

## **Title 7**

### **Land Use and Development**

***Chapters:***

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### **Chapter 7.1**

#### **General Provisions**

***Sections:***

- 7.1.10 Official Zoning Map
- 7.1.20 Changes in the Official Zoning Map
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#### **7.1.10 Official Zoning Map**

- A. The Town of Marble is hereby divided into zones, or districts, as shown on the Official Zoning Map, Marble, Colorado, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Title.
- B. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the Seal of the Town under the following certification: “This is to certify that this is the Official Zoning Map of the Town of Marble. All zones or districts on the Official Zoning Map have been duly approved by Ordinances of the Board of Trustees of

the Town of Marble.” The Official Zoning Map shall further indicate the date of approval by the Board of Trustees.

### **7.1.20 Changes in the Official Zoning Map**

- A. Changes in zones shall be made on the Official Zoning Map within five (5) days following the effective date of the ordinance enacting such amendments or changes. Changes in the Official Zoning Map shall be indicated by an entry on the Official Zoning Map as follows: “On (date) by official action by the Board of Trustees, the following change(s) were made in the Official Zoning Map (brief description of the nature of the change).” Said entry shall be signed by the Mayor and attested by the Town Clerk. A change in zone shall not be effective until after such change and entry have been made on said map.
- B. No change of any nature shall be made in the Official Zoning Map except in conformity with the provisions of this Title. Any unauthorized change of any kind by any person or persons shall be considered a violation of this Title.

### **7.1.30 Replacement of the Official Zoning Map**

The Board of Trustees may adopt a new Official Zoning Map by ordinance. The new Official Zoning Map shall be adopted in accordance with the preceding Section 7.1.20 and shall bear the certification, date, and signatures provided therein. The new Official Zoning Map shall replace the previous Official Zoning Map and shall not be supplemental thereto. The Town Clerk shall preserve the previous Official Zoning Map for a minimum of ten (10) years unless it was replaced due to having been destroyed.

### **7.1.40 Interpretation of Zone Boundaries**

The Board of Trustees may by resolution approve interpretations of uncertainties regarding boundaries of zones subject to the following rules:

- A. Boundaries indicated as approximately following the center line of rights-of-way, plotted lot lines, Town limit line, or center lines of rivers or streams shall be construed to follow such center line or lines;
- B. Distances not specifically indicated on the Official Zoning map or in Ordinances adopted pursuant thereto shall be determined by the scale of the map; and
- C. Where a zone boundary divides a lot which was in single ownership at the time of passage of this Chapter, either zone may be interpreted as including the full lot or a portion thereof not to exceed fifty (50) feet beyond the zone boundary.

### **7.1.50 Application of Zone Regulations**

- A. No building, structure, or land shall hereafter be erected, constructed, reconstructed, moved, altered except in conformity with all of the regulations herein specified for the zone in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
  - 1. To exceed a height of twenty eight (28) feet;
  - 2. To have rear, side or front yards which do not conform with such minimum yard and setback requirements; and

3. To reduce parking areas below the existing level where such parking is non-conforming or below the level required by this Title in the case of new construction or where parking areas conform with this Title.

### **7.1.60 Zoning Upon Annexation**

- A. A petition for annexation shall be accompanied by a request for zoning each property proposed for annexation. The Planning Commission shall review the requested annexation and zoning and make a recommendation as to the desirability of the proposed annexation and as to recommended zoning. Nothing herein shall be construed to limit the power of the Planning Commission as to zoning or rezoning of such property.
- B. At least two weeks prior to annexation of any property, the Board of Trustees shall make a determination as to the proposed zoning of the property proposed for annexation. Such zoning determination shall be furnished to the owner(s) of the property. During the Public Hearing for the proposed annexation, the Board of Trustees shall receive comments relating to the appropriateness of the proposed annexation and zoning. Immediately prior to the final consideration of the proposed annexation, the Board of Trustees shall adopt zoning for the property. Upon annexation, the property shall be subject to the regulations relating to its zone and all other regulations of this Title. Nothing herein shall be construed to limit the powers of the Planning Commission and Board of Trustees in regard to zoning or rezoning property classified under this provision.
- C. Any use which is in existence at the time of annexation to the Town which is permitted as a use by review under the zoning assigned to such land at the time of annexation shall be deemed a use by right.
- D. The Board of Trustees may determine upon annexation that a use which is in existence at the time of annexation is a nonconforming use and is therefore subject to the applicable nonconforming use provisions of this Title.

### **7.1.70 Definitions**

For the purpose of this Chapter, certain words or phrases are defined as follows.

- a. **Access** means a paved or unpaved area intended to provide legal ingress or egress to a property.
- b. **Accessory Use or Accessory Structure** means a use or structure that is incidental and subordinate to the principal use or structure(s) on the premises; it is located on the same parcel, lot or building site as the principal use or structure;(s) does not change the basic character of the premises, as determined by the principal use or structure; and is subordinate in area, extent and purpose to the principal use or structure. Accessory structures shall include but shall not be limited to: Car ports, garages, both detached and unattached; barns, storage sheds, work shops and green houses.
- c. **Adult-Oriented Use** means a use of a property where the principal use, or a significant adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing, or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to sexual activities or “specified anatomical areas” as the primary attraction to the premises. Adult-oriented uses include adult bookstore; adult club, cabaret or restaurant; and adult motion picture.

- d. **Avalanche** means a mass of snow or ice and other material which may become incorporated therein as such mass moves rapidly down a mountain slope.
- e. **Basement** means that portion of a structure fifty percent (50%) or more of which is below natural grade.
- f. **Barn** means a building used to shelter or enclose livestock, poultry, feed or field equipment accessory to an agricultural operation.
- g. **Bed and Breakfast** means incidental rooming and boarding in a dwelling. The renting of rooms and the providing of table board, or either thereof in a dwelling as an incidental use to that of its occupancy as a dwelling shall be permitted in any zone district. The length of stay shall not exceed 30 days.
- h. **Compatible** means consistent with, harmonious with, similar to and/or enhances the mixture of complimentary architectural styles, either of an individual structure or the character of the surrounding structures.
- i. **Contiguous** means sharing a common border at more than a single point of intersection and in such a manner that the shared boundaries are touching and not separated, except by boundaries or private rights-of-way, water courses or water bodies, or other minor geographical divisions of a similar nature running parallel and between the shared boundaries.
- j. **Drainage Problem(s)** means any unsatisfactory condition(s) that may affect or result from the natural withdrawal of excess surface water or groundwater from the tract or from the vicinity of the tract. Such conditions include, but are not limited to: low-lying areas not having adequate drainage outlets, shallow groundwater tables, or storm water runoff originating from developed or undeveloped areas on or adjacent to the tract.
- k. **Dwelling** means a permanent building or portion thereof, which is used as the private residence or sleeping place of one or more human beings, but not including hotels, lodge units, clubs, hospitals, temporary structures such as tents, railroad cars, trailers, street cars, prefabricated metal sections, or similar units.
- l. **Dwelling Unit** means a separately enterable room or combination of rooms, which contain kitchen or bath facilities and which are designed for or can be used as a residence by a single family or guest, independent of other families or guests.
- m. **Family** shall not include more than three persons unrelated by blood or marriage.
- n. **Fireplace Wood Storage and Splitting** means an area where timber is located, prepared and stored for sale, primarily by delivery, to the public for use as fireplace wood, provided that:
  - 1. All setback requirements of the district and area are maintained;
  - 2. The site is kept orderly and free of all unrelated machinery or discarded trash and junk; and
  - 3. On-site sales are limited to sales of block or slabwood and post-season clearance sales.
- o. **Floodplain** means an area adjacent to a watercourse, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to

past, current or foreseeable construction or land use as to constitute a significant hazard to public health or safety or to property. The term includes, but is not limited to:

1. Mainstream floodplains;
2. Debris-fan floodplains;
3. Dry wash channels and dry wash floodplains; and
4. Historic floodplains

Where the intermediate regional flood has not been determined, floodplain shall mean an area which is five vertical feet or twenty horizontal feet, whichever is greater, from the high water line or the high water profile of the maximum flood of record, whichever method of

- p. **Floor area** means the gross area of the building measured along the outside walls of the building, including each habitable floor level and interior balconies but excluding the following:
- a. Crawl spaces having a height below 5-feet, 6 inches
  - b. Exterior decks, both covered and uncovered
  - c. Porches”

Included shall be all basements, both basements completely below-ground and walk-out basements.

- q. **Floor Area Ratio** means the ratio of the total floor area of a building, including all floor levels, to the total developable area. Total floor area shall be as elsewhere defined in this Section. Total developable area shall not include areas to be dedicated for street or alleys. Calculation of the floor area ratio (FAR) is as follows:  $FAR = \text{total floor area} \div \text{developable area}$ .
- r. **Geologic Hazard** means a geologic phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes but is not limited to:
- s. Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;
  - t. Mancos shale, talus slopes and faults;
  - u. Seismic events;
  - v. Radioactivity;
  - w. Ground subsidence; and/or
  - x. Areas of expansive soil and rock, corrosive soil, or siltation.
- y. **Geologic Hazard Area** means an area which contains or is directly affected by a geologic hazard.
- z. **Historical or Archaeological Resources of Statewide Importance** means resources which have been officially included in the National Register of Historic Places, designated by statute, or included in the established list of places compiled by the state historical society.

- aa. **Home Occupation** means a business, occupation or trade conducted entirely within a residential building or within another structure on the property, is incidental and secondary to the use of the dwelling for residential purposes, and does not change the residential character thereof.
- bb. **Individual Sewage Disposal System (ISDS)** means an absorption system of any size or flow, or a system or facility for collecting, storing, treating, neutralizing, stabilizing or disposing of sewage that is not part of or connected to a wastewater treatment system.
- cc. **Industrial** means any establishment engaged in the commercial processing, fabrication, alteration, or manufacture of raw or semi-processed materials, manufactured good, or any components thereof.
- dd. **Industry, Light** means any branch of trade, productions, or creative activity (excluding home occupations), employing labor and capital in an industrial or manufacturing process or service that is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, fumes, noise, or vibrations, whose waste products are not allowed to emerge or accumulate where they will cause discomfort or be unsightly or hazardous to adjoining property owners or the public generally.
- ee. **Lodge** means any structure where roomers or lodgers are received and kept or housed for compensation, by the day or week, and includes all hotels, motels, lodges, inns and dwellings into which the general public is received.
- ff. **Mobile Home** means a dwelling unit, factory built and factory assembled, without motive power, that is designed and commonly used for residential purposes.
- gg. **Non-Conforming Structure** means any structure that was lawfully established pursuant to the regulations in effect at the time of its development, but which does not now conform to the applicable building codes, or to the applicable provisions of this Chapter regulating structures, such as the provisions regarding minimum setbacks and maximum height.
- hh. **Non-Conforming Use** means any use that was lawfully established pursuant to the regulations in effect at the time of its development, but which does not now conform to the applicable provisions of this Chapter regulating uses.
- ii. **Off-Street Parking** means land anywhere except public right-of-way, which is used for the purpose of parking, storing or displaying motor vehicles, trailers, motorcycles, mobile homes, and similar items.
- jj. **Remodeling** means the alteration, improvement, or expansion of an existing, unimpaired structure in the same location on the property.
- kk. **Peddler** means a person who offers merchandise for sale on the street, on private property, or door-to-door, usually offering their goods in a push-cart, wagon or truck. Peddlers shall be considered a Temporary Use.
- ll. **Replacement** means the substitution of a new structure for an existing structure in the same or different location on the property.
- mm. **Specified Anatomical Areas** means the following body parts, when such body parts are less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

## **Chapter 7.2**

### **Zone District Regulations**

***Sections:***

- 7.2.10 Establishment of Zones
- 7.2.20 Permitted Uses of Land and Buildings
- 7.2.30 Zoning Regulations
- 7.2.40 Supplemental Regulations – All Zones
- 7.2.50 Accessory Uses
- 7.2.60 Off Street Parking Requirements
- 7.2.70 Off-Street Parking – Variances
- 7.2.80 Ownership or Right to Possess Parking Areas Required
- 7.2.90 Noise Abatement, Nuisances and Emissions
- 7.2.100 Exterior Lighting

#### **7.2.10 Establishment of Zones**

The following zones are hereby established within the Town of Marble:

- a. Residential (R)
- b. Business (B)
- c. Public Use (P)

#### **7.2.20 Permitted Uses of Land and Buildings**

The use of land and buildings within the Town of Marble shall be in accordance with the provisions of this Section or as authorized with Chapter 7.3 Non-Conforming Uses. Where a proposed use is not addressed by this section, the Planning Commission shall review the proposed use and make a recommendation to the Board of Trustees to include the use in a particular zone, or to prohibit the use. The Board of Trustees shall make the final determination as to interpretations of allowable uses within each zone.

“Uses by Right” are those specified uses which do not require consideration by the Planning Commission and/or the Board of Trustees prior to initiation of such specified use in a zone or the issuance of a building permit.

“Uses by Review” are those specified uses which require consideration by the Planning Commission and/or Board of Trustees prior to initiation of such specified use in a zone or the issuance of a building permit. The Planning Commission must conduct a public hearing prior to making a recommendation to the Board of Trustees that a use by review be approved. The Board

of Trustees shall consider the recommendation of the Planning Commission and approve or deny the use.

A. Residential (R) Zone

1. Uses by Right:

- i. Single family dwelling units constructed on the property, on a permanent foundations, and in accordance with the Uniform Building Code including but not limited to garages, barns, and other agriculture related structures; and
- ii. Manufactured homes installed on the property on a permanent foundation. For the purposes of the Section, a “manufactured home” shall mean a single family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet (24’) in width and thirty-six (36’) in length; is installed on an engineered, permanent foundation, has brick, wood or cosmetically equivalent exterior siding, and has a pitched roof; and is certified to meet the most current standard promulgated under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 *et. Seq.*, as amended, or which complies with the Uniform Building Code as adopted by the Town of Marble. A “manufactured home” shall meet all other requirements pertaining to single family homes contained in this Title; and
- iii. Churches which are places where persons regularly assemble for religious worship and which are controlled and maintained by a religious body organized to sustain public worship. A church may also include as an accessory use one dwelling unit for occupancy by the church’s priest, minister, maintenance person, security guard or person of similar capacity to the church.

2. Uses by Review

- i. Multi-family dwelling units which include but are not limited to structures or groups of structures having the capacity to serve as more than a single family dwelling unit, such as apartments or duplexes.
- ii. Agricultural uses, as approved by the Board of Trustees; limited to two adult horses, cows, goats, or sheep for the first acre of contiguous property owned or leased, and two animals per acre for each additional contiguous acre. Such property must be fenced so as to confine the animals at all times.

B. Business (B) Zone

1. Uses by Right:

- i. Wholesale and retail sales;
- ii. Professional offices including but not limited to real estate, doctors, dentist, and public utility services;
- iii. Hotels, motels, lodges and inns; and
- iv. Manufacturing operations having less than 2,000 square feet under one roof and operating less than 50 hours per week.



2. Uses by Review:

- i. Equipment storage and repair;
- ii. Construction contractors;
- iii. Manufacturing operations exceeding the restrictions imposed under uses by right;
- iv. Veterinary hospitals

C. Public Use (P) Zone

1. Uses by Right:

- i. Public park facilities, including but not limited to playgrounds, tennis courts, swimming pools, ballfields, hiking trails, rodeo grounds, wildlife habitat, and other recreational facilities open to the public with or without charge; and
- ii. Public facilities, including but not limited to water and wastewater treatment facilities and pump stations, water storage tanks, television facilities, office and maintenance facilities.

### 7.2.30 Zoning Regulations

The intent of this section is to cause the utilization of building sites in such a manner as to protect the public health and safety, to provide for efficient land use, and to encourage aesthetically pleasing construction. Consequently, each proposed building is to be considered on its own merit and in light of neighboring properties.

G. Minimum Lot Size. Minimum building sites are hereby established as follows, unless otherwise provided in accordance with Section 7.3.20.

1. Residential (R) Zone

- a. 8 lots or 20,000 square feet for all parcels included in the Original Town Plat Area ("Old Town") shown on the 1913 Town of Marble platted map.
- b. 1 acre for all parcels in Alpine Woods Village Subdivision, the Joy Annexation and anything annexed to the Town in or after 1992, including that area which is subject of Ordinance Number 5, Series of 1998 (commonly called Marble Ski Area Filings Number 1 and 2).

2. Business (B) Zone

- a. 8 lots or 20,000 square feet for all parcels included in the Original Town Plat Area ("Old Town") shown on the 1913 Town of Marble platted map.
- b. 1 acre for all parcels in Alpine Woods Village Subdivision, the Joy Annexation and anything annexed to the Town in or after 1992, including that area which is subject of Ordinance Number 5, Series of 1998 (commonly called Marble Ski Area Filings Number 1 and 2).

3. Public Use (P) Zone

No minimum lot size.

H. Side Yard Setback:

1. The minimum distance between the outermost wall of any structure and the side lot line shall be ten (10) feet.

I. Front Setback:

1. In the Residential (R) Zone the minimum distance between the outermost wall and the front lot line shall be twenty-five (25) feet.
2. In the Business (B) Zone the minimum distance between the outermost wall and the front lot line shall be twenty-five (25) feet, unless a different set back is more appropriate to achieve conformity with neighboring structures.

J. Rear Setback:

1. The minimum distance between the rear property line and any structure shall be ten (10) feet

E. Maximum Floor Area Ratio (FAR)

1. The maximum floor area ratio (FAR) in the Residential (R) Zone shall be 15 percent for the principal structure or in the case that there is more than one principal structure, the maximum floor area ratio for all principal structures shall be 15% total. In no case shall the total floor area ratio of the principal structure or structures exceed 15 percent of the parcel;
2. The maximum floor area ratio (FAR) in the Residential (R) Zone is 15 percent for all accessory structures. In no case shall the total floor area ratio of the accessory structure or structures exceed 15 percent of the parcel;
3. The maximum floor area ratio (FAR) in the Business (B) Zone shall be 30 percent for the primary structure(s) and/or accessory structure(s). In no case shall the floor area ratio of all structures on the parcel exceed 30 percent.
4. The maximum floor area ratio (FAR) in the Public (P) zone shall be 30 percent for all structures.

F. Maximum Square Footage

1. In the Residential (R) Zone, the maximum square footage of any one structure, both primary and accessory, shall be limited to 5,000 square feet.
2. In the Business (B) Zone, the maximum square footage of any one structure, either primary or accessory, shall be limited to 10,000 square feet. In no case shall any one structure exceed 10,000 square feet;
3. In the Public (P) zone, the maximum square footage of any one structure, either primary or accessory, shall be limited 10,000 square feet. In no case shall any one structure exceed 10,000 square feet

G. Maximum Height

Maximum height in all zones is 28 feet as measured from the sub-floor to midway between the eaves.

## **7.2.40 Supplemental Regulations – All Zones**

### **A. Visibility at Intersections in Residential Districts.**

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two (2) and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines fifty (50) feet from the point of the intersection as measured at the curb line or edge of the right-of-way.

### **B. Fences, Walls and Hedges.**

Except as required in Section 7.2.40 (a) fences, walls, and hedges may be permitted in any required yard or along the edge of any yards.

### **C. Accessory Buildings**

No accessory building may be located within five (5) feet of any other building unless the adjacent wall(s) shall be constructed of two (2) hour fire resistive construction as defined in the Uniform Building Code.

### **D. Erection of More than One Principal Structure on a Lot**

In any zone, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Title shall be met for each structure as though it were on an individual lot.

### **E. Exception to Height Requirements**

The height limitations contained in Section 7.1.50 (b) (1) do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

### **F. Structures to Have Access**

Every building hereinafter erected or removed shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

### **G. Parking, Storage, or Use of Major Recreational Equipment**

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any street or street right-of-way. No such equipment shall be stored on any lot in the Residential (R) District in such a manner as to impede visibility of pedestrian or vehicular traffic. No such equipment shall be used for living, sleeping or housekeeping purposed when parked or stored on a residential lot, or in any location not approved for such use.

### **H. Parking and Storage of Certain Vehicles**

Operative or inoperative vehicles and trailers of any kind which do not have current license plates may not be parked or stored in the Residential (R) Zone other than in a completely enclosed building.

Trucks having dual or multi-axles, or exceeding 12,500 pounds gross vehicle weight, shall not be parked on a street or alley in the Residential (R) Zone.

#### I. Public Utilities

For purposes of all districts, a “public utility” is defined to be a water, irrigation, sewer, gas, electric, telephone, bus, taxi, or ambulance or installation which serves five or more customers whether or not it be franchised or organized as a corporation or district. Public utilities shall be subject to the following requirements:

1. Distribution, transmission and service lines and routes requiring simple easements or installation in public right-of-way, or installed under franchise agreement with the Town, and usual customer facilities shall not be subject to zoning requirements;
2. Utility service facilities, the major use of which involves either office, manufacturing, warehousing, vehicle storage or maintenance functions; shall be constructed only in those zones in which a private firm not in the utility business would be permitted to establish a similar function or use;
3. Special utility facilities, such as water reservoirs, sewage lagoon, gas wells, pumping stations, and other component equipment installations on land owned or leased, and where equipment is fenced or place in a building shall not be constructed until approved by the Board of Trustees; and
4. These regulations shall in no way prohibit the installation of temporary facilities of the types described in (1) and (2) above in cases of emergency conditions, provided within a reasonable period of time application is made for approval of installation of permanent facilities.

#### J. Drainage

No principal structure or accessory building shall be constructed in such a manner that snow, rain, or ice is shed from its roof onto any neighboring lot unless so provided by ownership of the neighboring lot or through a written agreement which has been recorded by the Gunnison County Clerk and Recorder.

#### K. Pets, Exotic Animals and Livestock

1. In all zoning districts the following performance standards shall apply:
  - a. Animals shall be kept in a manner so that adjacent properties are not unduly impacted and the care and use is consistent with the general character of the area.
  - b. Storage or treatment of animal waste shall meet the property line setback requirements of that zoning district and shall be more than 100 feet from any stream, well, or other surface water.
  - c. Manure and liquid waste in any form shall not be permitted to create a nuisance in the community, an obnoxious odor, or to cause a hazard to the health, welfare, or safety of humans and/or animals.

- d. The keeping of animals shall be conducted in a manner which shall not have a significant adverse effect on surface and ground water.
  - e. The keeping of agricultural animals shall be limited to two adult horses, cows, goats or sheep for the first acre of contiguous property owned or leased, and two animals per acre for each additional contiguous acre.
  - f. Animals of all kinds (excluding cats kept as pets) shall be contained and controlled.
  - g. It shall be unlawful for any owner or keeper of a dog to permit such dog, by its loud and persistent or habitual barking, howling or yelping to disturb any person or neighborhood.
  - h. The keeping of agricultural animals not listed in item e above is subject to review by the Board of Trustees.
2. Pets
- a. Non-commercial keeping of pets is allowed in all zoning districts
  - b. Pets of any kind shall be contained and controlled.
  - c. It shall be unlawful for any owner or keeper of a dog to permit any dog, by its loud and persistent or habitual barking, howling or yelping to disturb any person or neighborhood
3. Wild animals must be kept in accordance with the requirements of the Division of Wildlife.
4. Exotic animals must be kept in accordance with the requirement of the USDA.
5. The Board of Trustees may authorize the keeping of limited numbers of specified livestock in either business or residential zones subject to the following limitations:
- a. The property owner shall submit a written application to keep livestock. At a minimum, the application shall indicate:
    - i. Specific type of livestock;
    - ii. Specific number of livestock; and
    - iii. A plot plan indicating the location and type of fencing.
  - b. A petition signed by the neighbors of adjoining properties indicating their approval or disapproval of the application to keep livestock.
  - c. The Board of Trustees shall publicize a notice of the application to keep livestock one time, no less than fourteen (14) days prior to conducting a public hearing regarding the application.
  - d. At the time the application is made, the Town Clerk shall collect a fee from the property owner in an amount estimated by the Town Clerk to be equal to the cost of the publication pursuant to the foregoing subsection.
  - e. In the event the Board of Trustees approves the application; the authorization to keep livestock shall be permitted to the individual applicant and shall not be transferable.

The Board of Trustees may revoke said authorization without notice and without cause.

#### L. Adult Oriented Uses

1. Adult-oriented uses shall not be established or operated within one thousand feet (1000') of any of the following uses: a residence, a public park or playground, an outdoor or indoor recreation facility, a childcare center, a place of worship or assembly, a public or private school, or another adult oriented use. Measurements of distance shall be made from the nearest property line of the property which spacing is required to the nearest entrance to the building in which the adult use is to occur, using a straight line, without regard to intervening structures or objects.
2. Advertisements, displays or other promotional materials showing or depicting sexual activities, or "specified anatomical areas" shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways, or from other areas outside of the establishment. All building entries, windows, and openings for adult-oriented uses shall be located, covered, or screened in such a manner as to prevent the interior of such premises from being viewed from outside of the establishment.

### **7.2.50 Accessory and Temporary Uses**

Any use that has received a land use change permit shall also be permitted to include those accessory uses, structures and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal use.

#### A. Subject to Same Restrictions

Accessory uses shall be subject to the same restrictions that apply to the principal use, and to the additional provisions of the Chapter, as applicable to the particular accessory use.

#### B. Kitchen and Wastewater Disposal Facilities

Kitchen and wastewater disposal facilities shall not be allowed in a structure that is accessory to a residential use, unless said structure has obtained a land use change permit authorizing its use for habitation, and the structure is brought into compliance with the Town's applicable regulations and codes.

#### C. Home Occupations

No more than one (1) home occupation may be authorized to be carried out as an accessory use to a principal dwelling unit, provided the use meets the following standards:

1. The home occupation shall be incidental and secondary to the use of the property for residential purposes, and shall not change the residential character of the property. To ensure it remains subordinate, the size of the home occupation shall be limited to one-half the floor area of all the structures on the property, or fifteen hundred (1,500) square feet, whichever is less.
2. The home occupation shall be conducted entirely by the inhabitants living on the premises, and by no more than the equivalent of one (1) full-time employee who lives off-premises.

3. The home occupation shall operate pursuant to a valid Town of Marble business license for the use held by the resident of the dwelling unit;
4. The home occupations shall not advertise, display or otherwise indicate the presence of the home occupation on the premises other than as provided in Chapter 7.9.
5. The home occupation shall not operate as such hours or in such a manner as to create a public nuisance or to disturb neighbors. It shall not produce any offensive noise, vibrations, electrical or magnetic interference, glare, fumes, odors, smoke, dust, heat, or waste noticeable at or beyond the property lines. All waste products generated by the home occupation shall be disposed of in compliance with federal and state codes.
6. The home occupation shall not generate vehicular traffic in excess of ten one-way trips per day which begin or end at the use;
7. The externally visible activities (e.g. visitors, delivery trucks) of a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. local time.

#### D. Bed and Breakfasts

A single family dwelling may be authorized to be used as a bed and breakfast, providing it meets the following standards:

1. A structure proposed to be used as a bed and breakfast shall not be altered in a way that changes its residential appearance or character.
2. The bed and breakfast shall not contain more than five (5) separate accommodations that are rented to guests.
3. The owner of the bed and breakfast, or an on-site manager employed by the owner, shall reside on the premises at all times when the bed and breakfast is in operation.
4. Receptions, private parties, or similar activities for compensation shall not be permitted. No meals shall be served to the general public, unless expressly approved as part of the land use change permit.
5. Long term rental of guest rooms shall not be permitted. The maximum length of stay shall be thirty (30) consecutive days.

#### E. Temporary Uses

An application for a special event permit shall demonstrate that the event will operate in such a manner that the following concerns are satisfactorily addressed, and so that the even will comply with all Town and State regulations applicable to these concerns:

1. Emergency and/or First Aid Services;
2. Food service and/or liquor license;
3. Parking and traffic control;
4. Police and fire protections;
5. Impacts from light, noise and odors;
6. Site clean-up

Insurance. The applicant may be required to demonstrate that a general liability insurance policy in an amount to be determined by the Town will be in effect for the special even and that the Town will named as an additional insured party in the policy. The applicant may also be required to submit an executed indemnity and hold harmless agreement indemnifying the Town in writing against all claims, expenses or damages for injury to any person or property, directly or indirectly, as a result of the particular activity, and to hold the Town harmless for any injury, expense, claim or damage to the applicant

### **7.2.60 Off Street Parking Requirements**

#### **A. Off-Street Parking – Residential**

1. Each single family home, or duplex constructed or relocated after the effective date of this Chapter shall provide on the building site at least two (2) accessible and usable off-street parking spaces for each dwelling unit.

Said parking spaces may be open or covered. The parking spaces shall be permanent in character and shall be provided with a permanent driveway to a public way.

2. Each residential structure containing three (3) or more dwelling units hereinafter constructed or relocated shall provide on the building site at least two (2) accessible and usable off-street parking spaces for each dwelling unit.

#### **B. Off-Street Parking – Nonresidential**

##### **1. Application**

The off-street parking requirements herein contained shall apply only to building and uses newly constructed, moved, extended, or enlarged, and shall not apply to buildings lawfully repaired or improved where no increase of floor area is made. The addition of an adjacent building, whether attached or detached, shall constitute an increase in floor space and shall be included in any calculation of area to meet the requirements of this Section.

##### **2. Required Number of Parking Spaces**

- a. The number of parking spaces required for any governmentally owned facility shall be determined by the Board of Trustees.
- b. The number of parking spaces required for each non-residential building shall be determined by the Board of Trustees, provided however, in no event shall the number of off-street parking spaces be less than five (5) spaces plus one (1) space for each 1,000 square feet of gross floor area in excess of 2,500 square feet.
  - i. The number of parking spaces for all restaurants, bars and cafes shall be one (1) parking space for every two (2) seats.
  - ii. The number of parking spaces for all hotels, motels, lodges and inns shall be one (1) parking space for each rental unit.

### **7.2.70 Off-Street Parking – Variances**

In the event these off-street parking requirements do not appear reasonable when applied to a specific use or combination of uses, the Town Administrator or the applicant may apply to the Board of Trustees for a variance. A variance to the minimum parking requirements may be



granted if the applicant can demonstrate that the new construction will not generate additional parking or traffic demands, or increase the rated occupancy load.

### **7.2.80 Ownership or Right to Possess Parking Areas Required.**

Parking areas which are to be located on separate lots shall be held in the same ownership and shall have the same zoning as the lot containing the primary use for which they are required. The providing of such off-street parking spaces shall be considered a basic condition for granting a use in a given location on an initial and continuing basis. If conditions are changed in such a manner that the minimum parking space requirements are no longer met, such change shall constitute a violation of these zoning requirements.

### **7.2.90 Noise Abatement**

The Board of Trustees of the Town of Marble finds and declares that noise is a significant source of environmental pollution and represents a present and increasing threat to the public peace and to the health, safety and welfare to the residents of the Town of Marble and its visitors. Accordingly, it is the policy of the Board of Trustees to provide standards for permissible noise levels in various areas and manners and at various times and to prohibit noise in excess of those levels. Furthermore, it is the policy of the Town of Marble to permit only that development which will not generate noise which would adversely impact land uses or occupants thereof.

A. For the purpose of this Chapter, certain words or phrases are defined as follows.

1. “Construction Activities” means any and all activity incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, structures or roads, including land clearing, grading, excavating and filling.
2. “Construction District” means a floating district, which is defined as a site of on-going construction activity. This designation will be in effect only for the duration of said activity or for the dates of the applicable building permit at a designated site, whichever is shorter. This designation may occur in any of the zone districts as defined in this Title.
3. “Continuous Noise” is any sound which exists, essentially without interruption, for a period of ten (10) minutes or more.
4. “Cyclically Varying Noise” is any sound which varies in sound level such that approximately the same level is obtained repetitively at reasonably uniform intervals of time.
5. “Decibel” means logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is symbolized by the letters dB.
6. “Emergency Work” means work necessary to restore property to a safe condition following an unusual event, or work required to protect persons or property from exposure to danger. This includes, but is not limited to snow, ice, mud and debris removal from public rights-of-way.
7. “Grounds Maintenance Equipment” means that equipment necessary to maintain yards, parks and lots, which includes but is not limited to lawn mowers, edgers, trimmers, tillers and chain saws.

8. "Noise" means a sound which is measured as the sound pressure level in decibels (dB) which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

B. Specific Prohibitions

1. Horns and signalling devices;
2. Public loud speakers;
3. Bells, alarms and fixed sirens; and
4. Fireworks (except on the 4<sup>th</sup> of July and New Year's Eve, when they are permitted).
5. Pets must abide by all requirements in \_\_\_\_\_
6. Generators shall be

C. Mufflers required: It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order.

D. Use District Noise Levels

Use District	Night	Day
	10:00 P.M. to 7:00 A.M.	7:00 A.M. to 10:00 P.M.
Residential	50 dB	55 dB
Business	55 dB	65dB
Construction	70 dB	80dB

E. Exemptions:

1. Noise of safety signals, warning devices and emergency pressure relief valves.
2. Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
3. Noise resulting from emergency work as provided for in Section 7.2.80(a)(6).

F. Vibration, Dust, Heat, Glare or Odors

1. No use shall be made of any property which creates vibration on any adjoining property or emits any obnoxious or dangerous heat, dust, glare, odor or fumes.
2. Accessory equipment capable of generating noise and vibrations shall be properly insulated and the noise and vibrations shall meet the requirements of 7.2.80(d).
3. For the purposes of enforcement, any vibrations, emission of heat, dust, glare, odor or fumes which can be detected at any time and which is declared excessive or obnoxious by at least four members of seven unbiased observers appointed by the Town Board shall be declared unlawful and any further emission after receipt of written notice from the Town shall be in violation of this ordinance.

## 7.2.100 Exterior Lighting

A. Purpose. This article is intended to help maintain the health, safety, and welfare of the residents of the Town of Marble through regulation of exterior lighting as reflected by the following goals:

1. Promote safety and security;
2. Help preserve the small town character;
3. Eliminate the escalation of nighttime light pollution;
4. Reduce glaring and offensive light sources;
5. Provide clear guidance to builders and developers;
6. Encourage the use of improved technology for lighting; and
7. Conserve energy.

B. Definitions

1. "Fully shielded light" means light fixtures shielded or constructed so that no light rays are directly emitted by the installed light fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively down direct light in order to conform with the definition. Exemptions from this definition may be allowed for aesthetic lighting elements such as shades with perforated patterns and opaque diffusers.
2. "Foot-candles" means a unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of these regulations, foot-candles shall be measured at a height of 3 feet above finished grade.
3. "Fixture height" means the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light-emitting part of the fixture.
4. "High Intensity Discharge Light Source (HID)" means light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium, and other similar types which are developed in accordance with accepted industry standards.
5. "Light Trespass" means the shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

C. Non-Residential Lighting Standards

The following standards shall be applicable to all non-residential properties including mixed uses:

1. Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets. The light level shall not exceed 15 foot-candles as measured 3 feet above finished grade. Exemptions may be requested for areas with high commercial, pedestrian, or vehicular activity up to a maximum of 25 foot-candles.
2. Outdoor lighting shall be 10 feet for less unless it is fully shielded in which case heights up to a maximum of 28 feet may be allowed.

3. All other light sources which are not fully shielded shall use other than a clear lens material to minimize glare from a point light source.
4. Pole mounted fixtures shall be limited to two light sources per pole. Decorative fixtures may be exempted from this requirement up to a maximum of three light sources per pole.
5. Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs, or tree canopies, which can functionally reflect illumination back to the ground. In these cases the fixture spacing is limited to one fixture per 150 square feet of area and a total lamp wattage within a fixture of 35 watts.

#### D. Sign Lighting

In addition to the provisions of Chapter 7.9, the following provisions shall further regulate signs.

1. Sign illumination shall not exceed 75 foot-candles as measured at the brightest point of the sign.
2. Illuminated signs shall be turned off no later than 11:00 P.M. or one-half hour after the use to which it is appurtenant is closed, whichever is later.

#### E. Residential Lighting Standards

The following lighting standards shall be applicable to residential properties:

1. Outdoor lighting shall be 10 feet or less in height.
2. Lighting on above grade decks or balconies shall be fully shielded.
3. Outdoor lighting with HID sources in excess of 35 watts (bulb or lamp) shall be prohibited. In addition, incandescent light sources including halogen shall not exceed 100 watts.
4. All light sources shall use other than a clear lens material, as the primary lens material, to enclose the light bulb to minimize glare from a point source.
5. Landscape lighting is limited to 50 watts per fixture per 150 square feet.
6. Flood lights and security lights shall be restricted as follows:
  - a. The point light source shall not be visible from adjoining lots or streets.
  - b. Photo-cell or timer controlled lights shall be prohibited if the light trespass extends beyond the property limits.
  - c. Lights must be fully shielded, down directed and screened from adjacent properties in a manner that prevents light trespass.
  - d. Light intensity shall not exceed 10 foot-candles measured 3 feet above finished grade.
  - e. Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owners' property lines.
7. Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs, or tree canopies, which can functionally reflect

illumination back to the ground. In these cases the fixture spacing is limited to one fixture per 150 square feet of area and a total lamp wattage within a fixture of 35 watts.

#### F. Exemptions

Exemptions from the lighting regulations of this section may be granted subject to the following procedures:

1. Winter holiday lighting which is of a temporary nature and which is illuminated only between November 1<sup>st</sup> and April 15<sup>th</sup> of each year.
2. Municipal lighting installed for the benefit of public health, safety and welfare and temporary in nature with a maximum duration of not more than 90 days.
3. Lighting for outdoor recreational facilities, subject to submittal of a detailed lighting plan. Conditions applicable to any such exemptions may include limited hours of operation, limits on lighting intensity, and specific requirements for fixture design.

#### G. Prohibited Lights

1. Light sources shall not be affixed to the top of a roof, except where required by building code requirements.
2. Flood illumination of buildings shall be prohibited from ground or pole mounted lights mounted on adjoining buildings.
3. Lights which flash, move, revolve, scintillate, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation are prohibited unless specifically approved as a part of a lighting code exemption.
4. Mercury vapor and low pressure sodium lighting shall be prohibited.
5. Linear lighting (including neon, florescent, rope-lighting, low voltage strip-lighting) primarily intended as an architectural highlight to attract attention or used as means of identification or advertisement shall be prohibited.

#### H. Nonconforming Lighting

1. Nonconforming lighting
  - a. At the effective date of this Chapter, all outdoor lighting that does not conform to every requirement of this ordinance shall be legal nonconforming lighting. Legal nonconforming lighting shall not be moved in any direction, nor shall there be a change in use or light type, or any replacement or structural alteration made to the nonconforming lighting without conforming to all applicable requirements of this Chapter.
  - b. At such time as a building permit application for a major remodel or new structure is submitted to the Town, or any type of rezoning, subdivision or site plan development application is filed with the Town, all lighting on the site or building shall be required to conform with all applicable requirements of this Chapter unless an exemption request is filed.

## **Chapter 7.3**

### **Non-Conforming Uses and Structures**

***Sections:***

- 7.3.10 Purpose
- 7.3.20 Nonconforming Parcels of Record
- 7.3.30 Nonconforming Structures
- 7.3.40 Repairs and Maintenance
- 7.3.50 Variances

#### **7.3.10 Purpose**

Within the zone districts established by this Title, there exist buildings and structures that were lawfully established before this Title was adopted or amended which would be in violation of the terms and requirements of this Title. The purpose of this Chapter is to regulate the continued existence of those building and structures that do not conform to the provisions of this Title as amended.

To avoid undue hardship, nothing contained in any amendment to this Title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of any amendment of this Title. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### **7.3.20 Nonconforming Parcels of Record**

- A. In any zone permitted structures and customary accessory buildings may be erected on any single parcel of record at the effective date of adoption or amendment of this Title, notwithstanding limitations imposed by other provisions hereof. Such parcel must be in separate ownership and not of continuous frontage with other parcels/lots in the same ownership. This provision shall apply even though such parcel fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the zone in which such lot is located. Variance of yard requirements shall be obtained only through approval of the Planning Commission.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Title, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot

width and area requirements hereby established, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated herein, and no variance or exception shall be made or granted which will permit the creation of a nonconforming structure or use upon any such parcel.

### **7.3.30 Nonconforming Structures**

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Title that could not be built under the terms hereof by reason of restrictions on area, lot coverage, height, years, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity unless a variance has been granted, but any structure or portion thereof may be altered to decrease its nonconformity.
  2. Any non-conforming structure which is destroyed by an act of nature or through any manner not purposefully accomplished by the owner may be restored as of right, regardless of the extent of destruction, if a building permit for reconstruction is issued within 24 months of the date of destruction; and the reconstruction meets all current regulations with regard to Uniform Building Code, setbacks, maximum floor area ratio, well setbacks and septic setbacks.
  3. If a non-conforming structure is destroyed and current regulations would decrease the square footage, the owner is allowed to rebuild the structure to its previous square footage.
  4. Any portion of a nonconforming structure which becomes physically unsafe or unlawful due to lack of repairs and maintenance, and which is declared unsafe by a duly authorized official, but which an owner wishes to restore, repair or rebuild shall only be restored, rebuilt or repaired in conformity with the provisions of this Title

### **7.3.40 Repairs and Maintenance of Legal Non-Conforming Structures**

- A. Normal maintenance may be performed upon non-conforming structures.
- B. Enlargement or increasing the size of a non-conforming structure is allowable as long as the current floor area ratio is met.

### **7.3.50 Variances**

Variances may be considered with the following:

- A. Prior to the authorization of a variance all owners of immediately adjacent property shall be notified in writing that a variance has been requested. The written notice to adjacent property owners shall be provided to the property owners at least 30 days prior to the date of the first public hearing. The notice shall include the following information:
- 1 The need for the proposed variance;
  - 2 The physical characteristics related to the variance (if any);
  - 3 The length of time for which the variance is requested, and
  - 4 The date of the public hearing by the Board of Trustees.

It shall be the responsibility of the party requesting the variance to provide the information specified in items (1), (2), and (3) above to the Board of Trustees.

- B. No request for a variance shall be considered prior to receipt of a variance request fee. Variance request fee amounts shall be established by resolution of the Board of Trustees but shall not be less than \$50.00.
- C. Upon denial of a requested variance, no variance affecting the same property may be considered during the subsequent two (2) year period.

## **Chapter 7.4**

### **Administration**

#### ***Sections:***

- 7.4.10 Zoning Enforcement - General
- 7.4.20 Construction and Use Only as Authorized
- 7.4.30 Appeals
- 7.4.40 Schedule of Fees, Charges, and Expenses
- 7.4.50 Provisions of Chapter Declared to be Minimum Requirements
- 7.4.60 Complaints Regarding Violations

#### **7.4.10 Zoning Enforcement - General**

- A. The Board of Trustees shall be responsible for administration and enforcement of this Title.
- B. In the event the Board of Trustees shall find that any provisions of the Title are being violated, they shall notify, in writing, the person responsible for the violation and shall further specify in writing the action necessary to correct the violation.
- C. The corrective measures ordered by the Board of Trustees may include any of the following:
  - 1 Discontinuance of illegal use of land, buildings or structures;
  - 2 Removal of illegal buildings, structures, additions or structural
  - 3 Discontinuance of any illegal work being done; and
  - 4 Other action authorized by the Chapter to ensure compliance or to prevent violations.
- D. The Building Inspector is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined for suspected or potential violations of this Title.
- E. Criminal Remedies: If any use, development, or land change is commenced or maintained without first obtaining a permit required by this Title, or any building or structure is constructed, reconstructed, altered, maintained or used in violation of any land use change permit issues under the provision of this Title or in violation of any provisions of this Title, the Town Attorney may seek any criminal penalties authorized by Colorado law.



- F. Civil Remedies: If any use, development, or land use change is commenced or maintained without first obtaining a permit required by this Title, or any building or structure is erected, constructed, altered, maintained or used in violation of any land use change permit issued under the provisions of this Title or in violation with any provisions of this Title, the Board of Trustees or its designee may in addition to other remedies provided by law institute an injunction, mandamus, abatement, or other appropriate action to prevent or enjoin such violation or to seek civil penalties.
- G. Administrative Enforcement – Stop Work Orders
1. Stop Work Order: The Building Inspector is hereby empowered to order in writing the remedying of any condition found to exist in violation of any provision of this Title. After any such order has been served, the owner or occupant of the subject building, other structure or tract of land covered by such order shall cease the work, condition, or use specified in the order to cease immediately, except to correct such violation or comply with the order.
  2. Who May be Served: The written stop-work order may be served in person or by certified mail to the owner, occupant, general agent, lessee or tenant of the building structure, tract of land, or upon the architect, builder, contractor, or any other person who commits or assists in any such violation, or by posting the order in a conspicuous location on the subject property.
  3. Compliance Required: The person served with the stop-work order of the responsible party shall comply with such order immediately after receipt of the order.
  4. Town's Options Upon Non –Compliance: Failure to comply with the stop-work order or to remedy the violation to the satisfaction of the Building Inspector immediately shall subject the violator, at the Town's option, to the civil fines listed below, to criminal liability or to any other equitable remedy available.
  5. Civil Fines for Failure to Comply with Stop Work Order:
    - a. First Offense: The Civil fine for a first offense violation shall be \$75.00, plus applicable costs, for each offense.
    - b. Repeat Offense: The fine for any violation or offense which is a repeat offense shall be doubled in amount, plus applicable costs, for each offense.
    - c. Continuing Offense: Every person violating or contributing in any way to the violation of any provision of this Title shall be deemed guilty of a separate offense each day during which such violation continues and may be punished therefor as provided in this Section.
  6. Remedies not Exclusive: In addition to any remedies provided for in this Title, any equitable or other remedies available, including injunctive relief, may be sought.
  7. Town Liability: This Title shall not be construed to hold the Town responsible for any damage to persons or property by reason of inspection or re-inspection authorized herein, or failure to inspect or re-inspect, or by reason of issuing a building permit or certificate of occupancy as provided herein, or by reason of pursuing or failing to pursue an action for injunctive relief as authorized by this Section.

#### **7.4.20 Construction and Use Only as Authorized**

Building permits issued on the basis of plans and applications approved by the Board of Trustees authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of the Marble Municipal Code.

#### **7.4.30 Appeals**

The administration and interpretation of this Title by the Board of Trustees is subject to appeal. Appeals may be made by any person aggrieved within thirty (30) days of the date of the administrative action or interpretation being appealed. Appeals shall be made in writing to the Planning Commission. Within fifteen (15) days of the date of receipt of the written appeal, the Planning Commission shall conduct a public hearing on the appeal. Immediately following the close of public hearing the Planning Commission shall vote to sustain the action or interpretation, or to modify or reject it. The Board of Trustees may overrule the decision of the Planning Commission provided such action is taken within (30) thirty days of the date on which appeal was submitted.

#### **7.4.40 Schedule of Fees, Charges, and Expenses**

The Board of Trustees shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for building permits, appeals, amendments, and other matters pertaining to this Title. The schedule of fees shall be posted in the Town Hall and may be altered or amended only by resolution of the Board of Trustees.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### **7.4.50 Provisions of Chapter Declared to be Minimum Requirements**

In their interpretation and application, the provisions of this Title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or those that imposing the higher standards, shall govern.

#### **7.4.60 Complaints Regarding Violations**

Whenever a Violation of this Title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Board of Trustees. They shall record properly such complaint, immediately investigate, and take action thereon as provided by this Title.

### **Chapter 7.5**

## **Zone District Amendments**

#### ***Sections:***

7.5.10 Application

7.5.20 Hearing Notice

7.5.30 Amendments Initiated by Commission

7.5.40 Recommendation by Planning Commission

7.5.50 Board of Trustees Review

7.5.60 Fees and Costs - Zoning and Annexation Applications

7.5.70 Reapplication for Zoning Amendment

### **7.5.10 Application**

Any person and any public or private agency desiring a change in the Zoning Ordinance shall submit to the Planning Commission a written application containing the following:

- a. The applicant's name and address and the name and address of any person, firm or corporation represented by such applicant in the application;
- b. The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales development, operation, or other interest;
- c. The nature of the amendment and a legal description of the property which would be affected by the amendment; and
- d. A statement of the facts which the applicant believes justify the amendment; provided, however, when any amendment changing the zoning map is requested, the following additional information shall be furnished:
  1. A general description of the proposed development to the distance which will be affected; such description including subjects of environmental effect, economic effect and traffic effect, if any, and such description carried out in scope and detail to the extent needed to support the requested amendment and as may be required by the Planning Commission;
  2. A tentative site plan showing proposed structures, uses, open spaces, facilities for parking and loading, and arrangements for pedestrian and vehicular circulation;
  3. A statement of the proposed time schedule for beginning and completion of development; and
  4. A statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which a zoning amendment is requested.

### **7.5.20 Hearing Notice**

The Planning Commission shall hear applications for amendments and shall set a time for a public hearing. The Commission shall cause written notice of public hearing on the proposed changes to be sent to owners of real property lying within three hundred (300) feet of the property on which the change in zone is proposed, such notice to be given not less than fifteen (15) days before the date set for the hearing. Such notice may be served by depositing the same, properly addressed and postage paid, in the post office. Notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be not less than eighteen inches (18") by twenty-four inches (24") with black letters not less than one inch

(1") in height on white background and shall be clearly visible from the street. Such notice shall be so posted at least fifteen (15) days before the date of the hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to the hearing.

### **7.5.30 Amendments Initiated by Commission**

The Planning Commission may initiate proposed amendments to the Zoning Ordinance in accordance with Section 7.5.20 at least fifteen (15) days before the date set for the hearing. In the event proposed amendments would have a general Town-wide effect, notice requirements may be satisfied by publication in the newspaper and posting of the proposed amendments at the Town Hall.

### **7.5.40 Recommendation by Planning Commission**

The Planning Commission' shall submit to the Board of Trustees its recommendations on proposed amendments within thirty (30) days after the hearing is concluded. Such recommendation may be to approve, approve with conditions or disapprove the application.

### **7.5.50 Board of Trustees Review**

Upon payment of the required ordinance fee, the Board of Trustees shall consider the application for amendment of the zoning map, which application shall have followed the procedures set forth in foregoing sections of this Chapter.

### **7.5.60 Fees and Costs - Zoning and Annexation Applications**

A. Before any action shall be taken, the applicant proposing or recommending a change in the District regulations or District boundaries shall deposit with the Town Clerk an application fee required pursuant to Section 7.4.40. After the Commission has made its recommendations and before the preparation and presentation of an ordinance to the Board of Trustees by the Town Attorney, an ordinance fee must also be deposited with the Town Clerk to cover the approximate costs of this procedure.

Under no condition shall such sum or any part thereof be refunded for failure of such change to be adopted by the Board of Trustees.

B. Before any action shall be taken, the applicant seeking an annexation shall deposit with the Town Clerk an application fee. After the Commission has made its recommendations and before the preparation and presentation of an ordinance to the Board of Trustees by the Town Administrator an ordinance fee must also be deposited with the Town Clerk to cover the approximate costs of this procedure.

### **7.5.70 Reapplication for Zoning Amendment**

In the event the proposed amendment or change is denied by the Board of Trustees, no new request shall be made for the same or a substantially similar amendment or change within six (6) months of such denial thereof.

## **Chapter 7.6**

### **Resource Protection Standards**

**Sections:**

- 7.6.10 Purpose
- 7.6.20 Development in Areas Subject to Geologic Hazards.
- 7.6.30 Protection of Rivers, Streams, Lakes and Wetlands.
- 7.6.40 Abrogation and Greater Restrictions.
- 7.6.50 Interpretation.
- 7.6.60 Warning and Disclaimer of Liability.
- 7.6.70 Establishment of Development Permits.

The Legislature of the State of Colorado has in Article 20, Title 29 and Articles 15 and 23, Title 31, of the Colorado Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Trustees of the Town of Marble, does ordain as follows:

**7.6.10 Purpose.**

It is the purpose of this Chapter to establish standards to protect the natural resources and wildlife habitat of the Town of Marble, and to ensure that proposed land uses avoid or mitigate the hazards from natural areas that could pose threats to persons to property. It is intended to achieve the following purposes:

- a. To minimize the need for rescue and relief efforts associated with mudflows, landslides, and unstable slopes and generally undertaken at the expense of the general public;
- b. To insure that those who occupy the areas of special geologic hazard assume responsibility for their actions;
- c. To promote the installation of environmentally safe sewage systems;
- d. To seek the maximum protection of areas that are environmentally sensitive, whether because of the nature, quality, or location of certain natural resources. This protection may be achieved by avoiding development activity in these areas whenever possible, minimizing unavoidable adverse development activity, and mitigating the impacts of development.
- e. To protect and preserve the Town's present water resources. No land use changes shall be permitted that would adversely affect the quantity, quality, or dependability of the Town's water resources.
- f. To prevent the acceleration of soil and rock erosion, in order to reduce or eliminate erosion-related problems such as stream sedimentation, dust, gullyng, alteration of drainage patterns, exacerbation of flood hazard, loss of natural vegetation, visual scars, and increase maintenance costs for roads and other facilities.
- g. To preserve existing and natural drainage patterns so that the impact of development will not result in pollution to streams, rivers, and other natural bodies of water.

**7.6.20 Development in Areas Subject to Geologic Hazards**

#### A. Purpose

There are certain types of lands in the Town of Marble that have the potential to pose hazards to human life and safety and to property due to their geologic characteristics. These lands include avalanche areas, landslide areas, rock fall areas, alluvial fans, talus slopes, steep or potentially unstable slopes, mancos shale, and mudflow areas.

These regulations are intended to ensure that development avoids geologic hazard areas whenever possible. Where it is not possible for development to avoid these areas, standards are provided to reduce or minimize the potential impacts of these hazards on the occupants of the property and the occupants of adjacent properties, and to reduce or minimize the environmental impacts in these areas.

#### B. Map Incorporated

This Chapter shall apply to all areas of special geologic hazards within the jurisdiction of the Town of Marble, as indicated in red by the Wright Water Survey map (See Marble, Colorado Development Limitations Map attached to the Wright Water Survey adopted by the Town in Ordinance Number 4, Series of 1997). This map is on file at the Office of the Town Clerk, Marble Town Hall, 407 West Main, Marble, Colorado.

#### C. Referral to Colorado Geologic Survey

When a land use change permit is sought in areas that have been identified on the Wright Water Engineer's Hazard Maps as geologic hazard areas, the Board of Trustees may submit the application to the Colorado Geological Survey (CGS) for review and comment. The application will be subject to that agency's standard procedures and fee schedules, payable by the applicant.

1. Review by CGS: As provided by State Statute, CGS will review the application and provide comments to the Board of Trustees as to whether the proposed application complies with the standards of this Chapter. The purpose of this review is to make use of the expertise and judgement of CGS to evaluate the potential impacts of these hazards on development, and to determine the appropriate avoidance or mitigation techniques that should apply to the proposed development.
2. Determination by CGS: If CGS determines there are geologic hazards on the property that have not been adequately addressed by the applicant, or that the application is otherwise incomplete or inadequate, the County may require the applicant to revise the application to properly address said hazards

#### D. Standards Applicable to Applications in All Geologic Hazard Areas

1. Mitigation standards: In order to obtain approval for an application within any geologic hazard area, the applicant shall demonstrate that:
  - a. Hazards will be mitigated. Site planning and engineering techniques will substantially mitigate any potential hazards to public health, safety and welfare;
  - b. Not initiate or intensify adverse natural conditions: The proposed development activities will not initiate or intensify adverse natural conditions within a geologic hazard area.
2. Design by Engineer or Geologist: When the design of structural or mechanical elements is required by this Chapter, the design shall be certified by a professional engineer

registered in the State of Colorado or by a qualified geologist. Such designs shall be based on site-specific geo-technical analysis and recommendations.

3. Potentially Unstable Slopes: If a site is designated on the Wright Water Engineering Hazard Maps as having moderate or extremely unstable slopes, then development shall be permitted only if geotechnical design and construction stabilization and maintenance measures are used.
4. Development on Mancos Shale: Development within a Mancos shale area shall be designed based on an evaluation of the development's effect on slope stability and shrink-swell characteristics. Development may be permitted only if design, construction stabilization and maintenance measures are used. At a minimum, development design shall:
  - a. Drainage away from foundations: Provide positive surface drainage away from foundations and other such facilities; and
  - b. Concentrate runoff into natural drainages: Concentrate runoff from impervious surfaces into natural drainages so that no adverse impacts result, either to the development site, or to adjacent properties.

### **7.6.30 Protection of Rivers, Streams, Lakes and Wetlands**

#### **A. Purpose**

This section is established to regulate land use changes proposed along rivers, streams, lakes and wetland areas of the Town of Marble. These regulations recognize that rivers, streams, lakes and wetlands are valued areas because they provide critical riparian habitat that sustains many wildlife species; help to protect water quality, store water resources, and increase aquifer recharge; and offer important aesthetic resources. These regulations seek to protect these areas by avoiding development within a buffer area surrounding these resources and by mitigating the impacts of development on rivers, streams, and wetland areas.

#### **B. Buffer Areas**

The buffer area shall extend a minimum of one-hundred feet (100') from rivers and streams, and shall extend a minimum of fifty feet (50') from the perennial tributaries that feed into the listed streams and rivers. The buffer shall also extend a minimum of one-hundred feet (100') around any lake, reservoir or wetland area.

#### **C. Extended Buffer Area**

Where there are slopes in excess of thirty percent (30%) located within a buffer area, and such slopes extend beyond these minimum buffers, the Town may establish a wider buffer for a particular land use change, to encompass that area where development has the potential to have an impact on water quality or water resources. The Town may also establish a wider buffer area for a particular land use change proposed along a river, stream, lake reservoir or wetland area if, based on comments provided by the Colorado Division of Wildlife, the Town determines that riparian habitat is present that extends beyond the minimum buffer area.

#### **D. Protected Rivers and Streams:**

The rivers and streams that are protected by this Section are as follows:

- a. Crystal River
- b. Carbonate Creek

#### **7.6.40 Abrogation and Greater Restrictions.**

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another Chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **7.6.50 Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **7.6.60 Warning and Disclaimer of Liability.**

The degree of geologic hazard protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. This Chapter does not imply that land outside the areas of geologic hazard zones or uses permitted within such areas will be free from damages. This Chapter shall not create liability on the part of the Town of Marble, any officer or employee thereof or the Wright Water Engineering Firm, for any geologic hazard damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

#### **7.6.70 Establishment of Development Permits.**

- a. A Development Permit shall be obtained before construction or development begins within any area of special geologic hazard established in Section 7.6.20(B).
- b. Application for a Development Permit shall be made on forms furnished by the Town Clerk, or his designee, and may include, but not be limited to:
  - 1. All submittal requirements for building permit applications shall be made; and
  - 2. An application form, completed and signed by the owner(s) of the property, in the format provided by the Town; and
  - 3. A legal description of the property; and
  - 4. Documented survey of the property, with surveyor stakes located at the four corners of the property; and
  - 5. A complete description of all proposed uses for the lot set forth in sufficient detail to calculate the water and sewer needs; and
  - 6. An accurate site plan drawn to scale showing the locations of the proposed or existing structures, the proposed parking areas, proposed or existing wells and proposed or existing septic and leachfield; and
  - 7. Any and all building plans for the proposed structures; and



8. A statement of the size of the proposed or existing septic tank and a statement of the size and type of the proposed or existing leachfield along with a diagram drawn to scale showing the location; and
9. A legal description of all contiguous property (within 200 feet) owned by the applicant, whether partially, jointly or by any entity owned or controlled by Applicant; and
10. An ILC or survey showing the location of existing structures and improvements including well and septic systems and leachfields; and
11. An ILC or survey showing setback requirements for the property; and
12. A statement of the type and number of structures including a map drawn to scale showing the location of existing structures, wells, septic system and leachfields and setback requirements on adjacent property and within a 100 foot perimeter of the property; and
13. An ILC to scale showing the location of roads, streets, alleys, and public rights-of-way;
14. An analysis and report of a Colorado licensed Engineer meeting the following criteria:
  - h. The Engineer shall be experienced in the installation and use of individual sewage disposal systems and the particular geologic constraints within and around the Town of Marble and shall identify such experience.
  - ii. The report shall contain a site specific study of the specific area of development and analyze all factors and results associated with the development of the property including but not limited to:
    - a. the installation of a septic system and well on the lot(s);
    - b. the proximity to other water and/or sewer systems;
    - c. effect of such new well/septic system on wells and water systems;
    - d. the geology, soils, slopes, lot size, proposed and existing use of the lots, drainage potential;
    - e. the specific type and design of the individual sewage system to be installed;
    - f. the leachfield size and design; and
    - g. consideration for the developability of neighboring properties if the application as submitted is approved.
  - iii. The Engineer shall provide an analysis and his opinion given for the benefit of the Town and the lot owner that the development proposal of the lot owner can be approved or can be approved with conditions without adversely affecting nearby wells or water supplies, the soils or aquifer, neighboring lots and development thereon, neighboring septic systems, soils and the health, safety and welfare of the Town and Town residents,
  - iv. All data used shall be attached to the report or clearly referenced.

## **Chapter 7.7**

### **Trailers and Camping Units**

**Sections:**

- 7.7.10 Compliance with Location Requirements
- 7.7.20 Emergency, Temporary Parking on Streets
- 7.7.30 Parking Outside Trailer Camps
- 7.7.40 Definitions
- 7.7.50 Camping Permit Required
- 7.7.60 Contents of Application for Permit
- 7.7.70 Inspections Authorized; Right of Entry
- 7.7.80 Time Limits
- 7.7.90 Sewage Disposal
- 7.7.100 Refuse Disposal
- 7.7.110 Discharging Water Onto Ground
- 7.7.120 Permanent Additions to Units; Skirting
- 7.7.130 Removing Wheels
- 7.7.140 Owner to Control Pets
- 7.7.150 License Required; Fee;
- 7.7.160 Variances and Modifications
- 7.7.170 Conflict of Ordinances

**7.7.10 Compliance with Location Requirements**

It shall be unlawful within the Town for any person to park any camping unit or trailer on any street, alley, or highway, or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the Town, except as provided in this Chapter.

**7.7.20 Emergency, Temporary Parking on Streets**

Emergency or temporary stopping or parking of camping units or trailers is permitted on any street, alley or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations and limitations imposed by traffic and parking regulations or ordinances for the street, alley or highway.

**7.7.30 Parking Outside Trailer Camps**

No person shall park or occupy any camping unit or trailer on the premises of any occupied dwelling, or on any lot which is not part of the premises of any occupied dwelling, either of which is situated outside of an approved mobile home park or trailer camp; provided, however, the parking of only one (1) unoccupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in such trailer while such trailer is so parked or stored; and provided further that a trailer may be used as a temporary construction trailer on the site of and during construction, if

approved by the Board of Trustees under such conditions as may be specified by the Board of Trustees.

### **7.7.40 Definitions**

For the purposes of this Chapter the following words and phrases shall have the meanings ascribed to them in this Section:

- a. "Camping Unit" shall mean any tent, pick-up camper, motor home, travel trailer or similar mobile unit not to exceed eight (8') feet in body width or thirty-two (32') feet in body length, and designed specifically for recreational and vacation purposes.
- b. "Dependent Camping Unit" shall mean any camping unit herein defined which does not have a flush toilet and a bathtub or shower. Dependent camping units shall provide self-contained sanitary facilities, which must be approved by the Town of Marble Board of Trustees, or its designee, prior to issuance of a permit.
- c. "Independent Camping Unit" shall mean any self-contained camping unit that has an operational flush toilet and a bathtub or shower.
- d. "Construction Trailer" shall mean a mobile home, capable of being moved onto and off of a site and which has no permanent foundation. The construction trailer shall not exceed eight (8') in body width or forty (40') in body length.
- e. "Inspector" shall mean the building inspector of the Town or his authorized representative.
- f. "Permanent Addition" shall mean any structural extension from any portion of a camping unit, not including temporary canvas awning.
- g. "Permit" shall mean a written permit issued by the Town building inspector to temporarily occupy a mobile home under these rules and regulations.
- h. "Street or Highway" shall mean a public thoroughfare which affords principal means of access to abutting property.

### **7.7.50 Permit Required**

No person shall park a camping unit within the Town of Marble limits without first securing a permit from the Board of Trustees, or their designee. Permits are not required when a camping unit is parked in the driveway of a residence if the camping unit occupants use the septic facilities of the residence. No person shall be permitted to park a camping unit on vacant land within the Town of Marble limits without an adequate septic system.

### **7.7.60 Contents of Application for Permit**

An application for a permit authorizing temporary parking within the Town of Marble limits, shall set forth the following information, insofar as the same is applicable and is known or can be ascertained by the applicant through the exercise of due diligence:

- a. The area and dimensions of the tract of land to be occupied;
- b. Sewage disposal plans;
- c. Length of stay;
- d. Name and address of the legal owner of the land.

- e. Written permission from the legal owner of the land.

### **7.7.70 Inspections Authorized, Right of Entry**

The inspector shall make such inspections as he deems necessary of all camping units located within the Town and shall enforce compliance with the provisions of this Chapter.

- A. Authority. The inspector shall have the authority to make inspections of mobile homes, at reasonable times, for the purpose of determining whether this Chapter is being complied with and shall have authority to inspect the register of occupants, required herein.
- B. Access. It shall be unlawful for any person to refuse access to a camping unit to the inspector for the purposes of inspection.

### **7.7.80 Time Limits**

- A. Independent camping units shall be issued a permit for temporary parking, occupation and use for a period not to exceed fourteen (14) days. This temporary permit may be renewed prior to expiration upon application to the Town of Marble Board of Trustees, or its designee. If after the expiration thereof, the independent camping unit is not removed from the Town limits, the owner is in violation of this Chapter, except as provided in 7.7.80 (c), with regard to independent camping units owned by and registered to Town property owners and Town residents, and parked on their property in the Town
- B. Dependant camping units shall be issued a permit for temporary parking, occupation and use not to exceed fourteen (14) days in a given year. If after the fourteen (14) day period has expired the camping unit is not removed from the Town limits, the owner is in violation of this Chapter, except as provided in 7.7.80 (c), with regard to dependent camping units owned by and registered to Town property owners and Town residents and parked on their own property in the Town.
- C. Resident Owned Camping Units. Camping units owned by and registered to Town property owners or Town residents that reside on their property in their own dwelling shall have the right to park their camping unit on their property or the adjacent alley. These units shall not be used as permanent dwellings. These units must be self-contained if they are inhabited by guests of the property owner. This habitation is not to exceed fourteen (14) days in each instance.
- D. Construction trailers may be parked temporarily by a property owner on their property during construction of their dwelling on that same property for a period not to exceed the life of the building permit. To qualify, the owner must have a valid building permit for a dwelling on the property. The construction trailer shall not be installed on a foundation. Other permanent structure or in a permanent manner. Plans for the construction trailer showing location finishing and size must be submitted to the Building Department upon application for a building permit. The Town shall review the request and on the final building permit, approval or denial of the construction trailer shall be noted on the building permit. A building permit shall expire upon its own terms, or when a temporary certificate of occupancy or a certificate of occupancy is issued. On no event shall a construction trailer remain on the property for a period in excess of three years. The construction trailer shall be removed from the property within sixty (60) days of the expiration or termination of the building permit. The construction trailer may be occupied by the landowner only and shall not be used as a rental

unit of any kind. The property owner shall have an adequate water supply as provided in Section 7.7.100.

### **7.7.90 Sewage Disposal Compliance with Health Regulations**

Sewage shall only be disposed of into an approved dump station.

### **7.7.100 Refuse Disposal**

- A. System Required. The storage, collection and disposal of refuse at all camping units shall be so managed as to avoid health hazards, rodent harborage, insect-breeding areas accident hazards or air pollution.
- B. Containers. Refuse shall be stored in fly-tight, rodent proof containers. Such containers shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Garbage shall be deposited in watertight containers with tight-fitting lids. All receptacles shall be designated as to type of use.
- C. Collection. All garbage and noncombustible rubbish shall be collected as frequently as necessary to prevent it from overflowing, the available containers but in any event garbage shall be collected not less than once weekly.

### **7.7.110 Discharging Water Onto Ground**

No waste water of any kind shall be thrown or discharged upon the ground of any camping unit.

### **7.7.120 Permanent Additions to Units - Skirting.**

No permanent additions of any kind shall be built onto, nor become a part of, any camping unit.

### **7.7.130 Removing Wheels**

The wheels of the camping unit shall not be removed, except temporarily when necessary for repairs. Jacks or stabilizers may be placed under the frame of the mobile home to prevent movement on the springs while the mobile home is parked and occupied.

### **7.7.140 Owner to Control Pets**

No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large, or to commit any nuisance.

### **7.7.150 License Required - Fee**

- A. Independent and Dependent Camping Units. To defray the cost of increased services, permit fees for temporary parking, occupation and use of camping units shall be \$20.00 for each fourteen (14) day period. A permit will be issued, valid only for the dates of issue.
- B. Construction Trailers. A property owner may be required to enter into an agreement with the Town regarding removal of the construction trailer and to post a bond/letter of credit or cash to secure the removal of such construction trailer in the sole discretion of the Town. To secure removal, the Town may also request that the ownership of the construction trailer be automatically conveyed to the Town and hold title to the trailer for security.

### **7.7.160 Variances and Modifications**

The Board of Trustees shall have jurisdiction and power in passing upon appeals to grant variances or modify in specific cases the strict application of the provisions of this Chapter provided the following conditions are met:

- A. **Public Hearing.** No variation or modification of the application of any provision of this Chapter shall be authorized except after public hearing thereon. Public Notice of time and place and purpose of such hearing to be given by posting of the property affected for not less than fifteen (15) consecutive days.
- B. **Hardship.** There shall be no unnecessary and substantial hardship in applying the strict letter of such provisions, provided that no such variation or modification heretofore or subsequently authorized or existing shall constitute or be construed as a precedent, ground or cause for any other variation or modification by the Board, and that such power to vary or modify shall be strictly construed as specifically enumerated within the jurisdiction of the Board.
- C. **Physical Requirements Only: Conditions.** The authorization to vary or modify the provisions of this Chapter includes only the authority to vary or modify the physical requirements of the Chapter. However in the matter of granting such variance, the Board shall first find that all of the following conditions are present:
  - 1. That the plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, not created by the owners and not due to general condition in the district in which the property is located;
  - 2. That the development or use of the property, if held strictly to the standards of this Chapter, cannot yield a reasonable return in service, use or income compared to adjacent conforming property in the same district;
  - 3. That the variance, if authorized, will neither weaken the general purpose of this Chapter nor the regulations prescribed for the district in which the property is located;
  - 4. That the variance, if authorized, will not alter the essential character of the district in which the property is located
  - 5. That the variance, if authorized, will not substantially or permanently injure the appropriate use of adjacent conforming property; and
  - 6. That the variance will not authorize a use other than those uses which are specifically enumerated as permitted uses for the district in which is located the property for which variance is sought.

### **7.7.170 Conflict of Ordinances**

In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the Town existing on the effective date of this Chapter, the provision, which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of any other ordinance or code of the Town existing on the effective date of this Chapter establishes a lower standard for the promotion and protection of the health and safety and welfare of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter.

## **Chapter 7.8**

### **Subdivisions and Plats**

7.8.10 Definitions

7.8.20 Final Plat Subdivision Reviews

7.8.30 Final Plats

7.8.40 Final Plat Certificates

7.8.50 Subdivision Exemptions

7.8.60 Design Standards

#### **7.8.10 Definitions**

- a. "Subdivision or Subdivided Land" means a tract or parcel of land which is divided into two (2) or more lots, tracts, sites, parcels, separate interests, interests in common or other division.
- b. "Sub divider or Developer" means the person including the owner, or agent for the owner, dividing or proposing to divide land so as to constitute a subdivision to be shown on a recorded plat.

#### **7.8.20 Final Plat Subdivision Reviews**

A land development application for final plat subdivision review shall include the minimum submission contents listed below:

- a. Applicant's Background Information: A letter signed by the applicant containing the applicant's name, address and telephone number, or if applicable, the name, address and telephone number of the representative authorized to act on behalf of the applicant.
- b. Parcel Description: The street address, current legal description of the parcel on which the development is proposed to occur and a 8½ by 11" vicinity map locating the subject property within the Town of Marble and Gunnison County.
- c. Disclosure and Proof of Ownership: A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all mortgages, judgements, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposed identified in the development application. This shall normally require proof of complete ownership or written consent from the owners.
- d. Legal Access: Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.
- e. Site Utilization Maps: 24' by 36" and two 8½ by 11" site utilization maps specified by staff.

#### **7.8.30 Final Plats**

Copies of the final plat containing the information prepared in compliance with the standards established in this section.

- a. The plat shall be legible and certified by a registered land surveyor.
- b. The point of beginning shall be indicated and a survey tie into a governmental monument or other permanent marker.
- c. All bearings and distances of boundary lines shall be indicated.
- d. If a Final Plat is revised, a copy of the former plat marked in red to show the revisions shall be provided for comparison purposes.
- e. All blocks and lots within each block shall be consecutively numbered.
- f. All streets, trails, bikeways, bridle paths, ski trails, and drainage easements shall be designated as such, names given to all streets, and bearings and dimensions given for all of the above.
- g. On all curves, sufficient data must be given to enable the re-establishment of the curves:
  1. Delta angle of curve;
  2. Radius of curve;
  3. Tangent distances; and
  4. Arc length by arc definition.
- h. An excepted parcel shall be marked "not included in this plat" and the boundary described accurately by bearings and distances.
- i. The plat shall show all utility easements for consumer distribution within the subdivision.
- j. All lands within the boundaries of the plat shall be accounted for either by lots, paths, streets, excepted parcels, parcels not owned by applicant, lands planned for public dedication and ownership or common spaces.
- k. All lot dimensions shall be indicated.
- l. The final plat shall include the following information:
  1. Name of subdivision, north point, date and scale;
  2. Name and address of the owner(s) of record;
  3. Total acreage of tract and total number of lots and size of each; and
  4. Township, range, section and quarter section, block and lot numbers.
- m. Permanent reference monuments shall be set and marked for all Final Plats in compliance with C.R.S § 38-51-101, 1973, any statute succeeding the same, with the following construction, location and bonding procedures:
  1. Permanent reference monuments (perimeter, block and lot) under normal geographic and topographic conditions shall be No. 5 steel rebar twenty-four (24) inches long with a metal cap at least one and three eighths (1 3/8) inches in diameter.





same are based on field surveys and that the platted site and the roads conform to those staked on the ground.

In witness thereof, I have set my hand seal this \_\_\_\_ day of \_\_\_\_\_. 19\_\_\_\_\_.

\_\_\_\_\_  
Surveyor

D. Acceptance for Recording

This plat \_\_\_\_\_ is accepted for filing in the office of the Clerk and Recorder of Gunnison County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, in Plat book \_\_\_\_\_ on Page \_\_\_\_\_.

\_\_\_\_\_  
Clerk and Recorder

E. Dedication of Rights-of-Way for Utility Purposes

Unless otherwise specified, all utility easements, as well as all public and private rights-of-way, shown hereon, are dedicated to the perpetual use of all utility companies, for the purpose of installing, constructing, replacing, repairing, and maintaining underground utilities and drainage facilities, including (but not limited to) water, sewer, electric, gas, telephone and television lines; together with the right of ingress and egress for such installation, construction, replacement, repair and maintenance, as well as the right to trim interfering trees and brush. In no event shall the utility companies exercise the rights herein granted so as to interfere with the use of the right-of-way for roadway purposes except to the extent reasonably necessary to enjoy the grant hereby made.

**7.8.50 Subdivision Exemptions**

The following development shall be exempted from the terms of this Chapter:

A. General Exemptions

1. Lot line adjustment: An adjustment of a lot line between contiguous lots if all the following conditions are met.
  - a. It is demonstrated that the request is to correct an engineering or survey error in a recorded plat or is to permit an insubstantial boundary change between parcels; and
  - b. All landowners whose lot lines are being adjusted shall provide written consent to the application; and
  - c. It is demonstrated that the request is to address specific hardship.

**7.8.60 Design Standards**

The following design standards shall be required for all subdivisions.

- A. Streets and related improvements: The following standards shall apply to streets regardless of type or size, unless the street has been improved with paving, curb, gutter and sidewalk.

1. Conform to plan for street extension: Streets shall conform to approved plans for street extensions and shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties.
2. Right-of-way width: Street and alley right-of-way widths, curves and grades shall meet the following standards:

Street Classification	Minimum Center Line Curve Radius (ft)	Right-of-Way Width (ft)	Maximum Percent of Grade (%)
Local	100	50	12%

3. Cul-de-sacs: Cul-de-sacs shall have a minimum radius of fifty feet.
4. Planned utility or drainage system: Whenever a subdivision embraces any part of a planned utility or drainage system designated on an adopted plan, an easement shall be provided to accommodate the plan within the subdivision.
5. Irrigation ditch, channel natural creek: Where an irrigation ditch or channel, natural creek or stream traverses a subdivision, an easement sufficient for drainage and to allow for maintenance of the ditch shall be provided.
6. Fire lanes and emergency access easements: Fire lanes and emergency access easements twenty (20) feet in width shall be provided where required by the Town fire marshal.

## Chapter 7.9 Signs

7.9.10 Purpose

7.9.20 General Regulations

7.9.30 Prohibited Signs

7.9.40 Signs in Residential Districts

7.9.50 Signs in Commercial Districts

7.9.60 Construction Site Signs

7.9.70 Exemptions

7.9.80 Non-conforming Signs

### **7.9.10 Purpose**

The purpose of these regulations is to provide minimum regulations of street graphics in order to protect the public from unsafe signs, from signs which obscure or unreasonably distract motorists, and to afford reasonable consideration for aesthetics. Therefore, the provisions of these regulations and its implementation are designed to conform with the following overall guidelines:

- a. To provide street signs which do not present a safety hazard to the public.

- b. To preserve, protect and promote the rural mountain character of the community by encouraging signs that are compatible with their surroundings, visually subordinated to the historic structures and natural beauty of the valley and which promote the existing Victorian architecture and mining history of the community.
- c. To provide a reasonable balance between the need to advertise businesses and to encourage the aesthetic aspect of street signs

### **7.9.20 General Regulations**

- A. Signs may be permitted in any zone district as provided in this section
- B. No person shall install or display any signs in any district without the prior approval of the Board of Trustees.

### **7.9.30 Prohibited Signs**

- A. No animated or flashing sign shall be permitted.
- B. No neon signs shall be permitted.
- C. No signs over eight feet (8') shall be permitted.
- D. No sign advertising a business or use shall be installed on any lot other than that on which the business is located.

### **7.9.40 Signs in Residential Districts**

Signs in conjunction with any permitted residential use in a residential-zoned district or any home occupation sign shall conform to the following requirements:

- a. A maximum area of 4 square feet per sign shall be allowed for an individual use.
- b. Signs may be wall, projecting or ground mounted.
- c. Signs must be set back 6 feet from the existing edge of the road.
- d. If more than one business is located on the same lot, one additional sign may be permitted.

### **7.9.50 Signs in Commercial Zones**

- A. A maximum area of 16 square feet per sign shall be allowed for an individual use.
- B. Signs may be wall, projecting or ground mounted.
- C. Signs must be set back 6 feet from the existing edge of the road.
- D. If more than one business is located on the same lot, one additional sign may be permitted.

### **7.9.60 Construction Site Signs**

On sites where construction projects are in progress, the following signs may be permitted:

- A. Non residential projects: 1 sign identifying the project not exceeding 31 square feet for information such as the name of the project, of the owner, architect, and principal contractor.
- B. Residential projects: 1 sign not exceeding 12 square feet for information such as the names of the principal contractor, owner, architect and address.

Construction site graphics may be erected when the building permit is issued for the project and shall be removed upon issuance of a Certificate of Occupancy or when work is otherwise abandoned.

### **7.9.70 Exemptions**

The following types of signs are exempted:

- a. **Public Graphics:** Graphics of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional graphics, regulatory graphics and warning graphics.
- b. **Temporary Signs:** Temporary signs announcing any public, charitable, educational or religious event or function shall be allowed so long as the total sign area does not exceed 40 square feet. Such signs shall be allowed no more than 21 days prior to the event or function and must be removed within 7 days of the event or function.
- c. **Real Estate Graphics:** Temporary real estate graphics not exceeding 6 square feet in area located on subject property and limited to one such graphic for each frontage of a home, lot, parcel or tract.
- d. **Political Campaign Signs:** Signs announcing candidates seeking public political office are permitted. Size limitations are 6 square feet in a residential zone, and 20 square feet in a commercial zone. These graphics shall be confined within private property and shall not be less than 8 feet from the nearest edge of the right-of-way. These signs must be removed seven days after the election for which the graphic is intended.
- e. **Commercial Informational Graphics:** Up to two signs announcing business hours, vacancy status for hotels and motels, and “open” and “closed” signs are permitted. Such signs shall not exceed 3 square feet per graphic.

### **7.9.80 Non-Conforming Signs**

All non-conforming signs installed and in place on the effective date of any provisions in this section making such graphics unlawful shall be removed at the cost of the owner within 3 years of notification by the Town that such graphic is non-conforming. The owner may apply for a variance for a pre-existing, non-conforming sign in place prior to the effective date of any provision of this section.