

**Town of Marble  
Ordinance No. 1  
Series of 1998**

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

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

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

WHEREAS, the Town has adopted by Ordinance, Ordinance No. 1, Series of 1995, rules and regulations regarding the issuance of the building and septic permits in the Town and has by ordinance, Ordinance Nos. 3 and 10, Series of 1996, amended that Ordinance and those Rules; and

WHEREAS, the Marble Water Company, a Colorado not-for-profit corporation, offers potable water service within the Town, but currently has no water taps available; and

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

WHEREAS, the Town was originally platted and replatted into a grid system, which created numerous small lots within the original Town Site which lots are not large enough to support a building, septic tank and well; and

WHEREAS, in light of the Wright Water survey showing significant geological constraints in areas in and around the Town which development could pose a health risk and such study has been adopted by the Town in Ordinance No. 4 Series of 1997 and there is an increase in building activity in recent years, the Town Board of Trustees is concerned about the potential health and safety risks associated with the construction of ISDS in certain areas and a proliferation of individual sewage systems in a small concentrated area within and around the Town; and

WHEREAS, the development of a parcel of land into lots which are less than 20,000 square feet in size for those existing lots in the Town would create a situation which could adversely affect the health, safety and welfare of citizens; and

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

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

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

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

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

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

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

1. Ordinance No. 1 Series of 1995 and Ordinance No. 3 and 10 Series of 1996 is hereby repealed and replaced by this Ordinance.

A. Section 1.

Minimum Lot Size.

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

B. Section 2.

Review: Review will be by the Town building officer first and Town of Marble Planning and Zoning Commission who shall make a recommendation to the Board of Trustees second with a final determination by the Board of Trustees. All Applications shall include:

- a) All submittal requirements for building permit applications shall be made;
- b) An application form, completed and signed by the owner(s) of the property, in the format provided by the Town;
- c) A legal description of the property;
- d) Documented survey of the property, with surveyor stakes located at the four corners of the property; and
- e) A complete description of all proposed uses for the lot set forth in sufficient detail to calculate the water and sewer needs; and
- f) An accurate side plan drawn to scale showing the locations of the proposed or existing structures, the proposed parking areas, proposed or existing well and proposed or existing septic and leachfield; and
- g) Any and all building plans for the proposed structures; and
- h) 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

Section 3. Process.

- a) Upon submission the application will be reviewed by the Building Official for completeness and as to whether it is in compliance with Town Code. Any application that is not complete or that does not meet Town Code shall be returned to the applicant for revision.
- b) Once the application is accepted the Town Building Official shall physically inspect the site to determine the proposed locations for building, well and individual disposal system are the same as shown on the requestor's site plan.
- c) Once those steps are completed the matter shall be reviewed by the Planning and Zoning Commission for recommendation to the Town Board.

- d) The Building Official shall present his analysis of the application to the Town and may in his discretion ask the Town to have an independent engineer review the application at the applicant's expense. If so requested the matter shall be immediately referred to the Town Board for their review of the Building Official's request and if approved, the matter may either be referred back to the Planning and Zoning Commission for their recommendation or if the Applicant waives such requirement, shall be reviewed by the Board of Trustees.
- e) The Applicant shall contact the Town Clerk at least seven (7) days prior to a Planning Commission regular meeting to be included on the agenda. At such meeting, the applicant shall present the documents stated in Section 1 to the Planning Commission. The Planning and Zoning Commission shall recommend to the Board of Trustees that the permit be approved, approved with modifications or conditions or disapproved.
- f) The Board of Trustees shall, at a regular meeting following the Planning and Zoning Commission recommendation, consider the building permit request and the Planning and Zoning Commission recommendation.
- g) The Board of Trustees shall then make the final decision to approve, approve with modifications or conditions, or deny the application, in accordance with Town building code and building ordinances.

Section 4. Special Review. For building permit and sewage disposal permit requests for property that is located within the areas of the Wright Water Survey marked in red (See Marble, Colorado Development Limitations Map attached to the Wright Water Study adopted by the Town in Ordinance No. 4 Series of 1997) that have specific geologic constraints and hazards and in which development can be hazardous, a special review permit process is hereby established. For all building and septic system permits applied for in this area the Applicant, hereby along with the items set forth in Section 1, shall submit an application for a Special Review Permit.

All such applications shall include:

- a) Those items stated in Section 2; and
- b) 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;
- a) An ILC or survey showing the location of existing structures and improvements including well and septic systems and leachfields; and
- d) An ILC or survey showing setback requirements for the property; and

- e) 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
- f) An ILC to scale showing the location of roads, streets, alleyways, and public right-of-ways;
- g) An analysis and report of a Colorado licensed engineer meeting the following criteria:

1. The Engineers 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.

2. 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, slope, 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.

3. 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 system, soils and the health, safety and welfare of the Town and the Town residents.

4. All data used shall be attached to the report or clearly referenced.

Section 5. Process for Special Review. The processing of a special review application shall be as stated in Section 3, however Public Notice for all hearings is required and may change the scheduling provisions to comply therewith.

Section 6. Special Review Criteria. The decision of the Planning and Zoning Commission and the Board of Trustees on a special review application shall be based on all the evidence presented by the applicant and any other evidence presented by the public, the Building official, the Town's professional staff including the Town Attorney and if one is obtained the engineering review obtained by the Town and the Wright Water Study which may contradict the evidence presented by the Applicant. In making its decision, the Commission and Board shall consider the following factors:

- a) The potential for adverse environmental effects that might result from the proposed location of building;
- b) The potential for adverse environmental effects that might result from existing location of buildings on adjacent properties or within a 100 foot perimeter of property;
- c) The potential for adverse environmental effects that might result from development of additional wells or other water sources, or from constructing and using a new septic and leachfield system; and
- d) Ownership or control of contiguous property upon which development could be placed could be combined to establish a larger lot; and;
- e) The potential for connecting to the Marble Water Company; and
- f) Whether the new construction, including structure, wells, and septic systems and leachfield could be reasonably placed in another location or could be sized differently or used for a less intensive purpose;

Section 7. Special Use Permit Applications shall be scheduled for public hearings and the Applicant shall provide Notice of such Public Hearing to all owners of property within 200 feet of the subject property at least 15 days before the hearing.

Section 8. Vested Rights. Nothing in this Ordinance shall be construed as affecting any vested rights to complete any construction which was commenced prior to the effective date of this Ordinance pursuant to a duly-issued building permit.

Section 9. Supersede. This Ordinance supersedes the provisions of any previous ordinance in conflict herewith.

Section 10. Merger. In establishing minimum lot size for issuance of a building permit, contiguous lots under unified ownership (not including alley ways and streets) shall be considered as one lot for building or septic permit purposes as follows: all contiguous

lots shall be combined to create a building parcel to meet the size requirements of Section 1, or if appropriate, Special Use criteria of Section 4; however, if additional contiguous lots remain, such lots shall also create a parcel of land that meet the requirements of Section 1 and/or Section 4 and in the event that the remainder is less than the required amount then all contiguous lots shall be considered as merged for building permit/septic permit issuance purposes.

Section 11. Boundary Line Adjustments. Section 10 shall not prevent or preclude an owner from conveying contiguous lots to a neighboring contiguous property owner for the purpose of allowing such neighbor to have a legal buildable lot; as long as the conveyance does not create a parcel of less than 20,000 square feet (Old Town) or 1 acre (all other areas).

Section 12. Processing Fees. To cover the cost of advertising and processing building applications, the applicant shall pay at the time of submitting its application a processing fee of \$100.00 which shall be in addition to the building permit fee. For a Special Use Permit Application, the fee shall be \$200.00, and shall be paid when the application is submitted.

Section 13. Existing Wells and Septic Systems. Existing wells and septic systems on lots that do not meet the criteria specified herein shall be grandfathered in.

Passed and adopted this 6th day of April, 1998, by a vote of 5 to 0.

Town of Marble, Colorado

By Robert C. Lane  
Mayor

Attest:

Karen Mulhall  
Clerk

— EXHIBIT A TO ORDINANCE 1 1998 —  
Town of Marble

