

**TOWN OF GRAND LAKE  
ORDINANCE NO. 5 - 2008**

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

WHEREAS, amendments to the Zoning Regulations of the Town of Grand Lake Code are permitted following public notice and public meeting; and,

WHEREAS, the Town of Grand Lake Planning Commission held a public meeting, following public notification, on April 2<sup>nd</sup>, 2008; and

WHEREAS, following the public meeting, the Planning Commission recommended approval of the proposed amendments to the Zoning Regulations of the Town of Grand Lake Code to the Board of Trustees; and,

WHEREAS, the Board of Trustees held a public hearing, following public notification, on May 12<sup>th</sup>, 2008; and,

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

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

**PART 1.** Section 12-2-6, Definitions, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

Accessory Uses and Structures - A use naturally and normally incidental to a use by a right, and complying with all of the following conditions:

- f.      Overnight camping on private residential property, by the owner or guest, for a period not exceeding seven (7) consecutive days.**

Boathouse - An accessory structure for sheltering boats and other aquatic equipment, with one boathouse that meets applicable design standards allowed per existing single family residence with lake frontage; to be used primarily for storage of equipment and not for human habitation. Recreation facilities such as courts and decks may be made a part of a boathouse structure, but no facilities such as lavatories, toilets, showers, sinks, cooking equipment (other than charcoal type cookers) and sleeping accommodations may be included.

**Planning** Commission - The Grand Lake Town Planning Commission.

Commercial Space – Uses permitted by right in the Commercial District and the Commercial Transitional District excluding single family, multi-family attached rental units, condominiums, townhouses, condo/hotels, and parking lots.

Modular Factory Built or Manufactured Home-- Meets IBC Any portable structure originally constructed to have no foundation other than facilities for placement or erection of the structure on site so designed or constructed to permit permanent occupancy as living quarters (Also see "Dwelling Unit").

Manufactured – Meets HUD Code; Any non-portable, wood-sided, pitched-roof structure, on a permanent foundation and meeting snow load requirements, which is equal to or greater than 24' wide by 36' long. If less than 24' by 36', only permitted in trailer parks.

Off-Street Parking Space - An off-street, hard-surfaced, dust-free space designed and intended to be occupied by a parked automobile which is up to one hundred eighty (180) square feet in area exclusive of maneuvering and roadway space.

For purposes of this Section, off-street parking shall be of two classifications, (1) Surface off-street parking; and (2) covered underground off-street parking. An off-street parking space shall consist of the following area requirements:

3. Additional parking standards are found in Section 12-2-26A 12-2-28 of these Regulations.

~~Open Space – Undisturbed, revegetated or improved land dedicated to the common use of the public or all residents of a mixed use, subdivision, condominium or townhouse development which is intended to provide visual openness and recreational use for that development. Uses listed below include but are not limited to the following:~~

~~Permitted (May be included in the Open Space calculation)~~

- ~~1. Uncovered swimming pools~~
- ~~2. Sports field \*~~
- ~~3. Pathways, trails~~
- ~~4. Tennis courts (open air)~~
- ~~5. Volleyball courts~~
- ~~6. Playgrounds~~
- ~~7. Picnic grounds~~
- ~~8. Shuffleboard, horseshoes, badminton~~
- ~~9. Golf course~~
- ~~10. Unenclosed basketball courts~~
- ~~11. Ponds, lakes, creeks~~
- ~~12. Pedestrian bridges~~
- ~~13. Gardens~~
- ~~14. Horse corrals~~
- ~~15. Patios and plazas \*\*~~
- ~~16. Walkways~~

17. — Fences and walls

Not Permitted (May not be included in the Open Space calculation)

1. — Covered swimming pools
2. — Bleachers
3. — Driveways, parking and loading areas
4. — Tennis courts (enclosed or covered)
5. — Racquetball courts
6. — Handball courts
7. — Bandstands, theaters
8. — Club houses
9. — Saunas, hot tubs
10. — Balconies \*\*\*
11. — Greenhouses
12. — Decks \*\*\*
13. — Streets
14. — Buildings and other accessory structures
15. — Recreation center buildings
16. — Gazebos
17. — Boathouses
18. — Animal stables and shelters

— \* Includes baseball, soccer, football, rugby, etc.

— \*\* Independent of structure and at grade

— \*\*\* Connected to structures and at or above grade

Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must also be approved by the Town.

**Open Space (Public) Undisturbed, revegetated or improved land dedicated to the common use of the public to provide visual openness and recreational use. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake.**

**Open Space (Private) Undisturbed, revegetated or improved land dedicated to the common use of all residents of a subdivision, condominium, townhouse, or mixed-use development which is intended to provide visual openness and recreational use for that development. Open space, once created, can only be otherwise utilized by the concurrence of the owners, according to provisions in ownership declaration documents, which said open space was created to benefit. Changes in the open space utilization must be approved by the Commission and Board of Trustees of the Town of Grand Lake. Permitted and Non-Permitted Uses for Open Space (Private) land will be compliant with uses for Open Space (Public) land. Uses listed below include but are not limited to the following:**

<u>PERMITTED (May be used in the Private Open Space calculation Land Area Requirement)</u>	<u>NOT PERMITTED (May not be included in the Private Open Space calculation Land Area Requirement)</u>
1. <u>Uncovered swimming pools</u>	1. <u>Covered swimming pools</u>
2. <u>Sports field *</u>	2. <u>Bleachers</u>
3. <u>Pathways, trails</u>	3. <u>Driveways, parking and loading areas</u>
4. <u>Tennis courts (open air)</u>	4. <u>Tennis courts (enclosed or covered)</u>
5. <u>Volleyball courts</u>	5. <u>Racquetball courts</u>
6. <u>Playgrounds</u>	6. <u>Handball courts</u>
7. <u>Picnic grounds</u>	7. <u>Bandstands, theaters</u>
8. <u>Shuffleboard, horseshoes, badminton</u>	8. <u>Club houses</u>
9. <u>Unenclosed basketball courts</u>	9. <u>Saunas, hot tubs</u>
10. <u>Ponds, lakes, creeks</u>	10. <u>Balconies ***</u>
11. <u>Pedestrian bridges</u>	11. <u>Greenhouses</u>
12. <u>Gardens</u>	12. <u>Decks ***</u>
13. <u>Horse corrals</u>	13. <u>Streets</u>
14. <u>Patios and plazas**</u>	14. <u>Buildings/Other accessory structures</u>
15. <u>Walkways</u>	15. <u>Recreation center buildings</u>
16. <u>Fences and walls</u>	16. <u>Gazebos</u>
17. <u>Snow Storage****</u>	17. <u>Boathouses</u>
	18. <u>Animal stables and shelters</u>
	19. <u>Golf Courses</u>
* <u>Includes baseball, soccer, football, rugby, etc.</u>	
** <u>Independent of structure and at grade</u>	
*** <u>Connected to structures and at or above grade</u>	
**** <u>No more than 50% may be counted and only if placed on impervious landscaped areas that have been designed to connect to an adequate drainage system, as approved by the Town</u>	

Structure – See *Building*

Town Board of Trustees – The Town Board of Trustees of the Town of Grand Lake, Colorado.

Travel Trailer – Any trailer designed for occupancy which is thirty-three feet (33') or less in length and eight feet (8') or less in width and not used as a dwelling unit.

**PART 2.** Section 12-2-7, Establishment of Zone Districts, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- a. In conformity with the intent and purpose of this Article, the "Zoning Districts" as set forth below are hereby adopted, in order to classify, regulate, restrict and separate uses of land and structures, lot dimensions and areas, yard widths and depths, percentage of

lot coverage and open spaces, lot area required for dwelling units and other structures, spacing or buildings, and the height and bulk of structures.

~~PUD - Planned Unit Development District~~ **PD - Planned Development District**

**OS - Open Space District**

**PUB - Public District**

c. Applicability of District Regulations - Except as may be otherwise provided herein:

7. Off-street parking spaces in all districts shall be provided in accordance with the requirements for specific uses set forth in Section 12-2-26 **12-2-28** of this Article.

8. Signs for permitted uses in all districts shall be in accordance with requirements set forth in Section 12-2-22 **6-2** of this Article **the Municipal Code**.

d. Introduction to Specific District Regulations - Regulations for the districts established by this Article are set forth in Sections 12-2-8 through 12-2-22**25** hereof, provided, however, that such exceptions to any such regulations or such additional regulations as are set forth in other Sections hereof shall apply; provided, further that the Board of Adjustment as established hereby may, under certain conditions, vary these Regulations and approve the issuance of permits for the establishment of certain uses, all as set forth in Section 12-2-28**32**. The district regulations set forth in Sections 12-2-8 through 12-2-24**25** hereof are subject to exceptions, variances, additions and provisions as are set forth in other Sections hereof. Certain regulations applicable to pre-established uses that do not conform to the provisions herein are set forth in Section 12-2-25**31**.

e. *Annexation of Additional Territory - Whenever any territory is added to the city limits of the Town of Grand Lake, plans for said annexation shall be presented to the Planning Commission for land use and zoning recommendations and the Board of Trustees in the Article providing for its addition to the City shall designate the district or districts in which it is included and it shall be governed by the provisions of the section governing the district to which it is attached and in the absence of the adoption of such resolution, such territory when annexed shall automatically become a part of the 0 - Open District.*

f. *Vacations - Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of the Town of Grand Lake, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.*

**PART 3.** Section 12-2-8, Regulations of 0 - Open District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

The regulations set forth in this Section, or set elsewhere in this Article when referred to in this Section are the District Regulations in the 0 - Open District.

b. Conditional Uses

3. ~~Electric substations and gas regulator stations~~ **Public Utilities.**

9. Nightly Rentals **will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).**

c. Building Height Limit - Except as provided in Section 12-2-26 **27**, the height regulations are as follows:

d. Area Regulations - Except as provided in Section 12-2-26 **27**, the area regulations are as follows:

**PART 4.** Section 12-2-9, Regulations for RE -Residential Estate District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

b. Conditional Uses

1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**

5. Nightly Rentals **will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).**

c. Building Height Limit - Except as provided in Section 12-2-26**28**, the height regulations are as follows:

d. Area Regulations - Except as provided in Section 12-2-26**28**, the area regulations are as follows:

**PART 5.** Section 12-2-10, Regulations for RSL - Single Family Residential Low Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

b. Conditional Uses

1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**

5. Nightly Rentals **will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).**

c. Building Height Limit - Except as provided in Section 12-2-26**28**, the height regulations are as follows:

- d. Area Regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 6.** Section 12-2-11, Regulations for RSM - Single Family Residential District Medium Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

The regulations set forth in this Section, or set forth elsewhere in this Article, when referred to in this Section, are the District Regulations in the RSM - Single Family Residential District - Medium Density.

- b. Conditional Uses
  - 1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**
  - 5. Nightly Rentals **will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).**
- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 7.** Section 12-2-12, Regulations for RSH - Single Family Residential District - High Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  - 1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**
  - 5. Nightly Rentals **will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).**
- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 8.** Section 12-2-13, Regulations for RML - Multiple Family Residential District - Low Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  - 1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**

5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).
- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 9.** Section 12-2-14, Regulations for RMM - Multiple Family Residential District - Medium Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  1. ~~Electric substations and gas regulator stations~~ Public Utilities.
  5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).
- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 10.** Section 12-2-15, Regulations for RMH District - Multiple Family Residential District - High Density, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  1. ~~Electric substations and gas regulator stations~~ Public Utilities.
  5. Nightly Rentals will be treated as a conditional use when an objection has been raised as to the use by right. Please refer to Section 12-2-31 (B).
- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 11.** Section 12-2-16, Regulations for HM - Mobile Home Residential District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses



1. ~~Electric substations and gas regulator stations~~ Public Utilities.

- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:
- d. Area regulations - Except as provided in Section 12-2-2628, the area regulations are as follows:

**PART 12.** Section 12-2-17, Regulations for CT - Commercial Transitional District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

a. Uses Permitted by Right

14. Nightly Rentals. Please refer to Section 12-2-31 (B).

15. ~~Multi-family attached rental units, condominiums and townhouses are uses permitted by right except on the first story, as defined in this Chapter 12 Article 2. This regulation applies to projects for which a Building Permit has not been issued by the Grand County Building Department before the effective date of Ordinance 4-2004 and for projects which require the subdivision of the property and advancement to the Final Plat Review of the Grand Lake Planning Commission before the effective date of Ordinance 4-2004.~~

Residential units herein defined as: Multi-family attached rental units, condominiums, townhouse and condo/hotels are uses permitted by right with the following restrictions:

(A) The first story area measured from the frontage to 50' into the lot shall be dedicated to commercial space.

(B) If any portion of the area described in (A) is used for a hallway, elevator, stairwell access, or fire escape access, a minimum of 30 % of the second story of the structure must be dedicated to commercial space. This area shall be located on the frontage side of the structure.

(C) The commercial space aspect of any structure must be constructed prior to or in conjunction with the residential units. A Certificate of Occupancy must be issued to the commercial space prior to or in conjunction with the residential units.

- c. Building Height Limit - Except as provided in Section 12-2-2628, the height regulations are as follows:

- d. Area Regulations - Except as provided in Section 12-2-26~~28~~, the area regulations are as follows:
4. Minimum Front Yard - Measured from the front property line, every principal or accessory building shall have a front yard of not less than Five Feet (5') for all structures. Section 12-2-26-(e) 27 (b) #4 and #5 does not apply.
  5. Minimum Rear Yard - Measured from the rear property line every principal or accessory building shall have a rear yard of not less than Twenty Feet (20'). Section 12-2-26-(e) 27 (b) #4 and #5 does not apply.
  6. Minimum Side Yard - Measured from the side property lines, there shall be side yards of not less than Five Feet (5') on each side of the lot. Section 12-2-26-(e) 27 (b)#4 and #5 applies only for a distance of Two and a Half Feet (2 ½') into the side yard setback.

**PART 13.** Section 12-2-18, Regulations for C - Commercial District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

a. Uses Permit by Right

1. All uses provided for in the CT - Commercial Transitional District, except Single Family Residential. ~~Mixed Residential with permitted Commercial Use is a Use By Right provided not more than one-half of the total square footage of the building or buildings on the lot are to be used for residential purposes. Minimum floor area requirements apply.~~ Time-share restrictions for the CT District also apply to the C - Commercial District except Single-Family Residential. Multi-family attached rental units, condominiums and townhouses are uses permitted by right except on the first story, as defined in this Chapter 12 Article 2. This regulation applies to projects for which a Building Permit has not been issued by the Grand County Building Department before the effective date of Ordinance 4-2004 and for projects which require the subdivision of the property and advancement to the Final Plat Review of the Grand Lake Planning Commission before the effective date of Ordinance 4-2004.
9. Nightly Rentals. Please refer to Section 12-2-31 (B).
10. Residential units, herein defines as: Multi-family attached rental units, condominiums, townhouses, and condo/hotels with the following restrictions:
  - (A) The first story area measured from the frontages to 50' into the lot shall be dedicated to commercial space.
  - (B) If any portion of the area described in (A) is used for a hallway, elevator, stairwell access, or fire escape access, a minimum of 30% of the second

story of the structure must be dedicated to commercial space. This area shall be located on the frontage side of the structure.

(C) The commercial space aspect of any structure must be constructed prior to or in conjunction with the residential units. A Certificate of Occupancy must be issued to the commercial space prior to or in conjunction with the residential units.

- c. Building Height Limit - Except as provided in Section 12-2-26 28, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-26 28, the area regulations are as follows:

8. Open Space - There is no open space requirement except in the case of Mixed Use developments where the open space schedule in Section 12-2-26 ~~(G)~~ of these Regulations shall govern.

~~(e) Special Uses - The use of property for or by: ambulatory vendors; peddlers; vendors selling at retail from a vehicle (except fixed route vendors); and/or persons carrying on a trade or business from a temporary structure is permitted only within the commercial district and constitutes a special use. The Special Use Permit (SUP) review process prescribed herein is intended to assure compatibility and harmony between the proposed special use and both the surrounding properties and the town at large. The Mayor or the Mayor's designee may exempt persons and events from the provisions of this Section if they are being sponsored by non-profit organizations and if such exemption is deemed to be in the best interest of the Town.~~

~~1. Application and Required Information: At least thirty (30) days prior to the next regularly scheduled Planning Commission meeting SUP Application shall be submitted to the Town Clerk. The application shall be supported by documents, maps, plans and other material containing the following information:~~

~~A. Name and permanent address of applicant.~~

~~B. Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Use site.~~

~~C. 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.~~

D. ~~A current and valid:~~

- ~~Colorado Sales Tax License;~~
- ~~Grand Lake Sales Tax License;~~
- ~~Grand Lake Business License; and~~
- ~~Grand Lake Peddlers and Transient Merchant License.~~

E. ~~Any other information deemed by the Town Clerk to be reasonably necessary to carry out the provisions and the fair administration of this Article.~~

F. ~~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.~~

G. ~~A non-refundable administrative processing fee of two hundred fifty (\$250.00) dollars. (See Resolution 11-2004)~~

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2. ~~Planning Commission Processing and Review Criteria:~~

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. — After consideration of these factors, the Commission shall vote either to deny the application or to schedule a public hearing. 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 (2) (A) below.~~

~~C. — At least twenty (20) days prior to the scheduled date, the Town Clerk 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. In addition, at least fifteen (15) days prior to the scheduled date, the Town Clerk 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. Said resolution 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 materially injurious 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.~~

~~3. — Board of Trustees Processing and Review Criteria:~~

~~A. — Appeal of Commission Denial:~~

~~(1) — Applicants appealing the Commission denial of the SUP application shall file with the Town Clerk a request for hearing. The form of the appeal shall be in the manner as is prescribed by the Town Clerk. All appeals shall be accompanied by a two~~

~~hundred (\$200.00) dollar non-refundable processing fee. 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 appeal is a final decision.~~

- ~~(2) If the Board determines a public hearing is appropriate, then at least twenty (20) days prior to the scheduled date, the Town Clerk 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. In addition, at least fifteen (15) days prior to the scheduled date, the Town Clerk 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.~~

~~B. Recommendation of Approval or Conditional Approval:~~

- ~~(1) Upon adoption and transmittal of the Commission's resolution, the Town Clerk shall set a date for a public hearing on the application before the Board of Trustees. At least twenty (20) days prior to the scheduled date, the Town Clerk 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.~~
- ~~(2) Final action on the Special Use Permit is to be taken by the Board of Trustees at the public meeting; except that the Board may continue the public hearing to another time before taking final action.~~

~~4. Permit Issuance and General Conditions: the Town Clerk shall issue a Special Use Permit when action of the Town Board becomes final. General Conditions of the Permit are:~~

- ~~A. A Special Use Permit shall not grant variances. Variances shall be granted in accordance with the procedures prescribed in Section 12-2-28.~~
- ~~B. The SUP shall be valid for a maximum period of twelve months unless a shorter period is authorized by the Board.~~
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- ~~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 the Town Clerk to either suspend or revoke the SUP without notice or hearing.~~

**PART 14.** Section 12-2-19, Regulations for IL - Light Industrial District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  - 1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**
- c. Building Height Limit - Except as provided in Section 12-2-26 **28**, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-26 **28**, the area regulations are as follows:

**PART 15.** Section 12-2-20, Regulations for IG - General Industrial District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- b. Conditional Uses
  - 1. ~~Electric substations and gas regulator stations~~ **Public Utilities.**
- c. Building Height Limit - Except as provided in Section 12-2-26 **28**, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-26 **28**, the area regulations are as follows:

**PART 16.** Section 12-2-21, Regulations for RST - Resort District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- a. Uses Permitted by Right
  - 7. Nightly Rentals. **Please refer to Section 12-2-30 (B).**
- b. Conditional Uses
  - 2. ~~Electric substations and gas regulator stations~~ **Public Utilities.**

- c. Building Height Limit - Except as provided in Section 12-2-26 28, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-26 28, the area regulations are as follows:
  - 8. Open Space - Open Space requirements will be governed by the setback requirements or in the case of Mixed Use developments by the Open Space schedule contained in Section 12-2-26-(G)-of these Regulations, whichever is greater.

**PART 17.** Section 12-2-22, Regulations For RVP - Recreational Vehicle Park (Recreational Vehicle Park as Primary Use), of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- a. Conditional Uses
  - Water reservoirs, water storage tanks, water pumping stations, sewer lift stations, and wireless towers, and public utilities.
- c. Building Height Limit - Except as provided in section 12-2-26 28, the height regulations are as follows:
- d. Area Regulations - Except as provided in Section 12-2-26 28, the area regulations are as follows:

**PART 18.** Section 12-2-24, Regulations for PUB – Public District, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- d. Building Height Limit – Except as provided in Section 12-2-26 28, the height regulations are as follows:
- e. Area Regulations – Except as provided in Section 12-2-26 28, the area regulations are as follows:

**PART 19.** Section 12-2-25, Reserved Planned Development, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- a. Purpose - It is the intent of this Section to promote the health, safety, and general welfare of the inhabitants of the Town of Grand Lake, Colorado, by providing for Planned Developments (PD) within the Town where such a development technique is in the best interest of the Town and will promote good design, enhancement of environmental amenities and increased efficiency of public and private services. Furthermore, the standards and procedures provided in this section are intended to ensure integrated planning goals and objectives with the master plan or comprehensive



plan for the Town of Grand Lake, while allowing greater flexibility and innovations in development and site design than is typically possible under conventional land use regulations. The regulations herein are intended to provide the developer reasonable assurance of ultimate approval prior to the expenditure of complete design costs, while providing the Town with assurances that the project will retain the character envisioned at the time of concurrence.

10. Encourage integrated planning in order to achieve the above purposes.

These regulations shall not abrogate, annul, modify or amend any permit, special use permit, license or approval, or any modification thereof or amendment thereto, issued or authorized by the ~~Town~~ Planning Commission, the Town Board of Trustees, or other governmental authority having appropriate jurisdiction prior to the effective date hereof. Further, these Regulations shall not abrogate, annul, modify or amend any permit, special use permit, license or approval, or any modification thereof or amendment thereto, issued or authorized by the Grand County Planning Commission, the Board of County Commissioners of the County of Grand, Colorado, the United States Forest service, or other governmental authority having appropriate jurisdiction prior to the effective date of annexation of any land or portion thereof.

c. Coordination with Other Regulations, Plans and General Provisions

4. Reviewing Authority - The ~~Grand Lake~~ Planning Commission and the Board of Trustees of the Town of Grand Lake are hereby designated as the governmental bodies authorized to review Planned Development Applications pursuant to these Regulations. Final review of the PD General Development Plan is the responsibility of the Board of Trustees as required by their invested legislative authority.

- d. Permitted Uses - All uses that are uses permitted by right according to the zone district applicable to the property prior to approval of the Planned Development application shall be permitted in the Planned Development. Additional uses may be negotiated between the applicant and the Planning Commission subject to review and approval by the Board of Trustees. In the course of such negotiations, the Planning Commission and the Board of Trustees shall consider all relevant factors, including but not limited to, the compatibility of the proposed Planned Development with the surrounding area, whether the proposed Planned Development is in harmony with the character of the neighborhood, the need for the proposed Planned Development, the effect of the proposed Planned Development upon the future development in the area, and with due consideration for the Town's comprehensive plan.

- e. Processing Fees - Processing fees will be subject to change from time to time upon approval of the Town. Current fees may be obtained from ~~the Town Clerk~~ Town Staff.

- f. Development Plan Review Procedures and Submittal Requirements - The application for a Planned Development Overlay shall be subject to a three-faceted review process composed of the following: (1) a Sketch Plan Preapplication Conference; (2) a Preliminary General Development Plan; and (3) a Final Development Plan. These processes may be integrated with the Subdivision Process at the applicant's option. Applicants are strongly encouraged to have a Pre-Application conference with Town Staff prior to Sketch Plan submittal.

1. Sketch Plan Preapplication Conference - Prior to actual submission of the Preliminary General Development Plan Application, and prior to constructing any site improvements, each applicant shall confer with either the administrative staff of the Town or the Planning Commission at a regular meeting and other appropriate governmental departments and agencies in connection with the preparation of said application in order to obtain and exchange information. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered at this conference. Thereafter, Either staff or the Planning Commission may furnish the applicant with written comments regarding said conference, to inform and assist the applicant prior to the preparation of the Preliminary General Development Plan application. Any materials prepared by the applicant to be used in discussions with the Planning Commission are to be submitted, by noon, to the Town Clerk Town Staff twenty-one (21) fifteen (15) days in advance of the meeting date the discussion is to take place. Eleven (11) Three (3) copies of all materials, including a CD of all submitted drawings in PDF format, and required application deposit, set by resolution by the Town Board of Trustees, are need to be submitted. and five (5) extra copies of any sketch maps need to be included if the discussion is to be held with the Planning Commission.

2. Preliminary General Development Plan - The Preliminary General Development Plan application is intended to generate site plan information in the form of written statements and plans in order to provide adequate information for review by the Town and the general public. The completed application shall be known as the Preliminary General Development Plan.

- A. Submission Requirements - The Preliminary General Development Plan shall embrace all properties which are to be included in the proposed development and shall be sufficiently detailed to allow for an effective review. All applications shall be accompanied by appropriate fees and submittal documents. The applicant shall submit one (1) complete copy of the Preliminary Plan documents, by noon, to Town Staff and pay the required fees within twenty-one (21) days prior to the Planning Commission meeting. Town staff will have fourteen (14) days to determine whether or not the application is complete. If an application is deemed incomplete, the application will not be presented to the Planning Commission. The applicant may resubmit, by noon, to Town Staff a complete application twenty-one

(21) days prior to the next regularly-scheduled Planning Commission meeting for determination of completion. Once determined complete, the applicant must submit an additional nineteen (19) copies, including a CD of all submitted drawings in PDF format, to town staff.

B. Written Documents - If a project is of minimal impact in the view of the Planning Commission, any of the following requirements may be waived.

~~(3) — Names and addresses of adjoining property owners within two hundred feet (200') of the property perimeter.~~

C. Site Plan(s) - A site plan and supporting maps and drawings shall be at a scale of one inch (1") equals fifty feet (50') or larger on sheets of twenty-four inches (24") by thirty-six inches (36") in size and shall include, at a minimum, the following information:

(3) Proposed lot lines and site designs by reference to permanent survey monuments (pins, as set by a professional surveyor).

(14) Any additional information as may be required by the Planning Commission or staff to evaluate the character and impact of the proposed Planned Development suggested during the at the time of Sketch Plan ~~preapplication conference.~~

D. Approval Procedure

(1) ~~The applicant shall file ten (10) copies of the Preliminary General Development Plan documents with the Town Clerk or administrative staff of the Town and pay the required fees prior to the Planning Commission meeting.~~ Once the application is deemed complete, it will be submitted to the Planning Commission at which the material is to be officially acknowledged and a future public hearing is to be scheduled for formal review of the proposed development.

(2) ~~Filing of documents are to be made at least twenty-eight (28) days in advance of the regular meeting (and public hearing) date of the Planning Commission at which the PD Preliminary Development Plan will be discussed. Upon receipt of the completed application and fees for Planning Commission review, the Town Clerk~~ The Planning Commission shall schedule a public hearing at the next Commission meeting or a later date but no sooner than twenty-eight (28) days from receipt of the

application. ~~the Town Clerk~~ Town Staff shall cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the subdivision public hearing. In addition, at least fifteen (15) days prior to the scheduled dates, 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 subdivision indicating the time, date, and location of the subdivision public hearing. ~~also publish the hearing date in the local newspaper designated as the official publishing vehicle for the Town. Responsible administrative staff of the~~ Town Staff shall also make written comments to the Planning Commission five (5) days in advance of this meeting.

- ~~(3)~~ The applicant shall, on the same date as filing the Preliminary General Plan documents with the Town Clerk, send by certified mail a copy of these documents to each of the property owners within 200 feet of the PD boundary. Notice of the date and place of the public hearing is to be included in each mailing.
- (3) The ~~Town~~ Planning Commission, or its authorized representative, shall immediately, upon receipt of the complete submission, distribute copies of the Preliminary Plan and supporting documents provided by the developer as follows:
- (4) The Planning Commission shall consider the application at the public hearing, and after weighing all evidence presented to it, shall, in writing, either approve said application as presented, approve said application subject to specified conditions, or disapprove it. The Planning Commission may continue the hearing for another thirty (30) days if necessary but not beyond thirty (30) days without the consent of the PD applicant(s).
- (5) If the application is approved as presented or approved subject to conditions by the Planning Commission, said application may be submitted to the Board of Trustees for their review if the Planning Commission considers it necessary. If it is determined not necessary to submit the application to the Board of Trustees, the applicant may begin preparation of the Final Development Plan. Disapprovals may not be appealed to the Board of Trustees.
- (6) Any substantial changes in the approved Preliminary ~~General Development~~ Plan and any conditions of approval shall be subject to review and consideration by the Planning Commission. Appropriate fees are to be paid in advance of review. Upon

consideration of changes, the Planning Commission shall take formal action in writing, which either approves or disapproves the changes.

- (7) When substantial changes in the Preliminary ~~General Development~~ Plan involve a reduction of or any addition to its land area, an increase in density, an increase in height, or a change of approved uses, then said Preliminary ~~Development~~ Plan shall be deemed to be null and void, all accompanying granted approvals shall be revoked, and a new Preliminary Development Plan application with appropriate fees shall be submitted for consideration, in accordance with the provisions contained herein.
- (8) A Preliminary ~~General Development~~ Plan shall be valid for six (6) months. One (1) six (6) month extension may be granted by the Planning Commission with reasonable cause upon application and review.

3. Final Development Plan - The Final Development Plan application is intended to provide the specific design components of the Preliminary ~~Development~~ Plan and for the review of additional items not required by the Preliminary ~~Development~~ Plan. The completed application shall be known as the Final Development Plan.

A. **Submission Requirements - The Final Development Plan shall embrace all properties which are to be included in the proposed development and shall be sufficiently detailed to allow for an effective review. The applicant shall submit one (1) copy of the Final Development Plan documents, by noon, to Town Staff within twenty-one (21) days prior to the Planning Commission meeting. Town staff will have fourteen (14) days to determine whether or not the application is complete. If an application is deemed incomplete, the application will not be presented to the Planning Commission. The applicant may resubmit, by noon, to Town Staff a complete application twenty-one (21) days prior to the next regularly-scheduled Planning Commission meeting for determination of completion. Once determined complete, the applicant must submit an additional fourteen (14) copies, including a CD of all drawings in PDF format, to town staff.**

- (1) Written and Graphic Documents - The Final Development Plan shall include all of the information required in the Preliminary ~~General Development~~ Plan in its finalized, detailed form. In addition, the following items shall be submitted: (1) any new items not submitted with the Preliminary ~~General Development~~

Plan; (2) any preliminary or final subdivision plats required if the construction of the development is planned to begin within one year; (3) any required dedication documentation and/or bonds; (4) any additional information as may be required by the Planning Commission or Board of Trustees necessary to evaluate the character and impact of the proposed Planned Development; (5) final engineering plans for public roads and utility systems and storm drainage control system; and (6) appropriate fees.

(2) Plan Map Format

- (j) The applicant shall provide a ~~3-1/2" floppy disc~~ **Compact Disc (CD)** in AutoCAD.dwg or AutoCAD.dxf which includes the following as determined by administrative staff and/or Planning Commission: address(es) as assigned by the Town of Grand Lake, lots with dimensions and ties to monumentation, roads, easements, drainage and detention ponds, fire hydrants, sewer and water line layouts, water courses, legal description, bearings and distances, utility layouts, open space, building envelopes and topography for the Grand County GIS Department.

B. Approval Procedure

- (1) ~~The applicant shall file ten (10) copies of the Final Development Plan documents with the Town Clerk or administrative staff of the Town. Once the application is deemed complete, it will be submitted to the Planning Commission at which the material is to be officially acknowledged and a future public hearing is to be scheduled for formal review of the proposed development.~~
- (2) ~~Filing of documents are to be made at least twenty-eight (28) days in advance of the regular meeting (and public hearing) date of the Planning Commission at which the PD Preliminary Development Plan will be discussed. Upon receipt of the completed application and fees for Planning Commission review, the Town Clerk~~ **The Planning Commission** shall schedule a public hearing at the next Commission meeting or a later date but no sooner than twenty-eight (28) days from receipt of the application. ~~the Town Clerk~~ **Town Staff** shall **cause a legal notice to run in a local newspaper of general circulation advertising the time, date, and location of the subdivision public hearing. In addition, at least fifteen (15) days prior to the scheduled dates, 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 subdivision indicating the time, date, and location of the subdivision public hearing. ~~also publish the hearing date in the local newspaper designated as the official publishing vehicle for the Town. Responsible administrative staff of the~~ Town Staff shall also make written comments to the Planning Commission five (5) days in advance of this meeting.

- (3) The Final Development Plan shall be deemed in substantial compliance with the Preliminary ~~General Development~~ Plan, provided modification by the applicant does not involve one or more of the following.

- C. Issuance of Planned Development Overlay Designation - If the Planned Development Plan is granted final approval, the Board of Trustees shall, by Ordinance, adopt the approved PD Plan and authorize the rezoning of the subject property of PDD No. \_\_\_\_ ~~the Town Clerk~~ Town Staff ~~or staff~~ shall cause the Official Zoning Map overlay sheet to be marked as per Section ~~12-2-24.3(4)~~ 12-2-7 of these Regulations. The PD Overlay shall incorporate the approved Development Plan and any conditions imposed by the Planning Commission and the Board of Trustees and shall set forth the period of time within which the development provided in the PD Plan shall be completed. The PD Overlay, together with the ordinance adopting the PD Plan and all accessory documents, shall be kept on file with ~~the Town Clerk~~ Town Staff as a matter of public record; and a copy of the PD Plan and Plan Map(s) shall be recorded in the records of the Grand County Clerk and Recorder. Upon filing and recording of the PD Plan(s), the terms and the provisions of the approved Plan incorporated therein shall govern and control the use and development of the property. Pending completion of the Planned Development within the time provided in the PD Plan, the provisions of the approved PD Plan shall not be modified, released or revoked by either the landowner or the Town except in the manner and in accordance with the procedures set forth in these Regulations.

6. Failure to Begin Development, or to Show Substantial Progress

- B. The PDD Special Review will be undertaken by the Planning Commission to determine if the developer can verify to the Commission that the original assumptions and plans of the Planned Development are still appropriate. At this review, the development schedule shall be recommended to be formally amended. Proceedings of this Review shall be forwarded to the Town Board of Trustees for their review and approval of the amended development schedule. No development may proceed until these formal amendments and approvals are made.

- D. After the Special Review has been undertaken and the Board of Trustees has found, determined, and declared that there is no realistic possibility that the PD can or will proceed as approved in the Final Development Plan, the Board of Trustees shall by resolution revoke the PD overlay. Said Revocation may trigger penalty provisions of the zoning ordinance due to non-conformance with the original base zoning.

g. Design Standards

3. Open Space

- C. Mixed Use Planned Developments - Open space in a mixed use (must include residential in the mix) Planned Development shall, at a minimum, be provided and consistent with these Zoning Regulations, Section 12-2-26(~~g~~).
- E. Administration and Maintenance - The following provisions shall govern the administration of the common improvements and open space in all Planned Unit Developments approved pursuant to these Regulations:

5. Lot Requirements

- A. There shall be no minimum lot width, setbacks, or lot area requirements in a PD. Setbacks and lot widths shall be as required by the Planning Commission to provide adequate access and fire protection and to ensure proper ventilation, light, and air. The stream and lake setback requirements of these Zoning Regulations shall be adhered to the greatest degree possible as a priority item. Deviations from these water setbacks will be judged according to Section ~~12-2-26(f)~~— 12-2-29 of these Regulations.

- 12. Other Provisions and Standards - The PD Plan may include other provisions deemed necessary or desirable by the landowner for the efficient development and preservation of the Planned Development subject to the approval of the Planning Commission and the Board of Trustees. In addition, the Commission and Board of Trustees may, in review of each Planned Development, require that additional provisions be incorporated into the PD Plan or that conditions be imposed in the public interest to ensure that the Planned Development will be developed in accordance with good design standards and practices and can exist compatibly with the neighboring land uses and the community as a whole. Such requirements and conditions may include, but shall not necessarily be limited to any of the land use requirements or controls not mentioned in the previous sections which would otherwise be applicable by reason of the Zoning Ordinance, or modifications thereof, including without limitation requirements relating to building design, location and construction, minimum yards, setbacks, lot widths, building spacing and floor areas, and requirements regarding the



availability and provision of streets, roads, utilities and other public or quasi-public facilities. Any such requirements and conditions imposed by the Planning Commission or Board of Trustees shall be specifically set forth in the PD Plan, as finally approved, and in the Planned Development Special Permit issued for the development.

**PART 20.** Section 12-2-26, ~~Supplementary Regulations~~ **Regulations for Mixed Use Developments**, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

*a. Mixed-Use Regulations for the CT, C and RST Districts*

1. *Mixed-use developments in the above listed districts will be subject to the following supplementary regulations. These regulations are minimum requirements and will also apply to Planned Developments within these districts.*
2. *Multiple family dwellings may be constructed above commercial uses provided:*
  - A. *Access to dwelling units is not through commercial establishments.*
  - B. *Trash, service and loading areas shall be screened from view from the dwelling units and from street entrances to dwelling units.*
  - C. *Outdoor lighting associated with commercial uses within the structure, including lighting for parking, service and loading areas, shall be designed and located such that the direct source is not visible from any dwelling unit within nor shall there be any glare.*
  - D. *At least two (2) means of ingress and egress from each floor of dwelling units shall be provided and that all other regulations as may pertain to fire protection be met.*
3. *Mixed-Use projects shall conform to the following schedule of ~~open-space~~ **(Private) Open Space Land Area R**requirements:*

GROUP	GROSS SQUARE FOOTAGE OF FLOOR AREA of STRUCTURE or LAND USE AREA	LAND USE or FLOOR AREA	MINIMUM <u>(PRIVATE)</u> OPEN SPACE LAND AREA REQUIRED
I.	75% - 99%	Commercial (C.)/Office (O.)	20%
	25% - 1%	Residential (R.)	
II.	50% - 75%	C. & O.	25%
	50% - 25%	R.	
III.	25% - 50%	C. & O.	35%
	75% - 50%	R.	

IV.	10% - 25%	C. & O.	45%
	90% - 75%	R.	
V.	<del>-0% - 19%</del> <b>1% - 9%</b>	C. & O.	50%
	<del>100% - 91%</del> <b>99% - 91%</b>	R.	

4. *In the C District, the developer shall submit a proposal for the **(Private)** Open Space Land Area Required for Mixed-Use projects according to one of the following alternatives.*
- A. *The **(Private)** Open Space Land Area Required is to be provided on-site, in accordance with the definition of Open Space, as provided in Section 12-2-6, Definitions.*
- B. *At the option of the Board of Trustees, the developer shall, in lieu of such provision of land, pay to the Town of Grand Lake in cash or terms acceptable to the Board of Trustees, an amount equal to the fair market value of the **(Private)** Open Space Land Area Required as determined by appraisal on the date of approval by the Board of Trustees. If the Town of Grand Lake and the developer fail to agree on the fair market value of the land, the fair market value shall be fixed and established by a qualified appraiser selected by the Town and the Developer.*
- C. *At the option of the Board of Trustees, the developer shall convey to the Town of Grand Lake land dedicated for parks, playgrounds, schools, housing, or other public uses except streets and utility easements. Conveyance shall be by deed, preceded by or accompanied with a current Title Insurance Policy, Tax Certificate and Survey.*
- D. *At the discretion of the Board of Trustees, the developer may provide a combination of (a.), (b.) and/or (c.) above to satisfy the **(Private)** Open Space Land Area Requirement.*

**PART 21. Section 12-2-27, Planned Unit Development Supplemental Regulations for Setbacks, Height and Area**, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

a. *Additional Setback Regulations*

1. *R.O.W. Buffers: Where an improvement (structure, parking lot, etc.) borders of State Highway 34 right-of-way, the Planning Commission may require a buffer strip of such an extent and type as may be practical with a minimum width of twenty (20) feet or other adequate protection against hazards and undesirable effects of the highway, such as a fence or landscape earthen berm installed by the developer. Snow storage areas are allowed in this setback.*

b. *Additional Height and Area Regulations - The following additional height and area regulations shall apply to all zone districts as set forth in this Article.*

1. *Hospitals, institutions or schools, when permitted in a district, may exceed the maximum height regulations in the zone district in which they are located provided the maximum for the use under question is set by the Board of Adjustment but in no instance shall such use exceed Forty-Two Feet (42') in height.*
2. *Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or theatre scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances may exceed the maximum height regulations of the zone district in which they are located provided the maximum height for the use under question is set by the Board of Adjustment, but in no instance shall such use exceed Sixty Feet (60') in height. Wireless telecommunications facilities may exceed the maximum height regulations of the zone district in which they are located provided the height is established by the Planning Commission during the Conditional Use review and they do not exceed a total height above the ground of One Hundred (100) feet.*
3. *Unless authorized by the Board of Adjustment, no basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.*
4. *Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues and eaves into the front, side or rear yard may be permitted by the Building Inspector for a distance of not more than Three and One-Half Feet (3 1/2') and where the same are so placed as not to obstruct light and ventilation of adjacent buildings.*
5. *An open un-enclosed porch or paved terrace may project into a front, side or rear yard for a distance not exceeding Five Feet (5'). An un-enclosed vestibule containing not more than Forty Square Feet (40 sq. ft.) may project into a front yard for a distance not to exceed Four Feet (4').*
6. *For the purpose of the side yard regulations, a Two-Family Dwelling, or a Multiple Dwelling shall be considered as one building occupying One (1) Lot unless developed as a Planned Development.*
7. *A structure presently encroaching into a setback shall not be allowed to make additions onto the structure within the boundary line measured from the lot line to the edge of the existing encroachment without seeking a variance from the Board of Adjustment.*

**PART 22.** Section 12-2-28, ~~Non-Conforming Uses and Structures~~ **Off-Street Parking Regulations**, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

*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 off-street 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:*

1. *THE CRITERIA TO CALCULATE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES SHALL BE AS FOLLOWS:*

<b>GROUP TYPE OF STRUCTURE</b>	<b>REQUIRED # OF OFF-STREET PARKING SPACES PER UNIT</b>
<b>I. SINGLE FAMILY DWELLING</b>	2 SPACES
<b>II. TOWNHOUSE, APARTMENT, DUPLEX CONDOMINIUM, OR RESIDENTIAL UNIT RENTED ON A MONTHLY OR LONGER BASIS:</b>	
STUDIO OR ONE BEDROOM UNIT	1 SPACE
TWO BEDROOM UNIT	1 1/2 SPACES
THREE BEDROOM UNIT	2 SPACES
FOUR OR MORE BEDROOM UNIT	2 1/2 SPACES
<b>III. HOTEL ROOM, MOTEL ROOM, CABIN LODGE ROOM, CONDO-HOTEL ROOM, OR RESIDENTIAL UNIT RENTED ON A LESS THAN MONTHLY BASIS:</b>	
STUDIO OR ONE BEDROOM UNIT	1 SPACE
TWO BEDROOM UNIT	1 1/2 SPACE
THREE BEDROOM UNIT	2 SPACES
FOUR OR MORE BEDROOM UNIT	2 1/2 SPACES
<b>IV. ALL RETAIL AND COMMERCIAL ESTABLISHMENTS:</b>	
FOR EACH TWO HUNDRED FIFTY (250) SQUARE FEET OF GROSS LEASABLE AREA	1 SPACE
<b>V. ALL STRUCTURES OR USES NOT OTHERWISE CLASSIFIED:</b>	
FOR EACH ONE HUNDRED FIFTY (150) SQUARE FEET OF GROSS LEASABLE AREA	1 SPACE

2. *The method used to calculate the required number of off-street parking spaces shall be as follows:*

- A. *The total number of required parking spaces shall be calculated based on the table from Part 1. above. 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 gross leasable 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 III structures shall be required to always supply the first eighty (80%) of the resulting number on the property where the structure is located. The remaining twenty (20%) may be either supplied on-site or may be satisfied through payment of the appropriate off-street parking fee.*
  - D. *After allowing for the on-street parking credit, if eligible, group IV and group V structures shall be required to satisfy seventy five (75%) percent of the resulting number of required off-street parking spaces. Fractions shall be rounded up to the next whole number. This may be satisfied by supplying any combination of on-site spaces and the appropriate off-street parking fee. Nothing in this part shall supersede the on-site utility requirement for structures built on property within the commercial district.*
3. *The 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, and is non-refundable.*
4. *All parking and loading areas shall be surfaced with asphalt or concrete in all zones except the Residential, open and Resort zones where parking areas may be surfaced with compacted gravel and treated to control fugitive dust. Underground or structured parking is encouraged.*

5. *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.*
6. *Convenient snow storage areas shall be provided for parking areas equivalent to one-third (1/3) of the total drive and parking area. 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. Parking areas may not double as 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.*
7. *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.*
8. *All parking areas are to be adequately lighted for security reasons.*
9. *No parking is to be allowed on through public roads unless additional surface widths are provided for this purpose.*
10. *All parking lots (greater than thirty (30) spaces) and structures are to be provided with a minimum of two (2) accesses.*
11. *Before a Certificate of Occupancy (C.O.) is issued on any structure(s), all parking areas are, as a minimum, to be graveled. This requirement may be waived should weather conditions necessitate it. All improvements bonds, escrow funds, etc., are to be held by the Town until paving is complete.*
12. *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 ten (10) feet wide by twenty (20) feet long by sixteen (16) feet high.*
13. *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 except by special permit from the Town.*
14. *Required parking spaces must be provided on the same property or use as the principal building or use in the Open and Residential zones. In the other zones, for multifamily developments up to thirty (30) percent of the parking shall be within two hundred (200) feet of the principal use provided that a minimum of one (1) space per unit is available on the site; and for Commercial, industrial and mixed use developments, may satisfy the off-street parking requirement by providing an off-site parking area. The off-site parking area shall be within one*

thousand feet (1000') of the principal use. The zoning for the 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 or said owners shall have a long term lease on the land. 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.

~~15. 14.~~ Twenty five percent (25%) of the total number of parking space required for commercial, office, cultural, and civic uses in any district may be of a compact car size (8'X16'). These spaces shall be properly marked and grouped in the overall parking plan.

~~16. 15.~~ *On-Street Parking Credits in Determining Required Off-Street 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.*
- 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.** It shall be the responsibility of the Building Code Administrator to determine the number of on-street parking spaces available in computing the credit.

~~17. 16.~~ *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.*

**PART 23.** Section 12-2-29, Administration **Shoreland Regulations**, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

1. Stream and Lake Setbacks

- B. *In order to help preserve the environmental quality of the water in the Grand Lake, a thirty (30) foot stream and lake setback from the mean identifiable high water mark shall be maintained for buildings, parking, snow storage areas and other improvements to a site. The setback applies to a stream, creek, river, irrigation ditch (dry or wet), lake, pond, wetland, or any other body of water.*
- C. *When activities are proposed within the 30' setback, a variance may be requested by an Applicant. The Planning Commission shall review the request at a public meeting and make a recommendation to the Board of Adjustment, who shall make the final determination. Fifteen (15) days prior to the scheduled **Public Hearing** date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public meeting. In addition, certified letters are to be mailed at least fifteen (15) days prior to the public meeting to all property owners within two hundred (200') feet of any portion of the property.*

*The Board of Adjustment shall grant no variance from any provision of this regulation without first conducting a public hearing. The Board of Adjustment will hold a public hearing within 45 days from receiving a recommendation from the Planning Commission. Fifteen (15) days prior to the scheduled date, legal notice shall be placed in the local newspaper of general circulation advertising the time, date, and location of the public hearing. In addition, certified letters are to be mailed at least fifteen (15) days prior to the public meeting to all property owners within two hundred (200') feet of any portion of the property.*

*During the public hearing the burden of the Applicant shall include but not be limited to, establishing that the activity conforms to one or more of the exceptions set in 12-3-5 (b) (A) through (E). A non-refundable fee, **set by resolution by the Board of Trustees**, ~~of \$270.00~~ is required for a variance request to the Stream and Lake Setbacks.*

1. *At a minimum, a variance request shall include the following information:*
- a. *A site map that includes locations of all streams, wetlands, floodplain boundaries, slope, topography, and other natural features, as determined by field survey.*
  - b. *A description of the size, shape, soils, vegetation and other physical characteristics of the property.*



- c. *A detailed site plan that shows the locations of all existing and proposed disturbances, both inside and outside the setback. The exact area of buffer to be affected shall be accurately and clearly indicated.*
  - d. *Documentation of unusual hardship should the setback be maintained. (Refer to 12-3-5 (b) (A) through (E) for hardship criteria)*
  - e. *At least one alternative plan, which does not include a setback intrusion, or an explanation of why such a plan is not possible.*
  - f. *A calculation of the total area and length of the proposed intrusion.*
  - g. *An erosion and sedimentation control plan.*
  - h. *A stormwater control plan, if applicable.*
  - i. *Proposed mitigation, if any, for the intrusion.*
2. *The following factors will be considered in determining whether to issue a variance:*
- i. *The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.*
  - ii. *The locations of all bodies of water on the property, including along property boundaries.*
  - iii. *The location and extent of the proposed setback intrusion.*
  - iv. *Whether alternative designs are possible which require less intrusion or no intrusion.*
  - v. *Sensitivity of the body of water and affected critical habitats.*
  - vi. *Intensity of land use adjacent to the body of water proposed to intrusion.*
  - vii. *Impact on floodplains and stream functions (a variance shall not be approved when the reduction would result in the setback being narrower than the floodplain)*

*D. A setback of greater than 30 feet may be required if one of the following is present on the site:*

- 1. *Slope equals or exceeds thirty percent (30%);*
- 2. *Highly erodable soils are present;*
- 3. *The proposed use of the property presents a special hazard to water quality (e.g., storage or handling of hazardous or toxic materials).*
- 4. *Floodplains or floodways*
- 5. *Riparian vegetation within a designated habitat*
- 6. *Wetlands are present*

*The increased setback to be required in such cases shall be determined by the Board of Trustees upon recommendation of the Planning Commission.*

*In these cases, a setback of greater than thirty feet (30') may be required in order to protect the public health, safety and welfare.*

*Should this increased minimum setback, in combination with other setbacks outlined in the various zone districts, cause a previously platted lot or parcel to become unbuildable, the Planning Commission and Town Board of Trustees may allow encroachments into this or other setbacks in order to relieve the hardship without requiring a variance proceeding before the Board of Adjustment. The priority of encroachments allowed will be lot setbacks first and stream and lake setbacks second in order to relieve the hardship. Provisions for channeling runoff to retention areas will need to be provided in any drainage plans for the development.*

- D. Improvements that are exempted from these setback requirements are foot paths, bridges, irrigation structures, flood control devices, revegetation, landscaping, and boathouses, commercial marinas, boat rentals, boat repair and maintenance facilities and walkways and stairways less than four feet in width leading directly from the shoreline to the principal structure. The first five (5) feet of this setback shall be a non-disturbance zone, except in the cases of bridges, irrigation structures, flood control devices, boathouses, commercial marinas, boat rentals, boat repair and maintenance facilities and walkways and stairways less than four feet in width leading directly from the shoreline to the principal structure.*
- E. In addition to these required stream and lake setbacks, properties contiguous to any stream, creek, river, irrigation ditch, lake, pond, or wetland area, shall be required to abide by the Erosion and Sediment Control Regulations as then in effect for Grand County, for construction projects involving ground disturbance. This requirement applies to single family, multiple family, commercial, and all other construction involving ground disturbance.*

~~h. Boathouse and Covered Boat Docks Construction~~

- ~~1. In Grand Lake, construction of boathouses and covered boat docks is a special use case and requires a public hearing before the issuance of a Building Permit. Boathouse construction and covered boat dock construction does not require a special use or conditional use permit, but any conditions placed on the construction of said boathouses and covered boat docks will constitute conditions for a Building Permit.~~

~~The public hearing will be held before the Planning Commission, and such factors as size, lake bed disturbance, surrounding property owners' concerns and other relevant factors will be considered. A nonrefundable processing fee of One Hundred (\$100.00) dollars shall be paid at the time the request for the hearing is requested by the applicant.~~

- ~~The date of the hearing will be set by the Town Clerk and notice of said hearing will be placed in the newspaper of public record for the Town at least fourteen (14) days prior to the hearing. The Town shall notify by certified mail all property owners within two hundred (200) feet of the property boundary on which the boathouse or covered boat dock will be placed of the date of the hearing, fifteen (15) days in advance of the hearing.~~
- ~~After taking evidence in relation to said boathouse or covered boat dock, the Planning Commission shall recommend approval, approval with conditions or denial of the Building Permit application to the Board of Trustees. The Planning Commission may recommend, based on site-specific conditions, approval of a design that exceeds specified parameters of the Boathouse and Boat Dock Design Standards and of applications for multi-family residences with lake frontage, lakefront properties without a residence, and commercial marinas. No recommendation shall be considered grounds for the recommended approval of subsequent applications. The Board shall act on the application at their next regularly scheduled meeting. Appeals to the Board of Trustees decision may be considered by the Zoning Board of Adjustment.~~
2. ~~Uncovered boat docks are not subject to the provisions of this Section so long as the placement of said uncovered dock meets the provisions of this Section and so long as said uncovered dock does not extend more than thirty-five (35') feet into the lake. Such docks shall be handled administratively through the issuance of a Building Permit.~~
3. ~~Notwithstanding any other provisions contained in this section, property within the Town and which borders Shadow Mountain Lake is subject to the jurisdiction of the United States Government as regards the installation of boathouses, covered and uncovered boat docks into Shadow Mountain Lake. Said properties shall also be required to comply with the special use case provisions contained herein for the construction of boathouses, and covered boat docks and all such structures, including uncovered boat docks, shall meet the side setback requirements of the zoning district.~~
4. ~~Notwithstanding any other provision of this zoning code, freestanding uncovered docks, or docks attached to the sides of boathouses shall be allowed to encroach five (5') feet into the side setback requirements of the zoning district.~~
5. ~~In addition to the Grand Lake Design Review Standards and any other applicable agency's regulations, all boathouses and covered boat docks shall comply with the following Design Standards unless a site-specific exception is allowed:~~
- ~~Height Limit: No structure shall exceed sixteen feet (16') from the mean water line to the highest point of the structure.~~

~~Width Limit: No structure shall exceed thirty feet (30') in width. This width excludes any uncovered dock or decking that is physically attached to the structure. Side setbacks must be satisfied.~~

~~Extension Beyond Shoreline: No structure may extend more than thirty five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure. There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area.~~

## 2. Boathouse and Covered Boat Docks Construction

A. General - In Grand Lake, construction of boathouses and covered boat docks is a unique case and requires a public hearing before the issuance of a Building Permit. Boathouse construction and covered boat dock construction does not require a special use or conditional use permit, but any conditions placed on the construction of said boathouses and covered boat docks will constitute conditions for a Building Permit.

Uncovered boat docks are not subject to the provisions of this Section so long as the placement of said uncovered dock meets the provisions of this Section and so long as said uncovered dock does not extend more than thirty-five (35') feet into the lake. Such docks shall be handled administratively through the issuance of a Building Permit.

### B. Boathouse and Boat Dock Design Standards

In addition to the Grand Lake Design Review Standards and any other applicable agency's regulations, all boathouses and covered boat docks shall comply with the following Design Standards unless a site-specific exception is allowed:

Height Limit: No structure shall exceed sixteen feet (16') from the mean water line to the highest point of the structure.

Width Limit: No structure shall exceed thirty feet (30') in width. This width excludes any uncovered dock or decking that is physically attached to the structure. Side setbacks must be satisfied.

Setbacks: All structures, including uncovered boat docks, shall meet the side setback requirements of the zoning district. Notwithstanding any other provision of this zoning code, freestanding uncovered docks, or docks attached to the sides of boathouses shall be allowed to encroach five (5') feet into the side setback requirements of the zoning district.

Extension Beyond Shoreline: No structure may extend more than thirty-five feet (35') beyond the natural shoreline, including any uncovered dock or decking that is physically attached to the structure. There may be site-specific cases where boathouses and covered boat docks may be dug into the shoreline, with approval of the applicable agency having jurisdiction, to preserve the natural character of the surrounding area.

Notwithstanding any other provisions contained in this section, property within the Town and which borders Shadow Mountain Lake is subject to the jurisdiction of the United States Government as regards the installation of boathouses, covered and uncovered boat docks into Shadow Mountain Lake.

C. Commercial Marinas

In Grand Lake, construction of Commercial Marinas are a unique case and requires a Public Hearing before the issuance of a building permit. To the extent possible, Commercial Marinas shall conform to the Boathouse and Boat Dock Design Standards. The Planning Commission may grant greater height, as well as a greater extension beyond the shoreline, given the commercial considerations.

D. Submission Requirements – Complete applications include a site plan and supplemental information. All proposals must adhere to Boathouse and Boat Dock Design Standards, as identified in the previous Section of this Article.

(1) Site Plan –The minimum site plan data required includes:

- a. Name of property owner and applicant
- b. Location of property: Legal Description and Street Address
- c. Lots and blocks numbered consecutively.
- d. Date of preparation, map scale, and north sign.
- e. High water line
- f. The existing topography of the site shall be shown.
- g. Abutting property lines
- h. Existing structure(s) – with labels
- i. Proposed structure(s) – with labels
  - 1. Dimensions of proposed structure(s) including height
  - 2. Setbacks from property lines
  - 3. Square footage of decks

(b) Supplemental Information – The following information does not have to be addressed on the site plan but must be included with building permit application. The minimum supplemental information required includes:

- a. Description of materials (including color samples) for siding, roof, window trim, decks, docks, railings, etc.
- b. Erosion and sediment control practices. Silt fencing or equivalent is required on any site adjacent to a body of water or on a steep hillside. Erosion control will be required to insure sedimentation does not leave the site. Town officials have the right to require erosion control on any site.
- c. Identify existing landscaping that will be disturbed. Identify landscaping material(s) to be placed on the site after construction.
- d. H.O.A. approval, if applicable.
- e. U.S. Forest Service approval if the proposed development is located on Shadow Mountain Lake.
- f.

E. Submission – One complete building permit application, including a site plan, supplemental information, and a nonrefundable processing fee, set by resolution by the Town Board of Trustees, must be received twenty-one (21) days prior to the next regularly-scheduled Planning Commission meeting. Staff will have fourteen (14) days to determine completeness. Upon determination of completeness, the applicant must submit an additional ten (10) copies, a CD of all drawings in PDF format, of supplemental information to Town Staff.

F. Review Process - The public hearing will be held before the Planning Commission, and such factors as size, lake bed disturbance, surrounding property owners' concerns and other relevant factors will be considered. The date of the hearing will be set by the Planning Commission and notice of said hearing will be placed in the newspaper of public record for the Town at least fifteen (15) days prior to the hearing. The Town shall notify by certified mail all property owners within two hundred (200) feet of the property boundary on which the boathouse or covered boat dock will be placed of the date of the hearing, fifteen (15) days in advance of the hearing.

After taking evidence in relation to said boathouse or covered boat dock, the Planning Commission shall recommend approval, approval with conditions or denial of the Building Permit application to the Board of Trustees. The Planning Commission may recommend, based on site-specific conditions, approval of a design that exceeds specified parameters of the Boathouse and Boat Dock Design Standards and of applications for multi-family residences with lake frontage, lakefront properties without a residence, and commercial marinas. No recommendation shall be considered grounds for the recommended approval of subsequent applications. The Board of Trustees shall act on the application at their next regularly scheduled meeting.

**G. Appeals - Appeals to the Board of Trustees decision may be considered by the Zoning Board of Adjustment.**

- 1) Applicants appealing the Board of Trustees denial of the boathouse/covered boat dock building permit 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 Zoning Board of Adjustment. 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 appeal 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 public hearing. In addition, at least fifteen (15) days prior to the scheduled date, 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 indicating the time, date, and location of the public hearing.**

**H. Permit Approval -The applicant shall comply with all conditions, as are imposed by the Board, as a condition of issuance. One such condition, applicable to all boathouse and/or covered boat dock building permit applications, is Army Corps of Engineers approval.**

**PART 24. Section 12-2-30, Amendments Reserved, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:**

**PART 25. Section 12-2-31, Special and Conditional Use Regulations, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:**

**i. Basic Consideration for Special Uses**

- 1. A Special Use is defined as a use of property for a period of six months or less, which use is not listed as a use by right or a conditional use. The Special Use Permit (SUP) review process prescribed herein is intended to assure compatibility and harmony between the proposed special use and both the surrounding properties and the town at large. The Regulations contained herein apply to any temporary use of property for any use within any zoning district, except that nothing in this Section shall be construed or interpreted as contradicting or superseding the provisions of Section 12-2-18 (e). The Special Use Permit Process shall not be used for the purpose of granting the use of mobile homes for the purpose of temporary living quarters.**
- 2. Application and Required Information: At least seven (7) days prior to the next regularly scheduled Planning Commission meeting, an SUP Application shall be submitted to the Town Manager. The application shall be supported by documents, maps, plans and other material containing the following information:**
  - A. Name and permanent address of applicant.**

- B. ~~Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Use site.~~
- C. ~~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.~~
- D. ~~Any other information deemed by the Town Manager to be reasonably necessary to carry out the provisions and the fair administration of this Article.~~
- E. ~~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.~~
- F. ~~A non-refundable administrative processing fee of such amount as the Town may establish by Resolution from time to time. (Currently \$250.00 See Resolution 11-2004)~~
- 3. ~~Planning Commission Processing and Review Criteria:~~
  - A. ~~The Planning Commission shall review the SUP application and formulate a recommendation for the Board of Trustees. In making this recommendation, the Commission shall consider the following factors:~~
    - (1) ~~Relationship of the proposed Special Use to the adopted Comprehensive Plan and the anticipated impact of the SUP on existing land uses and character of the neighborhood.~~
    - (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 land owners or other interested parties to be notified; or, proposed conditions of SUP issuance.~~
  - B. ~~The Commission's recommendation on the proposed Special Use shall be transmitted to the Board of Trustees and placed on their next agenda.~~
- 4. ~~Board of Trustees Processing and Review Criteria:~~
  - A. ~~The Board of Trustees shall set a date for a public hearing on the Special Use Permit request application at the meeting following receipt of the Commission's recommendation. At least ten (10) days prior to the scheduled date, the Town Clerk shall cause a legal notice to run in a local newspaper of general circulation advertising the item, date, and location of the SUP public hearing. In addition, at least ten (10) days prior to the scheduled date, the Town Clerk shall cause certified letters to be mailed to all property owners within two hundred feet (200') of any portion of the property proposed for the SUP indicating the time, date, and location of the SUP public hearing.~~
  - B. ~~At the public hearing, after receiving the public comment and testimony, the Board of Trustees shall either approve or disapprove the SUP request by Resolution. Nothing in the Section shall preclude the Board of Trustees 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 the Comprehensive Plan and the purposes of the zoning 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 applicable provision of the Town Code of ordinances.~~
- ~~(4) That the applicant shall comply with such terms and conditions as the Board determines are necessary to carry out the letter and intent of the SUP~~

~~5. Permit Issuance and General Conditions: the Town Manager shall issue a Special Use Permit when action of the Town Board becomes final. General Conditions of the Permit are:~~

- ~~A. A Special Use Permit shall not grant variances. Variances shall be granted in accordance with the procedures prescribed in Section 12-2-28.~~
- ~~A. The SUP shall be valid for a maximum period of six months unless a shorter period is specified 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 the Town Manager to either suspend or revoke the SUP without notice or hearing.~~

#### A. Special Use Permits

1. *SUP General Information- The Special Use Permit (SUP) 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. The Special Use Permit Process shall not be used for the purpose of granting the use of mobile homes for the purpose of temporary living quarters.*

2. **SUP Types**  
**Two types of SUPs may be awarded.**

- a. **Commercial or Public Zone SUP:** *The use of property for or by: ambulatory vendors; peddlers; vendors selling retail from a vehicle (except fixed route vendors); and/or persons carrying on a trade or business from a temporary*

structure. This type of permit permitted only within the commercial or public zone districts.

The Mayor, or the Mayor's designee, may exempt persons and events from the provisions of this Section if they are being sponsored by non-profit organizations and if such exemption is deemed to be in the best interest of the town.

**b. 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.**

3. *Application and Required Information: At least twenty-one (21) days prior to the next regularly scheduled Planning Commission meeting, **a SUP Application, supporting documentation, and a CD of all supporting documentation in PDF format, shall be submitted to Town Staff. 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:*
  - a. *Name and permanent address of applicant.*
  - b. *Name and address of property owner and the legal description, street address and other identifying data concerning the proposed Special Use site.*
  - c. *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.*
  - d. *A current and valid (if applicable):*
    - Colorado Sales Tax License,
    - Grand Lake Sales Tax License,
    - Grand Lake Business License, and
    - Grand Lake Peddlers and Transient Merchant License.
  - e. *Any other information deemed by Town Staff to be reasonably necessary to carry out the provisions and the fair administration of this Article.*
  - f. *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.*

g. *A non-refundable administrative processing fee, set by resolution by the Town Board of Trustees, of two hundred fifty (\$250.00) dollars. (See Resolution 11-2004)*

4. *Planning Commission Processing and Review Criteria*

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. *After consideration of these factors, the Commission shall vote either to deny the application or to schedule a public hearing. 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 (5) (A) below.*

c. *At least fifteen (15) days prior to the scheduled date, Town Clerk 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. In addition, at least fifteen (15) days prior to the scheduled date, 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 the Section shall preclude the Board of Trustees 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 materially injurious 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.*

*5. Board of Trustees Processing and Review Criteria*

*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 ~~two hundred (\$200.00) dollar~~ 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 appeal 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. In addition, at least fifteen (15) days prior to the scheduled date, 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.*

*b. Recommendation of 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.*

- (2) Final action on the Special Use Permit is to be taken by the Board of Trustees at the public meeting; except that the Board may continue the public hearing to another time before taking final action.*

*6. 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 12-2-28 32.*
- b. The SUP shall be valid for a maximum period of twelve months unless a shorter 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**

- 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.**
- 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**

*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) seven (7) days prior to the next regular Planning Commission meeting. The Commission shall 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. 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.*

*2. Schedule a public hearing for a later date but no sooner than twenty-eight (28) days from receipt of the application. Notice of said hearing will be placed in the newspaper of public record for the Town at least fifteen (15) days prior to the hearing. The Town shall also notify, by certified mail, all property owners within two hundred (200) feet of the property boundary, fifteen (15) days in advance of the hearing.*

*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*

*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 # 12-2-30(a)2 prior to voting to approve, modify or disapprove the recommendation of the Planning Commission by resolution.*

**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 a structure, dwelling, dwelling unit, or lock-off unit for nightly rental purposes, except in accordance with the provisions of this Article ~~Section 12-2-26 (j)~~.*

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 12-2-26(j) 30B-3b #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 12-2-26(b) 30B # 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--26(j) **30B-3b #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 in paragraph twelve (12) of Section 12-2--26(j) **30B-3b #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--26(k) **30B-3b #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

*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.*

*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--26(+) 30B-3b #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:*

1. *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 ~~the Town Clerk~~ 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. *Application can be made for a Nightly Rental License as early as June 1<sup>st</sup> for the subsequent year and the first Nightly Rental License for any applicant may be valid for a period of up to 19 months (June 1<sup>st</sup> of current year through December 31<sup>st</sup> of following year). In instances when a license is issued for a period of time other than 12 months, the fee shall be prorated for the number of months in which it is being issued. Other than the first issued license, all Nightly Rentals shall be valid for 12 months, from January 1st to December 31st.*
- C. *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 ~~(4)~~ 12-2-30B #2 (D), the third party may use a pre-existing sales tax number for purposes of this paragraph.*
- D. *At the time an application for a license is submitted, the licensee shall provide to ~~the Town Clerk~~ 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 ~~the Town Clerk~~ Town Staff always has the correct and current information.*

- E. *At the time of the application of the license the licensee shall provide to ~~the Town Clerk~~ **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 ~~the Town Clerk~~ **Town Staff** of the change in writing in advance of the change and shall, at the same time, provide ~~the Town Clerk~~ **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.*

Site Plan Criteria:

- F. *Adequate parking shall be shown on the site plan, as outlined in Section ~~12-2-26(a)~~ **12-2-28**. For purposes of Section ~~12-2-26(k)~~. Parking requirements for nightly rentals shall be calculated from Group III. The motor vehicles of all occupants of the nightly rentals shall be parked only on the site of the nightly rental, or in a Town-designated parking area located off of the site of the nightly rental. No motor vehicles shall be parked on the lawn or landscaped areas of a nightly rental, or in the public street or right of way adjacent to the nightly rental. No person shall be permitted to stay overnight in any motor vehicle which is parked at a nightly rental.*
- G. *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.*
- H. *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.*
- I. *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.*
- J. *The applicant shall obtain HOA sign-off if the property resides within an HOA.*

Additional Criteria:

- K. *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.*
  - L. *At no time shall a nightly rental qualify for a sign permit. Signs for advertising shall not be permitted at nightly rentals except as outlined in Section 6-2-1(c), Town of Grand Lake Sign Code.*
  - M. *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.*
  - N. *Compliance with the conditions set forth in Section ~~12-2-26(k)~~ **12-2-30(B) # 3b** 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.*
  - O. *Licensee to Receive Conditions. At the time of the issuance of a license, ~~the Town Clerk~~ **Town Staff** shall provide the licensee with a copy of the special conditions set forth in Section ~~12-2-26(k)~~ **12-2-30(B) # 3b** or imposed by the Board of Trustees.*
  - P. *Licensee to Post License and Conditions. The licensee shall post a copy of the license and the conditions set forth in Section ~~12-2-26(k)~~ **12-2-30(B) # 3b** 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.*
  - Q. *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 ~~12-2-26(k)~~ **12-2-30(B) # 3b** 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 ~~12-2-26(k)~~**12-2-30(B) # 3b** 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.*

**PART 26.** Section ~~12-2-29~~**12-2-32**, Non-Conforming Uses and Structures, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

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

The Board of Adjustment may authorize, upon appeal in specific cases, a variance 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 Board. 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 Board shall find that all the following conditions exist:

**PART 27.** Section ~~12-2-30~~**12-2-33**, Administration, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

- a. Enforcement - The provisions of this Article shall be enforced by the Mayor, the Town Board of Trustees, the Town Attorney and ~~the Building Inspector~~ **Town Staff** by use of the following methods:
- c. Building Permits - As covered by Uniform International Building Code and Subsection (h).
- e. Notification - Whenever the Building Code Administrator shall find a violation of any of the provisions of this Article, he shall notify the person responsible for the violation in writing and shall order correction of the violation which must be completed within thirty (30) days o f the notification. ~~the necessary corrections within a period of Thirty (30) Days.~~

i. Appeals - Any person adversely affected by any interpretation, requirement or regulations of these Regulations may file an application for a variance, to be considered by the Board of Adjustment, with the Town Clerk on a furnished form specifying the grounds of appeal and after paying the appropriate fee.

(1) The Board of Adjustment shall hold a public hearing within forty-five (45) days of receipt of application on all applications and appeals with the following special conditions required:

(A) A notice of said hearing shall be published once in the legal newspaper of the Town at least fifteen (15) days prior to the hearing date.

(B) A written notice of said hearing shall be mailed, by certified mail, to property owners within 200' at least fifteen (15) days prior to the hearing date to the owners of property adjacent to the property in question.

(C) Preparation of and payment for all notices shall be the responsibility of the Town Clerk. Supp. #10, 1983 See Ord. #7-1983 Adopted August 8, 1983

(2) Before any variance is granted, the Board of Adjustment shall include a written finding in its minutes as part of the record in each case, stating specifically the exceptional conditions, the practical difficulties or unnecessary hardships involved.

(3) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with these Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations.

(4) Unless otherwise stated in the Board of Adjustment minutes, all variance permits must be utilized within nine (9) months from the time such variance is granted by the Board, after which time, if the variance permit has not been utilized, it shall become null and void.

(5) The variance granted shall be so noted in the Town Official Records in the property file. Variances that are utilized shall be valid for the life of the building. If greater than fifty percent (50%) of the building is destroyed, the variance may not be transferred to the reconstructed building.

**PART 28.** Section 12-2-31 12-2-34, Amendments, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

b. Procedure for Amendments in General - The Town Board of Trustees may, from time to time, on its own Motion, on Petition of any person or persons of interest, or on initial recommendation of the Planning Commission, amend, supplement or repeal the regulations and provisions of this Article, provided that where territory is sought to be

rezoned on proposal other than by the Town Board of Trustees or by the Planning Commission, the person proposing or petitioning for rezoning of territory shall have a property interest in the subject territory. ~~The applicant shall submit a list of the abutting owners of record and their addresses from available County records.~~

3. Procedure Before the Town Board of Trustees - After receiving the advisory report from the Planning Commission, the Town Board of Trustees shall hold a Public Hearing before acting on the proposed amendment to this Article or to the Zoning Map. Notice of the time and place of the Public Hearing before the Town Board of Trustees shall be given by ~~the Town Clerk~~ Town Staff, by one publication of the same at least Fifteen (15) Days prior to the Hearing, in a newspaper of general circulation in the Town of Grand Lake.
- c. Amendments to the Official Zoning Map - Any person petitioning for amendment to the Official Zoning Map shall submit a petition to the Planning Commission through the Building Inspector.
3. Procedure Before Town Board of Trustees - After receiving the advisory report from the Planning Commission, the Town Board of Trustees shall hold a Public Hearing Before acting on the proposed amendment. Notice of the time and place of the Public Hearing before the Town Board of Trustees shall be given by ~~the Town Clerk~~ Town Staff, by One (1) Publication of the same at least Fifteen (15) Days prior to the hearing, in a newspaper of general circulation in the Town of Grand Lake.

**PART 29.** Section ~~12-2-32~~ **12-2-35**, Severability, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

***NO TEXT CHANGES***

**PART 30.** Section ~~12-2-33~~ **12-2-36**, Repeal, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

***NO TEXT CHANGES***

**PART 31.** Section ~~12-2-34~~ **12-2-37**, Interpretation, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

***NO TEXT CHANGES***

**PART 32.** Section 12-2-38, Conflict, of the code of the Town of Grand Lake, Colorado, is hereby amended to read as follows:

***NO TEXT CHANGES***

**PART 33.** Except as specifically amended herein, the other provisions of Chapter 12, Article 2 of the Grand Lake Town Code shall remain in full force and effect.


**PART 34.** 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 unconstitutionality of the remaining portions of 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 invalid or unconstitutional.

DULY MOVED, SECONDED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 12TH DAY OF MAY, 2008.


(SEAL)

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

ATTEST:

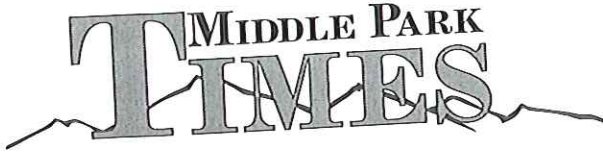
  
\_\_\_\_\_  
Ronda Kolinske  
Town Clerk

TOWN OF GRAND LAKE

  
\_\_\_\_\_  
J. Aron Rhone  
Mayor Pro-Tem

RECEIVED MAY 30 2008

## PROOF OF PUBLICATION



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

That the annexed legal notice of advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of one consecutive insertions; and that the first publication of said notice was in the issue of said newspaper dated May 22, A.D. 2008, and that the last publication of said notice was in the issue of newspaper dated May 22, A.D. 2008

In witness whereof I have hereunto set my hand this May 22, A.D. 2008

Kimberly S. Burner, Publisher.

Subscribed and sworn to before me, a notary public in and for the County of Grand, State of Colorado this 22 day of

May, A.D. 2008  
Jennifer Anderson



My Commission Expires Sept. 28, 2008

Legal 318  
attached

Ord. No. 5-2008