



#### 4. Nightly Rental Conditional Use Permits

Nightly Rental Conditional Use Permits depend on the zoning district which the proposed rental is located. In addition to other Town requirements, no person shall rent or advertise to rent a Single Family structure, dwelling, dwelling unit, or lock-off unit for nightly rental purposes, except in accordance with the provisions of this Article. Nightly Rental CUP applications and renewals will be exempt from the Conditional Use Permitting deposit but may be assessed other fees, as defined within the provisions of this Article.

##### (a) Nightly Rental Conditional Use Permits by Zone

1. 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 MEDIUM DENSITY, and MULTIPLE FAMILY RESIDENTIAL HIGH DENSITY.

##### (i) Town Action:

1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4, 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.
2. 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 12-2-31(B)3. 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.
3. If zero notified property owners object to the proposed use, Town Staff shall issue the Nightly Rental License administratively.
4. 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 owner has the option of purchasing a business license in lieu of the Nightly Rental License.



5. 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.

(ii) Renewal

1. 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 12-2-31(B)4, a complaint must be either an official police citation or a letter signed by the complaining party.
  2. If one (1) or more complaints have been filed in the previous 12 months, the applicant must pay the appropriate application fee, as set by Resolution by the Town Board of Trustee and Nightly Rental License fee. 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 Section 12-2-31(B)4.
2. The following shall apply only to the following districts: COMMERCIAL TRANSITIONAL, COMMERCIAL, and RESORT DISTRICTS.
- (i) Town Action:
1. If Town Staff determines that the application satisfies the requirements of Section 12-2-31(B)4, the Nightly Rental License will be issued.
  2. 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 owner has the option of purchasing a business license in lieu of the Nightly Rental License.
  3. 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.
- (ii) Renewal
1. If the applicant is current on all taxes, fees and other charges owed the Town, the applicant must only repurchase their Nightly Rental License.
3. The following shall apply only to the following districts: PD and PUD.
- (i) 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 12-2-31(B)4(a)1.

(b) Nightly Rental Conditional Use Permit Regulations - 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, the appropriate application fee for all units listed in 12-2-31(B)4(a)1, and the appropriate Nightly Rental License fee. No person shall rent or advertise for rent their structure, dwelling or dwelling unit unless a Nightly Rental License has been granted by Town Staff. 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 the Nightly Rental License fee.
2. All fees, dues, debts to the Town of Grand Lake, and taxes must be current before a license will be issued.
3. The fee for a Nightly Rental License is set by Resolution. 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 to an owner of a unit for that unit, all Nightly Rentals shall be issued for 12 months, from January 1st to December 31st. The Nightly Rental License for a unit is transferable to a new owner of that unit upon completion of a complete and approved application.
4. 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 12-2-31(B)4(b)5, the third party may use a pre-existing sales tax number for purposes of this paragraph.
5. At the time an application for a license is submitted, the licensee shall provide to Town Staff 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 Town Staff always has the correct and current information.
6. At the time of the application of the license the licensee shall provide to Town Staff 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 Town Staff of the change in writing in advance of the change and shall, at the same time, provide Town Staff 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.



7. Site Plan Criteria:

- (i) Adequate parking shall be shown on the site plan, as outlined in Section 12-2-28. Parking requirements for nightly rentals shall be calculated from Group II. 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.
- (ii) 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. The owner or property manager may use the Pay As You Throw (PAYT) trash program in lieu of hiring a trash company for regular pick-up.
- (iii) The Single Family Dwelling Unit 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.
- (iv) The location of the Single Family Dwelling unit, Accessory Dwelling Unit, and all other buildings must be depicted and labeled accordingly. 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.
- (v) The applicant shall obtain HOA sign-off if the property resides within an HOA.

8. Additional Criteria:

- (i) 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 in violation of 7-1-15 Disturbing the Peace or 7-1-16 Unnecessary Noise.
- (ii) At no time shall a nightly rental qualify for a sign permit. 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.
- (iii) Compliance with the conditions set forth in Section 12-2-31(B)4(b) 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.
- (iv) Licensee to Receive Conditions. At the time of the issuance of a license, Town Staff shall provide the licensee with a copy of the special conditions set forth in Section 12-2-31(B)4(b) or imposed by the Board of Trustees.
- (v) Licensee to Post License and Conditions. The licensee shall post a copy of the license and the conditions set forth in Section 12-2-31(B)4(b) 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.

- (vi) 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 12-2-31(B)4(b) or imposed by the Board of Trustees.

(c) Nightly Rental Conditional Use Permit Penalties

1. 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 ten (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.
2. A violation of any part of Section 12-2-31(B)4 is punishable by a fine not to exceed Three Hundred Dollars (\$300.00) for each occurrence. Each day such violation persists or continues shall constitute a separate and distinct offense.
3. The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available law.
4. All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law.



## NIGHTLY RENTAL LICENSE CONDITIONAL USE PERMIT APPLICATION

