

Town of Marble
Ordinance Number 1
Series of 2016

AN ORDINANCE REGARDING THE MORATORIUM ON CERTAIN LAND USE
ACTIVITIES

WHEREAS:

- A. The Town of Marble (the "Town") is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. The Town's Board of Trustees ("Board") has broad statutory authority to regulate the uses of property within the Town's boundaries, C.R.S. §§ 29-20-102(1), 31-23-301;
- C. Colorado courts have approved the use of moratoria by local governments; *Droste v. Bd. of Cnty. Comm'rs of Cnty. of Pitkin*, 159 P.3d 601, 603 (Colo. 2007); *Deighton v. City Council of Colorado Springs*, 902 P.2d 426, 429 (Colo. App. 1994);
- D. In October, 2015, the Board adopted Ordinance 2015-4, imposing a temporary moratorium on the processing, review, and approval of any building permit applications, zoning changes, variances, subdivisions, planned unit developments, conditional or special use permits, or any similar land use change or development activity ("Moratorium");
- E. At the regularly scheduled April 7, 2016, meeting of the Board, public comment was taken regarding the Moratorium;
- F. The Board has determined that the purpose of the Moratorium has been satisfied with respect to the issuance of building permits and OWTS permits, but that there is still a need for the Moratorium with respect to other zoning changes, variances, subdivisions, planned unit developments, conditional or special use permits, or any similar land use change or development activity.
- G. The adoption of this ordinance is in the best interests of the Town and necessary to protect the health, safety and welfare of the citizens of the Town;

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

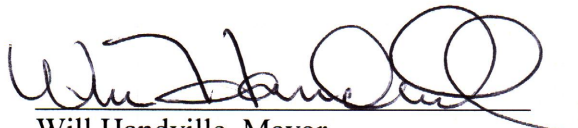
- 1. No application for any zoning change, variance, subdivision, planned unit development, conditional or special use permit, or any similar land use change or development activity shall be accepted, processed, reviewed, or approved for a period of 3 months from the effective date of this Ordinance.
- 2. This moratorium shall not apply to the issuance of building permits or OWTS permits that do not require any of the action described in paragraph 1.

3. This moratorium may be shortened or extended by the Board of Trustees, by adoption of a subsequent ordinance, in its discretion should it find good cause to do so.

4. Emergency Certification. It is hereby found and declared by the Town of Marble that this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect immediately upon its passage and approval.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 7th day of April, 2016, by a vote of 4 in favor and 1 opposed.

TOWN OF MARBLE:


Will Handville, Mayor

ATTEST:



Ron Leach, Clerk