

Town of Marble
Ordinance Number 2
Series of 2017

AN EMERGENCY ORDINANCE AMENDING THE ZONING CODE WITH RESPECT TO
BOUNDARY ADJUSTMENTS AND LOT CONSOLIDATIONS

WHEREAS:

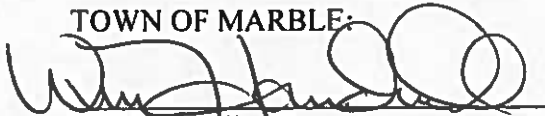
- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. The Town is authorized to regulate land use matters within its boundaries, *see* C.R.S. § 31-23-101 *et seq.*, and has adopted land use regulations known as the Zoning Code;
- C. The Town desires to update the Zoning Code provisions regarding boundary adjustments and add provisions regarding lot consolidations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MARBLE, COLORADO THAT:

1. Section 7.5.50 of the Zoning Code shall be amended to read in its entirety as shown on the attached Exhibit A.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 19th day of APRIL, 2017, by a vote of 4 in favor and 0 opposed.

TOWN OF MARBLE:


Will Handville, Mayor

ATTEST:


Ron Leach, Clerk

Ordinance 2017-2 Exhibit A

7.8.50 Subdivision Exemptions

A. The following activities shall be exempted from the terms of this Chapter 7.8, except as expressly incorporated into this Section 7.8.50.

1. **Lot Line Adjustments.** A lot line adjustment is the realignment of boundary lines between adjacent parcels, resulting in no increase in the number of parcels, provided that the adjustment is to correct an engineering or survey error in a recorded plat or is to permit an insubstantial boundary change between parcels. A Lot Line Adjustment must:

- a. Affect only legally recognized lots;
- b. Not create a lot that would be divided by a public or private road; AND
- c. Not result in the creation of a lot or parcel of land that would fail to conform to any applicable zoning or other legal standard, or increase the extent of any existing lawful non-conforming use.

2. **Lot Consolidations.** A lot consolidation means the elimination of one or more lot lines between two or more contiguous lots, resulting in a reduction in the overall number of lots. A lot consolidation must:

- a. Affect only legally recognized lots;
- b. Affect only lots under identical ownership;
- c. Not propose the relocation or reconfiguration of previously established lot lines (unless a lot line adjustment is also applied for);
- d. Not create a lot that would be divided by a public or private road; AND
- e. Not result in the creation of a lot or parcel of land that would fail to conform to any applicable zoning or other legal standard, or increase the extent of any existing lawful non-conforming use.

B. **Subdivision exemption review procedures.**

1. An applicant may combine an application for multiple exemptions into a single application, provided that all of the requirements for each exemption are met (e.g. a lot consolidation and a lot line adjustment for three contiguous lots, with one lot line being eliminated and one lot line being adjusted).

2. All applications for a subdivision exemption shall be submitted to the Town Clerk.

3. Following submission of an application, the Town Clerk shall determine whether the application is complete. The Town Clerk shall not process or schedule the processing

of any application which is found to be incomplete. The Town Clerk shall notify the applicant if an application is incomplete and reasonably identify the deficiencies in the application.

4. Upon receipt of a complete application, the Board of Trustees shall consider the application at the next regularly scheduled and duly noticed Board meeting that is at least two weeks after the receipt of a complete application.

5. Before or upon approval of the application, the applicant shall obtain all required signatures on the plat. The Town shall not sign the plat until signatures have been obtained from all parties whose consent to the application is required.

C. Application Requirements. All subdivision exemption applications shall include the following:

1. The information required by Section 7.8.20 of this Chapter;
2. A draft of a land survey plat that:
 - a. Meets the requirements of C.R.S. § 38-51-106;
 - b. Includes a title with the phrase "Lot Consolidation" or "Lot Line Adjustment," as the case may be, followed by a description of the lots being consolidated;
 - c. Clearly indicates the lot line(s) being eliminated or adjusted;
 - d. Includes a title opinion in the following form:

ATTORNEY'S OPINION

I, (printed name of attorney), an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined title to all lands that are the subject of this plat. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows: (list same or indicate none).

Dated this _____ day of _____, 20 ____.

/s/ _____
Attorney-at-Law

- e. Includes the consent of all owners and lienholders of the subject property, in the following form:

(I, We), (printed name of owner(s), mortgagee(s) and lien holder(s)) being (the owner(s), a lienholder) of the land described as follows: (insert legal

description) hereby consent to the (lot line adjustment / lot consolidation) shown on this plat.

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____ (owner / lienholder). Witness my hand and official seal
My Commission expires _____.

Notary Public

- f. Includes the following additional language:

Surveyor's Certificate

I, _____, registered land surveyor, do hereby certify that I have prepared this plat, that the location of the outside boundary, roads and other features are accurately and correctly shown hereon, that the same are based on field surveys and that the platted site and the roads conform to those staked on the ground.

In witness whereof, I have set my seal this ____ day of _____, _____.
(SEAL)

Surveyor

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE

This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this ____ day of _____, _____, Reception Number _____, Time _____, Date _____.

Gunnison County Clerk and Recorder

3. A Fee Reimbursement Agreement executed by all owners and each fee or deposit required by the Schedule of Fees, Expenses and Deposits.
 4. Certification from the Gunnison County Treasurer's Office indicating that all real property taxes applicable to the subject parcel(s) have been paid up to the year in which approval is under consideration.
 5. The applicant shall submit to the Town Clerk one electronic copy and two hard copies of all application materials. The draft plat shall be 24" x 36".
 6. The Town may reasonably require the applicant to submit additional materials beyond those specified in this Section, as it deems reasonably necessary to aid in the review of the application.
- D. Standards for Approval.

1. An application for a subdivision exemption shall be approved by the Board of Trustees where the Board of Trustees finds:
 - a. The proposal meets the definition of the applicable exemption as set forth in Section 7.8.50.A.
 - b. The plat meets all of the requirements of Section 7.8.50.C.2.
 - c. The proposal does not substantially and adversely affect the character or future development of the surrounding area.
 - d. The proposal is compatible with the Town's Comprehensive Plan.
 - e. The proposal does not raise significant issues of policy which are not addressed by the Comprehensive Plan or this Zoning Code.
 - f. The proposal complies with all other applicable requirements of this section.
2. An application for a boundary line adjustment shall meet the following additional standards:
 - a. The proposed lot configuration and arrangement do not, in the opinion of the Board of Trustees, create illogical or substantially unusable lot areas; and
 - b. The purpose of the adjustment shall be to make an insubstantial (as determined in the Board's subjective discretion) boundary change between adjacent lots.
3. The Board of Trustees shall have discretion to not require compliance with Chapter 7.6 of the Zoning Code. This provision shall not be interpreted to apply to future development activities on a lot that was previously consolidated.
4. The Board of Trustees may impose reasonable conditions upon any approval of a subdivision exemption that are necessary to ensure continued conformance with the standards of the Town Code.