

**TOWN OF PAONIA, COLORADO  
ORDINANCE NO. 25-08**

**AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO  
REVISING CHAPTER 2 (ADMINISTRATION), ARTICLE 8  
(ZONING BOARD OF ADJUSTMENT);**

**WHEREAS**, the Town of Paonia, Colorado (the "Town") is a statutory municipality organized pursuant to Colorado Revised Statutes (C.R.S.) §31-1-203; and

**WHEREAS**, C.R.S. §31-23-307 provides the authority for the creation of a Zoning Board Adjustment, Article 23 pertains specifically to "Planning and Zoning" and 31-23-307 applies specifically to "Zoning"; and

**WHEREAS**, Chapter 16 of the Town's Municipal Code (the "Code") sets forth the Town's policies regarding Zoning; and

**WHEREAS**, as provided in C.R.S. §31-23-307, the Zoning Board of Adjustment shall only hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of the Town Code contained in Chapter 16, Zoning; and

**WHEREAS**, as provided in C.R.S. §31-23-307, the Zoning Board of Adjustment shall also hear and decide all matters referred to it or upon which it is required to pass under the Town Code limited to Chapter 16, Zoning; and

**WHEREAS**, Chapter 2, Article 8 is strictly limited to the duties and powers of the Zoning Board of Adjustment, and these duties and powers are strictly limited to the Town Code in Chapter 16, Zoning; and

**WHEREAS**, C.R.S. §31-23-307 does not provide the Zoning Board of Adjustment with the power to hear and decide appeals on the entirety of the Town Code as is included in the codified content of §2-8-40 (3); and

**WHEREAS**, C.R.S. §31-23-307 does not provide a category of "special exceptions" with regard to an appeal of Town Code in Chapter 16, Zoning as is included in the codified content of §2-8-40 (3); and

**WHEREAS**, the Board of Trustees determines that it is in the best interest of the community and the public health, safety, and welfare of the citizens of the Town to amend the Town Code regarding the power and duties of the Zoning Board of Adjustment; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA, COLORADO:**



1. The foregoing recitals are incorporated by reference as the findings and determinations of the Board of Trustees.

**Section 1.** Section 2-8-40 (3) of the Town Code is hereby amended to read as follows (words deleted are stricken through):

Sec. 2-8-40. - Powers and duties.

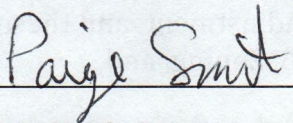
~~(3) To hear and decide appeals for special exceptions to the provisions of this Code, such exceptions to be known as variances.~~

**Section 2.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

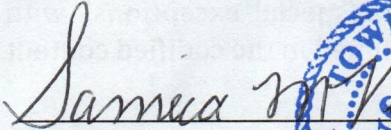
**Section 3.** If any section, paragraph, sentence or phrase of the ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or unconstitutionality of the remaining portions of this ordinance. The Board of Trustees declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4.** This Ordinance shall take effect thirty (30) days after adoption and publication.

HEARD AND FINALLY ADOPTED by a vote of 6 for and 0 against the Board of Trustees of the Town of Paonia, Colorado this 26<sup>th</sup> day of August, 2025.

  
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Paige Smith, Mayor

Attest:

  
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Samira M Vetter, Town Clerk

