

ORDINANCE NO. 9-2011

**AN ORDINANCE AMENDING THE TOWN OF GRAND LAKE MUNICIPAL CODE CHAPTER 12,
ARTICLE 2, SECTION 31, SPECIAL AND CONDITIONAL USE**

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 March 16, 2011 and took public testimony on the matter and forwarded a recommendation of approval to the Town Board of Trustees; and

WHEREAS, the Town Board of Trustees held a Public Hearing on the matter on May 9, 2011, 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 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, 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.

1. The damage deposit shall be One Hundred Dollars (\$100.00).

(P) — The applicant shall indemnify the Town of Grand Lake for 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. A permit for the temporary use (six months or less) of private property.

a. For Residential and Resort-Zoned parcels and neighborhoods, the permit shall be utilized for the approval of proposed uses not listed as a Use-by-Right or a Conditional Use.

b. For Commercial/Mixed Use, the permit shall be utilized for the approval of proposed accessory uses, not incidental to the primary use of the property, or when there

are two or more businesses present, with at least one business that is proposed to be located in a non-fixed structure, or a temporary facility; or when the total square footage of the unit/structure does not meet the minimum floor area for the zoning district where it is located.

c. The permit may be utilized for the approval of uses proposed on Public and Open Space-Zoned lands not owned by the Town of Grand Lake.

d. Application and Required Information for a General SUP:

(1) Applications must be submitted at least ninety (90) days prior to the date(s) of the proposed use.

(A) 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.

e. 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.

f. Commission Processing and Review Criteria for a General SUP:

(1) The Planning Commission shall review the SUP application and ~~determine whether to deny the application or schedule in~~ a Public Hearing to receive testimony and comment of interested citizens, businesses, and adjoining property owners prior to making a recommendation to the Town Board of Trustees.

(A) At least fifteen (15) days prior to the scheduled Public Hearing date, ~~the Town Clerk, or her designee,~~ 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 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.

(2) In making this determination of a recommendation of approval or denial of the SUP application, the Commission shall consider the following factors:

- (A) Relationship of the proposed Special Use to the economic development objectives of the Town and the anticipated impact of the SUP on existing businesses.
 - (B) 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.
 - (C) 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.
 - (D) 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.
- (3) 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:
- (A) 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.
 - (B) 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.
 - (C) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.
 - (D) 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.
 - (E) **That the SUP shall be valid for a specific duration of time, citing specific dates.**

1. **In the case of reoccurring applications, the Planning Commission may make recommendation to the Town Board of Trustees for the Board's approval of an annually-reoccurring Special Use Permit not to exceed three years.**

- (4) 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 **12-2-31-A(3)(d)** below.
- (5) ~~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.~~
- (6) ~~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:~~
- ~~(A) 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.~~
 - ~~(B) 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.

~~(C) That the proposed use will comply with all of the applicable provisions of the Code of Ordinances.~~

~~(D) 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.~~

g. Board of Trustees Processing and Review Criteria for a General SUP:

(1) Appeal of Commission Denial:

(A) 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.

(B) 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.

(2) Recommendation of Commission Approval or Conditional Approval:

(A) 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.

(B) 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.

h. Permit Issuance of Approval or Conditional Approval

(1) A Special Use Permit shall not grant variances. Variances shall be granted in accordance with the procedures prescribed in Section 12-2-32.

(2) The SUP shall be valid for a maximum period of six months unless a different time period is authorized by the Board.

(A) **Approved annually-reoccurring permits shall be deemed to be invalid if any provisions of the approval have changed from previous years.**

(3) 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.

(4) 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.

(5) The SUP applicant shall comply with all such other conditions as are imposed by the Board as a condition of issuance.

(6) 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. **Types of Conditional Use Permits**

a. **General 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**

2. **General** 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.

3. **Processing and Review Criteria** - Unless identified in Section 12-2-31-B(3)(b), 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.

(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.

(B) 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:

1. 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

2. 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.

A. 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.

1. **The Planning Commission shall take the following factors into consideration prior to making recommendation to the Town Board of Trustees:**

- a. Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences.
 - b. Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood.
 - c. Such other factors and criteria as the Commission deems applicable to the proposed Conditional Use including but not limited to: hours of operation; signage; specific businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance.
 - 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(3)(d) shall be followed prior to voting to 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.
 - (2) In the Public Hearing, the Town Board of Trustees may move to approve, modify or disapprove the recommendation of the Planning Commission by Resolution.
 - c. Submittal of New Materials
 - (1) The applicant may not alter an application or 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.
4. ~~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 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.
 - (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 12-2-31-B(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 12-2-31-B(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~~ **the owner has the option of purchasing a business license in lieu of the Nightly Rental License.**

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 12-2-31-B(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 **the appropriate** application fee, **as set by Resolution by the Town Board of Trustee** 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 12-2-31-B(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 12-2-31-B(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~~ **the owner has the option of purchasing a business license in lieu of the Nightly Rental License.**

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 12-2-31-B(3)b(1)(b).
- (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~~ the appropriate application fee of \$150 for all units listed in ~~4A 12-2-31-B(3)b(1)(a), above,~~ and a the appropriate 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 the Nightly Rental License fee.
 - (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).~~ 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.
 - (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 12-2-31-B(2)(e), 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 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.

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. **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.**

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.

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.

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~~ **violation of Grand Lake Municipal Code 7-1-15 Disturbing the Peace or 7-1-16 Unnecessary Noise.**

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(e) 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 12-2-31-B(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 12-2-31-B(3)(b) is punishable by a fine of up to **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.

(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.

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

2. 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.
3. 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.

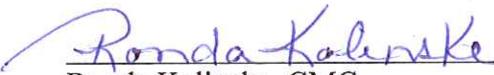
INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE AND SIGNED THIS 9TH DAY OF MAY, 2011.


(SEAL)

Votes Approving:	5
Votes Opposing:	0
Absent:	2
Abstaining:	0

ATTEST:

TOWN OF GRAND LAKE


Ronda Kolinske, CMC
Town Clerk

By: 
Judy M. Burke
Mayor

Ad Name: 6528715A
Customer: GRAND LAKE, TOWN OF
Your account number is: 1095579

PROOF OF PUBLICATION

MIDDLE PARK TIMES

I, Matt Sandberg, 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.

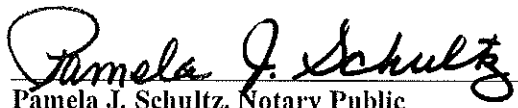
That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 1 consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated 5/19/2011 and that the last publication of said notice was dated 5/19/2011 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 05/25/2011.

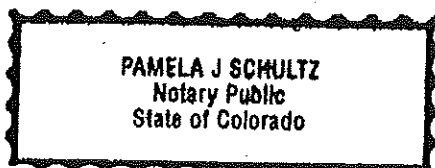


Matt Sandberg
Publisher

Subscribed and sworn to before me, a notary public in and for the County of Eagle, State of Colorado this day 05/25/2011.



Pamela J. Schultz, Notary Public
My Commission expires: November 1, 2011



NOTICE OF ADOPTION OF ORDINANCE

Please take notice that, on May 9, 2011 the Board of Trustees for the Town of Grand Lake, Colorado, approved and adopted an ordinance entitled:

**TOWN OF GRAND LAKE
ORDINANCE NO. 9-2011
AN ORDINANCE AMENDING THE TOWN OF
GRAND LAKE MUNICIPAL CODE CHAPTER 12,
ARTICLE 2, SECTION 31,
SPECIAL AND CONDITIONAL USE**

This ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law. A copy of this ordinance in full is available for public inspection on the Town's website, www.townofgrandlake.com, or at the Town Hall, 1026 Park Avenue, Grand Lake, Colorado, during regular business hours.

Published in the Middle Park Times May 19, 2011.
(6528715)