

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING, REPEALING, AND ADDING A NEW ARTICLE VIII OF CHAPTER 2 OF THE BLUE RIVER MUNICIPAL CODE PERTAINING TO ADMINISTRATION

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, pursuant to Title 31, C.R.S., the Town possesses the statutory obligation and authority to establish administration for the Town; and

WHEREAS, Chapter 2 of the Blue River Municipal Code which currently provides for Administration of the Town requires updating and revision to best serve the Town’s needs,

WHEREAS, the Town has made changes to certain sections of this chapter to comply with Town’s new Land Use Code,

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

Section 1. **Amendment of Section 2-2-130.** Section 2-2-130 of the Municipal Code of the Town of Blue River titled *Boards and commissions* is hereby amended to read in full as follows:

Sec. 2-2-130. Boards and Commissions.

The Board of Trustees may create and appoint members to such boards and commissions as may now or hereafter exist, including, but not limited to, the following:

- (1) Planning and Zoning Commission.
- (2) Upper Blue River Regional Planning Commission.
- (3) Citizens Advisory Commission
- (4) Open Space and Trails Committee

Section 2. **Amendment of Section 2-6-10.** Section 2-6-10 of the Municipal Code of the Town of Blue River titled *Establishment and purposes* is hereby amended to read in full as follows:

Sec. 2-6-10. Establishment and purposes.

- (a) There is hereby established a Planning and Zoning Commission for the Town.

- (b) The purposes of the Planning and Zoning Commission are as follows:
 - (1) To serve as the municipal planning commission in accordance with Article 23, Title 31, C.R.S.
 - (2) To serve as the municipal zoning commission in accordance with Section 31-23-306, C.R.S.
 - (3) To serve as the board of appeal or board of review as may be contemplated or required by any Town-adopted building or safety code.

Section 3. Amendment of Section 2-6-80. Section 2-6-80 of the Municipal Code of the Town of Blue River titled *Duties of the Commission* is hereby amended to read in full as follows:

Sec. 2-6-80. Duties of the Commission.

The Planning and Zoning Commission shall have the following functions and duties:

- (1) To make and recommend to the Board of Trustees plans for the physical development of the Town, including any areas outside its boundaries, subject to the approval of the legislative or governing body having jurisdiction thereof, which in the Commission's judgment relate to the planning of the Town.
- (2) To make recommendations to the Board of Trustees or to render final decisions on such matters delegated to the Planning and Zoning Commission by Chapters 16, 16A, 16B, 16C (Zoning and Land Development), 17 (Subdivision), and 18 (Building Code) of this Municipal Code.
- (3) To review and recommend to the Board of Trustees desirable or necessary modifications to Chapters 16, 16A, 16B, 16C, 17, and 18 of this Municipal Code.
- (4) To hear and decide appeals from decisions of the Building Official pursuant to Chapter 18 of this Municipal Code.
- (5) To consider any other matters pertaining to the Commission as provided by law, resolution, or ordinance, to act in an advisory capacity to the Board of Trustees when so requested, and to perform all other powers and duties authorized and required by ordinance or state law.

Section 4. Repeal of Section 2-6-110. Section 2-6-110 of the Municipal Code of the Town of Blue River titled *Appeal of final Planning and Zoning Commission Decision* is hereby repealed in its entirety.

Section 5. Addition of New Article VIII of Chapter 2. A new Article VIII of Chapter 2 of the Municipal Code of the Town title *Board of Adjustment* is added to read in full as follows:

ARTICLE 8 Board of Adjustment

Section. 2-8-10. Creation; Membership.

As required by and in accordance with C.R.S. § 31-23-307, the Town hereby creates a Board of Adjustment. The Board of Adjustment shall consist of seven (7) members. Members of the Board of Adjustment shall be the elected members of the Board of Trustees.

Section. 2-8-20. Voting.

General decisions of the Board of Adjustment shall require a vote of a majority of the quorum of the Board. Matters subject to another voting standard, such as a decision to hold an executive session, shall meet the voting standard set by state law.

Section. 2-8-30. Meetings and Hearings.

Meetings and hearings of the Board of Adjustment may be scheduled by either the Board of Adjustment or by the Board of Trustees. Meetings and hearings may, at the direction of the Board of Trustees, be held during a meeting of the Board of Trustees and the agenda for the meeting of the Board of Trustees may reference that the Board of Adjustment will consider specific matter.

Section 6. 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 7. 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 8. 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 9. **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 20th day of June, 2023.

Mayor

ATTEST:

Town Clerk

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