

TOWN OF MARBLE, COLORADO  
ORDINANCE NO. 1  
SERIES OF 2009

AN ORDINANCE OF THE TOWN OF MARBLE, COLORADO,  
DENYING THE RE-ZONING REQUEST FROM RESIDENTIAL (R)  
TO BUSINESS (B), CERTAIN REAL PROPERTY KNOWN AS THE  
LOTS 4 AND 5, BLOCK 3, WEST MARBLE

WHEREAS, on August 21, 2008, there was filed with the Town Clerk of the Town of Marble a Land Use Change Application (“Application”) requesting that the Board of Trustees of the Town of Marble, Colorado (hereinafter “Town Board”), consider a re-zoning request from Residential (R) to Business (B), which parcel is known as the Lots 4 and 5, Block 3, West Marble; and

WHEREAS, the Town of Marble Planning and Zoning Commission at a duly noticed public hearing held March 5, 2009 considered the Application from the property owners, Glenn and Patsy Smith, to re-zone the property known as Lots 4 and 5, Block 3, West Marble from Residential (R) to Business (B); and

WHEREAS, the Town of Marble Planning and Zoning Commission found that the Application was complete in accordance with Section 7.5.10 of the Town of Marble Zoning Code and that proper notice of the public hearing had been given pursuant to Section 7.5.20 of the Town of Marble Zoning Code; and

WHEREAS, the Town of Marble Planning and Zoning Commission took testimony at the public hearing on the Application and then closed the public portion of the hearing; and

WHEREAS, the Town of Marble Planning and Zoning Commission discussed the Application at the public hearing and, after considering the Application and the testimony, the Town of Marble Zoning Ordinance and other applicable law, recommended, pursuant to Section 7.5.40 of the Town of Marble Zoning Code, that the Marble Board of Trustees DENY the re-zoning request of the applicants because it would be inconsistent with the existing zoning patterns and would benefit the owners to the detriment of the community, without any substantial public purpose; and

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

1. The Application to re-zone the property described as Lots 4 and 5, Block 3, West Marble, Town of Marble, is DENIED, and the property remains zoned as Residential.


2. To re-zone the subject property pursuant to the Application would result in illegal spot zoning by merely relieving the particular property from the restrictions of the zoning regulations without any substantial public purpose.
3. By adoption of this Ordinance, pursuant to Section 7.5.70 of the Town of Marble Zoning Code, the Applicants cannot submit a request for the same or substantially similar change to the Zoning Code within six (6) months of the date of this Ordinance.
4. The Town Clerk shall record a certified copy of this ordinance with the Gunnison County Clerk and Recorder.

READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY by a vote of  
3 to 0 this 5<sup>th</sup> day of March 2009.

TOWN OF MARBLE, COLORADO

By:   
John Anthony Petrocco, Mayor

ATTEST:

  
Karen Mulhall, Town Clerk