

Town of Marble  
Ordinance Number 3  
Series of 2004

AN ORDINANCE OF THE TOWN OF MARBLE, COLORADO, ESTABLISHING A MINIMUM LOT SIZE FOR BUILDING PERMITS, IMPOSING A PROCESSING FEE FOR BUILDING PERMITS AND SEPTIC PERMITS, AND SETTING FORTH REGULATIONS IN RELATION TO THE DEVELOPMENT OF PROPERTY.

WHEREAS, the Town of Marble is a statutory Town organized pursuant to Colorado law, C.R.S. § 31-1-101 et seq.; and

WHEREAS, pursuant to C.R.S. § 31-15-601, the governing body of the Town of marble has the power to regulate construction of buildings and the installation of septic systems within its jurisdiction; and

WHEREAS, the Town has adopted by Ordinance Number 1, Series of 1995, rules and regulations regarding the issuance of the building and septic permits in the town and has by Ordinances nos. 3 and 10, Series of 1996, and Ordinance Number 1, Series of 1998, amended that Ordinance and those Rules; and

WHEREAS, the town is not serviced by any central sanitary sewer system, and dwellings within the Town rely upon individual sewage disposal systems (ISDS); and

WHEREAS, the Town Board desires to promote the installation of environmentally safe sewage systems and to restrict development in those areas in which geological constraints exist; and

WHEREAS, the Town desires to promote the construction of structurally safe buildings; and

WHEREAS, the Town believes that the best way to ensure construction of structurally safe buildings and the installation of environmentally safe sewage systems is to require that an engineer design and stamp all structural plans and ISDS designs; and

WHEREAS, in order to promote orderly development within the town and to deal with the existing old town grid layout of numerous small lots, the preservation of property values; the provision of adequate front and side access to buildings and other structures; the prevention of overcrowding and other public interest; the Town desires to re-affirm the minimum lot size for building within the old town site; and the new town size and to re-affirm the minimum lot size for sewage disposal systems and gray water systems; and

WHEREAS, costs will be incurred by the Town for processing building and ISDS applications; and

WHEREAS, the Town Board of Trustees finds and determines that such costs should be borne by the applicant through the building and ISDS application fee; and

WHEREAS, all lots that are contiguous and owned by the same individual should merge into one lot to meet the minimum lot size.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO ORDAINS THAT:

1. Ordinance No. I, Series of 1995, Ordinance Nos. 3 and 10, Series of 1996 and Ordinance No. 1, Series of 1998 are hereby repealed and replaced by this Ordinance.

**A. Section 1 - Minimum Lot Size**

- a) Original Town Plat Area ("Old Town") as shown as Exhibit A: Issuance of a building permit/septic permit shall require a minimum lot size of 20,000 square feet.
- b) Newly annexed areas, including all areas annexed to the Town in or after 1922 and includes that area which is the subject of Ordinance 5, Series of 1995 (commonly called Marble Ski Area Filings One and Two, located West of 5th Street and North of State Street as shown on Exhibit A): Issuance of a building permit/septic permit shall require a minimum lot size of one acre.
- c) New Subdivision/PUD's: all lots shall be one acre in size.

**B. Section 2 - Review**

Review will be by the Town Clerk/Manager first. The review shall ascertain the completeness of the application. If the application is deemed to be complete, the final determination to issue the permit will be by the board of Trustees. All applications shall include:

- a) An application form, completed and signed by the owner(s) of the property, in the format provided by the Town;
- b) A legal description of the property;
- c) A documented survey of the property, with surveyor stakes located at the four corners of the property; and
- d) An accurate site plan drawn to scale showing the locations of the proposed or existing structures, the proposed parking areas, proposed or existing well and proposed or existing septic and leachfield; and
- e) Any and all building plans for the proposed structure, signed and stamped by an engineer
- f) Any and all ISDS plans for the proposed ISDS system, signed and stamped by an engineer.

**C. Section 3 - Process**

- a) Upon submission the application will be reviewed by the town clerk/manager for completeness and compliance with the town

Code. Any application that is not complete or that does not meet town code shall be returned to the applicant for revision.

- b) The applicant shall submit all documents to the Town clerk at least fourteen (14) days prior to the next regularly-scheduled board meeting to be included on the agenda.
- c) The Board of Trustees shall then make the final decision to approve, approve with modifications or conditions, or deny the application, in accordance with Town building code and building ordinances;
- d) The Town Board, may at its discretion, ask the applicant to have an independent engineer review the application at the applicant's expense.

**D. Section 4 - Vested Rights:** Nothing in the Ordinance shall be construed as affecting any vested rights to complete any construction which was commenced prior to the effective date of this Ordinance pursuant to a duly-issued building or septic permit.

**E. Section 5 - Supersede:** This Ordinance supersedes the provisions of any previous ordinance in conflict herewith.

**F. Section 6 - Merger:** In establishing minimum lot size for issuance of a building permit, contiguous lots under unified ownership (not including alley ways and streets) shall be considered as one lot for building or septic purposes as follows: all contiguous lots shall be combined to create a building parcel to meet the size requirements of Section 1, however, if additional contiguous lots remain, such lots shall also create a parcel of land that meet the requirements of Section 1, and in the event that the remainder is less than the required amount then all contiguous lots shall be considered as merged for building permit/septic permit issuance purposes. The applicant shall be required to record signed, notarized lot-cluster agreement with Gunnison County.

**G. Section 7 - Boundary Line Adjustments:** Section 6 shall not prevent or preclude an owner from conveying contiguous lots to a neighboring contiguous property owner for the purpose of allowing such neighbor to have a legal, buildable lot; as long as the conveyance does not create a parcel of less than 20,000 square feet (Old Town) or 1 acre (all other areas).

**H. Section 8 - Processing Fees:** to cover the cost of processing building and septic applications, the applicant shall pay at the time of submittal of application a processing fee of \$200 for building applications, and a processing fee of \$200 for septic applications. Such fee shall be in addition to the actual permit fee.

- I. Section 9 - Existing Wells and Septic Systems:** Existing wells and septic systems on lots that do not meet the criteria specified herein shall be grandfathered in.

Read for a first time on October 7, 2004, scheduled for a public hearing on November 4, 2004. Read for a second time on November 4, 2004, and passed, adopted and ordered published by title only by a vote of 5 to 0 this 4<sup>th</sup> Day of November, 2004.

Town of Marble, Colorado

By: Hal Sidelinger  
Hal Sidelinger, Mayor

Attest:

Karen Mulhall  
Karen Mulhall, Clerk