

Town of Marble
Regular Meeting of the Board of Trustees
July 6th, 2023 7:00 P.M.
Marble Community Church, 121 W. State St. Marble, Colorado
Agenda

- A. 7:00 P.M. Call to order & roll call of the regular July meeting of the Board of Trustees
- B. Mayor Comments
- C. Consent Agenda
 - a. Approve June 7th 2023 minutes
 - b. Approve Current Bills, July 6, 2023
- D. Administrator Report
 - a. 2023 financial report
- E. Land Use Issues
 - a. Consider approval Parker/Collins lot line adjustment, Ryan
 - b. Consider approval of Ordinance #_____ approving a zoning change for Smith/Wilkey property
 - c. Consider approval of Ordinance #_____ approving residential structures in business zone
- F. Reports
 - a. Parks Committee Report, Marja
 - b. Mike Yellico, mill site park burn pile & fire
- G. Old Business
 - a. Update status of Master Plan project, Mark
 - b. Discussion Re: CPW change of use for Beaver Lake, Cyndi Fowler
- H. New Business
- I. Adjourn

Minutes of the Town of Marble
Regular Meeting of the Board of Trustees
June 7, 2023

A. Call to order & roll call of the regular June meeting of the Board of Trustees – The meeting was called to order by Mayor Ryan Vinciguerra at 7:05 p.m. Present: Tony Petrocco, Larry Good, Emma Bielski and Ryan Vinciguerra. Attending by phone: Amber McMahill. Also present: Ron Leach, Town Administrator and Alie Wettstein, Administrative Assistant. Absent: Terry Langley, minutes. (The minutes from this meeting were taken from the recording.)

B. Mayor Comments

C. Consent Agenda – Larry Good made a motion to approve the consent agenda. Emma Bielski seconded and the motion passed with Tony Petrocco abstaining.

- a. Approve May 4, 2023 minutes
- b. Approve May 18, 2023 minutes
- c. Approve Current Bills, June 7, 2023

D. Administrator Report

E. Land Use Issues

a. Consider approval of Jim Gohery Short Term Rental (STR) application, Ron – Ron reported that the application is complete. Jim Gohery reported that they would limit occupation to four people with no trailers allowed. They do have garbage service. Sue Blue asked if ATVs would be allowed and Jim said no trailers but someone might bring one up in a truck but their intention is to not cater to ATVs. Ryan stated that there are no regulations in the license agreement regarding ATVs. Ron and Alie reported that this would bring the total STRs to 6. Dustin asked what repercussions there would be for anyone renting an STR without a license. Ryan said they were taking a soft approach but things such as fines could be implemented in the future. He said he feels most people want to follow the rules as long as they know what those rules are, including paying applicable taxes. Larry reported that information is on the website and Alie said she will be adding the application. Ryan spoke to the possibility of capping the number of STR licenses in the future. Angus asked if renter’s insurance is required and checked. Larry explained that STR owners have to sign a statement stating various regulations are followed. Ron reported that they pay sales tax. Emma asked if there were plans to turn the shed into a tiny house and Jim said there were not. She asked if they would consider alternating long-term rental with STR. She asked who is the contact person and Jim said it is him. She asked about hiring someone local and they will consider it. Ron reported that the contact person needs to be within a one-hour response time. He said the Goherys have a \$500,000 policy and are pursuing a \$1,000,000 policy. They do have a land line in the house. Ron will issue the license.

b. Consider approval Parker/Collins lot line adjustment – Charley Parker reported that the property in question is two triangles put together at the points. The town property comes in like a V and is unusable. They would like to make their property a rectangle. They would donate a portion of their land to the town and are asking the town to give them a portion of theirs - a land swap – that would

allow that rectangle. It also gives the town a straight property line that would be more usable. Ryan asked what the advantages to the town would be. He asked if they would consider opening access to the beach. Charley said no and reported that 1st Street allows access and he had worked to clear the willows to open up that access and that it could be opened up more. Tony said there is no benefit to the town because it is unbuildable due to instability. It does not fit the current Master Plan which states the town should not give up property. Dustin Wilkey asked what the Parker's use the current lot for and Charley said they camp on it in the summer. Sue asked about a survey and if there are stakes. Charley reported that there are a few and that they would do a final survey with drawings and deeds if the land swap is agreed on. Ryan said that beach access open to the public is an important point for him. He does not see an advantage currently. He suggested tabling this and walking the property with Charley. Mike Yellico asked if the trade includes access and feels it should. Charley feels access is and should be available via 1st Street. The drawing is on the last page of the board packet which is available on the website.

c. Consider approval of Ordinance #_____ approving a zoning change for Smith/Wilkey property – Town attorney, Kendall Burgemeister, wrote the draft ordinance. Additional conditions are being considered tonight. Larry asked if conditions included screening trees. Dustin said they have fencing materials and could fence from the back corner down far enough to screen the property with an additional barrier to keep people from crossing the property boundaries. Ryan said that any conditions in the ordinance would have to be followed and it is up to the board to create and define the restrictions. Tony said it is still spot zoning and that the neighbors have said they would take action. He feels the town should wait until the Master Plan is updated. Ryan asked if board members have any additional requirements. He feels there should be a plumbed toilet rather than a porta-potty. Amber would like to see restriction of uses included that define the use as a jeep tour business, limits the hours and states the number of jeeps and trips. She wants to see restrictions on what can happen if the property is sold, such as use by review. Tony said this can be changed by future councils and that allowing this will open the flood gates to creeping. He suggested hiring a land use expert. He asked about the complainants' main concerns. Ryan said that any changes would be a use by review and would follow the current zoning requirements. He asked if iii is included in the ordinance addresses Amber's concerns and she said she would like further clarification on the specifics of that requirement. Ryan feels that this should meet the current zoning requirements if sold. There can be specific requirements for the Smith-Wilkey usage but should not have to be followed by future owners. Tony said that he had spoken to other attorneys who feel this is prohibited by the current Master Plan. Larry asked if this could be passed conditionally to allow for future requirements. Ryan said the rest room, privacy barrier of 6' trees and having a general contractor are his main concerns. He feels there needs to be someone who had done this before should be leading the project. Ron reported that the Evans want a natural barrier such as trees. Larry asked about amending number 3 to "all representations by the applicants regarding a guided jeep tour business and gift shop as the scope of the proposed use of the property shall be conditions of approval". Tony said this means that they have to follow what they said regarding the use in the public hearings. Ryan said the ordinance does not need to be approved tonight and could wait until restrictions are added. Samantha asked that the word "jeep" be removed due to the sensitivity of the Jeep company regarding use of their name. Ron explained that this is currently a residential lot and they have a house designed for this lot. Their plans are good and have been reviewed. He would like to go ahead and give them a building permit for that house. The unfinished

walk-out basement would give them the flexibility for future use. Sue Blue spoke to alternative plants for the natural barriers as transplanted trees of that size do not do well. Larry suggested requiring the barrier be planted sooner rather than later. Mike Yellico suggested Off Road Vehicles as language. Chris Palmer asked about the requirement of a rest room and its effect on their building permit. Mike spoke to having a small building down by the vehicles. Ryan said that they could use an auxiliary building as long as it is plumbed. Dustin asked about an owner/builder rather than a general contractor. Ryan feels a general contractor would streamline the process for both the owner and the town. Sue said she had served as the general contractor and it was still a problem. Dustin spoke to the timeline, the parts that he will hire out and the part he will do. He does not have funding for a general contractor. Ron asked if there were any problems with issuing a building permit. Ryan spoke to protecting the neighbors from noise and.... Emma spoke to the hours spent on the process and if a general contractor can help move the project along, she agrees with that. Ron said the stop work order is still in effect and will need to be lifted. He asked if they still plan to move the trailer onto the property and will issue the previously approved camping permit.

d. Consider approval of Ordinance # _____ approving residential structures in business zone – Tony asked why this is necessary as there are already residences located in business. Ryan explained that this is an update to current business zoning. Three businesses currently include residences. Amber said that currently business is allowed in residences but residences are not allowed in businesses. Ron explained that it came from the Smith Wilkey zoning request. Residences are not allowed on a business lot. He said this is a draft and would require a public hearing. Emma Bielski made a motion to approve the draft ordinance and to set a public hearing for review of the ordinance. Discussion of a date followed and it was set for July 6. Tony Petrocco seconded and the motion passed unanimously.

F. Reports

a. Parks Committee Report & RFOV weekend – Mike Yellico requested the RFOV volunteers help move some brush piles off of the frisbee golf course. He estimated needing two volunteers for about two hours. Ron will make the request. Samantha Wilkey reported that the CRJT has donated \$2000 worth of shuttle service to shuttle RFOV to and from the Geneva Lake trail head. Ron said the mission of the RFOV this year includes grubbing out the Mill Site Park, working on the thistle in the wetlands property, working on the Raspberry Trail and work at Beaver Lake. Mike asked about the property across from the park as he would like to pull down the survey tape but does not want to trespass.

b. CTO grant status, Amber – The deadline is June 15 and everything has been submitted for CTO for review. Once the signage arrives, it will need to be installed. For CTO to cover the cost it will need to be installed by June 15 and the signs will not be here in time.

c. Lead King Loop working group status & parking control plan, Ron – Ron asked for direction regarding truck/trailer parking on town streets. We can do nothing or try to enforce no parking with physical barriers/signage to avoid personal conflicts. Larry spoke in favor of the physical barriers. Ron would like the town to do that work. Ryan agreed. Emma asked about the speed bumps and they are being installed. Mike asked if there could be enough room for cars left. Larry is afraid it would create a squeeze point for emergency vehicles. Ryan said that is currently the strategy along several roads. Dustin asked about the town right of way along Park Street and if it was feasible to widen the section

toward the Mill Site Park and building it up with material from Slate Creek. Ron said the priority is in front of their shop and the church. Dustin asked for that in writing. There will be further discussion. Dustin reported that Scott Leone is no longer working for Gunnison County.

G. Old Business

a. Update status of Master Plan project, Mark – Ron reported that they would like the meetings be moved to the church fellowship hall. The meetings are going well. Alie reported that Steven Fowler has stepped down. She has reached out to some of the alternates.

b. Discussion Re: CPW change of use for Beaver Lake, Cyndi Fowler – Ron invited them to the meeting but they did not respond.

H. New Business –

a. citizen said the No Trailer Parking sign has pealed off and needs to be replaced.

b. Sam said the Gem and Mineral Show is this weekend and asked if the vendors need to have a business license. Ryan said it is a special event and they need to pay sales tax.

c. She reported a free concert to be held July 1 and the Mill site Park.

d. Dustin asked when the town would tax tourism. Larry said the lodges pay a bed tax. She feels they and other tourism businesses should pay a tourism tax.

I. Adjourn – Larry Good made a motion to adjourn. Tony Petrocco seconded and the motion passed unanimously. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Terry Langley

Notes from the Town of Marble Master Plan Committee Meeting
June 15, 2023

- A. Meeting Call to Order – Mark Chain called the meeting to order at 6:15 p.m. Present: Sue Blue, Jeremiah Akers, Richard Wells, Connie Hendrix, Greg Tonazzi, Sam Wilkey, Jeff Evans, Tony Treleven (new on the committee) and Brian Suter. Also: Mark Chain, Alie Wettstein and Terry Langley.
- B. Review and Approval of May 25 MPC meeting notes • (accurate, anything missing, etc.)

Mark will be developing a list of chapters for the MP. He explained what different types of towns (Statutory or Home Rule) are allowed to do in relation to raising taxes. Most would still involve a vote of the people. Sue spoke to the town having more control under statutory rule.

- C. Committee Exercise - Identify Community Assets and Liabilities
- Overview – 4-8 things
 - breakout into small subgroups (2 groups with one reporter)
 - reporting of results

Group 1

Assets

Quarry – Greg Tonazzi suggests developing a sister city relationship with Carrera, Italy
Nature, wilderness, wildlife
Parks, open space
Outdoor rec
Businesses
School
Church
Friendly community
Events such as Marble Marble and MarbleFest
Volunteer Fire dept. and EMTs
Gravity – hydro electricity possibility

Liabilities

Mudslides
One way in/out
Parking
Infrastructure - water
Enforcement
Zoning clarity and process
Planning/implementation for growth

Group 2

Assets

Natural beauty
Small community
Pristine Wilderness Areas
Wildlife
Quiet
Dark Skies (low light pollution)
We live in the forest
Co-exist with nature
Lead King loop
Recreation – biking, hiking, snowmobiling, 4x4ing, hunting
River – fishing & water
Quarry Loading Area
Small, locally-owned businesses

Liabilities

Traffic
High Altitude
Lots of Snow
Fire danger
One way in/out
Slate & Carbonate creeks
Lack of law enforcement
Geological Hazards
Maintenance of town roads
Present Town Council is anti-business
Communication (lack of)

- D. Finish Identifying potential Survey Questions
- Bring survey question (or idea) to the meeting – email to Mark
 - discuss how many to include
 - discuss who get surveys and how begin area
- Multiple choice/ yes/no
- E. Report on obtaining Master Plan Mapping and background data information – lot size requirements were discussed. These limit growth. No change in ownership which limits the ability to combine lots. County GSI director will put together some of the maps and data. Size of house, setbacks and other requirements are standards that evolve. Use by right, special use permits, land use/zoning code – the MPC might suggest updating these. Other things to explore include annexation, planning & development, growth vs pristineness – what kind of growth are we looking for if any? Define what is wanted and where. Tourism – what type do we want?
- F. Show Surrounding Neighborhood Map from 2000 Master Plan

G. Meeting Attendance • Was summary on page 1 of May 25 meeting notes accurate?

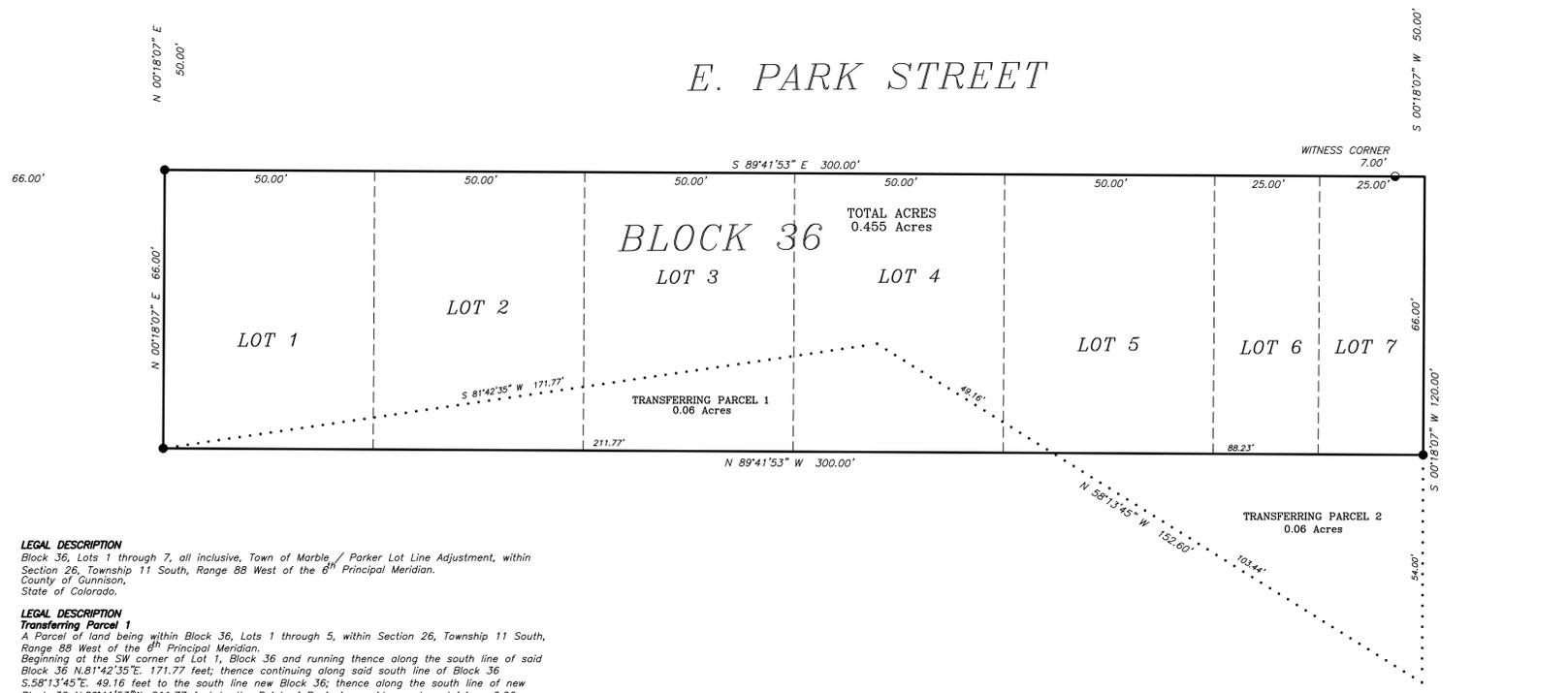
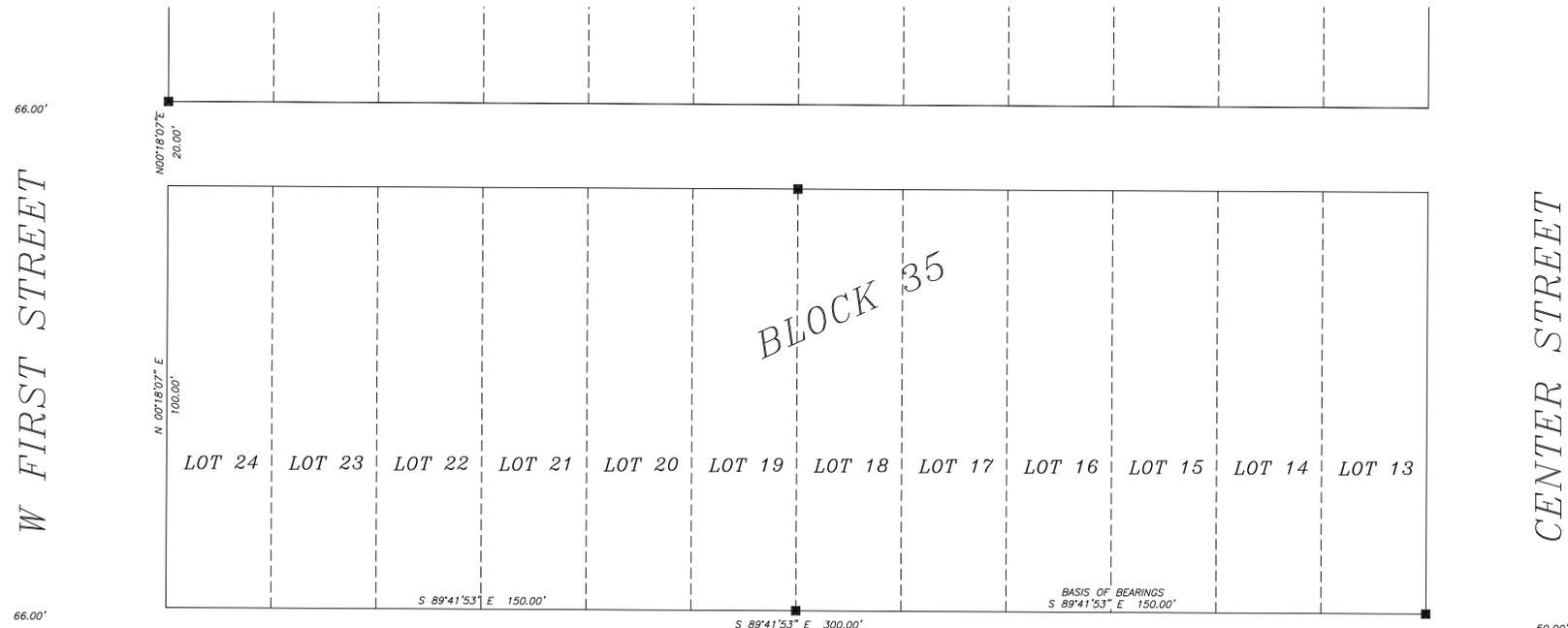
H. Comments from Committee Members

I. Adjourn

TOWN OF MARBLE / PARKER

LOT LINE ADJUSTMENT

LOTS 1 - 7, BLOCK 36, TOWN OF MARBLE



- Set Mag Nail in Asphalt
- Set 5/8" rebar 30" long with 2" aluminum cap PLS25972
- Set 5/8" rebar 30" long with 2" aluminum cap as Witness corner or linepin PLS25972
- Found 5/8" rebar with 1" plastic cap PLS14111
- ◆ Found 5/8" rebar with 1" plastic cap PLS19598

- x— Fencelines
- E— Electric (overhead)
- UE— Electric (underground)
- W— Water line
- Easement
- Previous Parcel Boundary

BASIS OF BEARINGS:
 S.89°41'53"E. FROM THE SW CORNER LOT 18, BLOCK 35, TOWN OF MARBLE TO THE SE CORNER LOT 13, BLOCK 35, TOWN OF MARBLE
 GEODETIC NORTH
 GPS OBSERVATION
 SCALE 1"=20 U.S. SURVEY FEET

LEGAL DESCRIPTION
 Block 36, Lots 1 through 7, all inclusive, Town of Marble, Parker Lot Line Adjustment, within Section 26, Township 11 South, Range 88 West of the 6th Principal Meridian, County of Gunnison, State of Colorado.

LEGAL DESCRIPTION
Transferring Parcel 1
 A Parcel of land being within Block 36, Lots 1 through 5, within Section 26, Township 11 South, Range 88 West of the 6th Principal Meridian. Beginning at the SW corner of Lot 1, Block 36 and running thence along the south line of said Block 36 N.81°42'35"E. 171.77 feet; thence continuing along said south line of Block 36 S.58°13'45"E. 49.16 feet to the south line new Block 36; thence along the south line of new Block 36 N.89°41'53"W. 211.77 feet to the Point of Beginning, said parcel containing 0.06 acres, more or less. County of Gunnison, State of Colorado.

LEGAL DESCRIPTION
Transferring Parcel 2
 A Parcel of land being within Block 36, Lots 5 through 7, within Section 26, Township 11 South, Range 88 West of the 6th Principal Meridian. Beginning at the SE corner of Lot 7, Block 36 and running along the south line of said Block 36 N.58°13'45"W. 103.44 feet; thence along the south line of new Block 36 S.89°41'53"E. 88.23 feet to the west line of said Block 36; thence along the west line of said Block 36 S.00°18'07"W. 54.00 feet to the Point of Beginning, said parcel containing 0.06 acres, more or less. County of Gunnison, State of Colorado.

SURVEYOR'S CERTIFICATION
 I, Randy A. Wilmore, registered land surveyor, do hereby certify that I have prepared this plat, that the location of the outside boundary, roads and other features are accurately and correctly shown hereon, that the same are based on field surveys and that the platted site and the roads conform to those staked on the ground.

Date: _____ Signed: _____
 COLORADO PROFESSIONAL LAND SURVEYOR #25972



DEDICATION
 We, Carol L. Parker and Phillip M. Collins, being the owners of the land described as follows:
LEGAL DESCRIPTION
 BLOCK 36, LOTS 1 THROUGH 7, ALL INCLUSIVE, TOWN OF MARBLE, COUNTY OF GUNNISON, STATE OF COLORADO.
 hereby consent to the Lot Line Adjustment shown on plat.

Executed this _____ day of _____, A.D. 20____.

 Carol L. Parker

 Phillip M. Collins

STATE OF COLORADO)
) ss.
 COUNTY OF GUNNISON)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this _____ day of _____, A.D. 20____, by
 Phillip M. Collins
 Witness my hand and official seal.
 My Commission expires: _____

 Notary Public

STATE OF ARIZONA)
) ss.
 COUNTY OF _____)

The foregoing Certificate of Ownership and Dedication was acknowledged before me this _____ day of _____, A.D. 20____, by
 Phillip M. Collins
 Witness my hand and official seal.
 My Commission expires: _____

 Notary Public

BOARD OF TRUSTEES CERTIFICATE OF APPROVAL
 The lot consolidation shown on this plat was approved by the Board of Trustees of the Town of Marble, Colorado, on the _____ day of _____, 20____.

 Ryan Vinciguerra, Mayor, Town of Marble, Colorado.

ATTEST: _____
 Town Clerk, Town of Marble, Colorado.

Attorney's Certificate
 I, _____, an attorney at law duly licensed to practice in the State of Colorado, hereby certify that I have examined the title to all land that are the subject of this plat. Such title is vested in _____ and is free and clear of all liens, defects, encumbrances, restrictions and reservations except as follows:
 Dated this _____ day of _____, A.D. 20____.

GUNNISON COUNTY CLERK AND RECORDER'S ACCEPTANCE
 This plat was accepted for filing in the office of the Clerk and Recorder of Gunnison County, Colorado, on this _____ day of _____, A.D. 20____;
 Reception Number _____, Time _____, Date _____

 Gunnison County Clerk and Recorder

W & W
 PROFESSIONAL LAND SURVEYING, INC.
 406 Grand Avenue 970.527-4200 PHONE
 P.O. Box 1652 970.260-4130 PHONE
 Paonia, Colorado 81428 www.wilmorelandsurveying.com
 Defining Boundaries EMAIL randy@wilmorelandsurveying.com

FIELD CREW:	RAW
DRAFTER:	RAW
CHECKED BY:	KC

TOWN OF MARBLE / PARKER
LOT LINE ADJUSTMENT
 LOTS 1 - 7, BLOCK 36, TOWN OF MARBLE
 WITHIN SECTION 26, T.11S., R.88W., 6TH P.M.
 GUNNISON COUNTY, COLORADO

J22266 6 JUNE 2023

NOTE: According to Colorado law any legal action based upon a defect in this survey must be commenced within three years after such defect is discovered. In no event may any action based upon any defect in this survey be commenced more than ten years from the date shown on the certification hereon.

Town of Marble
Ordinance Number ___
Series of 2023

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP BY REZONING LOTS 4
AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1, FROM RESIDENTIAL TO
BUSINESS

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”) is authorized by statute to regulate the uses of property within the Town’s boundaries, C.R.S. § 31-23-301, *et seq.*;
- C. 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;
- D. The Town has adopted a Master Plan, *see* Ordinance No. 4, Series of 2000;
- E. The Zoning Code and Zoning Map created three use zones within the Town: Residential, Business, and Public Use;
- F. In accordance with C.R.S. § 31-23-304, the Zoning Code provides a procedure to amend the Zoning Map by changing a parcel of land from one zone to another, *see* Chapter 7.5;
- G. In accordance with Section 7.5.10 of the Zoning Code, an application (the “Application”) was filed by the owners (the “Applicants”) of Lots 4 and 5, Block 3, Marble Ski Area Filing No. 1 (the “Property”) to rezone the Property from Residential To Business;
- H. In accordance with Section 7.5.20 of the Zoning Code, the Board, which also sits as the Planning Commission, held a public hearing on the application on April 6, 2023, and May 18, 2023;
- I. At the public hearing, the Board received comment in support of the Application from multiple members of the community, and comment in opposition to the Application from neighbors Mike Evans and Jeff Evans.
- J. Based on the findings set forth below, on _____, 2023, the Board, which sits as the Planning Commission, voted to approve the rezoning application;
- K. FINDINGS:
1. In accordance with Section 7.5.60.A of the Zoning Code, the Applicants have paid the requisite application fee and ordinance fee.
 2. Notice of the public hearing was provided in accordance with Section 7.5.20 of the Zoning Code.

3. The subject property is not located within two miles of a telecommunications research facility of the United States, *see* C.R.S. § 30-11-605.
4. Zoning regulations must be “for the purpose of promoting health, safety, morals, or the general welfare of the community,” C.R.S. § 31-23-101(1). Approval of the Application, subject to the terms and conditions set forth in this Ordinance, will promote the health, safety, morals, or general welfare of the community.
5. Zoning changes “shall be made in accordance with a comprehensive plan.” C.R.S. § 31-23-303(1). Reasonable conditions may be imposed as part of the rezoning in order to prevent adverse impact to neighbors, ensure compliance with a master plan, and negate the otherwise potentially illegality of a spot zoning. *See King's Mill Homeowners Ass'n, Inc. v. City of Westminster*, 557 P.2d 1186 (Colo. 1976).
6. The Property is currently zoned as residential. It is bordered on the north, east and west by residential uses. However, to the southwest is a commercial parcel (The Marble Gallery), and to the southeast is the Mill Site Park.
7. Approval of the Application, subject to the terms and conditions set forth in this Ordinance, will be consistent with the existing Master Plan. In particular, such approval will be consistent with the following provisions of the Master Plan:
 - i. “The Town of Marble will endeavor to keep the Town a Community where the citizens are free to pursue their own lifestyle, where there can be a diversity of choices, where citizens can remain independent and respect the natural environment. Marble must be a place where neighbors are tolerant and respectful of other's choices and where there is a minimum of governmental interference.”
 - ii. “The Town should adopt zone districts that are based on encouraging a range of uses, as opposed to a more urban land use pattern which creates strong boundaries between residential and commercial land uses. A more “mixed use” approach appears to fit the landscape of Marble in a more consistent fashion than traditional zoning approaches.”
 - iii. “There is currently very little commercial activity available to those who visit the valley. While few in Marble want the community to transition into a major tourist community, some would like to encourage more small business activity and low-impact tourism.”
 - iv. “A majority of the land in the Marble Planning Area is used for single family residential purposes, and almost no land is used for commercial purposes. There are four (4) commercial lots in the Town: the General Store, the RV/camping site, the Beaver Lake Lodge, and the Piffer building.” The existing commercial uses at the time the Master Plan was adopted were scattered throughout Town, not segregated in a specific single “commercial zone.” There is virtually no land within the Town currently zoned as “Business” where the Applicants could locate the business that they desire to conduct on the subject Property.
8. The Board has considered the issue of “spot zoning,” as it relates to the Application, and is mindful of the fact that the Property was previously the subject of a

similar rezoning application in 2009, and that the Board of Trustees denied that application on the basis that it would constitute impermissible spot zoning. *See* Ordinance 2009-1. The Board received correspondence from the Applicants’ attorney regarding the spot zoning issue, which is part of the record in this matter. The Board’s decision on this issue is not premised on the arguments made in that letter, many of which the Board disagrees with. Nevertheless, while the Application does result in small parcel being subject to restrictions on use that are different from the restriction imposed on surrounding property, the Board finds that because the rezoning, subject to the terms and conditions of this Ordinance, is consistent with the Master Plan, approval of the Application on the terms set forth in this Ordinance will not constitute impermissible spot zoning. *Whitelaw v. Denver City Council, 2017 COA 47.*

9. Section 7.1.20.A of the Zoning Code states: 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.

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

1. The Official Zoning Map of the Town of Marble shall be amended to change the zoning of LOTS 4 AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1 from Residential to Business.

2. Approval of the rezoning of the Property from Residential to Business does not constitute approval of every aspect of the Applicants’ proposed land use plans presented to the Board during this proceeding. Applicants’ use of the Property shall comply with all applicable ordinances and regulations of the Town, including all applicable zoning and building codes and OWTS regulations, in addition to the terms and condition in this Ordinance. In particular:

i. At this time, residential use is not allowed within the Business Zone. Applicants shall not use the Property for residential purposes unless and until such uses are allowed by the Zoning Code.

ii. The Application indicated that a porta-potty would be located on site to serve customers. The Board expressly disapproves of such proposed land use. Bathroom facilities must be provided in accordance with the terms and conditions below.

3. Terms and Conditions. Use of the Property for business purposes shall be subject to the following terms and conditions:

i. For any business activity that involves allowing customers and potential customers onto the Property, the Applicants must provide a bathroom facility available to

customers and other guests that complies with the requirements of the Town’s building and OWTS regulations.

ii. Use of the Property for the proposed jeep tour business shall be subject to the following parking conditions:

- a. The existing “pole barn” shall remain available for parking tour vehicles. Except for temporary staging during the tour season, tour vehicles shall be parked in the pole barn.
- b. A minimum of 10 off-street parking spaces shall be provided for tour customers and walk-in customers, including two ADA accessible parking spaces.
- c. Employee parking spaces shall be provided in a number equivalent to the maximum number of employees that will be working concurrently on Property or driving tour vehicles.

iii. All representations by the Applicants during this proceeding limiting the scope of the proposed use of the Property shall be conditions of approval.

iv. The Applicants shall reimburse the Town for all fees incurred in processing the Application in accordance with the Town Code.

4. Within five days following the effective date of this Ordinance, the Official Zoning Map shall be amended to reflect this change.

5. The Mayor and Town Clerk shall make an entry on the Official Zoning Map as follows: “On _____, 2023, by official action by the Board of Trustees, the following change was made in the Official Zoning Map: LOTS 4 AND 5, BLOCK 3, MARBLE SKI AREA FILING NO. 1 was rezoned from Residential to Business.” Such entry shall be signed by the Mayor and attested by the Town Clerk.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2023, by a vote of ____ in favor and ____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk

Town of Marble
Ordinance Number ____
Series of 2023

AN ORDINANCE AMENDING THE ZONING CODE WITH RESPECT TO ALLOWING
RESIDENTIAL USE IN THE BUSINESS ZONE

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 is authorized to regulate land use matters within its boundaries, *see* C.R.S. § 31-23-101 *et seq.*, and has adopted land use regulations known as the Zoning Code.
- C. Section 7.2.10 of the Zoning Code establishes three zones: Residential, Business, and Public Use. Section 7.2.20 defines “uses by right” and “uses by review” within each zone. Currently no type of residential use is allowed as either use by right or use by review within the Business zone.
- D. The Town has adopted a Master Plan, *see* Ordinance No. 4, Series of 2000. The Master Plan states: “The Town should adopt zone districts that are based on encouraging a range of uses, as opposed to a more urban land use pattern which creates strong boundaries between residential and commercial land uses. A more “mixed use” approach appears to fit the landscape of Marble in a more consistent fashion than traditional zoning approaches.”
- E. Most existing commercial properties in Town include a residential land use component as a pre-existing non-conforming use.
- F. The Town desires to update the Zoning Code provisions to allow residential uses on Business zone properties.

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

1. Section 7.2.20.B.2 is amended to add “single-family dwelling units, manufactured homes, and multi-family dwelling units” as authorized Uses by Review within the Business Zone.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this
____ day of _____, 2023, by a vote of ____ in favor and ____ opposed.

TOWN OF MARBLE:

ATTEST:

Ryan Vinciguerra, Mayor

Ron Leach, Clerk