

Town of Marble
Ordinance Number 8
Series of 2002

AN ORDINANCE OF THE BOARD OF TRUSTEES, TOWN OF MARBLE,
COLORADO, AMENDING THE TOWN'S ZONING CODE AND MORE
SPECIFICALLY CHAPTER 7.3 NON-CONFORMING USES AND
STRUTURES.

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

WHEREAS, the Town of Marble Board of Trustees adopted a zoning code on May 3, 1999; and

WHEREAS, the Town of Marble Board of Trustees finds that the section pertaining to non-conforming uses and structures needs to be amended.

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

1. Repeal: Section 7.3 "Non-conforming Uses and Structures" is hereby repealed. .
2. Non-Conforming Structures, Definition: A non-conforming structure is a structure or building that was lawful before the adoption of this ordinance, but which could not be built under the terms of this ordinance because of restrictions on area lot coverage (floor area ratio), height, years, its location on the lot, or other requirements concerning the structure.
3. Destruction of a Non-Conforming Structure: Should a non-conforming structure be destroyed by an act of nature or through any manner not purposefully accomplished by the owner may be restored by right, regardless of the extent of destruction, if a building permit for reconstruction has been issued within twenty-four (24) months of the date of destruction.
4. Current Regulations Apply to Reconstruction: If a non-conforming structure has been destroyed, all current and applicable Town and State regulations must be followed: Uniform Building Code, property line setbacks, septic and well setbacks and maximum floor area ratio.
5. Previous Square Footage of Structure Can be Maintained: If a non-conforming structure is destroyed and current floor area ratios would decrease the square footage of the structure, the owner shall be allowed to re-build the structure to its previous square footage.
6. Repairs and Maintenance: Normal maintenance and repairs may be performed upon non-conforming structures.
7. Enlargement of a Non-Conforming Structure: Should a current non-conforming structure be smaller than allowed by current floor area

ratios, the owner shall have the right to enlarge the structure after receiving the proper permit.

8. Non-Conforming 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.

9 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 hearings by the Planning Commission and 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 Town Council.


- 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.

INTRODUCED on August 6, 2002, READ FOR A SECOND TIME AND PASSED this 1st Day of October, 2002.

TOWN OF MARBLE:



Mayor

ATTEST:



Clerk