

ORDINANCE NO. 33-2009

**AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE
CHAPTER 12, ARTICLE 2 ZONING REGULATIONS**

WHEREAS, the Town of Grand Lake Board of Trustees has the authority to adopt Ordinances; and

WHEREAS, the Town of Grand Lake Board of Trustees desires to have a cohesive and enforceable Municipal Code; and

WHEREAS, the Town Planning Commission held a Public Hearing on the matter on August 19, 2009, and took public testimony on the matter and forwarded a recommendation to the Town Board of Trustees; and

WHEREAS, the Town Board of Trustees held a Public Hearing on the matter on September 28, 2009, and took public testimony on the matter,

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

1. Section 6 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended by adding the following definitions to read as follows:

Accessory Dwelling Unit (ADU) – One additional dwelling unit within, and not legally subdivided from, the principal structure. The dwelling unit must be in a continuous enclosure. The entire dwelling unit must function as a unit without any permanent physical separation such as wall or floor with no means of connection.

Adult Arcade - Any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines for viewing by persons are used regularly to show films, motion pictures, video cassettes, DVDs, slides, or other photographic, digital, or electronic reproductions describing, simulating, or depicting "specified sexual activities" or "specified anatomical areas."

Adult Cabaret – means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

- A. Persons who appear nude or in a state of nudity or seminudity; or
- B. Live performances that are characterized by the exposure of "specified anatomical areas" or by the exhibition of "specified sexual activities."

Adult Motel – means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

Adult Motion Picture Theatre – means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar

photographic reproductions that have an "X" rating or that have an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

Adult Theatre – means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

Bed and Breakfast - an owner-occupied single family residence with no more than ten guest rooms which provides overnight accommodations and breakfast, provided from a single kitchen on the premises, to registered Transient Guests. The use of a Bed and Breakfast in a single-family residence shall be considered an accessory use to the primary use.

Nudity or State of Nudity -

- a. The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- b. A state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

Seminude - A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Sexually Orientated Business (SOB) –

1. a business that has as one of its principal business purposes a substantial or significant portion (20% or more) of its stock and trade, books, magazines, other periodicals, videos, or DVDs on matter depicting, describing or relating to "specified sexual activities," or "specified anatomical areas", or
2. an establishment with a substantial or significant portion (20% or more) segment or section devoted to the rental, sale or display of materials, instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities", or
3. "adult" arcades, cabarets, motels, motion picture theatres or theatres where:
 - a. persons appear in a state of nudity, or
 - b. there are live performances which are characterized by the exposure of "specified anatomical areas", by "specified sexual activities", or physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Specified Anatomical Areas - As used herein means and includes any of the following:

- a. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or
- b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities - Includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- b. Any sex act, whether actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy;
- c. Masturbation, whether actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in subsections a through d of this definition.

Total Floor Area - The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, carports or garages.

Transient Guest – a person who stays for a period not to exceed two (2) weeks.

(All other Subsections in this Section will remain the same.)

2. Section 9 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

a. Uses Permitted by Right

1. Single Family and Accessory Dwelling Units (ADUs).
7. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
8. Historic structures.

b. Conditional Uses

8. Bed and Breakfasts

d. Area Regulations - Except as provided in Section 12-2-27, the area regulations are as follows:

1. Minimum and Maximum Floor Area

A. Single Family Dwelling Unit

1. Minimum: Twelve hundred square feet (1,200 sq. ft.) per Dwelling Unit.

2. Maximum: Governed by this Section.

B. Accessory Dwelling Unit (ADU)

1. Minimum: Five-hundred square feet (500 sq. ft.) per Dwelling Unit.

2. Maximum: Twelve hundred square feet (1,200 sq. ft.) per Dwelling Unit.

7. Density

- A. Density shall not exceed One (1) Single Family and One (1) Accessory Dwelling Unit per parcel.

(All other Subsections in this Section will remain the same.)

3. Section 10 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

a. Uses Permitted by Right

1. Single Family and Accessory Dwelling Units (ADUs).
6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
7. Historic structures.

b. Conditional Uses

6. Bed and Breakfasts

d. Area Regulations - Except as provided in Section 12-2-27, the area regulations are as follows:

1. Minimum and Maximum Floor

A. Single Family Dwelling Unit

1. Minimum: One Thousand square feet (1,000 sq. ft.) per Dwelling Unit.

2. Maximum: Governed by this Section.

B. Accessory Dwelling Unit (ADU)

1. Minimum: Five-hundred square feet (500 sq. ft.) per Dwelling Unit.

2. Maximum: One Thousand square feet (1,000 sq. ft.) per Dwelling Unit.

7. Density

- A. Density shall not exceed One (1) Single Family and One (1) Accessory Dwelling Unit per parcel.

(All other Subsections in this Section will remain the same.)

- 4. Section 11 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
 - 1. Single Family and Accessory Dwelling Units (ADUs).
 - 6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
 - 7. Historic structures.
- b. Conditional Uses
 - 6. Bed and Breakfasts
- d. Area Regulations - Except as provided in Section 12-2-27, the area regulations are as follows:
 - 1. Minimum and Maximum Floor
 - A. Single Family Dwelling Unit
 - 1. Minimum: Eight Hundred square feet (800 sq. ft.) per Dwelling Unit.
 - 2. Maximum: Governed by this Section.
 - B. Accessory Dwelling Unit (ADU)
 - 1. Minimum: Five-hundred square feet (500 sq. ft.) per Dwelling Unit.
 - 2. Maximum: Eight Hundred square feet (800 sq. ft.) per Dwelling Unit.
 - 7. Density
 - A. Density shall not exceed One (1) Single Family and One (1) Accessory Dwelling Unit per parcel.

(All other Subsections in this Section will remain the same.)

- 5. Section 12 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
 - 1. Single Family and Accessory Dwelling Units (ADUs).
 - 6. Nightly Rentals in the Single Family Residence only. Nightly Rentals will not be permitted in Accessory Dwelling Units (ADUs).
 - 7. Historic structures.
- b. Conditional Uses
 - 6. Bed and Breakfasts
- d. Area Regulations - Except as provided in Section 12-2-27, the area regulations are as follows:
 - 1. Minimum and Maximum Floor
 - A. Single Family Dwelling Unit
 - 1. Minimum: Eight Hundred square feet (800 sq. ft.) per Dwelling Unit.
 - 2. Maximum: Governed by this Section.
 - B. Accessory Dwelling Unit (ADU)
 - 1. Minimum: Five-hundred square feet (500 sq. ft.) per Dwelling Unit.
 - 2. Maximum: Eight Hundred square feet (800 sq. ft.) per Dwelling Unit.
 - 7. Density

- A. Density shall not exceed One (1) Single Family and One (1) Accessory Dwelling Unit per parcel.

(All other Subsections in this Section will remain the same.)

6. Section 13 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
7. Historic structures.

(All other Subsections in this Section will remain the same.)

7. Section 14 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
7. Historic structures.

(All other Subsections in this Section will remain the same.)

8. Section 15 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
7. Historic structures.

(All other Subsections in this Section will remain the same.)

9. Section 17 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
16. Historic structures.

- d. Area Regulations - Except as provided in Section 12-2-27, the area regulations are as follows:
7. Density - Density shall not exceed two (2) units per 50' X 100' lot.

(All other Subsections in this Section will remain the same.)

10. Section 18 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permit by Right
11. Historic structures.

(All other Subsections in this Section will remain the same.)

11. Section 19 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
6. Historic structures.

(All other Subsections in this Section will remain the same.)

12. Section 20 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
 - 4. Historic structures.
- b. Conditional Uses
 - 7. Sexually orientated businesses.

(All other Subsections in this Section will remain the same.)

13. Section 21 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- a. Uses Permitted by Right
 - 5. Boat rentals, boat repair and maintenance facilities, lake tours, fishing equipment rentals and similar water-based recreational services.
 - 8. Historic structures.
- b. Conditional Uses
 - 1. Public, private and commercial marinas.
 - 6. Enterprises or businesses of the same nature or class as those listed above in Paragraph (a), "Uses Permitted by Right", which in the opinion of the Planning Commission, as evidenced by a Resolution of Record, is not more obnoxious or detrimental to the welfare of the area than those listed in said Paragraph (a).

(All other Subsections in this Section will remain the same.)

14. Section 23 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- c. Conditional Uses
 - 5. Historic structures.

(All other Subsections in this Section will remain the same.)

15. Section 24 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

- b. Uses Permitted by Right
 - 17. Historic structures.

(All other Subsections in this Section will remain the same.)

16. Section 28 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

Section 12-2-28 - Parking Regulations

- a. All uses and structures of the date of adoption of this Section shall be deemed in compliance with the regulations set forth in this Section.
- b. Parking Requirements - No building shall be erected, enlarged to the extent of increasing the floor area by more than ten percent (10%), changed in use as defined in this Article 2, or rezoned (excluding Town initiated rezoning) unless there is either an approved parking plan in place or a parking fee paid to the Town if allowed, or there is provided on the lot, space for parking and space for the loading and unloading of automobiles or trucks in accordance with the following standards and requirements. *Nothing in this part shall supersede the on-site utility requirement for structures built on property within the commercial district.*

- 1. The criteria to calculate the required number of off-street parking spaces shall be as follows:

GROUP TYPE OF STRUCTURE	REQUIRED # OF OFF-STREET PARKING SPACES PER UNIT
I. SINGLE FAMILY DWELLING	2 Spaces
II. ACCESSORY DWELLING UNITS (ADUs), APARTMENTS AND ANY RENTED HOTEL, MOTEL, CABIN/LODGE ROOM	
Studio or One Bedroom Unit	1 Space
Two Bedroom Unit	1.5 Spaces
Three Bedroom Unit	2 Spaces
Four + Bedroom Unit	2.5 Spaces
III. OTHER LIVING ARRANGEMENTS	
Elderly and Group Home Living	2 Spaces PLUS 1 Space/4 Beds
IV. COMMERCIAL, RETAIL, SERVICE AND OFFICE ESTABLISHMENTS	
Bed and Breakfasts	2 Spaces PLUS 1 Space per Rental Room
Restaurant, Lounge, Bar, Coffee Shop	1 Space/250 S.F. Total Floor Area
General Retail	1 Space/350 S.F. Total Floor Area
Retail/Automotive Service and Repair	1 Space/425 S.F. Total Floor Area
Pharmacy, Grocery Store, and Convenience Store	1 Space/250 S.F. Total Floor Area
Bank, Office, Government and Public Facilities	1 Space/350 S.F. Total Floor Area
Recreational Rental, Amusement Services, Greenhouses and Nurseries	1 Space/300 S.F. Total Indoor Floor Area PLUS 1 Space/1,000 S.F. Total Outdoor Floor Area
Personal Services (to include Health Care and Spas)	1 Space/350 S.F. Total Floor Area – OR – 1 Space/Service Stall or Room, Whichever is Greater
V. OTHER FACILITIES	
Daycare	1 Space/8 Students
Recreational Amenities	Shall be determined by the Town based on the submitted Parking Plan
VI. INDUSTRIAL ESTABLISHMENTS	
Storage Units	1 Space/8 Units
Industrial Storage, Production and Warehousing	1 Space/1,000 S.F. Total Floor Area
VII. ADDITIONAL REQUIREMENTS WHICH WILL BE IN ADDITION TO THE REQUIREMENTS SET FORTH IN GROUPS I-VI	
Guest Parking	1 Space/5 Units
Assembly	1 Space/6 Fixed Seats
Vehicle Stacking (Drive Through)	1 Space/Service Area PLUS 1 Space/Lane
Service Bay and Gas Pump	1 Space/1 Service Bay or Gas Pump
Loading/Unloading Areas	1 Space/4 Units

2. The method used to calculate the required number of parking spaces shall be as follows:
 - A. The total number of required parking spaces shall be calculated based on the table from Part 1. Any fraction shall be rounded up to the next whole number. In cases of mixed uses on one property, the requirements of each group shall be calculated and applied independently of the requirements of other groups. In cases of an existing building being enlarged so as to increase the floor area by more than ten percent (10%), changed in use as defined in this Article 2, or rezoned (excluding Town

initiated rezoning), the total floor area and/or number of bedrooms of the resultant building after enlargement, change in use, or rezoning (excluding Town initiated rezoning) shall be used to calculate the required number of off-street parking spaces to be provided.

- B. Group I and Group II structures shall be required to supply one hundred percent of the resulting number on the property where the structure is located.
 - C. After allowing for the on-street parking credit, if eligible, group IV and group VI structures shall be required to satisfy seventy five (75%) percent of the resulting number of required off-street parking spaces.
3. On-Street Parking Credits in Determining Required Parking Spaces.
- A. In determining the amount of off-street parking required, credit will be given for the available on-street parking adjacent and contiguous to any property subject to the provisions of this Section which adjoins a public right-of-way of eighty (80') feet or more in the Multiple-Family, Commercial, Commercial Transitional, Resort, Light Industrial, and General Industrial Districts.
 - B. The amount of off-street parking spaces required as determined elsewhere in this Section shall be reduced by the number of available on-street parking spaces on a one-to-one basis.
 - C. For qualifying lots, as described in (A), the amount of off-street parking will be calculated at 0.085 spaces per foot of frontage on a road that has available on-street credit.
4. The non-refundable off-street parking fee shall be ten thousand (\$10,000.00) dollars for each parking space. This fee may be amended from time to time by resolution adopted by the Board of Trustees. The parking fee shall be assigned to a particular lot or parcel, and may not thereafter be conveyed, assigned or transferred to any other property. The parking fee shall be paid in full concurrent with the Town's approval of a Building Permit Application, or a fee-in-lieu may be in equal and portioned payments over a five-year period. Portioned payments shall be assessed to the property tax statement of the subject parcel(s) and shall carry with the parcel(s) until the full payment has been made.
5. Parking spaces will be required to be located with a designated distance. Off-site parking spaces will be required to be owned by the same owner as the onsite parking spaces.
- A. Single Family Residential and Multiple Family Residential zones must have the required parking spaces be provided on the same property or use as the principal building or use.
 - B. Commercial, industrial and mixed use developments may satisfy the commercial and industrial off-street parking requirement by providing an off-site parking area. The off-site parking area shall be within three (3) blocks of the principal use. Residential units in mixed used developments must have the required parking spaces on the same property or use as the principal building.
 - 1. The off site parking area shall have a deed restriction placed upon the property prohibiting sale, lease, transfer or conveyance without the prior approval of the Town and limiting its use to solely a parking lot servicing the off-street parking requirements of the property containing the principal use. The deed restriction shall be of a content and form approved by the Town and shall be recorded with the Grand County Clerk and Recorder.
 - 2. The zoning for off-site parking area shall be the same as the principal use or a more intensive classification, except that in the C zone, land in the CT zone may be used as the off-site parking area. Parking areas shall be owned by the owner of the principal use for which parking space are being provided.
 - 3. Upon Board of Trustees approval (based on recommendation by the Planning Commission) Commercial, industrial and mixed used developments may provide

on-street parking in areas where parking is under developed so long as the requirements of distance and the design standards set forth herein are met.

6. Accessible Parking - one designated accessible (handicapped) parking space shall be required as a part of the overall off-street parking requirements mandated under this Section for each twenty-five (25) off-street parking or fraction thereof. In all cases the accessible space shall be located in a manner close and convenient to the principal building main pedestrian ingress/egress.

7. Loading/Unloading Areas

- A. Loading/Unloading Areas may be a shared loading zone, located in the alleyway, for multiple-unit complexes provided it will adequately handle the commodities anticipated.

1. Changes in Structure (enlarged so as to increase the floor area by more than ten percent (10%) in any given two-year period) shall necessitate alley-access loading/unloading areas.

2. Changes in Use shall necessitate alley-access loading/unloading areas.

- B. Loading areas are to be designed to adequately accommodate both goods and people unloading at all residential and commercial buildings; the minimum loading area is fourteen feet (14') wide by twenty feet (20') long by sixteen feet (16') high.

- C. Parking and loading areas are not to be used for the sale, repair, dismantling or storage of any vehicle or equipment. The sale of any materials, supplies, food or other goods is prohibited in parking and loading areas except by special permit from the Town.

c. Parking Design Standards – The following requirements will apply to all projects that necessitate parking requirements as outlined in the previous section.

1. General Standards

- A. No parking is to be allowed on through public roads unless additional surface widths are provided for this purpose. The minimum roadway width for on-street parking is eighty feet (80').

- B. Convenient and accessible snow storage areas shall be provided for parking areas equivalent to one-third (1/3) of the total drive and parking areas.

1. Snow storage areas must not drain directly into any stream, creek, lake or ditchway (that drains to any stream, creek or lake) without first passing through some water quality control device such as grassed waterways, retention pond or the like.

2. Parking areas created to satisfy parking requirements may not double as required snow storage areas and if snow removal from the site is contemplated, a plan of action is to be drawn up and submitted to the Planning Commission for review.

- C. All parking areas are to be paved with concrete or asphalt in the commercial, commercial transitional, and industrial districts. Concrete or asphalt may be required in the residential, open and resort districts if there is contiguous surfacing material.

1. Concrete surfacing material is highly encouraged.

2. All parking areas required to have asphalt must have a minimum compacted depth of four inches (4").

3. Residential, open and Resort zones where parking areas may be surfaced with compacted gravel (Class C) and treated to control fugitive dust.

- a. All parking areas and stalls are to be defined with cribbing or similar material and surfaced with Class C gravel to a depth of two inches (2") as a minimum, if applicable.

- D. Landscaping is required on the perimeters of parking areas to help screen them from public view.

1. Large parking areas are to be broken up with landscaped islands that provide a measure of aesthetics to the parking areas without seriously inhibiting snow plowing and storage; snow storage shall not reduce the required parking area.

- E. Off-Site parking areas must have positive pedestrian accesses and connectors to and from the principal use and/or structures which shall include mandatory or voluntary boardwalk, sidewalk and community greenways, if applicable.

2. Additional Parking Lot and Structure Standards

- A. Parking lot aisle lanes may vary from twenty-four (24) feet to twelve (12) feet depending upon the angle of parking with perpendicular parking requiring an aisle width of twenty-four (24) feet.
- B. All parking areas are to be adequately lighted for security reasons.
- C. All parking lots (greater than thirty (30) spaces) and structures are to be provided with a minimum of two (2) accesses for the purpose of proper traffic ingress and egress traffic circulation.
- D. Parking Lots on 50' X 100' lots shall conform to the following:
 - 1. The surface off-street parking space width shall be measured at a perpendicular angle for all parking spaces. Angled parking will require individual parking blocks for each parking space.
 - 2. Snow Storage will account for 1/3 of the total parking lot. This area shall be utilized for snow storage in the winter and may be placed directly on the paved surface.
 - a. Snow storage areas must not drain directly into any stream, creek, lake or ditchway (that drains to any stream, creek or lake) without first passing through some water quality control device such as grassed waterways, retention pond or the like.
 - 3. Parking lot plans shall be engineered and submitted to the Town for review and approval. Parking lots shall provide for an adequate drainage system that will connect to the municipal waste water system or provide for Best Management Practices that allow for onsite drainage.
 - 4. Lighting and signage plan will also be submitted to the Town for review and approval.
 - 5. All other requirements of Section 12-2-28 will apply.
- E. Parking structures shall be a minimum of ten (10) feet from public or private road right-of-ways. In the case of State Highway 34, the setback shall be twenty (20) feet from the ROW. No setback is required for at-grade parking lots.
- F. Underground or structured parking is encouraged.
 - 1. The creation of new parking lots will trigger the creation of mandatory boardwalks and greenbelts in those areas where they are required.

d. Variances to Parking Requirements and Standards

- 1. Variances to parking requirements and standards may be granted by the Board of Trustees, with recommendation from the Planning Commission. In order to grant approval of a variance, the Board shall find the following findings:
 - A. that the proposed parking plan requesting the variance has a mitigation plan in place for the requested variance; and
 - B. that the proposed parking plan requesting the variance has mitigated by providing enhanced pedestrian linkages between uses and structures with developed parking areas
 - C. that the proposed parking plan requesting the variance has demonstrated that the enhanced pedestrian linkages and developed parking areas will be for the public good to link community uses, promote and increase pedestrian traffic as well as not to pose a detriment to existing parking conditions in the Town; and
 - D. that the cost of the of the pedestrian linkages and developed parking areas are 30% or greater of the total parking fee; and
 - E. that the parking spaces that are being proposed to be provided will be a minimum of 65% of the total parking space requirement.

2. Application for a parking variance shall be at the time of submittal of an application for development which the requirements and standards are set forth in this Section.

- A. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.

e. Acceptance of Parking Areas

1. Before a Certificate of Occupancy (C.O.) is issued on any structure(s), all parking areas are, as a minimum, to be graveled. A temporary waiver may be granted for a set period of time, should weather conditions necessitate. All improvements bonds, escrow funds, etc., are to be held by the Town until paving is complete.

17. Section 31 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

A. Special Use and Special Event Permits

1. Special Use and Special Event General Information - The Special Use Permit (SUP) and Special Event Permit review process prescribed herein is intended to assure compatibility and harmony between the proposed special use with both the surrounding properties and the town at large.
 - a. The Special Use and Special Event Permit Process shall not be used for the purpose of granting the use of mobile homes for the purpose of temporary living quarters.
 - b. The Special Use and Special Event permit process shall not be used for the rental and subsequent use of Town facilities in accordance with Town rental policies.
 - c. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
2. Special Event Permit (SEP): The use of property in the Commercial, Commercial Transitional, or Public Zones or Town right of ways by a non-profit or governmental entity sponsored group for fund-raising efforts or to hold a public event.
 - a. The Mayor, or the Mayor's designee, may sign the SEP without referring the matter to the Board of Trustees if the SEP is deemed to be in the best interest of the Town with the following items being taken into consideration:
 - (1) The predominant use of the primary facility being used
 - (2) The proposed event and the event hours
 - (3) Neighborhood compatibility
 - (4) Effect of the proposed event on the community
 - (5) The Town's anticipated cost in Staff time and equipment use
 - (6) Duplication of services or sales items
 - (7) Permanent address of the non-profit organization or governmental entity
 - (8) First time event
 - b. The Mayor, or the Mayor's designee, will refer the matter to the Board of Trustees for approval if the event involves a Special Events Liquor Permit.
 - c. Special Event Permit Application and Required Information:
 - (1) Applications must be submitted at least thirty (30) days prior to the date(s) of the event.
 - (A) If the event involves a special events liquor permit, the SUP application must be made at least ninety (90) days prior to the date(s) of the event.
 - (B) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town Staff
 - (2) The application for this type of SEP shall contain the following information, if applicable:
 - (A) Name and contact information of the sponsoring non-profit or governmental entity.
 - (B) Name and contact information of applicant.
 - (C) Name and phone number of the contact person for the event.

- (D) Proof of non-profit or governmental entity status.
 - (E) Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Event site.
 - (F) Authorization by the property owner for the proposed use.
 - (G) A description of the precise nature of the Special Event.
 - (H) A site plan showing its operating characteristics, including, but not limited to: dimensions and locations of specific activities, itinerary for the event and clean-up, trash/dumpster locations, off-street parking, ingress and egress points, traffic circulation, utilities and drainage features, and measures proposed to make the use compatible with other properties in the vicinity.
 - (I) List of items or services being requested from the Town, such as sound system, extra trash containers, traffic control devices, street closures, marquee announcement, electricity, and timing of sprinkler systems.
 - (J) List of any signage requested including the type, size, and colors, the location of each sign, and the duration the sign will be displayed.
 - (K) A copy of the Special Events Liquor Permit application or permit.
 - (L) Copy of a current and valid
 - 1. Colorado Sales Tax License,
 - 2. Grand Lake Sales Tax License, and/or
 - 3. Grand Lake Business License
 - (M) Any other information deemed by Town Staff to be reasonably necessary to carry out the provisions and the fair administration of this Section.
 - (N) An affidavit signed by the applicant stating that the information contained on the application is true and correct to the applicant's knowledge and further stating that knowing submission of false information shall be cause for the SEP to be immediately revoked without notice or hearing.
 - (O) A damage deposit is required and is refundable after determination by Town Staff that no damage to Town Property occurred and no clean-up by Town Staff was necessary.
 - 1. The damage deposit shall be One Hundred Dollars (\$100.00).
 - (P) The applicant shall indemnify the Town of Grand Lake. Proposed events involving alcohol, livestock, or events that could cause harm to persons or property, or items of similar nature as determined by the Town.
3. General SUP: The use of property, in any zoning district, for a period of six months or less, which use is not listed as a use by right or a conditional use.
 4. Application and Required Information for a General SUP:
 - a. Applications must be submitted at least ninety (90) days prior to the date(s) of the proposed use.
 - (1) Any significant changes to the application must be made at least thirty (30) days prior to the proposed use unless caused by an emergency, as determined by Town Staff.
 - b. The SUP Application, supporting documentation, and a CD of all supporting documentation in PDF format, shall be submitted to Town Staff in accordance with the above listed schedule. Town staff will have fourteen (14) days to determine whether or not the application is complete. Once determined complete, the request will be placed on the next regularly-scheduled Planning Commission meeting. The application shall be supported by documents, maps, plans and other material containing the following information, if applicable:
 - (1) Name and permanent address of applicant.
 - (2) Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Use site.
 - (3) Authorization by the property owner for the proposed use.
 - (4) A description of the precise nature of the Special Use and a site plan showing its operating characteristics, including but not limited to: dimensions and locations of specific activities, off-street parking, ingress and egress points, traffic circulation, utilities and drainage features, and measures proposed to make the use compatible with other properties in the vicinity.

- (5) Copy of a current and valid:
 - (A) Colorado Sales Tax License,
 - (B) Grand Lake Sales Tax License,
 - (C) Grand Lake Business License.
 - (6) Any other information deemed by Town Staff to be reasonably necessary to carry out the provisions and the fair administration of this Article.
 - (7) An affidavit signed by the applicant stating that the information contained on the application is true and correct to the applicant's knowledge and further stating that knowing submission of false information shall be cause for the SUP to be immediately revoked without notice or hearing.
 - (8) A non-refundable administrative processing fee set by resolution by the Town Board of Trustees.
5. Commission Processing and Review Criteria for a General SUP:
- a. The Planning Commission shall review the SUP application and determine whether to deny the application or schedule a public hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners. In making this determination, the Commission shall consider the following factors:
 - (1) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
 - (2) Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and (if applicable) snow removal from the streets and parking areas.
 - (3) Effect upon the character of the area in which the proposed Special Use is to be located, including the scale and bulk of the proposed Special Use in relation to surrounding uses and neighborhood.
 - (4) Such other factors and criteria as the Commission deems applicable to the proposed Special Use including but not limited to: proposed length of use; specific businesses, land owners or other interested parties to be notified; or proposed conditions of SUP issuance.
 - b. The applicant may appeal the Commission's decision to deny the SUP request to the Board of Trustees, in accordance with the procedure outlined in part (7)(a) below.
 - c. At least fifteen (15) days prior to the scheduled date, the Town Clerk, or her designee, shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP public hearing, and Town Staff shall cause certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP public hearing.
 - d. At the public hearing, after receiving comment and testimony, the Commission shall make a recommendation to the Board of Trustees in the form of a Resolution. Nothing in this Section shall preclude the Commission from tabling or continuing the public hearing to another time and place. If the Resolution is to approve the request, it shall contain the following findings:
 - (1) That the proposed location of the use is in accord with the purposes of this Chapter and the purposes of the district in which the SUP site is located.
 - (2) That the proposed location of the Special Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor will the proposed use be materially injurious to nearby land uses, properties, or improvements.
 - (3) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.
 - (4) That the applicant shall comply with such terms and conditions as the Commission determines are necessary to carry out the letter and intent of the Special Use Permit process.
6. Board of Trustees Processing and Review Criteria for a General SUP:
- a. Appeal of Commission Denial:

- (1) Applicants appealing the Commission denial of the SUP application shall file with Town Staff a request for hearing. The form of the appeal shall be in the manner as is prescribed by Town Staff. All appeals shall be accompanied by a non-refundable processing fee, set by resolution by the Town Board of Trustees. The matter shall be scheduled for the next regular Board meeting. At that meeting the Board shall determine if the denial is to be sustained or whether a public hearing shall be required. The sustaining of the denial is a final decision.
- (2) If the Board determines a public hearing is appropriate, then at least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP public hearing, and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP public hearing.

b. Recommendation of Commission Approval or Conditional Approval:

- (1) Upon adoption and transmittal of the Commission's Resolution, Town Staff shall set a date for a public hearing on the application before the Board of Trustees. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the SUP public hearing and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP public hearing.
- (2) Final action on the Special Use Permit is to be taken by the Board of Trustees at the public hearing; except that the Board may continue the public hearing to another time before taking final action.

7. Permit Issuance of Approval or Conditional Approval

- a. A Special Use Permit shall not grant variances. Variances shall be granted in accordance with the procedures prescribed in Section 12-2-32.
- b. The SUP shall be valid for a maximum period of six months unless a different time period is authorized by the Board.
- c. The SUP applicant shall also be subject to all other procedures, permits and requirements of this and other applicable Ordinances, regulations and agreements of the Town. In the event of any conflict between the provisions of a Special Use Permit and any other permit, requirement, or agreement, the more restrictive provision shall prevail.
- d. Authorization of a change or waiver in any condition previously imposed in the authorization of a special use shall be subject to the same procedures as a new special use.
- e. The SUP applicant shall comply with all such other conditions as are imposed by the Board as a condition of issuance.
- f. Failure to adhere to the General Conditions shall be cause for Town Staff to either suspend or revoke the SUP without notice or hearing.

B. Conditional Use Permits (CUP)

1. CUP General Information – Conditional Uses are those uses allowed in a district, in addition to the uses by right, where so authorized, when and if a Conditional Use Permit (CUP) is granted, in accordance with special procedures and requirements. The CUP review process herein is intended to assure compatibility and harmony between the proposed conditional use with both the surrounding properties and the town at large.
 - a. The Town of Grand Lake shall not review requests of this nature unless the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes, or amount due of any type.
2. Processing and Review Criteria - Unless identified in Section 12-2-31(B)3b, requests for Conditional Use Permits will be processed and reviewed according to the following criteria:
 - a. Procedure before the Planning Commission
 - (1) The applicant may propose a Conditional Use Permit request by submitting, to Town Staff, written material outlining the proposed use. Written material must be accompanied by

supporting documentation (including, but not limited to: maps, drawings, detailed photographs, product information, etc.). Application and supporting materials, including a CD of all drawings in PDF format, must be submitted at least twenty-one (21) days prior to the next regular Planning Commission meeting. Within fourteen (14) days, staff will determine if the submitted application, and supplemental materials, are complete and schedule the Conditional Use Permit request for the next Planning Commission. The Planning Commission shall either:

- (A) Formulate a recommendation concerning the Conditional Use including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees, or
- (B) Schedule a public hearing for a later date but no sooner than twenty-eight (28) days from receipt of the application. At least fifteen (15) days prior to the scheduled date, Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the CUP public hearing and certified letters to be mailed to all property owners within two hundred (200') feet of any portion of the property proposed for the SUP indicating the time, date, and location of the CUP public hearing.
 - 1. After taking evidence in relation to said Condition Use application, the Planning Commission shall formulate a recommendation, including such terms and conditions as it may deem necessary and appropriate. The recommendation shall be placed on the next agenda of the Board of Trustees.

b. Procedure before the Board of Trustees

- (1) The Board of Trustees shall vote to approve, modify or disapprove the recommendation of the Planning Commission by resolution. The Board of Trustees may also request a public hearing. Should the Board of Trustees choose so, the process identified in Section # 12-2-31 (A)7 shall be followed prior to voting to approve, modify or disapprove the recommendation of the Planning Commission by Resolution.

c. Submittal of New Materials

- (1) The applicant may not submit additional materials to the Town Board of Trustees for review. Submittal of new materials shall constitute a new application, shall require deposits, and shall be reviewed by the Planning Commission prior to going before the Town Board of Trustees.

3. Types of Conditional Use Permits

- a. Conditional Use Permits (CUPs) - permitted uses allowed in a district, in addition to the uses by right, where so authorized, are designated by individual zoning districts. Please refer to Sections 12-2-8 through 12-2-25 for individual zone listing.
- b. 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 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 fee but may be assessed other fees, as defined within the provisions of this Article.

(1) Nightly Rental Conditional Use Permits by Zone

- (A) 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.

1. Town Action:

- a. If Town Staff determines that the application satisfies the requirements of Section 12-2-31B(3)b(2), 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.

- b. 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 12-2-31B(1) and (2). 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.
- c. If zero notified property owners object to the proposed use, Town Staff shall issue the Nightly Rental License administratively.
- d. 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.
- e. 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.

2. Renewal

- a. 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 12-2-31B(3)b(2), a complaint must be either an official police citation or a letter signed by the complaining party.
- b. 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 Section 12-2-31B(3)b(2).

(B) The following shall apply only to the following districts: COMMERCIAL TRANSITIONAL, COMMERCIAL, and RESORT DISTRICTS.

1. Town Action:

- a. If Town Staff determines that the application satisfies the requirements of Section 12-2-31B(3)b(2), the Nightly Rental License will be issued.
- b. 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.
- c. 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.

2. Renewal

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

(C) The following shall apply only to the following districts: PD and PUD.

1. 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 12-2-31B(3)b(2).

(2) Nightly Rental Conditional Use Permit Regulations - Nightly rentals of such units shall only be authorized if all of the following conditions are met:

- (A) Applicant must provide two copies of a site plan that displays conformance with the following criteria, an application fee of \$150, for all units listed in 1A, above, 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 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 \$400.
- (B) All fees, dues, debts to the Town of Grand Lake, and taxes must be current before a license will be issued.
- (C) Application can be made for a Nightly Rental License as early as June 1st 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 1st of current year through December 31st 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 issued for 12 months, from January 1st to December 31st.
- (D) 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 12-2-31B(2)(D), the third party may use a pre-existing sales tax number for purposes of this paragraph.
- (E) 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.
- (F) 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.
- (G) Site Plan Criteria:
 - 1. 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 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.
 - 2. 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.

3. 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.
4. 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.
5. The applicant shall obtain HOA sign-off if the property resides within an HOA.

(H) Additional Criteria:

1. 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.
2. 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) and (d), Town of Grand Lake Sign Code.
3. 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.
4. Compliance with the conditions set forth in Section 12-2-31(B)(3)(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.
5. 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)(3)(b) or imposed by the Board of Trustees.
6. 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)(3)(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.
7. 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 12-2-31B(3)b or imposed by the Board of Trustees.

(3) Nightly Rental Conditional Use Permit Penalties

- (A) 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.
- (B) A violation of any part of Section 12-2-31B(3)b is punishable by a fine of up to \$300 for each occurrence. Each day such violation persists or continues shall constitute a separate and distinct offense.
- (C) The Town may also seek an injunction in addition to all other remedies and penalties provided for by local ordinance or available law.
- (D) All these remedies shall be in addition to all other remedies and penalties provided for by local ordinance or available at law.

18. Section 32 of Article 2 of Chapter 12 of the Municipal Code of the Town of Grand Lake, Colorado is hereby amended to read as follows:

Section 12-2-32 - Non-Conforming Uses and Structures

The Regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section are the Regulations for Non-Conforming Uses and Buildings.

b. Expansion or Enlargement - A non-conforming building or use to be extended or enlarged shall conform with the provisions of this Article.

1. A non-conforming structure may be enlarged so long as the non-conformance is not expanded.

2. A non-conforming use may be extended throughout any part of a building which was arranged or designed for such use at the enactment of this Article.

i. Special Exceptions to Provisions on Expansion of Non-Conforming Uses

The Planning Commission may authorize, upon appeal in specific cases, an exception permitting an increase in either or both the land use area or the floor area on a building or buildings occupied by a non-conforming use, subject to terms and conditions fixed by the Commission. Every exception authorized hereunder shall be personal to the applicant therefore and shall not be transferable, shall run with the land only after the construction of any authorized building and only for the life of such building. No exception shall be authorized hereunder unless the Commission shall find that all the following conditions exist:

(All other Subsections in this Section will remain the same.)

19. 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.

20. 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 28TH DAY OF SEPTEMBER, 2009.

(SEAL)

Votes Approving: 7

Votes Opposing: 0


Absent: 0


Abstaining: 0

TOWN OF GRAND LAKE

ATTEST:

By:


Judy M. Burke,
Mayor


Ronda Kolinske, CMC,
Town Clerk

AD Number:

RECEIVED FEB 11 2010

PROOF OF PUBLICATION

MIDDLE PARK TIMES

I, **Kimberly S. Burner**, do solemnly swear that I am the publisher of the Middle Park Times, 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 interruptedly 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 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 1/28/2010 and that the last publication of said notice was in the issue of newspaper dated 1/28/2010.

In witness whereof I have hereunto set my hand this 04th day of February, A.D. 2010.


Kimberly S. Burner, Publisher

Subscribed and sworn to before me, a notary public in and for The County of Grand, State of Colorado this 4th day of February, A.D. 2010.


Pamela J. Schultz, Notary Public

My Commission expires: November 1, 2011

PAMELA J SCHULTZ
Notary Public
State of Colorado

The following are corrections to Town of Grand Lake Ordinance No. 33-2009 published in the Middle Park Times on October 8, 2009. All other provisions of the Ordinance shall remain effective.

12-2-31A-2c-2(o)

A damage deposit is required and is refundable after determination by Town Staff that no damage to Town Property occurred and no clean-up by Town Staff, billed at an hourly rate as determined by Resolution by the Town Board of Trustees, was necessary at a point of 24 hours after the end of the event.

12-2-31B-2a-(1)A

Included in this narrative should include (but not be limited to: operational hours and functions, management responsibilities, assessed neighborhood compatibility and impact). Written material must be accompanied by supporting documentation, including (if applicable) but not limited to:

1. A site plan depicting the layout of the structure with the proposed use, ingress and egress point, parking and vehicular ingress and egress points, snow storage, trash receptacles, and any other item that may be pertinent to the site plan of the property and proposed use.
2. Landowner or Homeowners Association approval.

12-2-31B-3b

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.

12-2-31B-3b-2G-1

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 rental, or in a Town-designated parking area located off of the site of the nightly rental, 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.

12-2-31B-3b-2G-3

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.

12-2-31B-3b-2G-4

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.

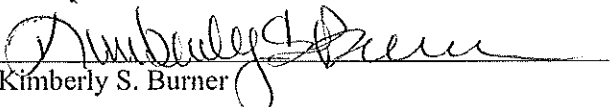
Published in the Middle Park Times January 28, 2010. (4570614)

PROOF OF PUBLICATION**MIDDLE PARK TIMES**

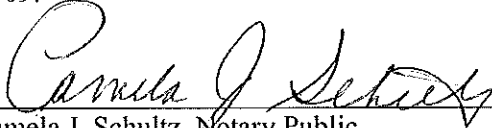
I, **Kimberly S. Burner**, do solemnly swear that I am the publisher of the Middle Park Times, that the same is a weekly newspaper printed, in whole or in-part, and published in the County of Grand, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and interruptedly 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 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 10/8/2009 and that the last publication of said notice was in the issue of newspaper dated 10/8/2009.

In witness whereof I have hereunto set my hand this 8th day of October, A.D. 2009

 , Publisher
Kimberly S. Burner

Subscribed and sworn to before me, a notary public in and for The County of Grand, State of Colorado this 8th day of October A.D. 2009.


Pamela J. Schultz, Notary Public

My Commission expires: **November 1, 2011**

