

DRAFT FOR BOARD DISCUSSION PURPOSES ONLY

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2024-DRAFT

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTIONS 16B-7-40 AND 16C-1-40(8) OF THE BLUE RIVER MUNICIPAL CODE (FOUND IN CHAPTERS 16B AND 16C OF THE LAND USE CODE) PERTAINING TO SHEDS AND GREENHOUSES

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

WHEREAS, the Board of Trustees for the Town of Blue River (“Board”) adopted in 2023 the Blue River Land Use Code (“LUC”) to govern and regulate the use of land within the Town; and

WHEREAS, the LUC authorizes sheds within residential lots subject to limitations on size, height, location, and design; and

WHEREAS, under a common understanding, a shed is not a garage and that, unlike garages, sheds are not intended for use for the parking or storage of motor vehicles; and

WHEREAS, the LUC incorporates the state law definition of “motor vehicle” as:

“any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power”

and such definition includes motorcycles (see C.R.S. § 42-1-102(55)); and

WHEREAS, the Board desires to recognize that sheds have an accessory purpose in support of the residential use of land, but that sheds should be regulated primarily based on shed size given that size of a shed may have a greater impact on adjacent properties and residential character of the neighborhood as a whole; and

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

Section 1. Amendment of Section 16B-7-40. Section 16B-7-40 of the Municipal Code of the Town of Blue River titled *Sheds* is amended to read as follows:

Sec. 16B-7-40. Sheds.

(a) Generally.

- (1) A shed is an enclosed or substantially enclosed building or structure limited to non-habitable space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles (i.e., motorcycles, ; and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

~~It shall be unlawful and a violation of the Municipal Code for any person to use or authorize the use of a shed for the permanent or temporary parking or storage of a motor vehicle (defined at Section 16-3-20). Each day a violation exists shall be a separate offense.~~

- (2) A shed is an accessory improvement to a lawfully existing dwelling unit. A shed shall not be located on a lot absent an existing lawful dwelling unit.

(b) Location Requirement.

- (1) Sheds shall not be located within a setback.
- (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other encumbrance or limitation affecting the lot.

Commented [RW1]: This needs to be expressly stated because once a shed gets larger than 200 sf, it can often accommodate a motor vehicle. Using a shed for a motor vehicle creates repeated trips and noise that may harm neighbors - so the owner should seek a garage instead which will go the P&Z for review. (LUC 16C-1-40)

~~(c) Number of Sheds Allowed.~~

~~No more than two (2) sheds are permitted on any one lot.~~

(c) Types of Sheds. The Town recognizes two types of sheds:

- (1) Small Shed.
- (2) Large Shed.

Commented [RW2]: Previously, no shed could exceed 200 square feet.

(d) Maximum Shed Size.

- (1) Small Shed (up to 200 square feet). The maximum total size of the ~~first ground~~ floor surface area of a Small Shed any shed on a lot whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than Small Shed one shed is present on a lot, the maximum

total combined size of the ~~first-ground~~ floor surface area of all Small Sheds~~sheds~~ shall not exceed a total of 200 square feet.

- (2) Large Shed (201–400 square feet). The size of the ground floor surface area of a Large Shed whether detached from or incorporated into a principal permitted structure shall be greater than 200 square feet and not greater than 400 square feet.
- (3) It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized size for the shed without the authorization and approval of a permit by the Town.

(e) Number of Sheds Allowed.

- (1) Small Shed. No more than two (2) Small Sheds may be located on a lot.
- (2) Large Shed. Only one Large Shed may be located on a lot.
- (3) No Use of Lot for Both a Small Shed and a Large Shed. A Small Shed shall not be located on a lot on which a Large Shed is located. A Small Shed shall not be converted to a Large Shed if the lot is used for two (2) Small Sheds (i.e., conversion to a Large Shed requires the removal of the other Small Shed).

Commented [RW3]: You can have 1 Large Shed **OR** up to 2 Small Sheds, but you cannot have both a Large Shed and a Small Shed.

(ef) Maximum Shed Height.

The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property. It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized height for the shed.

(fg) Design Standards.

A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same lot in terms of architectural style, building materials, and color.

(gh) Prohibitions. The following structures or designs are prohibited:

- (1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a pole barn or a lean-to).
- (2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal

buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).¹

(3) ClearSpan™ buildings, structures, garages, mini garage, sheds, mini sheds, mini, barns.²

(4) A shed greater than 400 square feet.

(i) Variances. A variance shall not be available or granted which would:

(1) Authorize the construction of a Large Shed.

(2) Authorize the conversion of a Small Shed to a Large Shed.

(3) Authorize a Small Shed or Large Shed to exceed the maximum building height for a shed.

(4) Authorize a greater number of sheds than permitted by subsection (e) of this section.

¹ See, as an illustrative example only: <https://www.farmtek.com/farm/supplies/home>.

² See, e.g., <https://www.farmtek.com/farm/supplies/home>.

Commented [RW4]: If an owner wants a (for example) 550 square foot woodshop, she can build a garage for the use. When it gets more than 400 square feet, the shed has the same impact on the neighborhood as a garage. Garages go to P&Z for review. Sheds do not.

Commented [RW5]: This means a Large Shed can never encroach into a setback.

Commented [RW6]: This means that an owner cannot get a variance to enlarge a Small Shed into a Large Shed if the Large Shed will encroach into a setback

Commented [RW7]: Sheds are never allowed to exceed 15 feet in height even if the owner claims a hardship. Note that an owner can always get a variance to build the house higher than permitted if there is a hardship. Not the same for sheds.

Commented [RW8]: This means that a lot will never have more than 2 Small Sheds or 1 large Shed and can never have a Small Shed AND a Large shed. Even if the owner claims it is a hardship to not have more or to have both.

Section 2. Amendment of Subsection (8) of Section 16C-1-40. Section 16C-1-40(8) of the Municipal Code of the Town of Blue River titled *Applicability of Processes to Type of Application* is amended by the as follows:

<p>(8) Shed or greenhouse whether or not on a foundation</p> <p>(a) <u>Small Shed</u></p> <p>(i) <u>New construction.</u></p> <p>(ii) <u>Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</u></p> <p>(iii) <u>Replacement or reconstruction of all or any portion of an existing Small Shed.</u></p>	<p>B</p>
<p>(b) <u>Large Shed</u></p> <p>(i) <u>New construction.</u></p> <p>(ii) <u>Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</u></p> <p>(iii) <u>Conversion of a Small Shed to a Large Shed.</u></p> <p>(iv) <u>Replacement or reconstruction of all or any portion of an existing Large Shed.</u></p>	<p>B</p>

<p><u>(c) Greenhouse.</u></p> <ul style="list-style-type: none">(i) New construction.(ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.(iii) Replacement or reconstruction of all or any portion of an existing structure.	<p><u>B</u></p>
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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 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 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 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 the final passage.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the [redacted] day of [redacted], 20[redacted].

Mayor

ATTEST:

Town Clerk

Published in the Summit County Journal _____, 20__.

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