shall be approved for accessory apartments.
- (b) No accessory apartments may be constructed without the express approval of the Board of Trustees indicated on the plat by the signature of the Mayor and Town Clerk, nor may



any accessory apartment be constructed within five hundred (500) feet of an existing or approved unit. The Board of Trustees may decrease this requirement or the ten-percent limitation set forth above when it is determined that sufficient buffering exists to limit the impact of units in close proximity. Buffering may consist of topographic, landscape or other physical features such as roads or vacant properties.

**Sec. 16A-20-50. Size of Units Allowed.**

Where accessory apartments are allowed, the square footage in the accessory apartment shall not exceed forty-five percent (45%) of the square footage contained in the primary residence, excluding garage space, or not more than six hundred (600) square feet, whichever is less. In calculating the number of square feet in an accessory apartment to determine compliance with this Chapter, any garage or storage space associated with the accessory apartment shall be excluded.

**Sec. 16A-20-60. Water and Sewer.**

Prior to approval of an accessory apartment, the property owner shall provide proof of adequate water and sewer service to both the primary residence and the accessory apartment. If the unit is served by well and septic, approval of the County Environmental Health Department must be obtained.

**Sec. 16A-20-70. Parking.**

Each accessory apartment shall be provided with parking only in a designated paved or graveled area with no more than two (2) spaces. Parking may be in tandem or in a garage.

**Sec. 16A-20-80. Compliance with Building and Fire Codes.**

Where approval of an accessory apartment is sought by an owner for a unit existing before adoption of this Article, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes.

**~~Sec. 16A-8-90. Impact on Neighborhood.~~**

~~An accessory apartment shall be established and occupied in a manner which preserves the residential character of the neighborhood where it is located. Total occupancy of the accessory apartment and the primary unit shall not exceed one (1) person for each three hundred (300) square feet or portion thereof contained in the living quarters of the dwelling unit. All other restrictions of this Code, including animal restrictions, shall apply as if to one (1) single-family dwelling. For example, if the zone district restricts a single family dwelling to two (2) dogs, the dwelling and the accessory apartment combined shall not have more than two (2) dogs.~~

**Commented [RW56]:** This section may be unreasonable. The owner combined two lots into one and then qualifies for the Apartment. Why would they have to share impacts. They could have just built two residences on two lots. This discourages lot consolidations.

**~~Sec. 16-8-100. Definitions.~~**

~~When used in this Article, the following words and terms shall have the meanings ascribed to them in this Section:~~

~~Accessory apartment means a dwelling unit or integral part of the primary residence in an R-1 District used exclusively for rental housing. An accessory apartment requires express approval of the Board of Trustees as set forth in this Article.~~

**Commented [RW57]:** Moved to LUC Definitions 16-2-20

~~Primary residence means the main residential structure on a parcel of land zoned for its use, which structure is used as the base from which the allowable size of the accessory apartment is computed.~~

**Article XXI                      Family Child Care Home**

- Sec. 16A-21-10.            Generally.  
Sec. 16A-21-20.            Town Laws Applicable.  
Sec. 16A-21-30.            Large Family Child Care Home.

**Sec. 16A-21-10.            Generally.**

A *Family Child Care Home* is authorized by state law as an accessory use to an existing residential dwelling unit subject to state licensing. A local license is not required.

**Sec. 16A-21-20.            Town Laws Applicable.**

A *Family Child Care Home* shall comply with all rules and regulations of the Town applicable to other residential uses including, but not limited to, regulations governing parking, lighting, signs, trash management, and noise.

**Sec. 16A-21-30.            Large Family Child Care Home.<sup>6</sup>**

A *Family Child Care Home* classified or defined as a large *Family Child Care Home* by the State of Colorado shall not be located *adjacent* to another existing large family child care home unless the proposed large family child care home first seeks administrative authorization from the Town Manager as meeting the following standards or requirements:

- (a)    The operation of the proposed large *Family Child Care Home*, considered in combination with the existing large *Family Child Care Home*, will not result in a significant increase in traffic volume above that commonly experienced in neighborhoods of comparable residential density in the Town; and
- (b)    The operation of the proposed large *Family Child Care Home*, considered in combination with the existing large family child care home, will not result in the parking of vehicles in excess of the parking permitted for a residential dwelling unit in the Town.

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<sup>6</sup> See C.R.S. §26-6-104.5(b).

## **ARTICLE II – Zoning Procedures**

**Sec. 16-2-10. Development; designated by zoning code and map.**  
**Sec. 16-2-20. Development; approval of plan required; procedure.**  
**Sec. 16-2-30. Deposit and fees for land use development applications.**  
**Sec. 16-2-40. Developer's costs.**  
**Sec. 16-2-50. Permit requirement.**  
**Sec. 16-2-60. Hearings.**  
**Sec. 16-2-70. Revocation and invalidation of permits.**  
**Sec. 16-2-80. Interpretation; conflict with other laws.**  
**Sec. 16-2-90. Liability of Town.**  
**Sec. 16-2-100. Violations, penalties and remedies.**

### **Sec. 16-2-10. — Development; designated by zoning code and map.**

This Chapter and the Zone District Map designate what development will be permitted in accordance with a development plan for all the land designated.

### **Sec. 16-2-20. — Development; approval of plan required; procedure.**

In all zoning districts, no development shall be permitted until the Planning and Zoning Commission by majority vote approves a development plan.

- (1) All Planning and Zoning Commission procedures, rules and regulations adopted by the Town shall be followed.
- (2) Nothing in this Section shall exempt any applicant from satisfying the requirements of the subdivision regulations of the Town, unless the Board of Trustees determines that an exemption from the requirements of subdivision is appropriate.
- (3) Any landowner seeking development permission shall, prior to filing an application for a building permit, file with the Planning and Zoning Commission a prescribed application for approval of a development plan. Review of the application shall be commenced within thirty-five (35) days after the application has been found to be complete. If review is not completed within sixty-five (65) days after commencement of review, it shall be deemed that the Planning and Zoning Commission has made a decision approving the application.
- (4) No building, sign or other structure or improvement shall be erected, placed or constructed, nor shall any excavation or importation of dirt be undertaken except in compliance with the development plan approved by the Planning and Zoning Commission or by the Building Official, as hereinafter provided. Furthermore, no completed building or other structure or improvement shall be reconstructed or altered as to use, density, parking requirements, height or lot size unless such reconstruction or alteration has first been approved by the Planning and Zoning Commission.

### **Sec. 16-2-30. — Deposit and fees for land use development applications.**

Any person applying for a land use development application, including but not limited to an annexation, subdivision, planned residential development, conditional use permit, easement vacation, replat, rezoning, variance, lot line adjustment, or any other land use development application, shall pay all direct costs accrued by the Town as a result of the application and development process, including but not limited to

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publication of notices, public hearing and professional costs, including engineering, attorney, consultant and recordation fees. In order to ensure that these fees are paid and development pays its own way, as well as the prompt payment of such costs to the Town, all land use applicants shall deposit the following sums with the Town at the time of initial land use development application:

<i>Land Use Application</i>	<i>Deposit Fees</i>
Annexations, subdivisions, replats or planned residential developments	\$20,000.00 or such lesser amount as determined by the Board of Trustees
Lot line vacation applications	250.00
Lot line adjustments or re-zoning requests	500.00
Conditional use permit	300.00
Easement vacation or relocations	1,500.00
Variances	400.00
Any other land use applications	500.00

Any balance remaining after the payment of all costs to the Town shall be returned to the applicant. If the balance on deposit with the Town falls below twenty-five percent (25%) of the initial amount deposited, the applicant shall deposit such additional sums as the Town deems necessary in order to raise the balance to the initial amount deposited. Any dispute regarding the reasonableness or appropriateness of fees charged shall be presented to and resolved by the Board of Trustees.

**Sec. 16-2-40. — Developer's costs.**

In addition to any and all other fees and charges imposed by this Chapter, the applicant for approval of a site-specific development plan shall pay all costs incurred by the Town or charged to the Town as a result of the site-specific development plan review and/or approval, including but not limited to publication of notices, public hearing and review costs and fees of attorneys, engineers and other consultants. To ensure prompt payment of such costs, the applicant shall deposit two thousand dollars (\$2,000.00) with the Town upon submission of the development application. Any balance on deposit remaining after payment of all costs shall be returned to the applicant. If the balance on deposit with the Town falls below five hundred dollars (\$500.00), the applicant shall deposit such additional sums as necessary to raise the balance to one thousand dollars (\$1,000.00). For any balance due to the Town for costs and/or professional services, statements will be mailed to the applicant. Any such amounts must be paid within thirty (30) days of receipt of the statement. Any and all balance outstanding for greater than thirty (30) days will be assessed interest at the rate of one and one-half percent (1.5%) per month (eighteen percent [18%] per annum). The Town reserves the right to suspend review of an application if the applicant fails to pay fees as required herein. Any dispute regarding the reasonableness or appropriateness of fees charged shall be presented to and resolved by the Board of Trustees. Compliance with this Section shall be deemed to be compliance with



~~Section 16-2-30 of this Chapter. In the event the applicant fails and refuses to pay the outstanding balance due the Town within thirty (30) days of notice of the same, the Town is entitled to exercise all remedies at law and in equity. In the event the Town is forced to pursue collection of any amounts due and unpaid under this provision, it shall be entitled to collect attorney fees incurred in such collection efforts in addition to the amounts due and unpaid.~~

**Sec. 16-2-50. Permit requirement.**

- (a) ~~It is unlawful to erect, construct, reconstruct, alter, move or change the use of any building or other structure or improvement within the Town without obtaining a building permit from the Building Official, and such permit shall not be issued until the plans of and for the proposed erection, placement, construction, excavation, importation, reconstruction, alteration, moving or use fully conform to the zoning regulations then in effect, and unless plans are submitted to the Building Official and approved by the Planning and Zoning Commission.~~
- (b) ~~Miscellaneous permits shall be governed by the following:~~
- (1) ~~Issuance of excavation permit. Any approval granted by the Planning and Zoning Commission for the excavation or importation of dirt shall be issued as a permit by the Building Official upon payment of a fee of twenty-five dollars (\$25.00) and shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.~~
  - (2) ~~Issuance of failed septic system permit. A permit for replacement of a failed septic system may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee of twenty-five dollars (\$25.00). Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.~~
  - (3) ~~Issuance of other permits by Commission. Any other approval granted by the Planning and Zoning Commission and not requiring a building permit, including fences, small structures and architectural changes, shall be issued as a permit by the Building Official upon payment of a fee of twenty-five dollars (\$25.00) and shall be valid for a period of one hundred eighty (180) days unless extended by the Building Official for good cause shown.~~
  - (4) ~~Reroofing permit. A permit for reroofing, if determined to be in accordance with the regulations for the design and color of roofs, may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee as determined by the building code. Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.~~
  - (5) ~~Same color retaining permit. A permit for same color retaining may be issued by the Building Official, without review by the Planning and Zoning Commission, upon payment of a fee of twenty-five dollars (\$25.00). Any such permit shall be valid for a period of ninety (90) days unless extended by the Building Official for good cause shown.~~

~~(Ord. 05-02 §1, 2005; Ord. 05-05 §1, 2005)~~

**Sec. 16-2-80. Hearings.**

- (a) ~~Upon filing of an application, the disposition of which requires a hearing before the Planning and Zoning Commission pursuant to this Chapter, a date for the hearing shall be set which shall be not more than thirty-five (35) days from the date of acceptance of the complete application.~~
- (b) ~~The Planning and Zoning Commission shall hold a public hearing on the application, and notice of such hearing shall be published at the expense of the applicant in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date. Further, a copy of such notice shall~~

be mailed to all property owners within three hundred (300) feet of the property in question, by regular mail, at least fifteen (15) days prior to the meeting, and a certificate of such mailing shall be filed with the Planning and Zoning Commission. If a property requiring notification is a condominium project, notice may be mailed to the managing agent, registered agent or any member of the Board of Directors thereof.

- (c) The Board of Trustees shall hold a public hearing on any recommendation of the Planning and Zoning Commission for an amendment to any zone district regulations, restrictions or boundaries, and notice of such public hearing shall be published at the expense of the applicant in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing date. It shall be sufficient notice to publish a copy of the proposed ordinance containing the amendment and the time and place of the hearing.

**Sec. 16-2-70. — Revocation and invalidation of permits.**

Any building permit authorized by this Chapter, issued in reliance upon any materially false statement in the application therefor or in supporting documents or oral statements, is absolutely void ab initio and shall be revoked.

**Sec. 16-2-80. — Interpretation; conflict with other laws.**

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare.
- (b) Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or other legislative actions by the Board of Trustees, the more restrictive or that imposing the higher standard shall govern.
- (c) Whenever restrictions imposed by this Chapter are either more or less restrictive than regulations adopted by any state or federal agency, the rules or regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (d) The foregoing notwithstanding, any application governed by the provisions of Chapter 16 of this Code shall be governed exclusively by that Chapter.
- (e) Neither the Planning and Zoning Commission nor the Board of Trustees shall be bound by, or obligated to enforce, the protective covenants of any subdivision.

**Sec. 16-2-90. — Liability of Town.**

This Chapter shall not be construed to hold the Town or its authorized agents responsible for any damage to property or injury to persons by reason of inspection authorized herein, or failure to inspect, or by reason of issuance of a building permit as herein provided.

**Sec. 16-2-100. — Violations, penalties and remedies.**

- (a) The erection, construction, reconstruction, alteration, moving, conversion or maintenance of any building or structure and the use of any land, structure or building which is continued, operated or maintained contrary to any provisions of this Chapter is declared to be a violation of this Chapter and unlawful.
- (b) Any person convicted of violating any of the provisions of this Chapter shall be punished by a fine as hereinafter provided or, if not hereinafter provided, in accordance with the provisions of Section 1-4-20 of this Code; provided, that each separate act in violation of the provisions of this Chapter, or each

Commented [RW58]: Section provisions moved in large part to 16-1-50

and every day or portion thereof during which any separate act in violation of this Chapter is committed, continued, or permitted, shall be deemed a separate offense. The following fines shall apply to any such violation and shall be levied either through the penalty assessment procedure of Rule 210(b)(4), Colorado Municipal Court Rules, or by the court after conviction, in which case the court shall also assess the appropriate court costs:

(1) For all violations involving occupancy of a single family dwelling by more than a single family:

First offense ---- \$250.00

Second offense within 30 days ---- \$500.00

Subsequent offense within 30 days ---- \$999.00

- (c) The Town Attorney shall, immediately upon such violation being called to his or her attention, institute injunction abatement or other appropriate action to prevent, enjoin, abate or remove such violation. Such right of action shall also accrue to any property owner who may be especially damaged by any violation of this Chapter.
- (d) The imposition of any penalty under this Chapter shall not preclude the Town or affected property owner from instituting any appropriate action or procedure to require compliance with the provisions of this Chapter.
- (e) Any remedies provided for in this Section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.



**Part 3            Zoning Processes**

Article XXV            General – Zoning Processes.  
Article XXVI           Rezoning and Map Revision.  
Article XXVII          Text Amendment.  
Article XXVIII Zoning Variance.

**ARTICLE XXV          General – Zoning Processes**

Sec. 16A-25-10.        Types of Zoning Processes.

**Sec. 16A-25-10. Types of Zoning Processes.**

Once established, a zone district may be modified through three different processes:

- Rezoning (Map Revision)

A rezoning (also known as a map revision) is a change from one existing zone district to another zone district. The process will result in oftentimes significant differences in available land uses and create potential impacts upon the surrounding properties. For these reasons, a proposal to rezone property requires public notice and hearing and must be approved by the Board of Trustees in accordance with this Part 3.

- Text Amendment

A text amendment is a modification of the language of a zone district which will modify the zone district for all properties within the zone district. For example, a text amendment can add or delete uses available in the zone district and, as a result, all the properties within that zone district will be afforded the added use or be denied to deleted use. A text amendment is a legislative decision of the Town Board of Trustees and property owners have no legal right to a text amendment. Text amendments are subject to the discretion of the Board of Trustees.

- Zoning Variance

In extraordinary or unusual circumstances, the minimum or maximum requirements of a zone district may impose significant hardship upon a property or unreasonably restricts the potential development when compared to other properties within the immediate neighborhood in the same zone district. A zoning variance can modify the restrictions of the zone district to mitigate the hardship or unreasonable limitation on development. A zoning variance is limited to modification to the area or dimensional standards of the zone district (e.g., setback or height) and cannot modify or change the uses which are available in the zone district.

**ARTICLE XXVI        Rezoning and Map Revision**

Sec. 16A-26-10.	Rezoning and Map Revision Explained; Applicability.
Sec. 16A-26-20.	Authority to Apply for Rezoning.
Sec. 16A-26-30.	Authority to Approve Rezoning.
Sec. 16A-26-40.	Application.
Sec. 16A-26-50.	Sufficiency of Applications
Sec. 16A-26-60.	Public Hearing.
Sec. 16A-26-70.	Notice of Hearing.
Sec. 16A-26-80.	Surface Development Notification.
Sec. 16A-26-90.	Criteria for Review of Rezoning.
Sec. 16A-26-100.	Decision on Zoning Application; Ordinance.

**Sec. 16A-26-10. Rezoning and Map Revision Explained; Applicability.**

- (a) Zoning is the method for classifying property for the purpose of assigning permitted land uses and protecting the health, safety, and welfare by ensuring compatibility between various uses. Zoning classifications are illustrated on the Official Zoning Map for the Town of Blue River or, for unincorporated property located outside of the Town, on the official zoning map for Summit County. As a result, amending the official zoning map to illustrate a change in the zoning classification for property is known as a "rezoning" or a "map revision."
- (b) There are two types of rezoning or map revision:
- Initial Zoning. Upon incorporation of property following annexation, a municipality must assign a zoning classification to the annexed property within ninety (90) days. This zoning is a change from the zoning designation of Summit County to the first assignment of a zoning classification of the Town of Blue River which is often referred to as the "Initial zoning." Upon approval of the Initial zoning, the official map of the Town is revised to show the property and its zoning classification.
  - Rezoning of Town-zoned Property. After property is Initially zoned, any future change in the zone district boundaries or the zoning classification is commonly referred to as a "rezoning." Upon approval of the zoning change, the official map of the Town is revised to illustrate the change.
- (c) This Article shall apply to all requests for a zoning change that would result in a map revision. For purposes of Chapter 16A, a "rezoning" shall mean a change in zone district boundaries or zone district designation whether such change is an initial zoning or a rezoning of Town-zoned property.

**Sec. 16A-26-20. Authority to Apply for Rezoning.**

Applications seeking to rezone property shall only be submitted to the Town by: (a) the owner of the property subject to the change in zoning; or (b) the Board of Trustees. Applications for rezoning submitted by any other party shall not be accepted.

- (a) Owner Application. An owner seeking a rezoning shall submit an application in accordance with section 16-\_\_\_\_.
- (b) Town Initiated Rezoning Application. The Board of Trustees may seek the rezoning of any property by the submission to the Town Manager of a request and documentation deemed relevant to the Board. At a minimum, such application and documentation shall include a general description of the property subject to rezoning together with the proposed zoning designation and any proposed conditions upon such rezoning.

**Sec. 16A-26-30. - Authority to Approve Zoning.**

- (a) Board of Trustee Authority for Final Decision. The Board of Trustees may change the zone district boundaries or zone district classification of any property after public notice and public hearing as provided in Section 16-\_\_\_\_\_ of this Chapter.<sup>7</sup>
- (b) Planning Commission Administrative Review<sup>8</sup> and Recommendation. Prior to holding a public hearing, the Board shall submit the rezoning proposal and application to the Planning and Zoning Commission. The Commission shall conduct an administrative review of such proposal and application and render promptly a recommendation regarding the proposed zoning designation or boundaries for the subject property. The Planning Commission shall submit its recommendation to the Town Board within forty-five (45) days after receipt of such submittal. Upon failure of the Planning Commission to submit a recommendation within forty-five (45) days, the Town Board shall consider such failure as a neutral recommendation by the Commission and the Board may proceed to change the zoning designation or boundaries as set forth in this Chapter, after public notice and public hearing as provided in Section 16A-\_\_\_\_\_.

**Sec. 16A-26-40. Application for Rezoning.**

- (a) Contents of Application. Except where the Town Manager approves the submission of electronic copies, the applicant shall submit to the Town \_\_\_\_\_ copies of all application materials. The Town Manager may request additional copies of documents where necessary to provide sufficient documentation for unanticipated referrals. The following submittals, materials and information shall comprise a complete application for initial zoning or rezoning:

<sup>7</sup> See C.R.S. §31-23-304 and 31-23-306. The authority for changes in zone district boundaries or designation is vested in the governing body.

<sup>8</sup> The Planning Commission review shall not require a public hearing. The public hearing requirements of C.R.S. § 31-23-306 reference the need for a public hearing for the setting of the *original* zoning districts of the community and the preparation of a report. State law does not require a public hearing for applications for rezoning of individual properties following the establishment of original zoning districts and the obligation for public hearing is a hearing before the governing body. See C.R.S. § 31-23-304.

1. A completed application in the form approved by the Town;
  2. Payment of all required application fees and any review fee deposit;
  3. Current title commitment or other documentation showing current ownership of the property vested in the owner listed on the application. At the Town's discretion, such documentation may include a current ownership and encumbrance report or informational title commitment;
  5. An illustration showing the vicinity of the property subject to proposed zoning sufficient for the Town to evaluate the appropriateness of the proposed zoning with surrounding zoning and land uses;
  4. A legal description of the property proposed to be zoned (submission of a copy of the currently valid subdivision map showing lot or parcel is acceptable);
  5. The names of all adjoining subdivisions with lines of abutting lots and departing property lines of adjoining properties;
  6. The total acreage or square footage contained within the property proposed for zoning;
  7. Zoning and existing land uses on all lands adjacent to the area proposed for zoning;
  8. The location and dimensions for all existing public rights-of-way, including streets, and watercourses within and adjacent to the area proposed for rezoning; and
  10. A list of the names and mailing addresses, as this information appears of record with the Summit County assessor's office, of all owners of property *measured*<sup>\*</sup> to be within three hundred (300) feet of the property proposed for rezoning.
- (b) Written Statement. A written statement shall accompany the application for zoning addressing the following:
1. The owner's reason or purpose for the proposed change to the current zone district;
  2. If the owner anticipates the eventual development or improvement of the property, a description of the overall development or improvement concept. If the property is or will be residentially zoned, the description shall include representations concerning the proposed quality and styles of residential structures and amenities;

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<sup>\*</sup> See Section 16-\_\_-\_\_ for definition of *measured* for determining distance between properties for purpose of this Land Use Code.

3. Environmental considerations, including but not limited to, unstable slopes/rockfall zones, related geologic factors, wildlife corridors, floodways, flood plains, wetlands, and high groundwater areas;
4. Structures and improvements on the property proposed for rezoning;
5. Statements explaining the nature and location of all easements and reservations, if any;
6. A general description of the purpose and nature of covenants, homeowners' association, or other contemplated private or contractual restrictions on the use, character and maintenance of the property;
7. If the property will permit non-residential commercial or business use, a description of the nature of the use, the trade area, and anticipated employment base in sufficient detail to demonstrate the economic viability of the anticipated uses authorized by the proposed zoning; and
8. The applicant shall provide other information requested by the Planning Commission or Town Board that may be necessary to adequately review the proposal for conformance with the applicable requirements.

**Sec. 16A-26-50. Sufficiency of Applications.**

All plans, reports, maps and other information required for any application for zoning must be complete, legible, and submitted by the deadlines established by this Chapter or deadlines established during the review process. A failure of the application to meet the requirements of this Chapter or any applicable deadline shall delay the processing of the application until the application is deemed sufficient and complete by the Town. The Town shall not process or schedule the processing of any application which is found to be incomplete.

**Sec. 16A-26-60. Public Hearing.**

All applications for rezoning shall require a public hearing before the Board of Trustees. The following process shall apply:

- (a) The Town Manager shall set the date and time of a public hearing to be held by the Board. Notice of the public hearing shall be issued in accordance with Section. 16A-\_\_\_\_.
- (b) At the public hearing, the Board shall review the application for conformance with this Chapter, the Municipal Code, state law, and the applicable review standards for the application.
- (c) Any public hearing or other action of the Board may be continued or postponed at any time indefinitely or to a specified date and time in order to permit preparation of additional information for further review by the Board.
- (d) The applicant for any rezoning approval shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth

by this Chapter. Any decision by the Board to approve or conditionally approve an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the Board shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision.

**Sec. 16-26-70. Notice of Hearing.**

All public notices of hearings shall include the date, time, place, and purpose of the hearing, a general description of the property affected, and any other information deemed appropriate by the Town to apprise the public of the general nature of the action proposed. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public as to only the date, time, place, or general purpose of the hearing. Noting in this section shall prevent or preclude the Town from providing any other form of notice deemed desirable by the Town including the posting of notice on the Town's website.

**(a) Notice Publication Requirement.**

The Town shall cause a notice to public hearing to be published once in the Summit County Daily Newspaper (or other official newspaper designated for publication of the Town of Blue River) at least fifteen (15) days before the date of the hearing. Published notice shall include:

- A description of the land use proposal in question;
- The location of the land which is the subject of the hearing or meeting (e.g., lot number or parcel designation within a subdivision of record with the Summit County Clerk and Recorder's Office or location in relation to known streets and intersections);
- The date, time and location of the hearing or meeting; and
- A recital that public comment will be accepted at the public hearing and written comment will be accepted if sent to a designated electronic mail address.

**(b) Courtesy Notice by Mailing.**

1. The Town Manager may direct by written letter or electronic mail to the [REDACTED] or the applicant's representative that the applicant provide notice by mailing for initial zoning or rezoning. Notice by mailing shall be deemed a courtesy to owners and a supplementary means of advising the public of the pendency of an application but shall not be deemed a legal requirement for the processing of an application or the conduct of a hearing if notice by publication was properly completed.
2. Where courtesy notice by mailing is planned, notice shall be sent by the owner addressed to owners of property *measured*<sup>10</sup> to be within 300 feet of the property described in the application as their names appear in the real property records of

**Commented [RW59]:** Similar mail notice requirement are provided by the Subdivision Regulations

<sup>10</sup> See Section 16-[REDACTED] for definition of *measured* for determining distance between properties for purpose of this Land Use Code.

the Summit County Assessor. For purposes of determining addressees for mailed notice, the *owner* may rely upon the ownership information provided by the Summit County clerk and recorder's office.

3. A mailed notice shall be deposited in the United States Mail first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery by another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

(c) Courtesy Posting of Notice.

1. The Town Manager may direct by written letter or electronic mail to the owner or the owner's representative that the notice be provided by posting of the property. The posting of notice shall be a courtesy to the public and a supplementary means of advising the public of the pendency of an application but shall not be deemed a legal requirement for the processing of an application or the conduct of a hearing if notice by publication was properly completed.
2. Where notice by posting is directed, the Town may post such notice or may require the *owner* to post a Town prepared sign on or within the vicinity of the affected property that states that a rezoning is under review and providing for contact information for the Town Manager not less than ten (10) calendar days prior to the date set for the public hearing.

(d) Notice Certification by Applicant.

Where mailed and/or posted notice is directed by the Town Manager, not less than five (5) calendar days prior to the public hearing, the applicant shall cause to be delivered to the Town Manager a written certification that the applicant has complied with the mailing and/or requirements of Section 16-26-70. Failure to submit such certification may, at the Town's option, require the continuation of the public hearing.

**Sec. 16-26-70. Surface Development Notification.**

Nothing in this Section shall affect the owner's statutory obligation and notification requirements set forth in Section 24-65.5-101, et seq., C.R.S. The Town may request, and the applicant shall provide prior to or at the public hearing, certification that notice was provided in accordance with Section 24-65.5-101, et seq., C.R.S. Failure to submit such certification may, at the Town's option, require the continuation of the public hearing.

**Sec. 16-26-90. Criteria for Review of Rezoning.**

- (a) In the administrative review by the Planning Commission and in the review of an application and evidence provided during the public hearing for a rezoning by the Board,



the Commission and Board shall consider all of the following in rendering a recommendation or final decision:

1. Whether the proposed rezoning is justified by changed or changing conditions in the character of the area proposed to be rezoned.
2. Whether the proposed rezoning is consistent with any applicable comprehensive plan adopted by the Board of Trustees.
3. Whether the uses authorized by the proposed zone district will be *compatible* with the surrounding area or uses.
4. Whether adequate facilities are available to serve the uses authorized by the proposed<sup>11</sup> zone district.

A finding by the Commission or Board that the application fails to meet one or more of the criteria for review shall justify the recommendation or the decision to deny the application.

- (b) The Commission and Board shall consider that the approval of the application will authorize any and all uses permitted by the proposed zone district notwithstanding that the applicant proposes a particular land use or land use design. If one or more uses within the proposed zone district is found to not meet the criteria for review provided by this section, the Commission or Board shall either recommend denial or deny the application or, subject to the applicant's voluntary consent to conditions on a proposed zoning and the documentation of such consent as an express condition of approval, may conditionally approve the proposed zone district.

**Sec. 16A-26-100. Decision on Zoning Application; Ordinance.**

- (a) A decision of the Board of Trustees to deny an application for rezoning may be made by motion, resolution, or ordinance at the Board's discretion.
- (b) A decision of the Board of Trustees to approve an application for rezoning shall be made by ordinance. Following the effective date of such ordinance and upon satisfaction of all conditions of approval including payment of application and review fees, the ordinance shall be recorded with the Summit County Clerk and Recorder's Office.

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<sup>11</sup> See definition of "compatible" found at Section 16-

**ARTICLE XXVII      Text Amendment**

Sec. 16A-27-10.	Text Amendment Explained; Applicability.
Sec. 16A-27-20.	Authority to Propose a Text Amendment.
Sec. 16A-27-30.	Process for a Text Amendment.
Sec. 16A-27-40.	Public Hearing and Notice.

**Sec. 16A-27-10. Text Amendment Explained; Applicability.**

All zone districts set forth in Chapter 16A include regulations and restrictions applicable to the uses allowed in each zone district. An amendment, supplement, change or repeal of the regulations or restrictions is known as a "Text Amendment." A Text Amendment would change the regulations or restrictions applied to all property within the zone district and not to any individual property. This Article shall apply to all requests for a Text Amendment to Chapter 16A.

**Sec. 16A-27-20. Authority to Seek Text Amendment.**

The authority to propose a Text Amendment is reserved to the legislative discretion of the Board of Trustees. Persons seeking a Text Amendment should contact Board of Trustee members to enlist Board support to advance a proposed amendment.

**Sec. 16A-27-30. Process for a Text Amendment.**

- (a) Ordinance Required. The Board of Trustees may consider a Text Amendment by the same process used to adopt a legislative ordinance of the Town. In addition, state law requires notice and a public hearing before the Board prior to any ordinance amending, supplementing, changing, or repealing provisions of Chapter 16A.
- (b) Planning Commission Referral and Administrative Review.<sup>12</sup> Prior to holding a public hearing, the Board shall submit the proposed text amendment to the Planning and Zoning Commission. The Commission shall conduct an administrative review of such proposal and render promptly a recommendation regarding the proposed amendment. The Planning Commission shall submit its recommendation to the Town Board within forty-five (45) days after receipt of such submittal. Upon failure of the Planning Commission to submit a recommendation within forty-five (45) days, the Town Board shall consider such failure as a neutral recommendation by the Commission and the Board may proceed to consider, further modify or amend, and adopt the proposed text amendment after public notice and public hearing as provided in Section 16A-\_\_\_\_\_.

<sup>12</sup> The Planning Commission review shall not require a public hearing. State law does not require a public hearing for text amendments except before the governing body. The governing body is authorized to provide for the manner in which the zoning regulations and restrictions are determined and later amended or changed. See C.R.S. § 31-23-304.

**Sec. 16A-27-40. Public Hearing and Notice.**

- (a) All text amendment proposals shall require a public hearing before the Board of Trustees. All public notices of hearings shall include the date, time, place, and purpose of the hearing in accordance with this section. Errors or inaccuracies in the notice shall not be deemed sufficient cause to postpone or invalidate a hearing except where such errors are substantive and material and are found to have reasonably mislead or misinformed the public as to only the date, time, place, or general purpose of the hearing. Noting in this section shall prevent or preclude the Town from providing any other form of notice deemed desirable by the Town including the posting of notice on the Town's website.
- (b) Notice Publication Requirement. The Town shall cause a notice to public hearing to be published once in the Summit County Daily Newspaper (or other official newspaper designated for publication of the Town of Blue River) at least fifteen (15) days<sup>13</sup> before the date of the hearing. Published notice shall include:
- A general description of the proposed Text Amendment deemed sufficient by the Town to describe the amendment's purpose, scope, and effect. As an alternative, the Town may publish all or a portion of the form of ordinance to be considered that will effectuate the text amendment.
  - The date, time and location of the hearing or meeting; and
  - A recital that public comment will be accepted at the public hearing and written comment will be accepted if sent to a designated electronic mail address.

**Article 28. Zoning Variance**

- Sec. 16A-28-10. Zoning Variance Authorized.  
Sec. 16A-28-20. Process for Zoning Variance Application.  
Sec. 16A-28-30. Notice of Hearing.  
Sec. 16A-28-40. Criteria for Approval.  
Sec. 16A-28-50. Variance Effectiveness; Termination.

**Sec. 16A-28-10. Zoning Variance Authorized.**

- (a) Area Variance Authorized. An owner of property may request an area variance for any standard or requirement imposed upon the property by this Chapter 16A (e.g., to modify a setback or the maximum allowable height of a structure).
- (b) Use Variance Prohibited. The application for and granting of a use variance is prohibited (i.e., to add, waive, modify, or remove a principal permitted use or an accessory use for a

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<sup>13</sup> Required by C.R.S. 31-23-304.

lot). Changes to uses within a zone district shall only be authorized by a text amendment. See Article 27 of this Chapter 16.

**Sec. 16A-28-20. Process for Zoning Variance Application.**

- (a) **Application.** Owners seeking an area variance shall submit a completed variance application to the Town Manager together with an explanation of justification to support the request.
- (b) **Manager Initial Review.** The Town Manager shall review the application and supporting materials and provide a written opinion to the owner that the request will, or will not, be supported by the Town Manager and the reasons for the Manager's opinion. The owner may amend or supplement the application and supporting materials within ten (10) days of the Town Manager's opinion. Following completion of the Manager's review, the Manager shall forward the variance application to the Planning Commission for administrative review.
- (c) **Planning Commission Administrative Review.** The Planning and Zoning Commission shall administratively review the zoning variance application and consider the criteria for approval provided by Section 16A-\_\_\_\_. The Commission shall promptly render a written recommendation to the Town Board to approve, approve with conditions, or reject the application. The Commission's recommendation shall be forwarded to the Board of Trustees for the Board's review and final determination. Failure to forward a recommendation to the Board within forty-five (45) days of the date of the completion of administrative review shall be deemed by the Board as a recommendation of denial of the application.
- (d) **Board of Trustee Public Hearing.** All applications for zoning variance shall require a public hearing before the Board of Trustees. The following process shall apply:
  - (1) The Town Manager shall set the date and time of a public hearing to be held by the Board.
  - (2) Public notices of the public hearing required by this Article shall be made in conformance with Section 16A-28-\_\_\_\_.
  - (3) At the public hearing, the Board shall review the application for conformance with this Article, the Municipal Code, state law, and the applicable review standards for the application.
  - (4) Any public hearing or other action of the Board may be continued or postponed at any time indefinitely or to a specified date and time in order to permit preparation of additional information for further review by the Board.
  - (5) The Board shall conduct a public hearing and shall, at the conclusion of the hearing, approve, approve with conditions, deny the application, or continue the matter to a date certain.

- (6) Notwithstanding the imposition by the Board of other express of specific condition of approval, all approvals shall be conditioned upon the payment in full of all fees and charges for the review and processing of the application. Execution and recordation of any final approved ordinance shall not be completed by the Town unless and until all fees and charges are paid in full.
- (7) The Applicant for any zoning variance shall bear the burden of presenting sufficient competent evidence at the public hearing to support the standards for approval set forth by this Article. Any decision by the Board to approve, conditionally approve, or deny an application shall be based upon a consideration of all evidence presented during the public hearing. Where evidence presented is contradictory, the Board shall weigh such evidence and judge the credibility and sufficiency of the evidence prior to rendering a decision. A finding by the Board of Trustees that the application or evidence fails to meet one or more of the criteria for review shall require denial of the application.
- (8) The Town Board may impose reasonable conditions upon any approval of a variance necessary to ensure continued conformance with these Subdivision Regulations, the Municipal Code, or necessary to protect the health, safety and welfare of the Town and its residents.
- (9) Variances shall be approved only by ordinance of the Town Board in a form approved by the Town attorney.

**Sec. 16A-28-30. Notice of Hearing.**

(a) Notice Publication Requirement.

The Town shall cause a notice to public hearing to be published once in the Summit County Daily Newspaper (or other official newspaper designated for publication of the Town of Blue River) at least fifteen (15) days before the date of the hearing. The content of published notice shall include:

- A description of the variance proposal;
- The street address of the property subject to the variance proposal;
- The location of the land which is the subject of the hearing or meeting (e.g., lot number or parcel designation within a subdivision of record with the Summit County Clerk and Recorder's Office or location in relation to known streets and intersections);
- The date, time and location of the hearing or meeting; and
- A recital that public comment will be accepted at the public hearing and written comment will be accepted if sent to a designated electronic mail address.

(b) Notice by Mailing Requirement.

1. The Town Manager shall direct by written letter or electronic mail to the owner or the owner's representative that notice be provided by mailing. Notice by mailing

shall be deemed a requirement for a variance proposal. Mailed notice shall comply with the content requirements for notice by publication.

2. Notice by mailing shall be sent by the *owner* or the *applicant* addressed to owners of property *measured*<sup>14</sup> to be within 300 feet of the property described in the application as their names appear in the real property records of the Summit County Assessor. For purposes of determining addressees for mailed notice, the *owner* may rely upon the ownership information provided by the Summit County clerk and recorder's office.
3. A mailed notice shall be deposited in the United States Mail first class postage prepaid or shall be delivered by another comparable service, including hand-delivery to the address. The deposit in the U.S. Mail or delivery by another comparable service shall be made at least seven (7) days before the date of the hearing. Failure of the addressee to receive notice shall not be deemed sufficient cause to require a postponement, re-mailing of notice, or invalidation of the hearing.

(c) Courtesy Posting of Notice.

2. The Town Manager may direct by written letter or electronic mail to the owner or the owner's representative that the notice be provided by posting of the property. The posting of notice shall be a courtesy to the public and a supplementary means of advising the public of the pendency of an application but shall not be deemed a legal requirement for the processing of an application or the conduct of a hearing if notice by publication was properly completed.
2. Where notice by posting is directed, the Town may post such notice or may require the *owner* to post a Town prepared sign on or within the vicinity of the affected property that states that a rezoning is under review and providing for contact information for the Town Manager not less than ten (10) calendar days prior to the date set for the public hearing.

(d) Notice Certification by Applicant.

Where mailed and/or posted notice is directed by the Town Manager, not less than five (5) calendar days prior to the public hearing, the applicant shall cause to be delivered to the Town Manager a written certification that the applicant has complied with the mailing and/or requirements of section 16A-28-\_\_\_\_. Failure to submit such certification may, at the Town's option, require the continuation of the public hearing.

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<sup>14</sup> See Section 16-\_\_\_\_ for definition of *measured* for determining distance between properties for purpose of this Land Use Code.



**Sec. 16A-28-40. Criteria for Approval.**

- (a) The Town Board may grant a zoning variance where the *owner* establishes all of the following:
- (1) The existence of extraordinary physical conditions or circumstances, such as the *property's* size, shape, location, topography, floodplain, or steep slope imposes an unreasonable hardship in the development of the property; and
  - (2) The hardship deprives the owner of privileges associated with development enjoyed by most other *properties* within the *neighborhood*; and
  - (3) Compliance with the standard or requirement would impose an extraordinary and wholly unreasonable cost or expense upon the owner which cost or expense essentially makes the property undevelopable and unmarketable given economic conditions; and
  - (4) The need for a variance is not the result of the owner's or the owner's predecessor's decisions, actions, or inactions<sup>16</sup>; and
  - (5) The granting of the variance will not be materially detrimental to the public welfare or injurious to other *properties* in the *neighborhood* which are located within the Town; and
  - (6) The variance granted will be the least modification possible to the requirements of Chapter 16A necessary to permit the owner's reasonable use of the owner's *property*.

**Sec. 16A-28-50. Variance Effectiveness; Termination.**

A zoning variance approved by the Board by ordinance shall remain effective indefinitely until repealed by the Board. The Board may, in accordance with the same general procedures for the approval of a zoning variance and after five (5) or more years following the effective date of the approving ordinance, repeal the ordinance and terminate the variance upon a finding that: (1) the property no longer meets one or more of the criteria for approval of the zoning variance; and (2) no development or improvements were constructed in reliance on the zoning variance.

<sup>16</sup> For example, a setback or height variance to allow for a larger residence is not authorized where the owner installed other improvements within the building envelope which decision significantly limited the footprint and ultimate square footage of a principal residence.



Minutes

Regular Meeting of the Board of Trustees  
0110 Whispering Pines Circle, Blue River, CO

October 18, 2022

5:00 p.m. Work Session

6:00 p.m. Regular Meeting

The public is welcome to attend the meeting either in person or via Zoom. The Zoom link is available on the Town website: [Board of Trustees](#) | [Town of Blue River \(colorado.gov\)](#).

Please note that seating at Town Hall is limited.

**5:00 p.m. WORK SESSION-Land Use Code Chapter 16A review**

- Mayor Babich called the work session to order at 5:00 p.m.
- Attorney Widner provided a memo and guided the Trustees through the review of Chapter 16A of the proposed Land Use Code.
- Discussion on lot size and addressing circumstances in a case of a catastrophic event. Additional discussion on whether or not to limit buildable size of homes especially on smaller lots.
- Attorney Widner noted next month the section on land uses within the zone districts will be discussed.

**6:00 p.m. REGULAR MEETING OF THE BOARD OF TRUSTEES**

**I. CALL TO ORDER, ROLL CALL**

- Mayor Babich called the regular meeting to order at 6:00 p.m.
  - Roll Call
  - Mayor, Toby Babich
  - Trustee Joel Dixon
  - Trustee Kelly Finley-arrived at 5:16 p.m.
  - Trustee Mark Fossett
  - Trustee Noah Hopkins
  - Trustee Ted Pilling

Trustee Slaughter was excused. Also, in attendance Town Manager Michelle Eddy; Town Attorney Bob Widner; Chief of Police David Close.

**II. APPROVAL OF CONSENT AGENDA**

- a. Minutes, September 20, 2022
- b. Approval of Bills-\$69,722.35
  - Trustee Finley noted that in September she didn't vote on any items presented.
  - Trustee Fossett moved and Trustee Dixon seconded to approve the consent agenda as amended. Motion passed unanimously.

**III. COMMUNICATIONS TO TRUSTEES**

- a. Citizen Comments (Non-Agenda Items Only- 3-minute limit please). Any written communications are included in the packet.
  - Communications were provided in the Trustees packet.
  - Mayor Babich read a thank you card from the school for a basket sent to them.
  - Dan Cleary, Rustic Terrace asked for clarification on public comments for non-agenda items and where public may speak. The Trustees may allow comment on any agenda item. He thanked the Trustees for their work on the land use code. He provided comment on the bear resistant enclosures and provided feedback and recommendations. He also asked for the full draft land use code online. He commented on the current natural night sky ordinance surrounding bistro lights.
  - Paul Semmer, Blue Grouse provided feedback on the bear resistant enclosures and easements.

#### IV. NEW BUSINESS

- a. Martie Semmer-Dark Skies-30 minutes.
  - Resident Martie Semmer, Blue Grouse Trail presented information on dark skies with recommendations to the Trustees.
  - Discussion of current code and how it is applied and enforced.
  - Discussion of additions or recommended changes to website for education, i.e. bistro lighting no more than 5 watts.
  - Ms. Semmer asked for the Trustees to consider submitting a pre application to the International Dark Skies organization to become a dark sky community with herself as a facilitator.
  - Trustee Fossett asked to conduct a formal work session to review the application process. Agreement to hold a future work session to discuss and review.
- b. Bear Resistant Enclosures
  - Mayor Babich presented information on adding bear resistant enclosures to the existing shed permit with similar guidelines.
  - Discussion enclosure locations should be next to the house and not allowed by the road. Suggestion to limit size based on two trash cans to fit and to match the home.
  - Suggestion to have a trash enclosure as a requirement for a short-term rental license. Noted that it should be allowed and recommended for all properties. Discussion to allow metal with color to match the home.
  - Discussion to increase rebates for bear resistant trash cans.
  - Decision for staff come back with a proposed ordinance.
- c. Swearing in of Police Chief
  - Mayor Babich introduced David Close as the new Town of Blue River Police Chief. Town Manager/Clerk Michelle Eddy conducted the swearing in ceremony.

#### V. ORDINANCE CONSIDERATION FOR APPROVAL

- a. Ordinance 2022-07 An Ordinance Amending Section 22-5-130 of the Blue River Municipal Code by the Addition of New Subsections (aa), (bb), and (cc) and Declaring an Emergency

- Town Attorney Widner provided a memo and background as for the need of the ordinance and asked to have it passed as an emergency due to timing of a potential application.
  - Trustee Finley moved and Trustee Pilling seconded to approve Ordinance 2022-07 An Ordinance Amending Section 22-5-130 of the Blue River Municipal Code by the Addition of New Subsections (aa), (bb), and (cc) and Declaring an Emergency. Motion passed unanimously. 6 yes; 0 no.
- b. Ordinance 2022-08 An Ordinance Amending the Blue River Municipal Code by the Adoption of a New Section 10-8-50 Titled Prohibited Hunting, Trapping, and Poisoning of Animals
- Town Attorney Widner noted this is an additional ordinance requested to address hunting in Blue River.
  - Discussion on the need for the ordinance and potentially add in language defining inside versus outside the home.
  - Discussion to bring back in November and to research other towns with a similar ordinance.

#### VI. RESOLUTIONS

- a. Resolution 2022-05 A Resolution Declaring the Town of Blue River's Decision to Decline Participation In and Opt. Out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI)
- Town Manager Eddy explained the new State law requirements. Town governments are allowed to opt out of the requirement but would need to provide their own policy. Manager Eddy is recommending opting out matching most municipalities in the state and providing for provisions in the leave policies.
  - Trustee Finley moved and Trustee Fossett seconded to approve Resolution 2022-05 A Resolution Declaring the Town of Blue River's Decision to Decline Participation In and Opt. Out of the Colorado Paid Family and Medical Leave Insurance Program (FAMLI). Motion passed unanimously. 6 yes; 0 no.

#### VII. INTRODUCTIONS & POSSIBLE DISTRIBUTION

- a. First Reading 2023 Budget
- Mayor Babich and the Finance Committee along with the Town Manager presented the 2023 proposed budget for discussion. They are recommending approval of the budget to be adopted in November.
  - Trustee Fossett noted the budget isn't tied to evaluations and raises but allocates the funding.
  - Discussion to ensure that community initiatives for bear resistant cans and lighting be increased.

#### VIII. OLD BUSINESS

#### IX. REPORTS

- a. Mayor
- Finance Committee Report
    - Mayor Babich reviewed the Finance Committee recommendations for budgeting and the Town Manager review process.

- The Committee recommends to move the officer ranges to \$61,000-\$75,000 and the Deputy Clerk \$50,000-\$70,000 and all other ranges remaining.
- The Committee additionally recommends an inflationary raise of 8% and a 4% merit increase for a total of 12%. The merit will be based on the employee review. Reviews will take place on the employee anniversary date. The Town Manager determines the merit for staff and the Trustees conduct the Town Manager review.
- The Committee recommended that the Finance Committee will conduct the 360 review with input from the Trustees and Staff in November with a report to the entire Board in December.
- It was noted that the Town Manager participation on the Committee is as a staff member and not as a voting member.
- Consensus to approve recommendations.

b. Trustees

- Citizen Advisory Committee-Trustee Finley
  - Trustee Finley reported Trunk or Treat will take place on October 31<sup>st</sup> the Committee has not met and will meet November 17<sup>th</sup>.
- Open Space & Trails Committee-Trustee Dixon
  - Trustee Dixon noted the implementation strategy provided in the packet and asked for any feedback at the November meeting.
  - Trustee Dixon reported on an easement recommendation request for approval from the Board of Trustees on Lot 6 New Eldorado. He also discussed the existing easement where cars are currently being parked and how to clean up the trail to ensure visitors are on the trail and the owners have access to their parking area.
  - Discussion to allow for the moving of rocks onto the Vogt property to delineate the trail and improve the area. It was stated to have waivers signed allowing for the work to be conducted. The Town Attorney asked to have the owners direct and agree to the work. The Town will pay the cost.
  - Discussion on whether or not to require a formal survey. The Town Attorney provided input on what to consider. The Town Manager is recommending a formal survey be conducted.
  - Discussion on how to establish an easement that terminates once a formal survey is complete. Recommendation to have staff draft the easement with this language. The Trustees asked for staff to work on the document and obtain the temporary easement.
  - Mayor Babich addressed the implementation strategy document and expressed concerns about providing feedback until the public has provided input on the plan. He recommended taking smaller sections and have a public meeting gathering public feedback on the sections.

- It was recommended to break it into chunks and invite the public to comment. Discussion to review and add as an agenda item in November.
- Planning & Zoning-Trustee Hopkins
  - Trustee Hopkins reported there was no meeting for October.
- Transit Authority-Trustee Pilling
  - Trustee Pilling reported on a possible additional stops and an additional route for Blue River beginning potential in November. The route was assessed for feasibility. There is a request for the Town's road crews (winter and summer) to keep bus stops clean and address ruts in the summer.
- Wildfire Council-Trustee Slaughter
  - There was no report.
- CDOT-Trustee Fossett
  - Trustee Fossett reported on the group meeting that took place on October 12<sup>th</sup>.
- c. Attorney's Report
  - Attorney Widner noted he will send the Trustees guidelines on establishing lighting regulations.

## X. OTHER BUSINESS

- a. Trustee Finley reported on a drainage issue on Sherwood and Starlit and homeowner request to run heat tape through the road easement and culvert.
  - Discussion about liability and engineer recommendations.
  - Discussion to allow it but the liability agreement must be signed. It was discussed what has been attempted in the past and what the Town has done for maintenance.
  - Discussion to put this back on the list for review as a capital improvement project.
  - Discussion to have Trustee Finley and Attorney Widner facilitate a discussion about what it means.

There being no further business before the Board of Trustees, Trustee Finley moved and Trustee Dixon seconded to adjourn the meeting at 9:47 p.m. Motion passed unanimously.

Next Meeting, Tuesday, November 15, 2022

Respectfully Submitted:  
Michelle Eddy, MMC/CPM  
Town Clerk





# TOWN OF BLUE RIVER, COLORADO

## MEMORANDUM

TO: Mayor Babich & Members of the Board of Trustees

THROUGH: Michelle Eddy, Town Manager

FROM: Molly Schultz, Deputy Town Attorney

DATE: October 11, 2022

SUBJECT: **Ordinance Adopting New Code Section - Prohibited Hunting, Trapping, and Poisoning of Animals**

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Please see the attached proposed Ordinance regarding the prohibition of hunting, trapping, and poisoning of animals within the Town. It is my understanding that the Board initially requested a prohibition on hunting. In reviewing other Town Codes, I found it common to also include provisions prohibiting trapping and poisoning, so I decided to include those sections for the Board's consideration as well.

The Ordinance provides a general prohibition on hunting, trapping, and poisoning, but also includes several exceptions. The exceptions are for:

- Fishing
- Trapping and poisoning rodents, as defined in the Ordinance
- Public officials performing job duties
- "Live-trapping" of animals causing damage, injury, or destruction to property

Bob will be available either via Zoom or in person at the October 18, 2022, Board meeting to respond to questions.

In the meantime, please feel free to contact Bob Widner or I directly with any questions.



**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2022-08**

**AN ORDINANCE AMENDING THE BLUE RIVER MUNICIPAL CODE  
BY THE ADOPTION OF A NEW SECTION 10-8-50 TITLED  
PROHIBITED HUNTING, TRAPPING, AND POISONING OF ANIMALS**

WHEREAS, the Town of Blue River, Colorado ("Town") is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town possesses the authority to regulate the hunting, trapping, and poisoning of animals within the Town boundaries for the protection of the public health, safety, and welfare; and

WHEREAS, due to the relative proximity of residences, accessory buildings, and private and public areas occupied or visited by the public, the hunting, trapping, and poisoning of animals presents risk of death, bodily injury, and property damage to citizens of the Town; and

WHEREAS, the Board of Trustees finds that the hunting, trapping, and poisoning of animals within the Town's limits is incompatible with the residential character of the Town and diminishes the quiet enjoyment of property.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:**

**Section 1.**     **Section Renumbered.** Current Section 10-8-50 of the Town of Blue River Municipal Code, titled *Selling weapons to intoxicated persons*, is renumbered as Section 10-8-60.

**Section 2.**     **Adoption of New Section 10-8-50.** Section 10-8-50 of the Town of Blue River Municipal Code, titled *Prohibited Hunting, Trapping, and Poisoning of Wildlife*, is hereby adopted and added to read in full as follows:

**Sec. 10-8-50 Prohibited Hunting, Trapping, and Poisoning of Animals.**

- (a) It is unlawful to feed, hunt, pursue, molest, harass, catch, harm, or kill any wildlife within the Town limits, whether the wildlife is located upon public or private property. This prohibition does not apply to:
  - (1) Fishing with a valid license in compliance with federal, state, and local laws.
  - (2) Use of a bird feeder during daylight hours on private property by the property owner or with the property owner's consent.
- (b) It is unlawful to set, or cause to be set within the Town, any trap, snare, or mechanical device for the purpose of holding, capturing, or killing an animal or animals. This prohibition does not apply to:

- (1) Setting a trap with the intent to trap rodents by means of a trap, snare, or mechanical device specifically designed to trap such animals by the owner of the property or an individual who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
  - (2) Use of a trap or restraint by the owner or occupant of such property, by the agent of such owner or occupant, or by an authorized public officer, by means of a snare or mechanical device designed not to injure or harm the animal, which are known variously by the names, among others, of "cage trap," "cage-door trap," or "live trap," if an animal is causing damage, injury, or destruction to private property.
- (c) It is unlawful for any person to place, maintain, or permit the use of a poisonous bait upon any property, public or private, within the Town. For the purposes of this Section, poisonous baits are defined as substances attractive to animals as food, to which lethal poisons are added for the purpose of killing those animals which ingest them. This prohibition does not apply to:
- (1) Use of a poisonous bait specifically designed for rodents if the bait is used within a building or structure that is not generally accessible to large wildlife such as deer, elk, bear, racoon, or fox. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
- (d) The prohibitions of these sections (a) to (c) do not apply to any public officer or official of a police, fire, or animal control agency, the Town, the State of Colorado, or the United States, when such person is acting within the scope of his or her official duties.

**Section 3. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 5. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make or cause to be made 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 6. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, AMENDED, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES 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

Published in the Summit County Journal \_\_\_\_\_, 2022.





**RESOLUTION NO. 2022-06**  
**RESOLUTION TO ADOPT BUDGET**

(Pursuant to 29-1-108, C.R.S.)

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF BLUE RIVER, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2023, AND ENDING ON THE LAST DAY OF DECEMBER, 2023.

WHEREAS, the Board of Trustees of the Town of Blue River has appointed Michelle Eddy, to prepare and submit a proposed budget to said governing body at the proper time; and

WHEREAS, Michelle Eddy, Town Manager, has submitted a proposed budget to this governing body on October 18, 2022, for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 15, 2022, and interested taxpayers were given the opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues or planned to be expended from reserves/fund balances so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Trustees of the Town of Blue River, Colorado:

Section 1. That the budget as submitted, amended, and summarized by fund, hereby is approved and adopted as the budget of the Town of Blue River for the year stated above.

Section 2. That the budget hereby approved and adopted shall be signed by the Mayor and made a part of the public records of the Town.

ADOPTED, this 15<sup>th</sup> day of November, A.D., 2022

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Toby Babich, Mayor

Toby Babich, Mayor-  
Joel Dixon, Trustee-  
Kelly Finley, Trustee-  
Mark Fossett, Trustee-  
Noah Hopkins, Trustee-  
Ted Pilling, Trustee-  
Ted Slaughter, Trustee-



**RESOLUTION NO. 2022-07**  
**RESOLUTION TO APPROPRIATE SUMS OF MONEY**

(Pursuant to Section 29-1-108, C.R.S.)

A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE TOWN OF BLUE RIVER, COLORADO, FOR THE 2023 BUDGET YEAR.

WHEREAS, the Board of Trustees has adopted the annual budget in accordance with the Local Government Budget Law, on November 15, 2022, and;

WHEREAS, the Board of Trustees has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues and reserves or fund balances provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Town of Blue River.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

**GENERAL FUND:**

Operating Expenses	\$ 1,954,479.44
Reserves	\$ <u>800,000.00</u>
<b>TOTAL GENERAL FUND</b>	<b>\$ 2,754,479.44</b>

**CAPITAL FUND**

Expenses	\$ <u>575,000.00</u>
<b>TOTAL CAPITAL FUND</b>	<b>\$ 575,000.00</b>

**CONSERVATION TRUST FUND**

Expenses	\$ <u>40,000.00</u>
<b>TOTAL CONSERVATION TRUST FUND</b>	<b>\$ 40,000.00</b>

ADOPTED THIS 15th day of November, A.D. 2022.

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**Toby Babich, Mayor**



**RESOLUTION NO. 2022-08**  
**RESOLUTION TO SET MILL LEVIES**

(Pursuant to 39-5-128, C.R.S. and 39-1-111, C.R.S.)

A RESOLUTION LEVYING PROPERTY TAXES FOR THE YEAR 2021, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF BLUE RIVER, COLORADO, FOR THE 2023 BUDGET YEAR.

**WHEREAS**, the Board of Trustees of the Town of Blue River, has adopted the annual budget in accordance with the Local Government Budget Law, on November 15, 2022 and;

**WHEREAS**, the amount of money necessary to balance the budget for general operating purposes from property tax revenue is \$ 677,625.86 and;

**WHEREAS**, the 2022 valuation for assessment for the Town of Blue River as certified by the County Assessor(s) is \$ 55,136,360.

**NOW, THEREFORE**, BE IT RESOLVED/ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. That for the purpose of meeting all general operating expenses of the Town of Blue River during the 2022 budget year, there is hereby levied a tax of **12.290** mills upon each dollar of the total valuation for assessment of all taxable property within the Town of Blue River for the year 2022.

Section 2. For the purpose of collecting abated or refunded revenue from the previous tax year an additional 0.000 abatement levy is hereby certified.

Section 3. That the Town Manager is hereby authorized and directed to immediately certify to the County Commissioners of Summit County, Colorado, the mill levies for the Town of Blue River as hereinabove determined and set, or be authorized and directed to certify to the County Commissioners of Summit County, Colorado, the mill levies for the Town of Blue River as hereinabove determined and set, but as recalculated as needed upon receipt of the final (December) certification of valuation from the county assessor in order to comply with any applicable revenue and other budgetary limits.

ADOPTED this 15<sup>th</sup> day of November, A.D. 2022.

---

**Toby Babich, Mayor**





## **RESOLUTION NO. 2022-09**

### **A RESOLUTION DESIGNATING ANY UNSPENT REVENUES AVAILABLE ON DECEMBER 31, 2022 AS NON-EMERGENCY RESERVE INCREASES.**

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

The Board of Trustees of the Town of Blue River, Colorado, hereby determines and declares that any and all year end balances shall be considered a non-emergency “reserve increase” and therefore a part of 2022 fiscal year spending: within the meaning of Article X, Section 20(2)(e) of the Colorado Constitution.

INTRODUCED, READ, APPROVED AND ADOPTED BY A MAJORITY OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO ON THIS 15<sup>th</sup> AY OF NOVEMBER, 2022.

TOWN OF BLUE RIVER

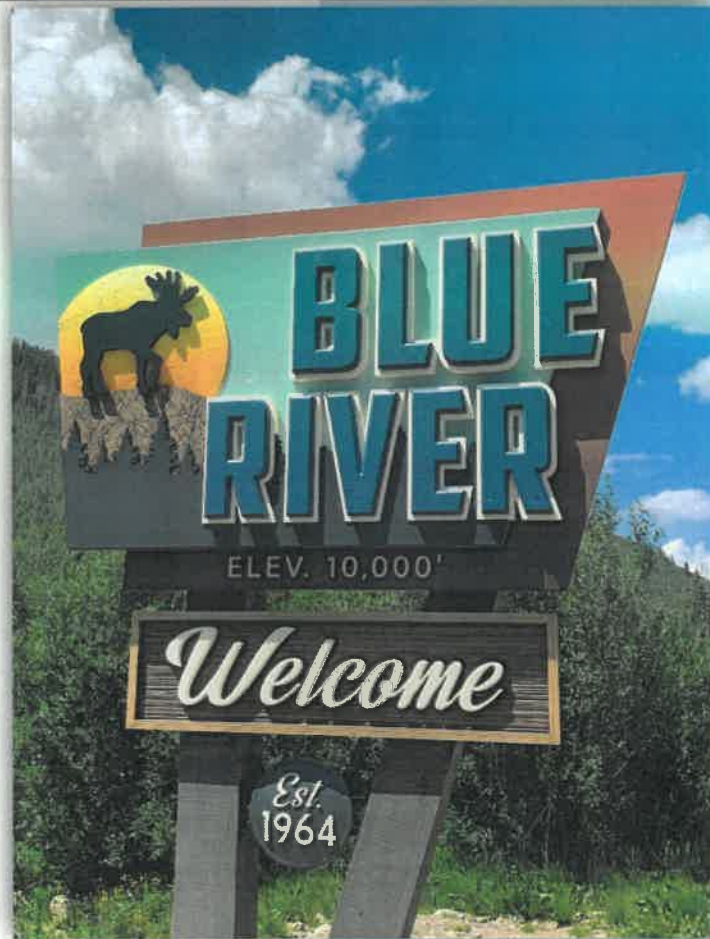
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**Toby Babich, Mayor**



2023

# Town of Blue River Budget Report



Prepared by: Town Manager  
PO Box 1784  
Breckenridge, CO 80424

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Blue River, CO 80424  
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*Town Board of Trustees  
Mission Statement*

*The Town of Blue River endeavors to nurture  
our serene mountain community by  
Conserving our natural residential  
environment,  
Promoting unity with our neighbors and  
surroundings,  
Channeling the voice of our residents, and  
enhancing the quality of life of all*

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## Budget Memorandum

Date: October 12, 2022

To: Mayor Toby Babich & Blue River Board of Trustees

From: Michelle Eddy, Town Manager/Clerk

RE: 2023 Budget Memo

I am pleased to present the 2023 Budget in accordance with State Statutes and the Blue River Municipal Code. The Town of Blue River is in a good financial position. The Town has seen increased revenues in taxes and fees due to increased online sales and lodging tax revenue. In 2022, the Town continued to observe increases in sales and lodging taxes with maintained revenues in building and fees. This has enabled the Town to maintain a stable financial position as well as invest in capital projects and obtain a single employee housing unit. The 2023 Budget reflects stable revenues and budget priorities focused on capital improvements and employee retention.

For 2023, the Town has set Spruce Creek Road and the development of broadband as a priority for capital improvements. The proposed capital road improvement project will be a multi-year project focused on improving safety and mitigating ongoing maintenance to improve overall road conditions and safety in the Crown neighborhood. A plan will be developed to evaluate the overall prospect of providing broadband to the area. Focus for roads will be to continue improved maintenance and planning in troublesome areas.

The General Fund Budget reflects conservative increases in expenses. Increases in community program incentives, and town hall technology and improvements for a total increase of 7%. Under the Conservation Trust Fund, focus will be on land acquisition and acquiring trail easements and trail development. The budget reflects estimated expenses related to the proposed CDOT chain-up station in relation to potential studies and cost incurred for the 1041 review process. These expenses will be billed back to CDOT.

Reserves and the Capital fund remain steady. Funding has been reallocated from a future Hwy 9 recreational path for the development of broadband.

Thank you to the Board of Trustees Finance Committee and Staff for all their hard work on the 2023 Budget.



# Town Manager's 2022 Fiscal Summary

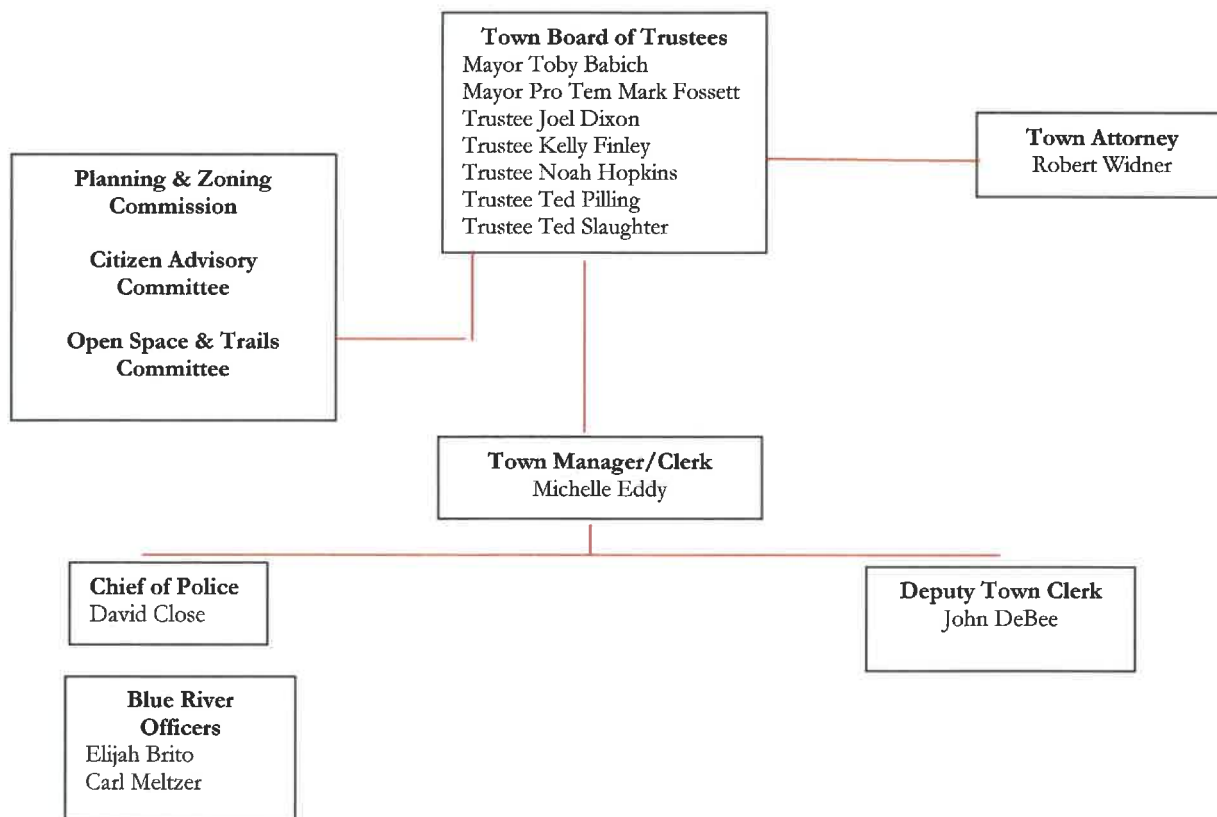
This summary is organized into 2022 retrospective and general fiscal notes

## 2022 Retrospective

The Town of Blue River was incorporated in 1964. It was developed as a residential community and remains solely, a residential community today. The Town is a Statutory Town with a council-manager form of government. The seven-member Board of Trustees determines policies, enacts local legislation, adopts the budget, and appoints the Town Manager. The Town Manager executes the laws and administers the Town government. The Board of Trustees appoints the Town Attorney, Planning & Zoning Commission, and any established committees. The seven-member Planning & Zoning Commission's responsibility is to review development applications in accordance with the building code and Architectural Guidelines. The 2020 Census shows the Town full-time population at 888. There are a total of 935 lots within the Town of Blue River. There are estimated to be 85 buildable lots remaining in Blue River. With the exception for four neighborhoods, all roads within the Town of Blue River are dirt roads maintained through a contract.

The Town of Blue River has been able to maintain overall revenues with steady increases from 2021. The Town is currently staffed with the Town Manager, Deputy Clerk, Police Chief and one officer.

## Organizational Chart



## Town of Blue River Overview 2023 Budget

Revenues for the 2023 budget total \$2,267,016.27. The Town's primary revenue source remains taxes and fees which provides 83% of the total revenues. Other revenues include building permits and fees, court fines, grants, and business and lodging registration income.

### General Fiscal Notes

Sales and lodging taxes are estimated to see a moderate increase in line with 2022 and with current economic projections. The number of homes registering for short-term rentals has increased over the past year. There are currently 198 registered homes in Blue River rented on a short-term (less than 30 days basis.)

The population in Blue River continues to grow with 46% of homes being occupied by full-time homeowners. The 2020 Census shows the population of Blue River remaining strong with only a slight increase. There have been 34 homes sold year to date in 2022 totaling \$51,132,000 with an average sales price of \$1,503,882.35 up 22% from 2021.

Large increase in revenues is due primarily to sales and lodging taxes. Increases in expenses are primarily due to technology upgrades to town hall; community fund incentives; a 4% increase in the plow contract and a recommendation of salary increases for staff based on inflation, merit, and retention. Overall budgeted revenue increased by 6% with expenses increasing by 9% and a positive net revenue balance.

### 2023 Budget Overview

#### General Fund

Beginning Balance: *As of 10/31/2022:	\$5,664,677.83
Revenues	\$2,267,016.27
Expenditures	\$1,954,479.44
Allocations	\$200,000.00
<b>Net Revenue/Expense</b>	<b>\$312,536.83</b>
<b>Fiscal Ending Balance</b>	<b>\$5,977,214.66</b>

#### Capital Fund

Beginning Balance	\$1,259,561.26
Contribution	\$103,500.00
Expenditures	\$575,000.00
<b>Ending Balance</b>	<b>\$788,061.26</b>

**Conservation Trust Fund**

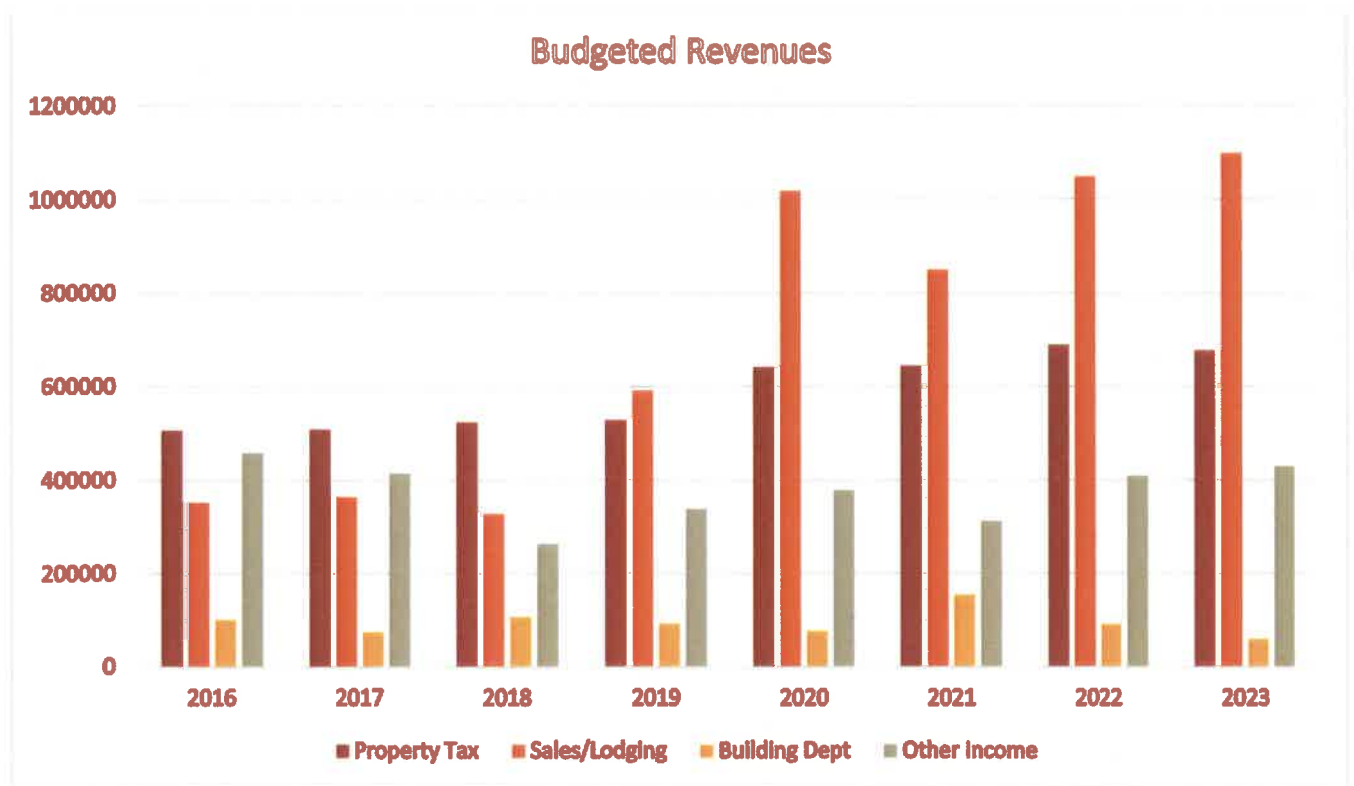
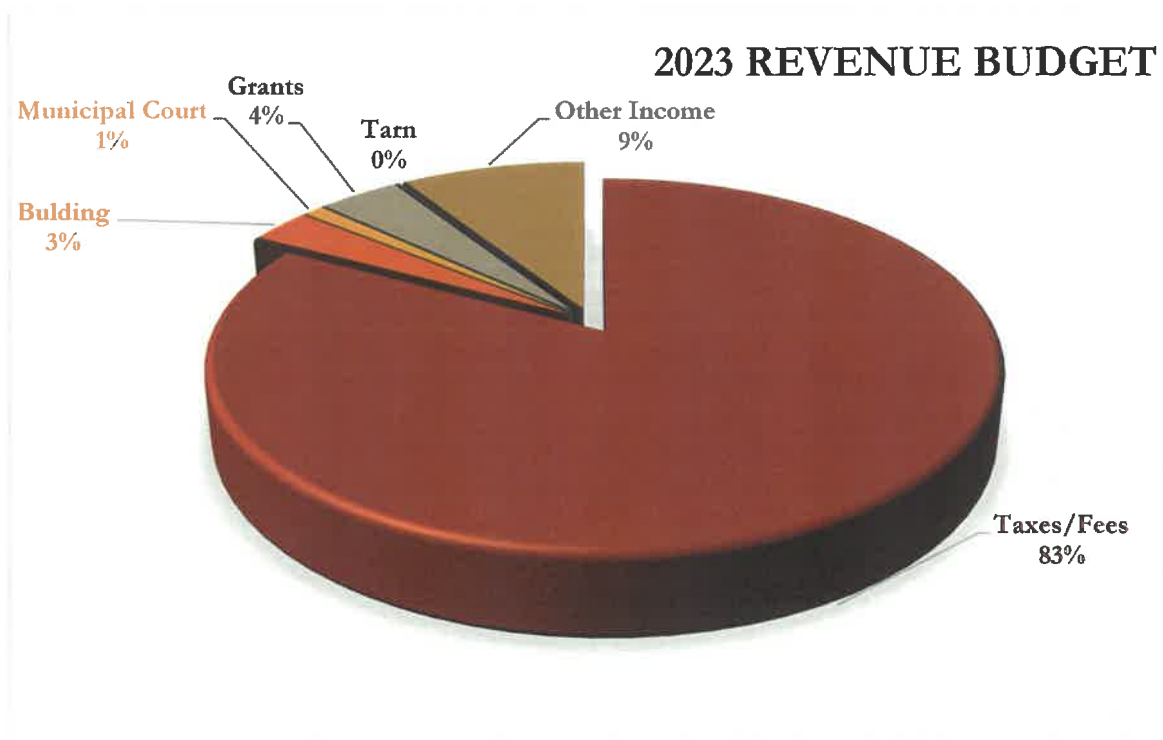
Beginning Balance	\$118,551.87
Revenues	\$8,510.00
Expenditures	\$22,000.00
<b>Ending Balance</b>	<b>\$105,061.87</b>

**American Rescue Plan Fund**

Beginning Balance	\$231,506.03
Revenues	\$15.00
Expenditures	\$100,000.00
<b>Net</b>	<b>\$131,521.03</b>

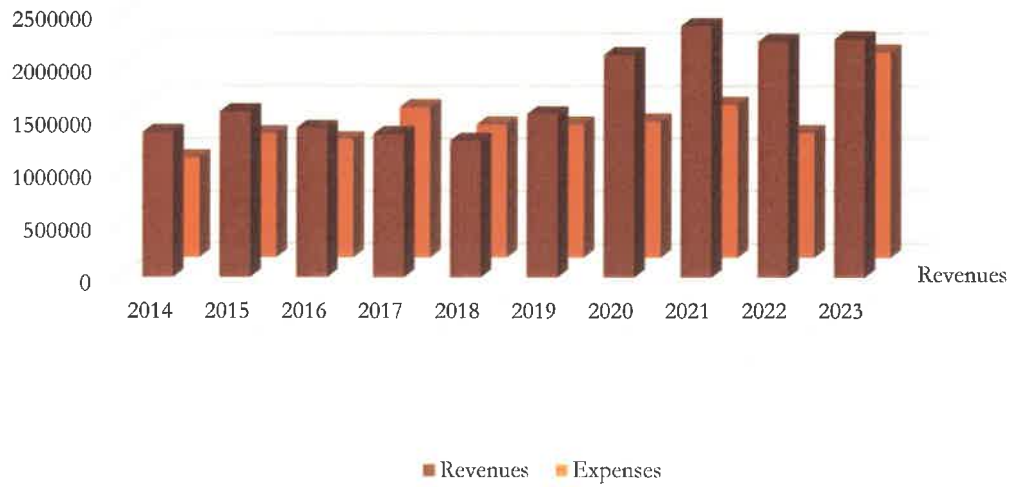
**Broadband Fund**

Beginning Balance	\$100,001.00
Revenues	\$100,000.00
Expenditures	\$0.00
<b>Net</b>	<b>\$200,001.00</b>

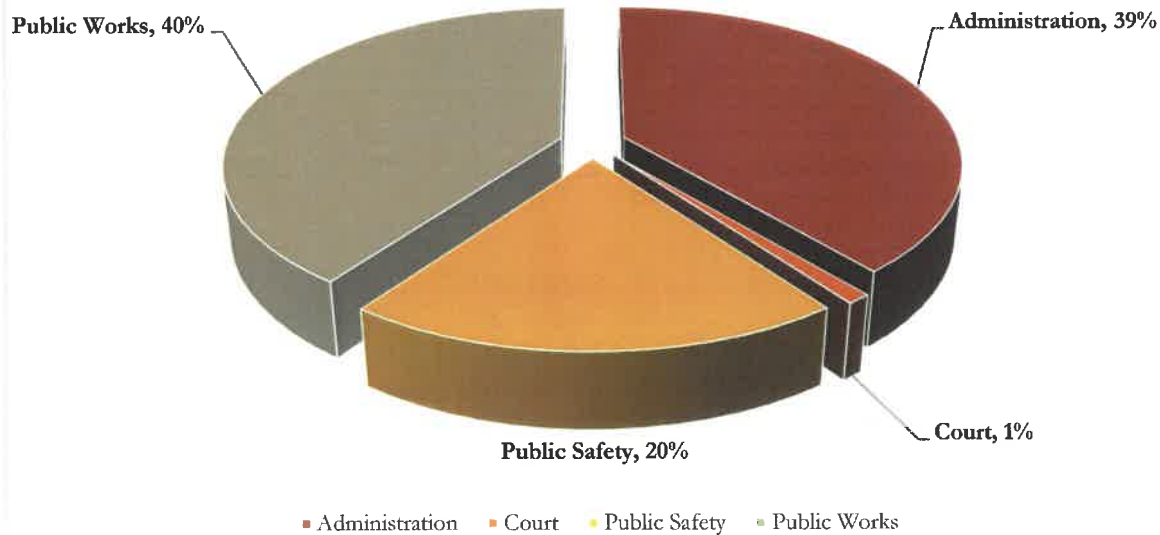


\*2022 YTD 10/31/2022

## Revenues vs. Expenses



## 2023 Budgeted Expenses



As seen in the chart, most expenses for the Town of Blue River is in the Public Works Department and administration. The above is for the General Fund and does not reflect Capital Road Improvement expenses. The roads within Blue River remain the greatest asset and greatest expense.

The Town has budgeted moderate funding increases for Public Works (roads). Additional expenses include overall budget for salaries, technology, and inflation. Capital road improvements and the potential for broadband continue to be a focus for 2023.



**Town of Blue River  
2023 Budget  
Combined Balance Sheet**

	<b>General Fund</b>	<b>Capital Fund</b>	<b>Conservation Trust</b>
<b>Beginning Balance</b>	\$5,664,677.83	\$1,259,561.26	\$118,551.87
<b>Revenues</b>	\$2,267,016.27	\$103,500.00	\$8,510.00
<b>Expenses</b>	\$1,954,479.44	\$575,000.00	\$22,000.00
<b>Fund Balance</b>	\$5,977,214.66	\$788,061.26	\$105,061.87

	<b>American Rescue Plan Fund</b>	<b>Broadband Fund</b>
<b>Beginning Balance</b>	\$231,506.03	\$100,001.00
<b>Revenues</b>	\$15.00	\$100,000.00
<b>Expenses</b>	\$100,000.00	\$0.00
<b>Fund Balance</b>	\$131,521.03	\$200,001.00





**Town of Blue River  
General Fund  
2023 Budget**

	2019	2020	2021	2022 YTD	2023 Budget
<b>Beginning Balance</b>	\$1,780,356.89	\$2,856,428.69	\$3,676,279.34	\$4,611,915.10	\$5,664,677.83
<b>Revenues</b>					
<b>Taxes/Fees</b>	\$1,240,066.03	\$1,759,995.46	\$1,885,249.73	\$1,839,400.16	\$1,885,066.27
<b>Building</b>	\$93,910.28	\$77,812.51	\$163,990.00	\$92,624.63	\$60,300.00
<b>Court</b>	\$33,433.45	\$44,336.99	\$37,020.20	\$16,418.25	\$26,650.00
<b>Tarn</b>	\$3,555.00	\$6,350.00	\$20.00	\$0.00	\$0.00
<b>Grants</b>	\$88,338.16	\$121,371.60	\$195,752.66	\$46,803.90	\$95,000.00
<b>Other</b>	\$94,155.48	\$106,487.61	\$109,486.16	\$245,464.37	\$200,000.00
<b>Total</b>	<b>\$1,553,458.40</b>	<b>\$2,116,354.17</b>	<b>\$2,391,519.00</b>	<b>\$2,240,711.31</b>	<b>\$2,267,016.27</b>

	2019	2020	2021	2022 YTD	2023 Budget
<b>Expenses</b>					
<b>Administration</b>	\$393,312.53	\$364,044.05	\$523,003.77	\$483,998.75	\$757,382.33
<b>Public Safety/Court</b>	\$201,431.53	\$288,806.64	\$316,422.47	\$315,544.48	\$402,445.00
<b>Public Works</b>	\$476,118.00	\$524,265.29	\$616,457.00	\$388,405.35	\$594,652.11
<b>Total</b>	<b>\$1,266,558.50</b>	<b>\$1,296,503.52</b>	<b>\$1,455,883.24</b>	<b>\$1,187,948.58</b>	<b>\$1,754,479.44</b>



# Town of Blue River

## General Fund-Administration Department

### 2023 Budget

#### **Budget Narrative-Administration**

The Administration Department for the Town of Blue River includes the administrative personnel, elected and appointed officials, employee benefits, community engagement and funding, town hall and employee housing expenses and utilities. The department is the hub of all operations for the town. Currently, there are two full-time paid staff members, seven elected Trustees and seven Planning/Zoning Commissioners.

#### **Administration Accomplishments-2022**

- The Trails Committee has made progress on a Trails Plan and is developing a strategy for a south to north trail.
- The Town's "Weed & Seed" program continues to see success in addressing noxious weeds in town. Citizens continue to participate in the defensible space program working towards town-wide forest mitigation.
- Monthly Newsletters-The Town continues to expand its community outreach to the residents. Monthly newsletters, Facebook pages, Instagram, Twitter, texts and emails are sent to provide continuous communication to the residents.

#### **Administration Goals for 2023**

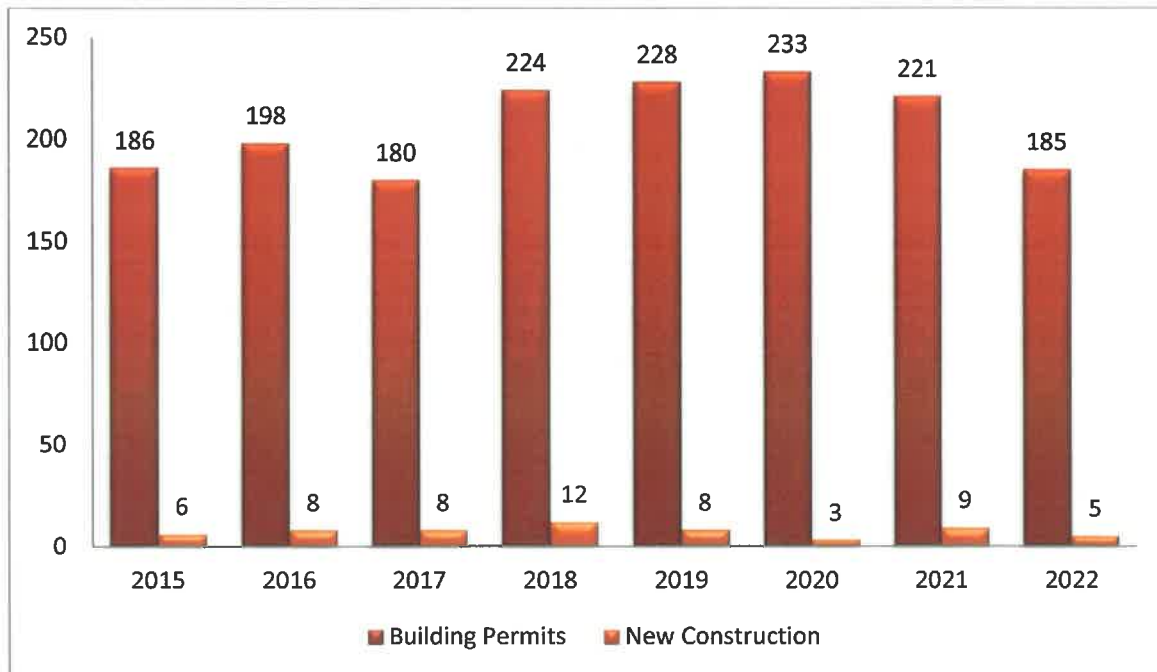
- ***Goal #1: Technology***
  - Enhancements for hybrid meetings including new equipment in the Town Hall meeting room.
  - Improved security within Town Hall with the installation of cameras and key card access.
  - *Performance Measure:*
    - Fewer issues with the public being able to engage with the Trustees, Planning and Zoning Commission and Committees via hybrid meetings.
    - Improved video uploads and sharing.
    - A more professional and reliable security system along with key card access to eliminate keys being lost or not returned.
    - The key card access system will allow for the potential renting of the Town Hall meeting room to the public outside of business hours.
- ***Goal #2: Community Engagement***
  - Increase the community engagement through established events.
  - Develop a volunteer base as well as utilize the Citizen Advisory Committee and Trails Committee for community projects.
  - Continue expansion of the Defensible Space Program
    - *Performance Measurement*



- With the increase in events, there will be more residents involved and connection with the community.

## Town of Blue River General Fund-Public Works

### Building Permits by Year



### Budget Narrative-Public Works

The Public Works Department provides building permitting, road maintenance, snow removal, and wildfire defensible space program. In 2022, there has been a decrease in new construction and overall permits. This may be due to the increased in construction costs coupled with the limited land availability within the Town. There are 85 remaining “buildable” lots within Town limits. Permits issued were generally for home remodels and additions. There have 4 new construction projects in 2022. It is anticipated this trend will continue in the foreseeable future. The Town of Blue River utilizes Citizen Serve for permitting, code enforcement and licensing. The Town contracts with Charles Abbot, LLC for all building inspections and plan review. Beginning in November 2022, there will be a new online portal available through Citizen Serve for residents and contractors for permits, licenses, payment of lodging taxes and inspection requests.

In 2022, 18 homes participated in the wildfire defensible space grant program. Homeowners are increasingly working towards defensible space and fire protection activities.

Roads within the Town of Blue River, being primarily dirt, were graded three times in 2022. Road base was added to areas, ditching and crowning were conducted to help facilitate proper drainage.



Ongoing mitigation has assisted in road maintenance efforts improving drainage and overall wear and tear. Plans are to continue with extra grading as well as more preventative maintenance in 2023.

***Goal #1:***

- Continue and increase the preventative maintenance program for all roads to ensure longevity.

*Performance Measurement:*

- With preventative maintenance the occurrence of larger issues should be mitigated, and resident concerns addressed in a timely manner.



## **Town of Blue River General Fund-Public Safety**

### **Budget Narrative-Public Safety**

Since 2017, the Town of Blue River has operated an independent “Marshal’s Office”. In 2019, the Marshal’s Office officially changed to become the Blue River Police Department. There are two full-time officers. The Blue River Police Department provides 24/7 coverage of the Town. The Blue River Police Department is committed to crime prevention and working cooperatively with the community to identify and solve neighborhood problems.

### ***Goal #1: Highway 9 Safety and Community Outreach***

- With the recent transition of the Police Chief and a current reduction in staffing, the Police Department will focus on speeding and incidents along the Hwy 9 corridor. In addition, efforts surrounding community engagement and outreach will be enhanced to continue to build trust and cooperation with the community.
- *Performance Measures:*
  - Decreased number of accidents and speed related violations along the Hwy 9 corridor.
  - Increased events and building of positive relationships with the community to increase overall safety within the Town.



## **Town of Blue River Capital Fund 2023 Budget**

### **Budget Narrative-Capital**

Over the last several years, focus has remained on large road improvement projects including widening the entrance of Spruce Creek Road; guardrail installation and road base to Lakeshore Drive; drainage work in 97 Circle and drainage road improvements along Blue River Road. Capital improvements have included the installation of 35 cisterns in 17 locations throughout the Town.

At the end of 2018, the Town of Blue River adopted the Capital Improvement Plan. This plan outlines capital improvements identified by the Board of Trustees, Planning & Zoning Commission, Town Appointed Committees, and residents. The focus is road improvements but also additional cisterns, trails, and recreation path. The plan identifies estimated cost, locations and types of improvements needed.

In 2019, the Town of Blue River has worked with the Town of Breckenridge, Summit County and CDOT on a Highway 9 Access Plan. An access plan provides a unified vision of the future access needs for a particular roadway corridor. The plan defines existing and future access locations and configurations, with consideration for spacing, traffic movements, circulation, and alternative access opportunities. It is a long-rang planning document that identifies access conditions that will be implemented as highway and land-use characteristics change. The plan developed includes a design for what a recreation trail from Breckenridge to Hoosier Pass could look like. The plan is awaiting final approval.



In 2023, the Town will focus attention to addressing the drainage and ongoing maintenance issue on Spruce Creek Road. The project scope was expanded in 2022 to include potential improvements along Crown and Gold Nugget. The proposed project will be a multi-phased year project to address safety, maintenance and drainage issues within the Crown subdivision.



## Town of Blue River Conservation Trust Fund 2023 Budget

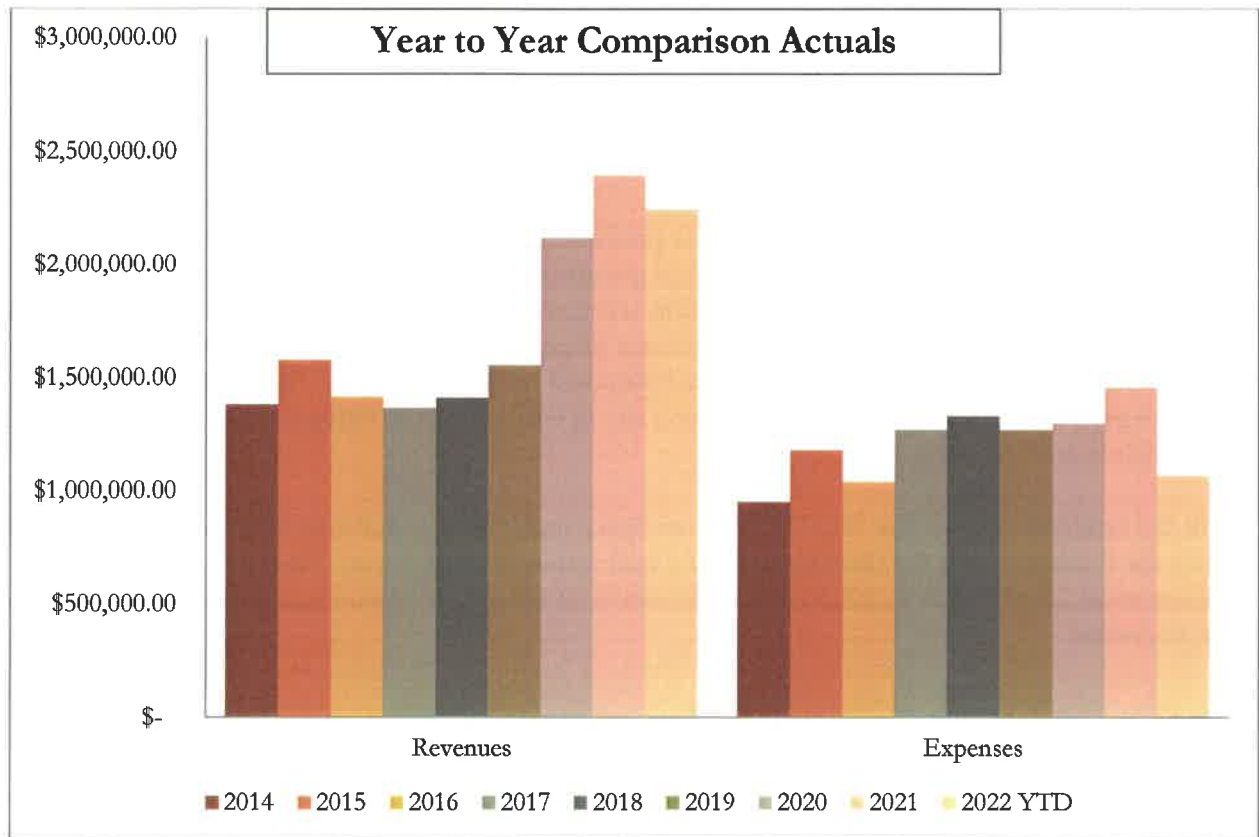
### **Budget Narrative-Conservation Trust**

The Conservation Trust revenues received are paid quarterly through the Department of Local Affairs on a per capita basis to 470 eligible local governments: counties, cities, towns, and Title 32 special districts that provide park and recreation services in their service plans. Funding can be used for the acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site. A public site is defined by the department as a publicly owned site, or a site in which a public entity/local government holds an interest in land or water.

With the establishment of the Blue River Open Space and Trails Committee, there is opportunity to utilize the funds towards the development of a trail system in Blue River. Plans for the Conservation Trust Funds in 2023 include allocation of funding to obtain easements, and trail improvements.







<b>General Fund</b>	<b>2020</b>	<b>2021</b>	<b>2022 Budget</b>	<b>2022 YTD</b>	<b>2023 Budget</b>
<b>Revenues/Inflows</b>					
<b><i>Taxes/Fees</i></b>					
General Property Tax	641,900.41	643,227.29	692,958.13	689,422.36	677,625.86
Delinquent Taxes	(7,187.81)	(3,764.32)	(7,500.00)		
Lodging Tax	176,339.81	278,509.34	215,000.00	287,629.59	320,000
Specific Ownership Tax	32,711.38	34,054.92	25,000.00	25,033.34	25,0000
Exempt Personal Property				5896.08	5,0000
Motor Vehicle License Fees	9,439.96	13,723.53	12,000.00	7,105.80	7,500
Sales Tax	842,140.13	844,558.23	775,000.00	761,524.17	780,000
Cigarette Tax	679.15	1,399.00	1,000.00	918.03	1,000
Highway User's Tax	42,700.78	52,269.05	42,000.00	36,776.95	46,940.41
Road & Bridge Fees	21,271.65	21,272.69	22,000.00	25,093.84	22,000
<b>Total Income Taxes/Fees</b>	<b>1,759,995.46</b>	<b>1,885,249.73</b>	<b>1,777,458.13</b>	<b>1,839,400.16</b>	<b>1,885,066.27</b>
<b><i>Building Department</i></b>					
Building Inspection Department	75,062.51	162,890.25	85,000.00	92,224.63	60,000
Architectural Review Fees	750.00	650.00	700.00	400	300
Development Fees					
<b>Total Income Building Department</b>	<b>77,812.51</b>	<b>154,934.50</b>	<b>85,700.00</b>	<b>92,624.63</b>	<b>60,300</b>
<b>Municipal Court</b>					
Court Fines	37,079.31	29,975.20	40,000.00	13,315.50	25,000
Ticket Surcharge	7,115.68	6,985	5,000.00	2,872	1,500
Marshal Office Income (VIN/Fingerprinting)	142.00	60.00	100.00	230.75	150
<b>Total Municipal Court</b>	<b>44,336.99</b>	<b>30,938.70</b>	<b>45,100.00</b>	<b>16,418.25</b>	<b>26,650</b>
<b><i>Grants</i></b>					
Defensible Space Grants	116,032.50	180,145.75	100,000.00	34,218.50	85,000
Cisterns		-			
Police Department Grants	5,339.10	15,606.91	10,625.00	12,585.40	10,000

<b>Total Grants</b>	<b>121,371.60</b>	<b>195,752.66</b>	<b>110,625.00</b>	<b>46,803.90</b>	<b>95,000</b>
<b>Other Income</b>					
Tarn	6350	20			
Interest on Investments	3,247.11	571.62	1,500.00	8,377.67	3,000.00
Interest on Taxes	673.01	1,032.10	750.00	1,014.26	1,000.00
Natural Gas Franchise	57,365.45	59,380.26	58,000.00	62,204.64	60,000.00
Credit Card Fees	1,996.55	945.12	1,500.00	516.67	1,000.00
Lodging Tax Registration	18,970.00	24,555.79	25,000.00	33,800.00	60,500.00
Business Licenses	9,300.00	11,765.00	12,500.00	10,425.00	12,500.00
Administrative Misc. Income	14,935.49	11,236.27	12,000.00	129,126.13	12,000.00
<b>Total Other Income</b>	<b>106,487.61</b>	<b>109,486.16</b>	<b>111,250.00</b>	<b>245,464.37</b>	<b>200,000</b>
<b>Total Income</b>	<b>2,116,354.17</b>	<b>2,391,519.00</b>	<b>2,129,256.85</b>	<b>2,240,711.31</b>	<b>2,267,016.27</b>
<b>Expenses/Outflows</b>					
<b>Administration</b>					
Administrative Personnel	233,083.57	265,735.99	280,800.00	231,645.06	316,640.00
Unemployment Payments		11,105.79			
Workman's Comp	5,986.00	7,013.00	10,000.00	6,849.00	7,500.00
Benefits	50,398.02	30,062.57	142,000.00	42,148.00	53,200.00
Audit	8,400.00	10,500.00	11,000.00	9,200.00	11,000.00
Other Expense		2,820.00			
Office Supplies	9,402.63	6,694.04	9,000.00	1,849.65	5,000.00
Uniforms			500.00		1,000.00
Telephone	11,532.15	12,435.09	13,000.00	7,449.01	9,000.00
Postage		-	50.00		
Printing & Publishing	6,536.52	6,858.21	7,000.00	4,129.00	5,000.00
Meetings & Events Expense	8,230.62	7,862.19	15,000.00	12,699.37	15,000.00
Training	2,822.57	3,537.24	6,000.00	2,039.00	6,000.00
Sales & Lodging Tax Admin	581.00	1,181.47	1,500.00	2,703.15	2,000.00



Professional Services/Membership Fees	1,103.71	15,938.22	10,000.00	3,212.16	10,000.00
Equipment Repairs & Lease	4,123.77	5,293.90	6,500.00	4,841.87	6,500.00
Technology	26,442.68	64,609.74	70,000.00	54,279.41	95,000.00
Community Engagement/Marketing	2,077.50	652.95	3,000.00	2,840.25	10,000.00
Community Fund & Initiatives	8,500.00	6,050.00	10,000.00	7,550.00	45,000.00
Scholarships	3,000.00	750.00	3,000.00	3,000.00	3,000.00
Insurance	16,740.27	24,510.16	30,000.00	29,870.92	30,000.00
Codifying	3,430.50	200.00	6,500.00	1,169.32	6,500.00
Elections	3,920.81	5,621.88	12,000.00	13,798.83	
County Treasurer Fees	12,707.88	12,810.19	16,500.00	15,002.14	16,500.00
NWCOG	1,030.00	3,697.00	1,167.00		1,243.00
CML	1,558.00	1,210.00	383.00		383.00
CAST	630.00	315.00	630.00	630.00	630.00
Credit Card Charges	1,743.93	864.32	1,200.00	476.27	700.00
Tree Top Donation	1,000.00		-		
Payroll Accrued/Health	5,699.47	0	10,000.00		10,000.00
Admin Misc.	.01		-	-1,477.15	
<b>Total Administration</b>	<b>430,681.61</b>	<b>508,328.95</b>	<b>676,730.00</b>	<b>462,190.46</b>	<b>716,312.33</b>
<b>Town Hall Expense</b>					
Utilities	10,566.40	10,128.97	12,000.00	10,278.33	12,000.00
Trash	1,664.28	1,679.92	1,800.00	2,602.51	3,500.00
Supplies	1,257.51	538.80	1,500.00	897.81	1,000.00
Repairs & Maintenance	1,001.87	746.92	5,000.00	559.74	15,050.00
Employee Housing HOA		921.00	3,684.00	3,229.00	4,020.00
Employee Housing Utilities		659.21	3,600.00	4,168.65	5,000.00
Employee Housing Supplies			2,000.00	72.25	500.00
<b>Total Town Hall Expense</b>	<b>14,490.06</b>	<b>14,674.82</b>	<b>29,584.00</b>	<b>21,808.29</b>	<b>41,070.00</b>

<b>Public Safety</b>					
Public Safety Personnel	223,611.17	234,230.52	280,000.00	253,938.08	289,600.00
Court Administration	17,091.90	16,325.03	17,100	13,604.15	16,600.00
Office/General Administrative Expense		3,957.00	4,000.00	5,495.57	8,000.00
Former Sheriff exp/MERT			5,000.00		5,000.00
Fuel-Police Department	6,643.32	8,124.04	10,000.00	6,232.27	10,000.00
Uniforms/Supplies	6,736.83	11,220.16	15,000.00	13,048.72	15,000.00
Auto (repair, maintenance, car wash)	11,195.46	8,565.59	10,000.00	2,961.13	13,000.00
Animal Shelter	2,075.00	2,100.00	2,100.00	2,100.00	2,100.00
Communications Center	18,433.00	19,029.00	22,000.00	14,041.00	22,000.00
Survivor Support	1,000.00		-		
HASMAT	1,979.96	2,079.00	2,079.00	2,183.00	2,200.00
Radar Certification	40.00	-	200.00		200.00
Training		1,099.91	8,000.00	1,906.00	5,000.00
Professional Services	-	8,162.22	4,200.00	34.56	4,200.00
Extra Work/Grant Expense	-	1,440.00	10,625.00		10,000.00
<b>Total Public Safety</b>	<b>271,714.74</b>	<b>300,097.44</b>	<b>373,204.00</b>	<b>301,940.33</b>	<b>397,100.00</b>
<b>Public Works</b>					
Building Administration Contracts	72,024.92	89,733.07	63,750.00	59,481.3	45,000.00
Fuel Building Dept.	695.68				
Auto Repair/Maintenance Building Dept.		1,107.49	2,000.00	658.12	3,000.00
Streetlights Utilities	1,523.16	1,384.72	2,000.00	1,345.73	1,500.00
Snow Removal	196,450.48	210,680.96	208,350.78	149,905.20	233,852.11
Street Maintenance	123,202.69	98,801.67	160,000.00	100,562.26	160,000.00
Engineering	1,500.00	1,187.00	5,000.00		5,000.00
1041 Process Expense					50,000.00
Road Signs	5,640.86	17,445.37	10,000.00	12,759.61	10,000.00
Wildfire/Defensible Space Grant	122,877.50	189,096.55	120,000.00	62,790.00	85,000.00



High Country Conservation Energy Grants	350.00	150.00	300.00		300.00
Town Park Maintenance		3,856.71	15,000.00	177.38	1,000.00
Trail Easements		3,013.46		383.75	
<b>Total Public Works</b>	<b>524,265.29</b>	<b>616,457.00</b>	<b>586,400.78</b>	<b>388,405.35</b>	<b>594,652.11</b>
General Fund to restricted Accts	38,259.92	0	100,000.00		200,000.00
<b>Total Expenses</b>	<b>1,296,503.52</b>	<b>1,455,883.24</b>	<b>1,783,018.78</b>	<b>1,187,948.58</b>	<b>1,954,479.44</b>
<b>Net Revenue/Expense</b>	<b>819,850.65</b>	<b>935,635.76</b>	<b>346,238.07</b>	<b>1,052,762.73</b>	<b>312,536.83</b>
<b>General Fund Reserves</b>					
TABOR Requirement	40,000.00	40,000.00	50,000.00	50,000.00	50,000.00
General Fund Contingent Reserve	600,000.00	600,000.00	750,000.00	750,000.00	750,000.00
<b>Total General Fund Reserves</b>	<b>640,000.00</b>	<b>640,000.00</b>	<b>800,000.00</b>	<b>800,000.00</b>	<b>800,000.00</b>







**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2022-08**

**AN ORDINANCE AMENDING THE BLUE RIVER MUNICIPAL CODE  
BY THE ADOPTION OF A NEW SECTION 10-8-50 TITLED  
PROHIBITED HUNTING, TRAPPING, AND POISONING OF ANIMALS**

WHEREAS, the Town of Blue River, Colorado ("Town") is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town possesses the authority to regulate the hunting, trapping, and poisoning of animals within the Town boundaries for the protection of the public health, safety, and welfare; and

WHEREAS, due to the relative proximity of residences, accessory buildings, and private and public areas occupied or visited by the public, the hunting, trapping, and poisoning of animals presents risk of death, bodily injury, and property damage to citizens of the Town; and

WHEREAS, the Board of Trustees finds that the hunting, trapping, and poisoning of animals within the Town's limits is incompatible with the residential character of the Town and diminishes the quiet enjoyment of property.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:**

**Section 1.**     **Section Renumbered.** Current Section 10-8-50 of the Town of Blue River Municipal Code, titled *Selling weapons to intoxicated persons*, is renumbered as Section 10-8-60.

**Section 2.**     **Adoption of New Section 10-8-50.** Section 10-8-50 of the Town of Blue River Municipal Code, titled *Prohibited Hunting, Trapping, and Poisoning of Wildlife*, is hereby adopted and added to read in full as follows:

**Sec. 10-8-50 Prohibited Hunting, Trapping, and Poisoning of Animals.**

- (a) It is unlawful to feed, hunt, pursue, molest, harass, catch, harm, or kill any wildlife within the Town limits, whether the wildlife is located upon public or private property. This prohibition does not apply to:
  - (1) Fishing with a valid license in compliance with federal, state, and local laws.
  - (2) Use of a bird feeder during daylight hours on private property by the property owner or with the property owner's consent.
- (b) It is unlawful to set, or cause to be set within the Town, any trap, snare, or mechanical device for the purpose of holding, capturing, or killing an animal or animals. This prohibition does not apply to:

- (1) Setting a trap with the intent to trap rodents by means of a trap, snare, or mechanical device specifically designed to trap such animals by the owner of the property or an individual who has obtained the express consent of the owner or adult occupant of the property on which the trap is set. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
  - (2) Use of a trap or restraint by the owner or occupant of such property, by the agent of such owner or occupant, or by an authorized public officer, by means of a snare or mechanical device designed not to injure or harm the animal, which are known variously by the names, among others, of “cage trap,” “cage-door trap,” or “live trap,” if an animal is causing damage, injury, or destruction to private property.
- (c) It is unlawful for any person to place, maintain, or permit the use of a poisonous bait upon any property, public or private, within the Town. For the purposes of this Section, poisonous baits are defined as substances attractive to animals as food, to which lethal poisons are added for the purpose of killing those animals which ingest them. This prohibition does not apply to:
- (1) Use of a poisonous bait specifically designed for rodents if the bait is used within a building or structure that is not generally accessible to large wildlife such as deer, elk, bear, racoon, or fox. Rodent means a mouse, rat, prairie dog, gopher, mole, or other animal commonly known as a rodent, but does not include a hamster, guinea pig, gerbil, rabbit, or squirrel.
- (d) The prohibitions of these sections (a) to (c) do not apply to any public officer or official of a police, fire, or animal control agency, the Town, the State of Colorado, or the United States, when such person is acting within the scope of his or her official duties.

**Section 3. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 5. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make or cause to be made 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 6. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

**INTRODUCED, READ, AMENDED, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES 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

Published in the Summit County Journal \_\_\_\_\_, 2022.



# TOWN OF BLUE RIVER, COLORADO

## MEMORANDUM

TO: Mayor & Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: November 7, 2022

SUBJECTS: **Ordinance No. 2022-06.** New Chapter 18 – Building & Safety Codes Re-Adoption and Amendments

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The attached Emergency Ordinance is proposed for the Board of Trustee's consideration to repeal and replace Chapter 18 of the Town's Municipal Code. Chapter 18 pertains to the various building and safety codes ("Building Codes" or "Codes") applied to the construction of improvements on property.

The Town's Building Codes have been somewhat "pieced together" over many years. The last major revision or amendments appear to be 2006 and 2014, although smaller changes were enacted in subsequent years.

Recently, the Town's building inspectors (Charles Abbot LLC) undertook a complete review of the Town's current Building Codes. The review resulted in a significant rewriting of Chapter 18 in its entirety. The new Chapter 18 will bring the Town's Municipal Code into conformance with the commonly applied building and safety codes in the version most widely used by Colorado municipalities. In addition, recent state law is requiring the updating of certain building codes, so the revision of Chapter 18 will assist in meeting the new state requirements.

The Building Codes to be both adopted, readopted, and revised by the proposed Chapter 18 include:

- International Building Code (2018 Edition)
- International Existing Building Code (2018 Edition)
- International Residential Code (2018 Edition)
- International Mechanical Code (2018 Edition)
- Colorado Fuel Gas Code
- Colorado Plumbing Code
- International Energy Conservation Code (2018 Edition)
- National Electrical Code (as adopted by the State of Colorado)
- International Fire Code (2018 Edition)

The attached ordinance is proposed as an Emergency Ordinance in order that the Building Codes will be effective January 1 and owners contemplating new construction or reconstruction can prepare their building permit application and plans using the correct Town-adopted Building Codes. If the ordinance is enacted with less urgency, it is possible that owners will prepare plans using the former Chapter 18 and be required to expend funds to change their plans to meet the new Chapter 18 requirements once the Chapter is made effective later in January 2023.



# **TOWN OF BLUE RIVER, COLORADO**

## **ORDINANCE NO. 2022-06**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 18 OF THE BLUE RIVER MUNICIPAL CODE TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE (2018 EDITION), THE INTERNATIONAL EXISTING BUILDING CODE (2018 EDITION), THE INTERNATIONAL RESIDENTIAL CODE (2018 EDITION), THE INTERNATIONAL MECHANICAL CODE (2018 EDITION), THE COLORADO FUEL GAS CODE, THE COLORADO PLUMBING CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE (2018 EDITION), THE NATIONAL ELECTRICAL CODE AS ADOPTED BY THE STATE OF COLORADO, INTERNATIONAL FIRE CODE (2018 EDITION), WHICH CHAPTER 18 INCLUDES EXCEPTIONS, DELETIONS, AND MODIFICATIONS OF THE ADOPTED CODES, AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE ADOPTED CODES AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Blue River (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the Town, the Board of Trustees for the Town of Blue River desires to amend Chapter 18 of the Blue River Town Code to adopt by reference the International Building Code (2018 Edition), the International Existing Building Code (2018 Edition), the International Residential Code (2018 Edition), the International Mechanical Code (2018 Edition), the Colorado Fuel Gas Code, the Colorado Plumbing Code, the International Energy Conservation Code, (2018 Edition), the National Electrical Code as adopted by the State of Colorado, the International Fire Code (2018 Edition), (collectively referenced as the “Codes”); and

WHEREAS, the Town informally introduced this Ordinance at its November 15, 2022, regular meeting of the Board of Trustees, published required proper notice to the public, and held a public hearing on December 20, 2022, to consider adoption of Chapter 18 and the referenced Codes; and

WHEREAS, a copy of the Codes were made available, and is available, at the Blue River Town Hall, 0110 Whispering Pines Circle, Blue River, Colorado, for review and inspection by the public and for purchase for a moderate cost as required by *Ordinance Codes Adopted by Reference*, Sections 31-16-201 through 31-16-206, C.R.S.; and

WHEREAS, the Board of Trustees has determined that the adoption of a new Chapter 18 and the adoption by reference of the Codes will further the health, safety and welfare of the inhabitants of the Town.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO**

**Section 1. Repeal and Replacement of Chapter 18.** Chapter 18 of the of the Blue River Municipal Code is hereby repealed and replaced with the following new Chapter 18:

**CHAPTER 18**

**Building Regulations**

**ARTICLE I General Provisions**

<b>Sec. 18-1-10.</b>	<b>Certificate of Occupancy</b>
<b>Sec. 18-1-20.</b>	<b>Open Soil Percolation and Profile Test Holes</b>
<b>Sec. 18-1-30.</b>	<b>Fire Extinguishers.</b>
<b>Sec. 18-1-40.</b>	<b>Detached Garages and Outbuildings.</b>
<b>Sec. 18-1-50.</b>	<b>Fire Mitigation.</b>
<b>Sec. 18-1-60.</b>	<b>Doubling of Permit Fees.</b>
<b>Sec. 18-1-70.</b>	<b>Contractor's License.</b>

**Sec. 18-1-10. Certificate of Occupancy.**

Prior to the issuance of a certificate of occupancy, any person who builds or erects any structure must contact the Town by calling or writing the Building Official to obtain approval for issuance of the certificate of occupancy. Approvals of the septic/sewer authority, the fire protection district, the Architectural Review Board and homeowners' association may be required. Approval may, at the Town's sole discretion, require completion of the following improvements:

- (1) Installation of culverts.
- (2) Grading or regrading any disturbed or damaged roads or driveways or other areas necessary for proper drainage.
- (3) Installation and placement of up to twelve (12) tons of approved road base.
- (4) Any dirt, boulders or other material stored or remaining on the property described above shall be moved or distributed and arranged in such a way that it serves as landscaping and not piles of stored material.
- (5) All construction debris shall be removed from the site and properly disposed of.
- (6) All runoff created by or redirected by the construction, erection and landscaping of the structure on the property shall be treated, contained and controlled so that there are no increases in runoff or other drainage consequences resulting from said construction, erection and landscaping.

If weather conditions are such that the foregoing requirements cannot be determined or performed prior to the issuance of the certificate of occupancy, the person building or



erecting the structure and requesting the certificate of occupancy shall pay to the Town, in cash or a letter of credit acceptable to the Town, an amount equal to one hundred fifty percent (150%) of the Town's estimated cost for performing such improvements. The Town shall hold these funds in a non-interest-bearing account. The funds may be commingled with other Town funds. If the improvements are not completed, the Town may use the funds to complete the improvements. Any unused funds shall be returned to the owner.

**Sec. 18-1-20. Open Soil Percolation and Profile Test Holes.**

- (a) Issuance of Permit. Prior to the conducting of a soil percolation or profile test, the person conducting said test shall obtain from the Building Official, upon payment of a fee of twenty-five dollars (\$25.00), a percolation test permit. Such permit shall be valid for a period of sixty (60) days unless extended for good cause shown. The person conducting such test further shall deposit with the Building Official a cash bond in the amount of one hundred fifty dollars (\$150.00) for each proposed test, including but not limited to test holes for septic tanks, leach fields and soil profile analysis. It is the responsibility of the person digging the hole, or the owner of the property in which the hole is dug, to fill the hole immediately upon completion of the test. Any such hole shall be covered whenever left unattended or, alternatively, access thereto shall be prevented by a fence or other suitable structure. At such time as the hole has been filled to the satisfaction of the Building Official, the cash bond shall be returned.
- (b) Nuisance Declared; Summary Abatement Authorized. The Board of Trustees hereby declares any open holes which are neither fenced nor covered and are more than three (3) feet deep, including percolation and profile test holes of any depth, to be nuisances subject to summary abatement by the Town.
- (c) Notice of Abatement; Failure to Abate. Whenever any such open hole is discovered, the Town shall cause a certified letter, return receipt requested, to be sent to the property owner at the address on file with the Summit County assessor. Seventy-two (72) hours after the mailing of the letter, if the hole has not been filled, the Town may fill the hole through any means at its disposal, including hiring a private party, without competitive bids, to fill such hole at the owner's cost as provided in Subsection (d) below.
- (d) Abatement Costs; Lien Authorized.
  - (1) If any owner fails to fill any hole after one (1) notice as provided in Subsection (c) above and the Town proceeds to fill such hole, the Town Clerk shall notify the owner, by regular mail, of the costs and expenses incurred in filling the hole. The Town shall apply the amount of any deposit to the cost of filling the hole. The owner shall have thirty (30) days from the date of mailing of the notice of costs to pay in full the costs and expenses in excess of those paid by the deposit, if any. The funds not expended by the Town shall be returned to the depositor.
  - (2) The owner of the property, according to the County Assessor's records, shall be held personally liable for any and all charges imposed under the provisions of this Section. These charges shall become and remain a lien upon such property or premises until paid. Such charges may be collected from the owner by an action

in the name of the Town and said action may be for the enforcement of said lien, or such charges may be certified to the County Treasurer pursuant to statute and collected as tax. If it is necessary for the Town to commence an action to collect such costs and expenses, the owner shall be liable for any court costs and attorney fees incurred by the Town.

**Sec. 18-1-30. Fire Extinguishers.**

- (a) Required. Each dwelling unit constructed within the limits of the Town shall from and after the effective date of this Code have installed therein at an accessible location a fire extinguisher of a ten-pound size, or its equivalent, and rated A.B.C., such extinguishers to have approval of the National Fire Protection Association. No certificate of occupancy will be given until after evidence has been furnished that the extinguisher has been purchased and is in place.
- (b) Time Limit for Installation; Town Clerk to be Notified. Each dwelling unit heretofore constructed in the Town shall, on or before November 1, 1973, have installed therein a fire extinguisher of the type described in Subsection (a) above. The owner or occupant of each such dwelling unit shall notify the Town Clerk that said fire extinguisher has been purchased and is installed.
- (c) Recharging used extinguishers. Any fire extinguisher which has been used shall be recharged or replaced promptly within thirty (30) days from the date of its use.
- (d) Penalties. Any violation of this Section will be punishable by a fine in the amount set out in Section 1-4-20 of this Code.

**Sec. 18-1-40. Detached Garages and Outbuildings.**

- (a) Approval Required. It is unlawful to erect or maintain any accessory structure, including garage, storage shed, doghouse, tool shed or any other accessory structure, unless such structure is approved by the Town in accordance with applicable provisions of the Municipal Code.
- (b) Removal and Penalty. Any structure erected which is in violation of this Chapter shall be removed from the property thirty (30) days after notice requiring such removal has been sent by the Town. After the passage of thirty (30) days, failure to remove the structure shall subject the owner to penalty as set forth in Section 1-4-20 of this Code.

**Sec. 18-1-50. Fire Mitigation.**

Fire mitigation for all new structures or substantially altered structures shall be undertaken and completed in accordance with the requirements set forth in Article III of this Chapter.

**Sec. 18-1-60. Doubling of Permit Fees.**

Notwithstanding the provisions of Subsection 18-1-70(a) below, any person who builds or erects any structure or commences the building or erection of any structure without a

building permit or in violation of any part of this Chapter shall pay building and permit fees of twice the amount which would have been due upon timely application for a permit or license.

**Sec. 18-1-70. Contractor's License.**

- (a) **License Required.** All persons, general contracting firms, subcontracting firms and other entities engaged in construction work of any kind or nature, including but not limited to general contracting, electrical, plumbing, excavating and concrete finishing within the Town limits shall be licensed under the applicable terms and provisions adopted by the Board of Trustees prior to: (1) applying for any type of building permit for the performance of any construction work within the Town limits; or (2) entering into a contract to perform or performing any construction work within the Town limits.
- (b) **Limited Exception.** Any natural person may construct a single-family dwelling on real property owned by such person without having first obtained a contractor's license if: (1) the person has been issued a building permit; (2) the construction complies with all applicable building codes and land use regulations; (3) such person does not construct any more than one (1) single-family dwelling unit within any two (2) consecutive calendar year periods; and (4) such single-family dwelling is constructed as such natural person's principal residence.

**ARTICLE II Building Codes**

<b>Sec. 18-2-10.</b>	<b>Administrative.</b>
<b>Sec. 18-2-20.</b>	<b>Adoption of Codes.</b>
<b>Sec. 18-2-30.</b>	<b>Building Code.</b>
<b>Sec. 18-2-40.</b>	<b>Existing Building Code</b>
<b>Sec. 18-2-50.</b>	<b>Residential Code.</b>
<b>Sec. 18-2-60.</b>	<b>Mechanical Code.</b>
<b>Sec. 18-2-70.</b>	<b>Fuel Gas Code.</b>
<b>Sec. 18-2-80.</b>	<b>Plumbing Code.</b>
<b>Sec. 18-2-90.</b>	<b>Energy Conservation Code.</b>
<b>Sec. 18-2-100.</b>	<b>Electrical Code.</b>

**Sec. 18-2-10. Administrative.**

- (a) No building or work on any building shall be commenced within the Town without first obtaining a building permit as required by this Article and the codes adopted herein and paying the appropriate building permit fee.
- (b) For any work requiring a contractor licensed or registered pursuant to this Code, permits under this Article shall only be issued to the contractor or registrant or their authorized

representative. It shall be unlawful for any person to fraudulently use a license or registration issued to a contractor or registrant to obtain a permit for another person.

**Sec. 18-2-20. Adoption of Codes.**

Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration, and repair of all new and existing structures, along with all plumbing, mechanical, electrical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of the Blue River Municipal Code, the specific provision of the Blue River Municipal Code shall govern. In addition to any other requirement of the codes referenced in this Chapter 18, copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org and NFPA.org.

**Sec. 18-2-30 Building Code.**

The International Building Code, 2018 Edition, Sixth Printing, November 2021, as amended, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Building Code as if fully set out in this Article with the additions deletions insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River" where indicated.
- (2) Section 101.4.3 is amended by deleting the last sentence that references the International Private Sewage Disposal Code.
- (3) Section 103.2 is amended by adding the following additional first paragraph:

**103.2 Building Official.** The Building Official is hereby authorized and directed to enforce all of the provisions of this code, nevertheless, such authorization and direction shall be neither an express nor implicit guaranty that all buildings and structures have been constructed in accordance with all of the provisions of this code, nor be deemed as any representation as to the quality of such buildings or structures in any manner.

- (4) Section 103.3 is amended by adding the following additional first paragraph:

**"103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction, the building official shall have the authority to appoint a deputy building official, related technical officers, inspectors, plan examiners and other employees. Such employees shall have those powers and duties as have been expressly delegated by the building official, subject to modification from time to time."

- (5) Section 104.8 is amended by adding the following additional first paragraph:  
The adoption and implementation of this code, as well as any previous Building Construction and Housing Standards adopted by the Town of Blue River, shall not be

deemed to give rise to a duty of care on the part of any public entity, public employee or agent. Neither this code nor any previous Building Construction and Housing Standards shall create any affirmative duty or be deemed to establish any affirmative representation on behalf of the Town Board of Trustees, the Building Official of the Town of Blue River, its employees, officials or agents.

- (6) Sections 105.1.1 and 105.1.2 are hereby repealed in their entirety.
- (7) Section 105.2 (Work Exempt from Permit) Number 1 and 2 is deleted in its entirety
- (8) Section 105.5 is amended to read as follows:

**105.5 Expiration.** (a) Every building permit issued by the building official under the provisions of this code shall expire 18 months after the date of issue. The building official is authorized to grant an extension to the validity of such permits, for a period of time not to exceed 18 months. Such extensions shall be based upon written request by an applicant demonstrating, to the discretion of the building official, justifiable cause for the extension, and shall be effective as of the day of written approval. (b) Every standalone technical (mechanical, electrical, plumbing, fireplace and photovoltaic) and hot tub permit issued by the building official under the provisions of this code shall expire 3 months after the date of issue. The building official is authorized to grant an extension to the validity of such permits, for a period of time not to exceed 3 months. Such extensions shall be based upon written request by an applicant demonstrating, to the discretion of the building official, justifiable cause for the extension, and shall be effective as of the day of written approval.

- (9) Section 107.1 is amended to read as follows:

**107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional. The building official may waive the requirement for a design professional when it is found that the nature of the work is such that a design professional is not necessary to obtain compliance with the code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- (10) Section 109.2 is amended to read as follows:

**109.2 Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the *Town of Blue River Building Permit Fee Schedule* attached hereto.

- (11) Section 109.4 is amended to read as follows:

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to fees for an investigation in addition to any other required permit fees. The investigation fee shall be as set forth in the *Town of Blue River Building Permit Fee Schedule*.

(12) Section 110.3.5 is amended by deleting the exception.

(13) Section 110 is amended by adding a new subsection to read as follows:

**110.7 Reinspection.** A reinspection fee, as specified in the *Town of Blue River Building Permit Fee Schedule* attached hereto, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when any of the following conditions exist: (a) the approved plans are not readily available to the inspector, (b) the address of the project is not properly displayed, (c) the applicant failing to provide access on the date for which the inspection is requested, (d) the work requiring inspection is not completed or ready for inspection, or (e) deviation from plans requiring the approval of the building official.

(14) Section 202 is amended by adding the following definitions within the alphabetical order of the existing definitions:

**LOFT.** A habitable room or floor in a building that is open to the room or floor directly below, which may or may not qualify as a mezzanine.

**POTENTIAL SLEEPING ROOM.** A room or space within a dwelling unit having a floor area, with 5 feet or more of ceiling height, of at least 70 square feet will be considered a sleeping room in accordance with the following:

In a building defined as a *dwelling* or *lodging* house, any space or room having two of the following factors shall be considered a sleeping room. In a building defined as an *apartment house* or *hotel*, any room or space having one of the following factors shall be considered a sleeping room:

- (a) Has walls and doors to separate it from other habitable spaces.
- (b) Meets the definition of a loft as amended by Summit County.
- (c) Has a closet or similar provision for clothes storage.
- (d) Has a full or partial bathroom connected to the space or room, or has a path of travel to a full or partial bathroom which does not first pass through a habitable space.

Rooms or spaces determined by these criteria to be sleeping rooms, regardless of any names, labels, or intended uses proposed by the building designer or owner, shall

have emergency escape and rescue openings per the International Building Code, smoke detectors, and carbon monoxide detectors.

Any alteration to the room or space previously mentioned will be required to be made permanent in nature. The elimination of doors or closets will be made in such a manner that the construction cannot be readily reinstalled.

- (15) Section 501.1 is amended by changing 4" to 5" and by adding the following sentence:

The premise identification characters shall be reflective.

- (16) Section 718 is amended by adding two new subsections and an exception to read as follows:

**718.6 Factory-built fireplace enclosures.** Combustible construction enclosing factory-built fireplaces with class 'A' chimneys shall be protected on the interior (fireplace) side by one-hour fire resistive construction.

**718.7 Factory-built chimney enclosures.** Factory-built class 'A' chimneys shall be enclosed within a continuous enclosure protected on the interior (flue) side by not less than one-hour fire resistive construction.

*Exception:*

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However, if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (17) Section 901.5 is amended by adding a new subsection to read as follows:

**901.5.1 Special inspector required.** All fire protection systems required by this code shall be reviewed at plan submittal, inspected and approved by an authorized representative of the fire department.

- (18) Section 1503 is amended by adding a new subsection and an exception to read as follows:

**1503.6 Snow-shed barriers.** Roofs shall be designed to prevent accumulations of snow from shedding onto exterior balconies, decks, pedestrian and vehicular exits from buildings, stairways, sidewalks, streets, alleys, areas directly above or in front of gas utility or electric utility meters, or adjacent properties.

*Exception:*

Roof areas with a horizontal dimension of no more than 48 inches (1,219 mm) that will not receive snow shedding from a higher roof. The horizontal projection shall be measured perpendicular to the exterior wall line from the edge of the roof or eave to any intersecting vertical surface.

(19) Section 1505.1 is amended to read as follows:

**1505.1 General.** All roof coverings on new construction shall be Class A. Class A roof assemblies and roof coverings required to be listed by this section shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898.

(20) Table 1505.1 and all footnotes to the table are hereby repealed in their entirety.

(21) Section 1507.1 is amended by adding a new subsection to read as follows:

**1507.1.1 Ice barriers.** An ice dam protection underlayment that consists of an approved self-adhering polymer modified bitumen sheet shall be used with all roof coverings. This ice dam protection underlayment shall extend up the slope of the roof from the lowest edges of all roof surfaces and cover the entire roof decking surface.

(22) Section 1608.2 is amended to read as follows:

**1608.2 Snow loads.** The loads to be used in determining the design snow loads for roofs shall be 100 pounds per square foot and for exterior balconies and decks shall be 125 pounds per square foot. There shall be no reduction for duration.

(23) Section 1809.5 is amended by the addition of the following sentence:

Frost line of the locality is established as 40 inches below grade.

(24) Section 2113 is amended by the addition of the following subsections to read as follows:

**2113.21 Limitation on the type and number of devices.** Solid fuel-burning devices that are not properly certified are prohibited in new construction. Outdoor wood fired hydronic heaters shall not be allowed. The number of certified solid fuel-burning devices that may be installed in newly constructed buildings shall not exceed the following limits:

- (a) Apartments, condominiums, hotel/motel rooms, commercial and industrial buildings: no solid fuel-burning devices shall be allowed. One solid fuel-burning device shall be allowed in lobbies of hotels or motels or restaurants.
- (b) In all buildings which are either occupied or have received a current and valid building permit prior to October 1, 1992, the installation of any solid fuel-burning device is prohibited if the resulting number of solid fuel-burning devices exceeds the limitations contained in this section. However, such limitations shall not apply to the replacement of a non-certified solid fuel-burning device with a certified solid fuel-burning device.

**CERTIFIED SOLID FUEL-BURNING DEVICE** is a solid fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public



Health and Environment, or one that is approved by the building official as meeting the EPA Phase II 'certification' or 'qualification' standard. These standards shall be independently tested by an accredited laboratory to meet the particulate emissions of 7.5 grams per hour for noncatalytic solid fuel-burning devices, or 4.1 grams per hour for catalytic solid fuel-burning appliances. Masonry heaters shall be approved by the state or documentation shall be provided verifying that 'field test results' conducted by an EPA accredited laboratory show no violation of the existing 6.0 grams per kilogram emission standard in accordance with State Regulation No. 4.

**NEW CONSTRUCTION**, for the purpose of this section, is construction of a residential, commercial, industrial, agricultural or accessory building. This shall include any modifications, replacement or relocation of existing solid fuel-burning devices. However, modifications to solid fuel-burning devices shall not include repair, replacement or relocation of flue pipe.

**SOLID FUEL-BURNING DEVICES** are any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

2113.22 Factory built chimneys.

- (a) Factory built chimneys shall be supported at intervals not to exceed 10 feet by wall straps or equivalent.
- (b) Factory built chimneys shall have the outer wall of adjacent chimney sections fastened together by three sheet metal screws, installed approximately 120 degrees apart. Such fastenings shall be in addition to and not in lieu of those requirements mandated by the manufacturers' instructions, except when specifically prohibited by those instructions or the terms of their listing.

**Exception:** Where approved manufacturers' locking bands are used.

- (c) The points of termination of a factory-built chimney shall not be within 10 inches vertically of the point of termination of any adjacent chimney or appliance vent within 24 inches horizontally. No factory-built chimney shall terminate closer than 24 inches to combustible finish materials.

(25) Section 2303.1.1 is amended by adding the following paragraph:

All logs used in a structural capacity must be graded and marked by an approved grading agency, in conformance with DOC PS 20. In lieu of a grade mark, a certificate of an onsite inspection issued by a 3<sup>rd</sup> party lumber grading or inspection agency may be accepted.

(26) Section 2901.1 is amended by deleting the reference to the International Private Sewage Disposal Code.

(27) Section 2902.2 Exception 2 is amended to read as follows:

**2902.2 Exception 2.** Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or less.

#### **Sec. 18-2-80 Existing Building Code.**

The International Existing Building Code, 2018 Edition, Fifth Printing March 2021, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Existing Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) International Existing Building Code is amended by replacing all references to "ICC Electrical Code" with "Current Code Adopted by the Colorado State Electrical Board."
- (2) IEBC Section 101.1. (Title) is amended by the addition of the term "Town of Blue River" where indicated.
- (3) Section 101.4.2 is amended by deleting the reference to the International Property Maintenance Code.
- (4) Section 111.3 is hereby repealed in its entirety

#### **Sec. 18-2-40 Residential Code.**

The International Residential Code, 2018 Edition, Fourth Printing, September 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including sections as amended or as is from time to time modified, by the State of Colorado; Department of Regulatory Agencies, as part of the Colorado Plumbing Code and Colorado Fuel Gas Code listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Residential Code as if fully set out in this ordinance with the additions deletions insertions and changes as follows:

- (1) Section R101.1 is amended by adding the name "Town of Blue River."
- (2) IRC Section 105.2 (Work Exempt from Permit) (Building Section) Number 1 and 2 are deleted in their entirety
- (3) Section R110.4 titled "Temporary occupancy" is deleted in its entirety.
- (4) Any reference with the International Residential Code to "temporary certificate of occupancy" shall be inapplicable and interpreted in a manner consistent with the Town's policy not to issue temporary certificates of occupancy.
- (5) Section R111.3 titled "Authority to disconnect service utilities" is deleted in its entirety.
- (6) Delete from Section R112.1 the following language:

"there shall be and is hereby created a board of appeals."

And substitute the following in its place:

“there shall be a board of appeals created when deemed necessary by the Town Manager. The Town shall use its best efforts to create a board of appeals within 60 days from a request for appeal.”

- (7) IRC Table R301.2(1) is filled to provide the following:

**Table R301.2(1)**  
**Climatic and Geographic Design Criteria**

Roof Snow Load <sup>a</sup>	Wind Design				Seismic Design Category <sup>f</sup>	Subject to Damage		
	Speed (mph) <sup>d</sup>	Topographic effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>c</sup>
100 PSF	90	Yes	No	No	B	Severe	40 inches	Slight
Winter Design Temp <sup>e</sup>	Ice Barrier Under-layment Required <sup>h</sup>	Flood Hazards <sup>g</sup>	Air Freezing Index <sup>i</sup>	Mean Annual Temp <sup>j</sup>				
-13 F	Yes	See Town Code	2500	35.4				
<b>Manual J Design Criteria<sup>n</sup></b>								
Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference	
10,036Ft.	39.4088 N	-13	81	.69	70 F	75 F	84	
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity		
6	15 mph	7.5 mph	51	High (H)	50%	50%		

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- <sup>a</sup>Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from [Figure R301.2\(4\)](#). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- <sup>b</sup>Where the frost line depth requires deeper footings than indicated in [Figure R403.1\(1\)](#), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- <sup>c</sup>The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- <sup>d</sup>The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [[Figure R301.2\(5\)A](#)]. Wind exposure category shall be determined on a site-specific basis in accordance with [Section R301.2.1.4](#).
- <sup>e</sup>The outdoor design dry-bulb temperature shall be selected from the columns of 97½-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official. [Also see [Figure R301.2\(1\)](#).]
- <sup>f</sup>The jurisdiction shall fill in this part of the table with the seismic design category determined from [Section R301.2.2.1](#).

7. <sup>a</sup>The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
8. <sup>b</sup>In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
9. <sup>i</sup>The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
10. <sup>j</sup>The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."
11. <sup>k</sup>In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
12. <sup>l</sup>In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
13. <sup>m</sup>In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
14. <sup>n</sup>The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

(8) Table R301.5 is amended to read as follows:

**Table R301.5**

<b>Use</b>	<b>Live Load</b>
Balconies (exterior) and decks <sup>e</sup>	125
Fire escapes	125

(9) Section R313.2 is amended to read as follows:

**R313.2** One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one-and two- family dwellings with a total aggregate fire area that exceeds 6,000 square feet (577 M<sup>2</sup> ).

(10) Section R319.1 is amended to read as follows:

**R319.1** Premises identification. Approved numbers or addresses shall be provided for all new and altered buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address characters shall be reflective, at least five inches (127 mm) in height and shall be of a color that contrasts with the background on which they are mounted.

(11) Section R501.3 Exception 1 is amended to read as follows:

**R501.3** Exception 1 Floor assemblies located directly over a space protected by an automatic sprinkler system permitted, installed and inspected as required by the Fire District having jurisdiction.

(12) Section R806.1 is amended to read as follows:

**R806.1 Ventilation required.** Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall be made of metal and shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/8 inch (3.2 mm) maximum. Ventilation openings having a least dimension larger than 1/8 inch (3.2 mm) shall be provided with a corrosion-resistant metal wire cloth screening, hardware cloth, or similar material with openings having a least dimension of 1/16 inch (1.6 mm) minimum and 1/8 inch (3.2 mm) maximum. Openings in roof framing members shall conform to the requirements of section R802.7. Required ventilation openings shall open directly to the outside air and shall be protected to prevent the entry of birds, rodents, snakes and other similar creatures.

(13) Section R902.1 is amended to read as follows:

**R902.1 Roofing covering materials.** Roofs shall be covered with materials as set forth in Sections R904 and R905. Class A roofing shall be installed on all new buildings. Class A roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108. Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be considered Class A roof coverings. Where required for roof drainage, scuppers shall be placed level with the roof surface in a wall or parapet. The scupper shall be located as determined by the roof slope and contributing roof area.

(14) Section R905.1.2 is amended to read as follows:

**R905.1.1 Ice Barriers.** An ice dam protection underlayment that consists of an approved self-adhering polymer modified bitumen sheet shall be used with all roof coverings. This ice dam protection underlayment shall extend up the slope of the roof from the lowest edge of all roof surfaces and cover the entire roof decking surface.

(15) Section R1004.4 is amended to read as follows:

**R1004.4 Unvented gas log heaters.** Installation of unvented gas log heaters is prohibited.

(16) Section R1004 is amended by adding a new subsection R1004.5 to read as follows:

**R1004.5 Factory-built fireplace enclosures.** Combustible construction enclosing factory-built fireplaces with class 'A' chimneys shall be protected on the interior (fireplace) side by one-hour fire resistive construction.

*Exception:*

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However, if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (17) Section R1005 is amended by adding a new subsection 1005.6 to read as follows:

**R1005.8 Factory-built chimney enclosures.** Factory-built class 'A' chimneys shall be enclosed within a continuous enclosure protected on the interior (flue) side by not less than one-hour fire resistive construction.

*Exception:*

The portion of the chimney located in the same room as the appliance and the portion of the chimney above the finished roof are not required to be enclosed. However if they are enclosed, the interior of the shaft shall be protected by one-hour fire resistive construction.

- (18) Section R1005 is amended by adding a new subsection 1005.9 to read as follows:

**R1005.9 Limitation on the type and number of devices.** Solid fuel-burning devices that are not properly certified are prohibited in new construction. Outdoor wood fired hydronic heaters shall not be allowed. The number of certified solid fuel-burning devices that may be installed in newly constructed buildings shall not exceed the following limits:

- (a) Apartments, condominiums, hotel/motel rooms, commercial and industrial buildings: no solid fuel-burning devices shall be allowed. One solid fuel-burning device shall be allowed in lobbies of hotels or motels or restaurants.
- (b) In all buildings which are either occupied or have received a current and valid building permit prior to October 1, 1992, the installation of any solid fuel-burning device is prohibited if the resulting number of solid fuel-burning devices exceeds the limitations contained in this section. However, such limitations shall not apply to the replacement of a non-certified solid fuel-burning device with a certified solid fuel-burning device.

**CERTIFIED SOLID FUEL-BURNING DEVICE** is a solid fuel-burning device which is certified by the Air Pollution Control Division of the Colorado Department of Public Health and Environment, or one that is approved by the building official as meeting the EPA Phase II 'certification' or 'qualification' standard. These standards shall be independently tested by an accredited laboratory to meet the particulate emissions of 7.5 grams per hour for noncatalytic solid fuel-burning devices, or 4.1 grams per hour for catalytic solid fuel-burning appliances. Masonry heaters shall be approved by the state or documentation shall be provided verifying that 'field test results' conducted by an EPA accredited laboratory show no violation of the existing 6.0 grams per kilogram emission standard per State Regulation No. 4.

**NEW CONSTRUCTION**, for the purpose of this section, is construction of a residential, commercial, industrial, agricultural, or accessory building. This shall include any modifications, replacement, or relocation of existing solid fuel-burning devices. However, modifications to solid fuel-burning devices shall not include repair, replacement or relocation of flue pipe.

**SOLID FUEL-BURNING DEVICES** are any fireplace, stove, firebox, or other device intended and/or used for the purpose of burning wood, coal, pulp, paper, pellets or other non-liquid or non-gaseous fuel.

- (19) Section R1005 is amended by adding a new subsection 1005.10 to read as follows:

**R1005.10 Factory built chimneys.**

- (a) Factory built chimneys shall be supported at intervals not to exceed 10 feet by wall straps or equivalent.
- (b) Factory built chimneys shall have the outer wall of adjacent chimney sections fastened together by three sheet metal screws, installed approximately 120 degrees apart. Such fastenings shall be in addition to and not in lieu of those requirements mandated by the manufacturers' instructions, except when specifically prohibited by those instructions or the terms of their listing.

**Exception:** Where approved manufacturers' locking bands are used.

- (c) The points of termination of a factory built chimney shall not be within 10 inches vertically of the point of termination of any adjacent chimney or appliance vent within 24 inches horizontally. No factory-built chimney shall terminate closer than 24 inches to combustible finish materials."

- (20) Table N1102.1.2 (IECC R402.2.2) footnote d is amended to read as follows:

d. R-10 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation *R*-value for slabs. as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.

- (21) Table N1102.1.2 (IECC R402.1.2) footnote h is amended to read:

h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation. R23 Blown in bbs are permitted to be installed in walls in lieu of the R20+5. If utilizing the R23, the roof/ceiling insulation reductions detailed in N1102.2.1 and N1102.2.2 are not allowed.

- (22) N1102.2.10 is amended to read as follows:

**N1102.2.10** Slab-on-grade floors with a floor surface less than 40 inches below grade shall be insulated in accordance with Table N1102.1.2. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table N1102.1.2 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches of soil.

(23) Section M1701 is amended to add a new subsection to read as follows:

M1701.3 All combustion air terminations shall be a minimum of 36 inches above finished ground level.

(24) Section M1804.2.6 number 4 is amended to read as follows:

M1804.2.6 (4) The bottom of the vent terminal shall be located at least 36 inches above finished ground level.

(25) Section M2001 is amended to add new subsection to read as follows:

**M2001.5 Drains Required.** All mechanical rooms (boiler, water heater, and furnace rooms) are to be provided with a floor drain.

(26) M2105.28 Testing is amended by adding a sentence at the end of the paragraph:

Assembled loop systems may be tested with a 50 (psi) air test for 30 minutes.

(27) Section 2404 is amended to add a new subsection to read as follows:

**G2404.11 Testing.** This Section shall apply to all gas appliances that are vented with any type of plastic venting material.

**G2404.11.1 Test pressure.** All exhaust vents and sealed combustion air vents shall be tested to a minimum of 5 P.S.I. air test at the time of rough inspection. The test shall include all piping from the exterior terminations to the mechanical room. The last mechanical room connections can be visually inspected for code-required glue and primers (purple for PVC). All vent supports and draft stops shall be installed at the time of inspection. The manufacturer's installation and venting instructions shall be on site for rough inspection.

Exceptions:

1. For concentric vent/combustion air terminations, the combustion air can be capped for test just before the concentric vent connection. The exhaust vent must be tested to the exterior.
2. Single uncut/combustion air pipe that extends from the mechanical room to the exterior (without joints).



(28) Section G2406.2 is amended to eliminate exceptions 3 and 4.

(29) Section G2406.3 is amended to add the following sentence:

All exterior fire pits and fireplaces shall not be installed on or under combustible structures unless the entire appliance is listed and tested as one unit for that application.

(30) Section G2417.4.1 is amended to read as follows:

**G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge) for threaded pipe, 60 psig for welded pipe, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

(31) Section G2425.8 (501.8) Equipment not required to be vented is amended to eliminate item #7: Room heaters listed for unvented use.

(32) Section G2432 is amended by adding a new subsection to read as follows:

**2432.4 Gas logs.** Gas logs may be installed in solid-fuel-burning fireplaces provided:

- a. The gas log is installed in accordance with the manufacturer's installation instructions.
- b. If the fireplace is equipped with a damper it shall either be removed or welded in an open position.
- c. The flue passageway shall be not less than 1 square inch per 2,000 Btu/h input and not more than 4 square inches per 2,000 Btu/h input.
- d. Gas logs shall be equipped with a pilot and shall have a listed safety shutoff valve.
- e. Gas logs shall be vented with a Class 'A' Chimney.
- f. Gas logs may be installed in factory-built fireplaces only when (a) the fireplace and gas logs are listed for use together as an individual unit (b) the fireplace is approved for use with any listed gas log or (c) the fireplace manufacturer provides prior written approval for the installation.
- g. Gas logs shall be provided with a motorized damper interlocked with the electronic ignition of the unit.

Exception: The installation of gas logs in factory built fireplace units for which the manufacturer cannot be identified or located may be approved by the building official in his or her discretion. Any approval shall be based at a minimum, on written evidence submitted by the gas log manufacturer that the installation of their product will not compromise the integrity of the existing fireplace.

- (33) Section G2445 is amended to read as follows:

**G2433.1 Prohibited.** Log lighters are prohibited.

- (34) Section G2445.2 is amended to read:

**G2445.2 (621.2) Prohibited Use.** Installation of unvented room heaters is prohibited.

- (35) Section P2503.5.1 the first paragraph is amended to read as follows:

**P2503.5.1 Rough Plumbing.** DWV systems shall be tested upon completion of the rough piping installation by water or by air with no evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough piping has been installed, as follows:

- (36) Section P2503.7 Water-supply system testing: The portion of the sentence reading ..for piping systems other than plastic," shall be deleted.

- (37) Section P2801.5.2 is amended to read as follows:

**2801.5.2 Pan drain termination.** The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain. All water heater rooms shall be equipped with a floor drain.

- (38) Section P2803.6.1(5) Requirements of discharge pipe is amended to delete the reference allowing the discharge from the relief valve to terminate to the outdoors. All terminations must be discharged to an indirect waste receptor located within a heated space, or by other approved means within the building.

- (39) IRC Section P3103.1 (roof extension) is amended to read in its entirety:

**P3103.1. Roof extension.** All open vent pipes which extend through a roof shall be terminated at least 12 inches above the roof or 12 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

## **Sec. 18-2-50 Mechanical Code.**

The International Mechanical Code, 2018 Edition, Fourth Printing July 2021, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Mechanical Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."

- (2) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (3) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (4) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (5) Section 106.4.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (6) Section 106.4.4 Extensions is hereby repealed in its entirety.
- (7) Section 106.5.2 is amended to read as follows:

**106.5.2 Fee schedule.** The fees for mechanical work shall be in accordance with the *Town of Blue River Building Permit Fee Schedule* attached hereto.

- (8) Section 106.5.3 is amended to read as follows:

**106.5.3 Fee refunds.** The code official shall authorize the refunding of fees in accordance with the *Town of Blue River Building Permit Fee Schedule* attached hereto.

- (9) Section 106.5 is amended to add a new subsection to read as follows:

**106.5.4 Reinspection,** to read exactly as set forth in IBC Amendment 110.7.

- (10) Section 301 is amended by adding a new subsection to read as follows:

**301.19 Floor drains.** All mechanical rooms (furnace, boiler, water heater rooms) shall be provided with a floor drain."

- (11) Section 701 is amended by adding a new subsection to read as follows:

**701.3 Vent and combustion air ducts** shall terminate a minimum of 36" above finished ground level."

- (12) Section 804.3.4 Horizontal terminations is amended by changing #6 to read as follows:

6. The bottom of the vent termination shall be located at least 36 inches above finished grade."

- (13) Section 805 Factory-built Chimneys is amended by adding a new section to read exactly as set forth in IBC Amendments 718.6, 718.7 and 2113.22.

- (14) Section 903.3 is amended to read as follows:

**903.3 Unvented gas log heaters.** Unvented gas log heaters are prohibited.

- (15) Section 905 is amended by adding a new subsection as follows:

**905.4 Limitation on the type and number of devices** is added to read exactly as set forth in IBC Amendment 2113.21.

- (16) Section **1208.1** Testing is amended by adding a sentence at the end of the paragraph as follows:

Hydronic tubing may be tested with a 50 (psi) air test for 30 minutes.

- (17) Section **12.8.1.1** Testing is amended by adding a sentence at the end of the paragraph as follows:

Assembled loop systems may be tested with a 50 (psi) air test for 30 minutes.

#### **Sec. 18-2-60 Fuel Gas Code.**

The current Colorado Fuel Gas Code, as adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Fuel Gas Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."
- (2) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (3) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (4) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (5) Section ~~106.4.3~~ 106.5.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (6) Section 106.5.4 Extensions is hereby repealed in its entirety.
- (7) Section 106.6.2 Fee schedule is amended to read exactly as set forth in IMC amendment 106.5.2.
- (8) Section 106.6.3 Fee refunds is amended to read exactly as set forth in IMC amendment 106.5.3.
- (9) Section 106.6 is amended by adding a new subsection, 106.6.4 Reinspections, to read exactly as set forth in IBC amendment 109.7.
- (10) Section 303.2 Hazardous locations is amended by adding a sentence to read as follows:

All exterior fire pits and fireplaces shall not be installed on or under combustible structures unless the entire appliance is listed and tested as one unit for that application.

- (11) Section 303.3 Prohibited locations is amended by deleting Exceptions 3 and 4.
- (12) Section 304.11 # 8 is amended to read as follows:

8. Combustion air duct. Combustion air intake openings located on the exterior of a building shall have the lowest side of such openings located not less than 36 inches vertically from the adjoining grade level.

(13) Section 406.4.1 is amended to read as follows:

**G2417.4.I (406.4.1) Test pressure.** The test pressure to be used shall be not less than one and one-half times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge) for threaded pipe, 60 psig for welded pipe, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

(14) Section 501.8 Equipment not required to be vented is amended by deleting Exceptions 8 and 10.

(15) Section 503.8 Venting system termination location is amended by adding a sentence that reads as follows (applicable to items 2 and 3):

"The bottom of all vent terminations and air intakes shall be located at least 36 inches above finished ground level."

(7) Section 501 is amended to add a new subsection to read as follows:

**501.16 Testing.** This Section shall apply to all gas appliances that are vented with any type of plastic venting material.

**501.16.1 Test pressure.** All exhaust vents and sealed combustion air vents shall be tested to a minimum of 5 P.S.I. air test at the time of rough inspection. The test shall include all piping from the exterior terminations to the mechanical room. The last mechanical room connections can be visually inspected for code-required glue and primers (purple for PVC). All vent supports and draft stops shall be installed at the time of inspection. The manufacturer's installation and venting instructions shall be on site for rough inspection.

Exceptions:

1. For concentric vent/combustion air terminations, the combustion air can be capped for test just before the concentric vent connection. The exhaust vent must be tested to the exterior.
2. Single uncut/combustion air pipe that extends from the mechanical room to the exterior (without joints).

(16) Section 506 Factory Built Chimneys is amended by adding new subsections to read exactly as set forth in IBC Amendments 718.6, 718.7, 2113.21 and 2113.22.

(17) Section 602.1 is amended to read as follows:

**602.1 General.** Decorative appliances for installation in approved solid fuel-burning fireplaces shall be tested in accordance with ANSI Z21.60 and shall be installed in accordance with the manufacturer's installation instructions.

(18) Section 602 is amended by adding a new subsection to read as follows”

**602.4 Gas logs.** Gas logs may be installed in solid-fuel-burning fireplaces provided:

- a. The gas log is installed in accordance with the manufacturer's installation instructions.
- b. If the fireplace is equipped with a damper, it shall either be removed or welded in an open position.
- c. The flue passageway shall be not less than 1 square inch per 2,000 Btu/h input and not more than 4 square inches per 2,000 Btu/h input.
- d. Gas logs shall be equipped with a pilot and shall have a listed safety shutoff valve.
- e. Gas logs shall be vented with a Class 'A' Chimney.
- f. Gas logs may be installed in factory-built fireplaces only when (a) the fireplace and gas logs are listed for use together as an individual unit (b) the fireplace is approved for use with any listed gas log or (c) the fireplace manufacturer provides prior written approval for the installation.
- g. Gas logs shall be provided with a motorized damper interlocked with the electronic ignition of the unit.

Exception: The installation of gas logs in factory-built fireplace units for which the manufacturer cannot be identified or located may be approved by the building official in his or her discretion. Any approval shall be based at a minimum, on written evidence submitted by the gas log manufacturer that the installation of their product will not compromise the integrity of the existing fireplace.

(19) Section 603.1 is amended to read as follows:

**603.1 General.** Log lighters are prohibited.

(20) Section 618.3 is amended to add a subsection as follows:

**618.3.1 Outside air sources.** Outside air shall not be obtained from an exterior opening within 36-inches of finished ground level.

(21) Section 621 Unvented room heaters is hereby repealed in its entirety.

(22) Section 634 is hereby repealed in its entirety.

## **Sec. 18-2-70 Plumbing Code.**

The current Colorado Plumbing Code, as currently adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State

of Colorado as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Plumbing Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 is amended by adding the name "Town of Blue River."
- (2) Section 101.3 Intent is amended by adding the following:

The intent of this code is to meet or exceed the requirements of the State of Colorado Plumbing Code. When technical requirements, specifications, or standards in the Colorado Plumbing Code conflict with this code, the more restrictive shall apply.

- (3) Section 103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (4) Section 103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (5) Section 103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (6) Section 106.5.3 Expiration is amended to read exactly as set forth in IBC amendment 105.5.
- (7) Section 106.5.4 Extensions is hereby repealed in its entirety.
- (8) Section 106.6.2 Fee schedule is amended to read exactly as set forth in IMC amendment 106.5.2.
- (9) Section 106.6.3 Fee refunds is amended to read exactly as set forth in IMC amendment 106.5.3.
- (10) Section 106.6 is amended to add a new subsection as follows:

**106.6.4 Reinspections**, to read exactly as set forth in IBC amendment 110.7.

- (11) Section 301 is amended by adding a new subsection as follows:

**301.8 Floor drains.** All mechanical rooms (furnace, boiler, water heater rooms) shall be provided with a floor drain.

- (12) Section 305.4.1 is amended to read as follows:

**305.4.1 Sewer depth.** Building sewers shall be installed in accordance with the standards and subject to the approval of the governing Sanitation District.

- (13) Section 312.3 is amended by deleting the first sentence:

Plastic pipe shall not be tested using air.

- (14) Section 312.5 Water supply system testing. The portion of the sentence reading "for piping systems other than plastic," shall be deleted.
- (15) Section 312.6 is amended to read as follows:

**312.6 Gravity sewer test.** Testing of the building sewer shall be in accordance with the standards and subject to the approval of the governing Sanitation District.

- (16) Section 312.7 is amended to read as follows:

**312.7 Forced sewer test.** Testing of the building sewer shall be in accordance with the standards and subject to the approval of the governing Sanitation District.

- (17) Section 504.7.2 is amended to read as follows:

**504.7.2 Pan drain termination.** The pan drain shall extend full-size and terminate over a suitably located indirect waste receptor or floor drain.

- (18) Section 608.17 is amended to read as follows:

**608.17 Protection of individual water supplies.** An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with Summit County Environmental Health regulations.

- (19) Section 608.17.1 through 608.17.10 are deleted.

- (20) Section 610.1 is amended to read as follows:

**610.1 General.** New or repaired potable water systems shall be purged of deleterious matter and disinfected prior to utilization. The method to be followed in accordance with this requirement shall be that method or methods prescribed by the governing water authority.

- (21) Section 701.2 is amended to read as follows:

**701.2 Sewer required.** Every building in which plumbing fixtures are installed and as well as all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with Summit County Environmental Health Department requirements.

## **Sec. 18-2-90 Energy Conservation Code.**

The International Energy Conservation Code, 2018 Edition, Fourth Printing March 2020, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Energy Conservation Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) Section C101.1 is amended by adding the name "Town of Blue River."
- (2) Table R402.1.2 is amended to add a Footnote "h" as set forth in IRC Amendment Table N1102.1.2.
- (3) Table R402.1.2 Footnote d is amended to read as follows"



d. R-10 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation *R*-value for slabs. as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.

- (4) Section C101.1 is amended by adding the name "Town of Blue River."
- (5) Section C103.2 Appointment is amended to read exactly as set forth in IBC Amendment 103.2.
- (6) Section C103.3 Deputies is amended to read exactly as set forth in IBC Amendment 103.3.
- (7) Section C103.4 Liability is amended to read exactly as set forth in IBC Amendment 104.8.
- (8) Section C106.4.3 Expiration is amended to read exactly as set forth in IBC Amendment 105.5.
- (9) Section C106.5.4 Extensions is hereby repealed in its entirety.
- (10) Section C106.6.2 Fee schedule is amended to read exactly as set forth in IBC amendment 109.2.

#### **Sec. 18-2-100 Electrical Code.**

The current National Electrical Code, as currently adopted by the State of Colorado; Department of Regulatory Agencies, or as is from time to time modified, re-enacted or re-adopted by the State of Colorado as listed in Rule 3 CCR 710-1 is hereby adopted by reference as the Town of Blue River Electrical Code as if fully set out in this ordinance.

No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the National Electrical Code, as adopted and as may be amended.

### **ARTICLE III Fire Code**

- Sec. 18-3-10. Adoption.**
- Sec. 18-3-20. Copies Available.**
- Sec. 18-3-30. Definitions.**
- Sec. 18-3-40. Amendments.**

#### **Sec. 18-3-10. Adoption.**

Pursuant to Colorado Revised Statutes, Title 31, Article 16, Parts 1 and 2, there is hereby adopted by reference the International Fire Code, 2018 Edition, originally published by the International Code Council, 500 New Jersey Avenue, NW, 6th floor, Washington, DC, 20001-2070, in the form amended, published, and promulgated by the Red, White and Blue Fire Protection District ("fire district"), 316 N. Main Street, Breckenridge, Colorado, 80424. The fire district amended the International Fire Code by the district's Resolution No. 2019-06 and, as amended by the district and as adopted by the ordinance from which this section derived, the Fire Code is hereinafter referred to for purposes of this Municipal Code as the "Blue River Fire Code" or the "Fire Code."

**Sec. 18-3-20. Copies Available.**

In addition to copies of any code as may be required to be retained by the Town Clerk, copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org and at Red, White and Blue Fire Protection District 316 N. Main Street, Breckenridge, Colorado, 80424.

**Sec. 18-3-30. Definitions.**

- (a) Whenever the words "fire department," "district," or "fire district" are used in the Fire Code, such words shall mean the Red, White and Blue Fire Protection District.
- (b) Whenever the word "jurisdiction" is used in the Fire Code, it shall be held to mean the Town of Blue River or the Red, White and Blue Fire Protection District as the case implies.

**Sec. 18-3-40. Amendments.**

- (a) The term and definition of "Permanent Fire Ring" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

**Permanent Outdoor Fireplace or Fire Ring.** A permanently constructed feature, with a screen that prevents ember emissions, and without air gaps in its surrounding sides and a solid bottom, or earthen bottom free of roots and other organic material, used to contain campfires and prevent them from spreading and turning into a wildfire.

- (b) The term and definition of "Portable Outdoor Fireplace" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

**Portable Outdoor Fireplace or Chiminea.** A commercially designed and manufactured device with a screen that prevents ember emissions that is placed on a surface barren of combustible materials.

- (c) The term and definition of "Recreational Fire" as used in the 2018 International Fire Code is amended and replaced with the following term and definition:

**Recreational Fire.** An outdoor fire on private land contained to a commercially designed and manufactured fireplace, a permanent outdoor fireplace or fire ring, of a portable outdoor fireplace or chiminea that is assembled, located and operated in accordance with the manufacturer's or designer's instructions. The fire shall not exceed a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height. A solid fuel source such as wood or charcoal must be used and the fire is intended for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. Recreational fire shall not be used for the purpose of waste removal or trash incineration.

- (d) A new Section 307.4.3 is added to read as follows:

Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

(e) Appendix O of the 2018 International Fire Code is hereby deleted.

## **Article IV General Penalty for Violations**

### **Sec. 18-4-10. Penalty**

### **Sec. 18-4-10. Penalty**

It is unlawful and shall be a violation of the Municipal Code for any person to erect, install, repair, alter, relocate, add to, replace, demolish, use, occupy, or maintain any building or structure, or cause or permit the same to be done, in violation of any code adopted by this Chapter 18, as may be amendment or supplemented. In addition to other penalties or sanctions set forth in the adopted code or in this ordinance, a person who violations a provision of Chapter 18 may have his or her license and/or permit revoked or suspended and/or may receive a penalty in an amount not to exceed the maximum amount authorized by this Chapter and in Section 1-4-20 of the Municipal Code.

**Section 2. Notice and Hearing.** Pursuant to *Ordinance Codes Adopted by Reference*, Sections 31-16-201 through 31-16-206, C.R.S.; the Town caused this Ordinance to be introduced to the Board of Trustees on November 15, 2022, notice was made in the official newspaper of general circulation for the Town at least fifteen (15) days and again at least eight (8) days prior to public hearing, and a public hearing was conducted on December 20, 2022, prior to the Board of Trustee's consideration of this Ordinance.

**Section 3. 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 4. 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, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 5. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed;

provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 6. Emergency Declaration and Effective Date.** The Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health, or safety. Specifically, the passage of this Ordinance as an Emergency Ordinance is necessary to guarantee or ensure proper and timely processing of building permit applications submitted to the Town and to best ensure that owners may commence any intended construction in the upcoming building year. Absent the emergency nature of this Ordinance, owners may be delayed in their ability to prepare construction documentation meeting the best practices offered by the more-current building and safety codes and may be delayed in exercising any rights to the reasonable use of property. Upon passage by a supermajority of the members of the Board of Trustees in office, as required by state law, this Ordinance shall become effective immediately upon adoption.

**INTRODUCED** pursuant to Section 31-16-203, C.R.S. on November 15, 2022; and

**READ, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED** following a public hearing at a regular or special meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 20th day of December, 2022.

\_\_\_\_\_  
Toby Babich, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

Published in the Summit County Journal \_\_\_\_\_, 2022.



**Blue River Staff Report**  
November 2022

Town of Blue River  
0110 Whispering Pines Circle  
Blue River, CO 80424

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[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)  
<https://townofblueriver.colorado.gov>



## **Communications & Happenings**

- **Spruce Creek Road Project**

- The Engineers are reviewing options per the Board direction and based on the site evaluation. It has been decided to expand the scope of the project to include Crown and what the overall project will look like. Additional surveying and evaluation will be conducted. The Engineers will come back in September or October with the expanded options and proposed phased in design to include Crown and Gold Nugget.

- **Technology**

- The new Citizen Portal has been launched as of November 1<sup>st</sup>. All short-term rental renewals and payment of taxes may be submitted through the portal. Contractors may access their permits and schedule inspections through the portal. In addition business licenses and code complaints may be filed through the portal. Existing licenses and users have a login and can contact either the office or support for assistance. When filing a code complaint or using it for the first time, users must register. Information on current short-term rental licenses issued and a list of registered businesses are available on the home page without needing to be registered. [www.citizenserve.com/blueriver](http://www.citizenserve.com/blueriver).

- **Broadband**

- An RFP is being developed and sent out for the development of a broadband plan for the town. This will be used to apply for a grant with DOLA to be developed early in 2023. The plan will assist in a larger grant for funding in bringing broadband to the area. Funding received from the American Rescue Plan will assist in paying for the plan and broadband development.



## **Town Statistics**

Facebook Page Likes

Town-1,290

Police Department-891

Instagram-1,123 followers

Twitter-72 followers

Residents on Email List-972

Blue River News-1,137

**Business Licenses-283**

**Lodging Registrations-199**

## **Building Statistics**

**October 2022**

Permits Issued: 20

YTD: 185

Inspections: 50

New Construction 2022: 5

Certificates of Occupancy: 5

## **Municipal Court**

**November 2022**

Total tickets written for October Court:

1

Total on the November Docket: 1

Total November Failure to appear(s): 0

Total November OJW(s): 0



## End of Month Report: October 2022

### Calls for Service

Total number of a calls: 116

Top 10 calls as follows:

Traffic Stops	43
Area Patrol	30
Reckless Driving	5
Code Violations	4
Trespass	3
Medical	3
Civil Standby	2
Animal	2
Motor Vehicle Accident	2
Suspicious Person/Vehicle	2

**Summary:** Traffic stops increased significantly from last month. This increase is partially due to High Visibility Enforcement (DUI shifts) funded by the State. The majority of officer's time is spent addressing Hwy. 9 issues and area patrols (neighborhood patrols).

### Current Administrative Focus

- Staffing – There is one qualified candidate that is in the selection process.
- RADAR Cart – The cart has been stored for winter.
- School Bus Stop – Blue River's only school bus stop is still located on Hwy. 9 at Blue River Rd. This presents a safety concern as winter driving conditions worsen.
- All department patrol vehicles have been winterized.
- All department patrol vehicles now have WIFI capability.
- Summons and Complaint forms – New forms have been updated and are being created.
- Equipment – The department is currently working on acquiring mobile fingerprint reader from the State to assist officers in identifying persons of interest.
- Trunk or Treat – was a success for the brave children and guardians who braved icy roads and cool temps. to get snag some candy, which was provided by the Town Manager and handed out by the Chief of Police on behave of the Town.

Report prepared by:  
Chief, David Close



## **Financial Summary Report**

Prepared by: Michelle Eddy, Town Manager  
October 31, 2022

### **Revenues:**

Revenues continue to be strong for sales and lodging tax collections. Building is slightly ahead as projects obtain their permits. Court is currently tracking behind budget by 46.93%. Overall revenues are up 27.70% to budget.

### **Expenses**

Overall expenses are 26.35% below budget for the year.

### **Reserve Accounts\*As of 9/30/2022**

#### Unrestricted

Reserve accounts Alpine Bank:	\$1,340,218.49
Reserve account First Bank:	\$100,001.00
CD's Citywide Bank:	\$211,251.72
Colorado Trust:	\$943,672.79
CSAFE:	\$100.00
Petty Cash	\$1,148.16
Illiquid Trust Funds:	\$1,187.42
<b>Total Unrestricted</b>	<b>\$2,597,579.58</b>

#### Restricted

American Rescue Plan Funds:	\$231,509.90
Conservation Trust:	\$122,155.78
<b>Total Reserves Restricted</b>	<b>\$353,665.68</b>

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## Open Building Permits

### Issued

- New Construction Permits: 13
- Addition/Garage Permits: 18

### Approved but not Issued:

- New Construction: 3
- Addition/Garage: 2

### Under Review waiting additional information

- New Construction: 2
- Addition/Garage: 1

**Total Project under construction or pending: 39**

**Projects provided extensions: 4\***

*\*Three projects will be completed by December 2022 and one May 2023. Most delays were due to COVID.*



# Town of Blue River

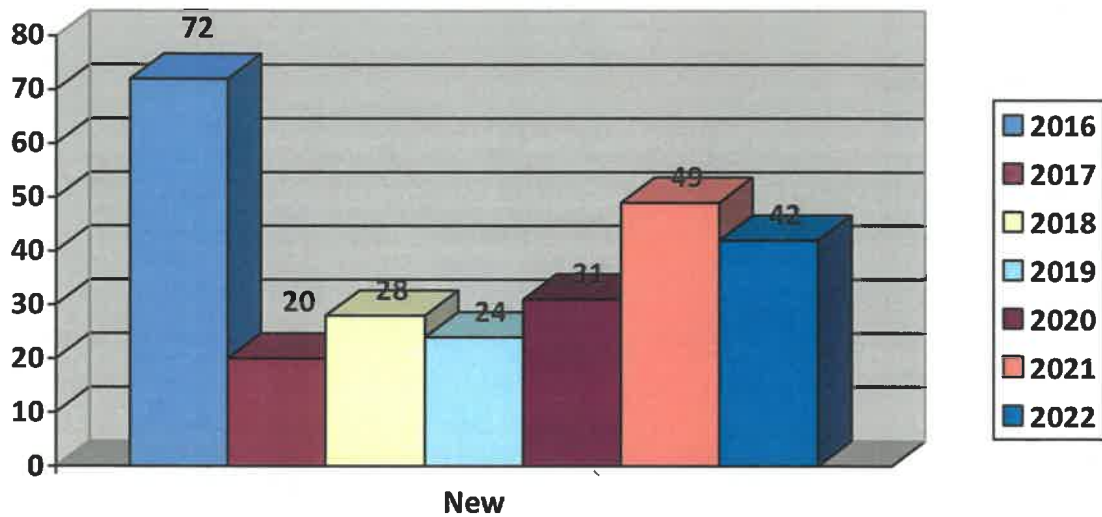
**Staff Report**  
**Short-term Rental Update**  
**September 7, 2022**  
**Submitted By: Michelle Eddy, Town Manager**

## Statistics

### Issued by Year

2016	72	*Previous number included previous years prior to Town taking over program
2017	20	
2018	28	
2019	24	
2020	31	
2021	49	
2022 YTD	42	

**Total Active Licenses as of 9/7/22: 198**



**New (never rented before) Licenses by year:**

- 2017-20
- 2018-25
- 2019-20
- 2020-25
- 2021-43
- 2022-25

**License turnover (STR one owner to the next):**

- 2017-0
- 2018-3
- 2019-4
- 2020-6
- 2021-6
- 2022-17

**License Cancellations:**

- 2022-4

Total Housing Units Per 2020 Census: 761  
Total Housing Units Occupied Full Time Per 2020 Census: 350  
Build Out: 90%  
Percentage of STR's in Blue River 25%\*

*\*This is based on built lots and does not include vacant lots or lots owned by a municipality, HOA or special district\**

**Annual Revenue**

Year	Sales Tax	Lodging Tax
2016	\$264,757.05	\$123,742.00
2017	\$237,468.92	\$126,585.55
2018	\$286,968.54	\$155,511.07
2019	\$425,616.72	\$166,883.33
2020	\$842,141.13	\$176,339.81
2021	\$844,558.23	\$228,743.34
2022 YTD	\$593,928.31	\$222,859.70

### Percentage of STRs by Subdivision

***\*\*Please note the percentage of STRS is based on total homes built within each subdivision and NOT buildable lots.***

Subdivision	Buildable Lots	# STR	%STR **	% Build Out	% Full-Time Res.
96 Sub	41	8	22%	90%	30%
97 Sub	49	9	22%	84%	41%
Aspen View	20	7	44%	80%	19%
Blue Rock Springs	54	12	24%	93%	44%
Bryce Estates	7	0	0%	57%	25%
Clyde Lode	2	0	0%	50%	0%
Coronet	40	10	32%	78%	32%
Crown	72	20	30%	92%	35%
DOT Condo	37	5	14%	100%	27%
DOT Placer	4	0	0%	50%	100%
Golden Crown	8	4	80%	63%	20%
Lakeshore	43	11	28%	93%	30%
Leap Year	23	6	29%	91%	52%
Louise Placer	11	2	25%	73%	13%
McCullough Gulch	7	1	33%	43%	33%
Misc Sec TR7-77 Land	23	0	0%	22%	40%
Mountain View	46	12	27%	96%	36%
New Eldorado Sub	11	4	50%	73%	63%
New Eldorado Townhome	9	1	11%	100%	67%
Pennsylvania Canyon	2	0	0%	100	0%
Pennsylvania Canyon	1 open space	0	0%	0%	0%
Pomeroy	1	0	0%	0%	0%
Rivershore	8	0	0%	63%	20%
Royal	71	14	21%	94%	39%
Sherwood Forest	87	16	21%	90%	24%
Silverheels	6	1	25%	67%	25%
Spillway	21	3	16%	90%	26%
Spruce Valley Ranch	65	0	0%	68%	11%
Sunnyslope	35	12	40%	86%	47%
Timber Creek Estates	79	27	39%	89%	10%
Wilderness	57	13	24%	96%	38%

## General Statistics

- Total Percentage of short-term rentals 25%
- “Local” Breckenridge, Dillon, Frisco or Silverthorne addresses with STR License: 27 or 14%
- New Construction homes obtaining a STR License upon completion of home: 8 out of 43 new construction 2016-2021. (19%).
- 24 out of 57 home sales in 2021 obtained a STR License 42%.
- 12 out of 23 home sales in 2022 obtained a STR License YTD 52%
- 27/199 are listed in a name of a Trust/LLC/Ltd. Partnership 14%
- 35 Licenses have not remitted any taxes. 17 of those have not rented. Delinquent: 7%

## Code Violations 2015-Present (9/7/2022)

<b>Total Violations:</b>	<b>275</b>
Violations for STR’s while licensed as an STR:	115 (42%)
<i>*2 out of 5 code violations 2/1/22-3/9/22 were for STRs*</i>	
Percentage of Repeat Offenders:	>1%

## Violations By Type Associated with STR in order of violation:

- Trash-majority
- Parking
- Occupancy Violation
- Noise
- Occupancy during Public Health Order