

Town of Marble
Ordinance Number 4
Series of 2015

AN ORDINANCE ESTABLISHING A MORATORIUM REGARDING CERTAIN LAND
USE ACTIVITIES

WHEREAS:

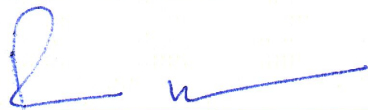
- A. The Town of Marble (the “Town”) is a statutory town organized pursuant to Colorado Law; C.R.S. §31-1-101 *et seq.*;
- B. The Town’s Board of Trustees (“Board”) has broad statutory authority to regulate the uses of property within the Town’s boundaries, C.R.S. §§ 29-20-102(1), 31-23-301;
- C. The Town has adopted a Master Plan, *see* Ordinance No. 4, Series of 2000;
- D. The Town has adopted the Town of Marble Zoning Code (“Zoning Code”) and the Official Zoning Map (“Zoning Map”), *see* Ordinance No. 5, Series of 2000;
- E. The Town does not have a planning department, rather, all land use matters are being handled by the Board and by the Town Clerk, who is part time;
- F. Members of the community have expressed concern that the existing Master Plan, Zoning Code, Zoning Map, and staff resources are no longer adequate to provide for planned and orderly use of land with the Town;
- G. Members of the community and members of the Board have expressed a desire to impose 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”);
- H. The purpose of the Moratorium is to give the Town time to review all existing plans, codes, and fee schedules, and update them as necessary to provide for planned and orderly use of land with the Town;
- I. At the regularly scheduled October 1, 2015 meeting of the Board, public comment was taken regarding the proposed Moratorium;
- J. 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);
- K. 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 building permit, 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 6 months from the effective date of this Ordinance.
2. This moratorium shall not apply to any pending annexation application or to the initial zoning of such property as Residential.
3. This moratorium shall not apply to any permit required to perform necessary repairs to a previously permitted OWTS.
4. This moratorium shall not preclude work in accordance with any permit that was issued prior to the effective date of this Ordinance, nor shall it preclude the Town's review of such work.
5. The stated primary objectives of the Board during the moratorium are to: (1) Review and update the fee schedule for all land use activities; (2) review the OWTS regulations and enforcement thereof; (3) investigate the Town's water supply; (4) establish a municipal court and hire a code enforcement officer; and (5) hire a building inspector.
6. 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.
7. 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 6th day of October, 2015, by a vote of 5 in favor and 0 opposed.

TOWN OF MARBLE:



Richard Wells, Mayor Pro Tem

ATTEST:



Ron Leach, Clerk