

TOWN OF GRAND LAKE  
ORDINANCE NO.1- 2005.

AN ORDINANCE AMENDING CHAPTER TWELVE, ARTICLE TWO, ZONING REGULATIONS FOR OPEN, RESIDENTIAL ESTATE, SINGLE FAMILY RESIDENTIAL HIGH DENSITY, SINGLE FAMILY RESIDENTIAL MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL LOW DENSITY, MULTIPLE FAMILY RESIDENTIAL LOW DENSITY, MULTIPLE FAMILY RESIDENTIAL MEDIUM DENSITY, MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY, COMMERCIAL TRANSITIONAL, COMMERCIAL, RESORT DISTRICTS, PLANNED DEVELOPMENTS/PLANNED UNIT DEVELOPMENTS WITHOUT UNDERLYING ZONING and SUPPLEMENTAL REGULATIONS.

WHEREAS, the Town Board of Trustees finds and determines that there have been numerous incidents where the nightly rental of residences has resulted in conditions that are extremely disturbing and disruptive to persons residing next to or in close proximity to the nightly rental; and,

WHEREAS, the Board of Trustees further finds and determines that the nightly rental of properties located in residential areas creates special problems for those persons who live near the nightly rentals including, but not limited to, ownership of nightly rentals by nonresident owners who often are not fully aware of how their property is being used on a day to day basis; overcrowding of the nightly rental; noise disturbances emanating from the nightly rental; insufficient parking to accommodate all of the persons who occupy the nightly rental; and inadequate disposal of trash generated from the use of the nightly rental; and,

WHEREAS, the Board of Trustees finds and determines that the practice of nightly rentals in districts in which residential uses are permitted creates an unfair disadvantage to businesses that provide this same service, since such businesses purchase a business license, collect sales tax and are assessed at a commercial property rate, and therefore find it difficult to remain competitive while still retaining a profit; and,

WHEREAS, the Town of Grand Lake Planning Commission appointed an ad hoc committee to make recommendations to the Planning Commission; and,

WHEREAS, the ad hoc committee's recommendations are reflected in this document; and,

WHEREAS, the Town of Grand Lake Planning Commission held a public meeting, following public notification, on December 7, 2005; and,

WHEREAS, the Board of Trustees held a public hearing, following public notification, on January 9, 2006; and,

WHEREAS, following the public hearing, the Board of Trustees agreed with the recommendation of the Planning Commission regarding the proposed amendments to the Zoning Regulations of the Town of Grand Lake Code; and,

WHEREAS, the Board of Trustees finds and determines that this Ordinance is timely in that current laws and Town regulations are insufficient to adequately address the aforementioned problems;

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF GRAND LAKE BOARD OF TRUSTEES  
AS FOLLOWS:

1. In order to clarify the Board's intent, Chapter 12, Article 2 shall be amended as follows:

12-2-6 **Nightly Rental -- A structure, dwelling or dwelling unit that is rented for periods of time of less than thirty (30) consecutive days. The term "Nightly rental" shall not include hotel, motel or bed and breakfast establishments**

12-2-8 (a)(6), (b)(9) **Nightly Rentals**

12-2-9 (a)(7), (b)(5) **Nightly Rentals**

12-2-10 (a)(6), (b)(5) **Nightly Rentals**

12-2-11 (a)(6), (b)(5) **Nightly Rentals**

12-2-12 (a)(6), (b)(5) **Nightly Rentals**

12-2-13 (a)(6), (b)(5) **Nightly Rentals**

12-2-14 (a)(6), (b)(5) **Nightly Rentals**

12-2-15 (a)(6), (b)(5) **Nightly Rentals**

12-2-17 (a)(14) **Nightly Rentals**

12-2-18 (a)(9) **Nightly Rentals**

12-2-21 (a)(7) **Nightly Rentals**

12-2-23 (j) **The following shall apply only to the following districts: OPEN, RESIDENTIAL ESTATE, SINGLE FAMILY RESIDENTIAL HIGH DENSITY, SINGLE FAMILY RESIDENTIAL MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL LOW DENSITY, MULTIPLE FAMILY RESIDENTIAL LOW DENSITY, MULTIPLE FAMILY RESIDENTIAL MEDIUM DENSITY, and MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY**

**Nightly Rentals – In addition to other Town requirements, no person shall rent a structure, dwelling, dwelling unit, or lock-off unit for nightly rental purposes, except in accordance with the provisions of Section 12-2-23(j). Nightly rentals of such units shall only be authorized if all of the following conditions are met:**

**1. Applicant must provide two copies of a site plan that displays**

conformance with the following criteria, an application fee of \$150, and a Nightly Rental License fee of \$400. No person shall rent or advertise for rent their structure, dwelling or dwelling unit unless a Nightly Rental License has been granted by the Town Clerk. A Nightly Rental License must be obtained for each structure, dwelling, or dwelling unit. If an application is subsequently denied, the applicant shall be refunded \$400.

2. Application can be made for a Nightly Rental License as early as June 1<sup>st</sup> for the subsequent year and the first Nightly Rental License for any applicant may be valid for a period of up to 19 months (June 1<sup>st</sup> of current year through December 31<sup>st</sup> of following year). In instances when a license is issued for a period of time other than 12 months, the fee shall be prorated for the number of months in which it is being issued. Other than the first issued license, all Nightly Rentals shall be valid for 12 months, from January 1st to December 31st.

3. No person shall be granted a Nightly Rental License unless a state sales tax number has been received to provide for the collection of state, local sales and lodging taxes. If the structure, dwelling, or dwelling unit is operated by a third party as defined in Section (j)(4), the third party may use a pre-existing sales tax number for purposes of this paragraph.

4. At the time an application for a license is submitted, the licensee shall provide to the Town Clerk the name, address and telephone number of any current management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. It shall be the duty of the licensee to update such information throughout the term of the license so that the Town Clerk always has the correct and current information.

5. At the time of the application of the license the licensee shall provide to the Town Clerk the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Town concerning the nightly rental. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. The local contact person shall maintain a residence or permanent place of business within 15 minutes driving distance to the Town and must be available 24 hours per day, seven days per week, during periods in which the structure is being rented. The designated local contact person may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify the Town Clerk of the change in writing in advance of the change and shall, at the same time, provide the Town Clerk with the name, address and telephone number of the licensee's replacement contact person. Any replacement contact person shall meet the requirements of this subparagraph.

**Site Plan Criteria:**

6. Adequate parking shall be shown on the site plan, as outlined in Section 12-2-23(a). For purposes of Section 12-2-23(j), parking requirements for nightly rentals shall be calculated from Group III. The motor vehicles of all occupants of the nightly rentals shall be parked only on the site of the nightly rental, or in a Town-designated parking area located off of the site of the nightly rental. No motor vehicles shall be parked on the lawn or landscaped areas of a nightly rental, or in the public street or right of way adjacent to the nightly rental. No person shall be permitted to stay overnight in any motor vehicle which is parked at a nightly rental.
7. There is a clearly-defined trash storage area and an adequate number of trash containers provided and the trash company hired for regular pick-up must be identified.
8. The dwelling to be used as a nightly rental shall provide on site snow storage that is equivalent to one-third (1/3) of the designated parking area and shall be in addition to and not part of the required parking area.
9. The scale, building materials and colors of the building shall be consistent with the neighborhood and shall not be used to draw attention to the structure.
10. The applicant shall obtain HOA sign-off if the property resides within an HOA.

**Town Action:**

11. If Town Staff determines that the application satisfies the requirements of Section 12-2-23(j), all adjoining property owners or all owners within 100', whichever includes the largest number of properties, will be notified in writing by the Town of the applicants proposed use. All notified property owners will be given fifteen (15) days to object to the proposed use in writing.
12. If one (1) or more notified property owners object to the proposed use in writing, the application shall be treated as a conditional use as outlined in Section 12-2-23(b). The owner of the subject property shall be given a copy of all written complaints. In consideration of the proposed use, the Planning Commission may hold a Public Meeting to determine its recommendation to the Board of Trustees. The Board of Trustees may hold a Public Hearing on the proposed use to decide whether to approve, modify, or disapprove the Planning Commission's recommendation.
13. If zero notified property owners object to the proposed use, Town Staff shall issue the Nightly Rental License administratively.

14. Once approved, the Town shall notify the county in writing that the subject property's use now includes nightly rentals. Should the county elect to assess the property at a commercial rate, the Nightly Rental License Fee shall only be \$165.

15. Once approved, the Town will send notice to all adjoining property owners or all owners within 100', whichever threshold is greater, with the name and 24 hour contact number(s) of the person in charge of the management of the subject property.

**Additional Criteria:**

16. While occupying or visiting a nightly rental, no person shall make, cause or permit unreasonable noise to be emitted from the nightly rental that is audible upon private premises in excess of the limits set forth in Sections 25-12-101 through 25-12-109, Colorado Revised Statutes.

17. At no time shall a nightly rental qualify for a sign permit. Signs for advertising shall not be permitted at nightly rentals except as outlined in Section 6-2-1(c), Town of Grand Lake Sign Code.

18. If more than one property is accessed by a shared driveway, written permission to access the drive must be obtained from each affected property owner.

19. Compliance with the conditions set forth in Section 12-2-23(j) shall be the non-delegable responsibility of the owner of the nightly rental; and each owner of a nightly rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by the Board of Trustees.

20. Licensee to Receive Conditions. At the time of the issuance of a license, the Town Clerk shall provide the licensee with a copy of the special conditions set forth in Section 12-2-23(j) or imposed by the Board of Trustees.

21. Licensee to Post License and Conditions. The licensee shall post a copy of the license and the conditions set forth in Section 12-2-23(j) or imposed by the Board of Trustees in a conspicuous location in the nightly rental. The license and the conditions shall remain continuously posted in the nightly rental throughout the term of the license.

22. Licensee to Provide Management Company with Conditions. The licensee shall provide any management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental with a copy of the conditions set forth in Section 12-2-23(j) or imposed by the Board of Trustees.

### **Renewal**

23. If zero complaints have been filed in the previous 12 months, and the applicant is current on all taxes, fees and other charges owed the Town, the applicant must only repurchase their Nightly Rental License. For purposes of Section 12-2-23(j), a complaint must be either an official police citation or a letter signed by the complaining party.

24. If one (1) or more complaints have been filed in the previous 12 months, the applicant must pay an application fee of \$150 and a Nightly Rental License fee of \$400. The Town shall provide notice to all adjoining property owners or all owners within 100', whichever includes the largest number of properties, and the application shall be treated as a conditional use as outlined in paragraph twelve (12) of Section 12-2-23(j).

### **Penalties**

25. Any person found to be advertising a Nightly Rental without a license to rent that property will be notified by certified mail to cease and desist all advertisements. Upon receipt of that notice, the offending party shall have 10 days to remove the offending advertisement. After this grace period has ended, or upon a second or further violation, the offending party shall be determined to be in violation of this Ordinance and shall be ticketed for each offense.

26. A violation of any part of this Article is punishable by a fine of up to \$300 for each occurrence. Each day of violation is a separate offense.

27. The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available law.

28. All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law.

12-2-23 (k)      The following shall apply only to the following districts: COMMERCIAL TRANSITIONAL, COMMERCIAL, and RESORT DISTRICTS

**Nightly Rentals** – In addition to other Town requirements, no person shall rent a structure, dwelling, dwelling unit, or lock-off unit for nightly rental purposes, except in accordance with the provisions of Section 12-2-23(k). Nightly rentals of such units shall only be authorized if all of the following conditions are met:

1. Applicant must provide two copies of a site plan that displays conformance with the following criteria and a Nightly Rental License fee of \$400. No person shall rent or advertise for rent their structure, dwelling or

dwelling unit unless a Nightly Rental License has been granted by the Town Clerk. A Nightly Rental License must be obtained for each structure, dwelling, or dwelling unit. If an application is subsequently denied, the applicant shall be refunded \$400.

2. Application can be made for a Nightly Rental License as early as June 1<sup>st</sup> for the subsequent year and the first Nightly Rental License for any applicant may be valid for a period of up to 19 months (June 1<sup>st</sup> of current year through December 31<sup>st</sup> of following year). In instances when a license is issued for a period of time other than 12 months, the fee shall be prorated for the number of months in which it is being issued. Other than the first issued license, all Nightly Rentals shall be valid for 12 months, from January 1st to December 31st.

3. No person shall be granted a Nightly Rental License unless a state sales tax number has been received to provide for the collection of state, local sales and lodging taxes. If the structure, dwelling, or dwelling unit is operated by a third party as defined in Section (k)(4), the third party may use a pre-existing sales tax number for purposes of this paragraph.

4. At the time an application for a license is submitted, the licensee shall provide to the Town Clerk the name, address and telephone number of any current management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. It shall be the duty of the licensee to update such information throughout the term of the license so that the Town Clerk always has the correct and current information.

5. At the time of the application of the license the licensee shall provide to the Town Clerk the name, address and telephone number of a local contact person who is authorized by the licensee to receive communications from the Town concerning the nightly rental. The local contact person may be a management company, rental agent or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental. The local contact person shall maintain a residence or permanent place of business within 15 minutes driving distance to the Town and must be available 24 hours per day, seven days per week, during periods in which the structure is being rented. The designated local contact person may be changed by the licensee from time to time throughout the term of the license. To effect such change, the licensee shall notify the Town Clerk of the change in writing in advance of the change and shall, at the same time, provide the Town Clerk with the name, address and telephone number of the licensee's replacement contact person. Any replacement contact person shall meet the requirements of this subparagraph.

**Site Plan Criteria:**

6. Adequate parking shall be shown on the site plan, as outlined in Section 12-2-23(a). For purposes of Section 12-2-23(k), parking requirements for nightly rentals shall be calculated from Group III. The motor vehicles of all occupants of the nightly rentals shall be parked only on the site of the nightly rental, or in a Town-designated parking area located off of the site of the nightly rental. No motor vehicles shall be parked on the lawn or landscaped areas of a nightly rental, or in the public street or right of way adjacent to the nightly rental. No person shall be permitted to stay overnight in any motor vehicle which is parked at a nightly rental.

7. There is a clearly-defined trash storage area and an adequate number of trash containers provided and the trash company hired for regular pick-up must be identified.

8. The dwelling to be used as a nightly rental shall provide on site snow storage that is equivalent to one-third (1/3) of the designated parking area and shall be in addition to and not part of the required parking area.

9. The scale, building materials and colors of the building shall be consistent with the neighborhood and shall not be used to draw attention to the structure.

10. The applicant shall obtain HOA sign-off if the property resides within an HOA.

**Town Action:**

11. If Town Staff determines that the application satisfies the requirements of Section 12-2-23(k), the Nightly Rental License will be issued.

12. Once approved, the Town shall notify the county in writing that the subject property's use now includes nightly rentals. Should the county elect to assess the property at a commercial rate, the Nightly Rental License Fee shall only be \$165.

13. Once approved, the Town will send notice to all adjoining property owners or all owners within 100', whichever threshold is greater, with the name and 24 hour contact number(s) of the person in charge of the management of the subject property.

**Additional Criteria:**

14. While occupying or visiting a nightly rental, no person shall make, cause or permit unreasonable noise to be emitted from the nightly rental that is audible upon private premises in excess of the limits set forth in Sections 25-12-101 through 25-12-109, Colorado Revised Statutes.



15. At no time shall a nightly rental qualify for a sign permit. Signs for advertising shall not be permitted at nightly rentals except as outlined in Section 6-2-1(c), Town of Grand Lake Sign Code.

16. If more than one property is accessed by a shared driveway, written permission to access the drive must be obtained from each affected property owner.

17. Compliance with the conditions set forth in Section 12-2-23(k) shall be the non-delegable responsibility of the owner of the nightly rental; and each owner of a nightly rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by the Board of Trustees.

18. Licensee to Receive Conditions. At the time of the issuance of a license, the Town Clerk shall provide the licensee with a copy of the special conditions set forth in Section 12-2-23(k) or imposed by the Board of Trustees.

19. Licensee to Post License and Conditions. The licensee shall post a copy of the license and the conditions set forth in Section 12-2-23(k) or imposed by the Board of Trustees in a conspicuous location in the nightly rental. The license and the conditions shall remain continuously posted in the nightly rental throughout the term of the license.

20. Licensee to Provide Management Company with Conditions. The licensee shall provide any management company, rental agency or other person employed or engaged by the licensee to manage, rent or supervise the nightly rental with a copy of the conditions set forth in Section 12-2-23(k) or imposed by the Board of Trustees.

#### Renewal

21. If the applicant is current on all taxes, fees and other charges owed the Town, the applicant must only repurchase their Nightly Rental License.

#### Penalties

22. Any person found to be advertising a Nightly Rental without a license to rent that property will be notified by certified mail to cease and desist all advertisements. Upon receipt of that notice, the offending party shall have 10 days to remove the offending advertisement. After this grace period has ended, or upon a second or further violation, the offending party shall be determined to be in violation of this Ordinance and shall be ticketed for each offense.

23. A violation of any part of this Article is punishable by a fine of up to \$300 for each occurrence. Each day of violation is a separate offense.

24. The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available law.

25. All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law.

12-2-23 (l) The following shall apply only to the following districts: PD and PUD.

**Planned Developments/Planned Unit Developments—Are considered one in the same; PD's that have no underlying zoning or are zoned PD or PUD shall be governed under Section 12-2-23 (j).**

2. Except as specifically hereby amended, Chapter 12, Article 2 shall remain in full force and effect.
3. Repeal - Existing ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.
4. Validity - If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Grand Lake hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

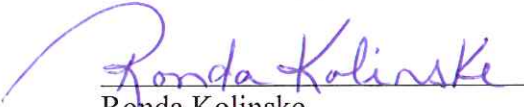
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 9th DAY OF January, 2006.


( S E A L )

Votes Approving:	5
Votes Opposing:	0
Absent:	1
Abstaining:	1

ATTEST:

TOWN OF GRAND LAKE

  
Ronda Kolinske  
Town Clerk

By:   
Judy M. Burke  
Mayor

# PROOF OF PUBLICATION



GRANBY, COLORADO

STATE OF COLORADO

COUNTY OF GRAND

I, Patrick F. Brower, do solemnly swear that I am the publisher of the Sky-Hi News, that the same is a weekly newspaper printed, in whole or in part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Grand for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement, that said newspaper has been admitted to the United States mail as second-class matter under the provisions of the act of March 3, 1879, or any amendment thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly

newspaper for the period of one

consecutive insertions; and that the first publication of said notice

was in the issue of said newspaper dated Jan.

12, A.D. 2006 and that the last

publication of said notice was in the issue of newspaper dated

Jan 12, A.D. 2006

In witness whereof I have hereunto set my hand this 12

day of Jan., A.D. 2006

Patrick F. Brower, Publisher.

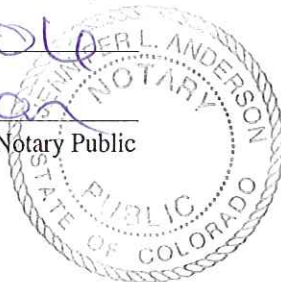
Subscribed and sworn to before me, a notary public in and for the

County of Grand, State of Colorado this 12 day of

Jan., A.D. 2006

Jennifer Anderson

Notary Public



My Commission Expires Sept. 28, 2008