

TOWN OF MARBLE  
ORDINANCE NO. 2  
SERIES OF 1994

AN ORDINANCE OF THE TOWN OF MARBLE, COLORADO, ESTABLISHING A MINIMUM LOT SIZE FOR BUILDING PERMITS, IMPOSING A PROCESSING FEE FOR BUILDING 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 the construction of buildings within its jurisdiction; and

WHEREAS, the Town has seen in recent years a significant increase in the rate of development occurring within the Town; and

WHEREAS, the Marble Water Company, a Colorado non-profit corporation, offers potable water service within the Town but currently has no water taps available; and

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

WHEREAS, in light of the significant increase in building activity in recent years, the Town Board of Trustees is concerned about the potential health and safety risks associated with a proliferation of individual wells for potable water and individual sewage disposal systems within the Town; and

WHEREAS, that Town Board of Trustees desires to promote the installation of environmentally friendly sewage disposal systems; and

WHEREAS, in order to promote orderly development within the Town; 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 interests, the Town desires to establish a new minimum lot size for buildings within the Town and a new minimum lot size for sewage disposal and gray water systems; and

WHEREAS, on February 5, 1994, the Town, in order to adequately study and address such concerns, imposed a moratorium upon the issuance of building permits within the Town; and

WHEREAS, that Town Board of Trustees desires to lift such moratorium on the effective date hereof, and to establish a minimum lot size acceptable for the issuance of new building permits; and

WHEREAS, costs will be incurred by the Town for advertising and processing such requests; and

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

WHEREAS, the Town Board of Trustees desires to establish a special review process for building permit and sewage disposal permit requests for less than the minimum lot size.

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

Section 1. Minimum Lot Size. Issuance of a building permit and/or septic permit for minimum lot size of 20,000 square feet will be based upon review by the Town building officer and the Board of Trustees after the Town of Marble Planning and Zoning Commission makes a recommendation to the Board of Trustees concerning building plans and a documented survey. For purposes only of meeting the minimum lot size requirement, the property owner may use to the centerline of adjacent roads, streets, alleyways, and public right-of-ways. Applications shall include:

- a. An application form, signed by the owner(s) of the property, in the format provided by the Town;
- b. A legal description of the property;
- c. Documented survey of the property, with surveyor stakes located at the four corners of the property; and
- d. Proposed building plans.

Section 2. Process. The applicant shall contact the Town Clerk at least seven (7) days prior to a Planning Commission regular meeting to be included on the agenda. At such meeting, the applicant shall present the documents stated in Section 1a-1d to the Planning Commission.

The application will be reviewed by the Planning and Zoning Commission and building official. Upon application being considered acceptable, at least one member of the Planning and Zoning Commission, the Town building official, and the requestor shall physically inspect the site to determine the proposed locations for building, well, and individual disposal system are same as shown on the requestor's site plan. Upon completion of the review, the Planning and Zoning Commission shall recommend to the Board of Trustees that the permit be approved, approved with modifications, or disapproved.

The Board of Trustees shall, at a regular meeting following the Planning and Zoning Commission recommendation, consider the building permit request and the Planning and Zoning Commission recommendation.

The Board of Trustees shall then make the final decision to approve, approve with modifications, or deny the application, in accordance with Town building code and building ordinances.

Section 3. Special Review. For building permit requests for property less than the 20,000 square foot minimum a special review process is established. Special review applications shall include:

- a. Those items stated in Section 1a-1d;

- b. A legal description of all contiguous property owned by the applicant;
- c. A map showing the location of existing structures, wells and septic systems, and setback requirements for the property;
- d. A map showing the location of existing structures, wells and septic systems, and setback requirements on adjacent property or within a 100 foot perimeter of the property;
- e. A map showing the location of roads, streets, alleyways, and public right-of-ways; and
- f. A written opinion by a licensed Professional Engineer setting forth his opinion and facts found therein regarding potential risks, if any associated with the proposed activity, and an opinion concerning compliance with State rules and regulations as in effect in the Town of Marble.

Section 4. Process for Special Review. The processing of a special review application shall be as stated in Section 2.

Section 5. Special Review Criteria. The decision of the Planning and Zoning Commission and the Board of Trustees on a special review application shall be based on all the evidence presented by the applicant. In making its decision, the Commission and Board shall consider the following factors:

- a. Compliance of the application with Town ordinances and building codes in effect;
- b. The potential for adverse environmental effects that might result from the proposed location of buildings, wells, and septic systems;
- c. The potential for adverse environmental effects that might result from existing location of buildings on adjacent properties or within 100 foot perimeter of property;
- d. The potential for adverse environmental effects that might result from existing location of any wells or other water sources, or septic systems;
- e. Whether the property is located on a corner;
- f. Ownership or control of contiguous property;
- g. The potential for connecting to the Marble Water Company;
- h. Whether the new construction, including structure, wells, and septic systems, could not be reasonably placed in another location; and
- i. Potential risks as stated in the professional opinion which may be reviewed by Town's building officer at applicant's expense.

Section 6. Vested Rights. Nothing in this 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 permit.

Section 7. Supersede. This Ordinance supersedes the provisions of any previous ordinance in conflict herewith.

Section 8. Merging. In establishing the minimum lot size for issuance of a building permit, contiguous parcels under unified ownership shall be considered one lot for building purposes.

Section 9. Processing Fees. To cover the cost of advertising and processing building applications for lots at least the minimum lot size of 20,000 square feet, the applicant shall pay at the time of submitting its application a processing fee of \$50.00 which fee shall be in addition to the building permit fee.


Introduced, read in full, and passed and adopted this 10th day of September, 1994 by a vote of 5 to 5 and ordered published in the Valley Journal.

TOWN OF MARBLE, COLORADO

By

  
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Mayor

ATTEST:

  
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Clerk