

EXHIBIT "A"
SHORT TERM RENTAL AMENDMENTS

Amend Section XX - Definitions of the Grand County Zoning Regulations

A new definition is amended and added to Section XX - Definitions of the Grand County Zoning Regulations as follows:

“Short Term Rental: The nightly or weekly rental of dwellings, dwelling units, mobile homes, rooms or accommodations, excluding hotels and motels, for less than 30 consecutive days, including but not limited to: single family dwellings, duplexes, multi-family dwellings, townhomes, condominiums, time share or similar dwellings.”

The definition of “Dwelling” within Section XX – Definitions of the Grand County Zoning Regulations is amended to also state “lodges” are not included as follows:

“(18) Dwelling: Any building or portion thereof which is used as the private residence or sleeping place of one (1) or more human beings, but not including mobile homes, hotels, motels, tourist courts, lodges, resort cabins, clubs, hospitals or similar uses.”

Amend Sections III through IX - Zone District Regulations (Uses Permitted) of the Grand County Zoning Regulations

The term “**Short Term Rentals**” and “**Short Term Rentals in compliance with Section 14.8 Supplementary Regulations**” are amended and added to the Uses Permitted of each Zone District as follows:

SECTION III
E - ESTATE DISTRICT

3.1 DECLARATION OF INTENT – ESTATE DISTRICT

It is the purpose is to provide areas for low density, single-family residential use; to stabilize and protect the characteristics of these areas; to maintain a suitable environment for family living. Uses by Right in the Estate District include:

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION IV
R - RESIDENTIAL DISTRICT

4.1 DECLARATION OF INTENT - RESIDENTIAL ZONE DISTRICT

It is the purpose of the Residential Zone to provide areas for single-family residential use as well as multi-family residential use; to ensure other community facilities are available to properly serve said residential developments; to leave ample area available for on-site parking, recreational and outdoor activity areas; and to protect the existing character of the area to which said zone district is applied.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION V
A - ACCOMMODATIONS DISTRICT

5.1 DECLARATION OF INTENT - ACCOMMODATIONS ZONE DISTRICT

The purpose of the Accommodations Zone is to provide lodging facilities with accessory uses to serve the traveling public, mainly to be located along federal and state highways.

Residential uses are permitted in this zone district.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION VI
F - FORESTRY AND OPEN DISTRICT

6.1 DECLARATION OF INTENT - FORESTRY AND OPEN ZONE DISTRICT

The purpose of the Forestry and Open Zone District is to protect lands suitable for agricultural and related uses including uses related to forestry, mining and recreation after additional permitting. Higher impact uses are allowed when permitted and mitigated properly. Low density single-family residential uses are permitted in this zone district.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION VII
M - MOBILE HOME DISTRICT

7.1 DECLARATION OF INTENT - MOBILE ZONE DISTRICT

The purpose of this zone district is to allow the use and placement of mobile homes and travel trailers on either a permanent or temporary basis. Mobile homes and travel trailers are restricted to this zone district except as allowed by Section XI. Residential uses are permitted in this zone district.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION VIII
T - TOURIST DISTRICT

8.1 DECLARATION OF INTENT - TOURIST ZONE DISTRICT

The purpose of the Tourist Zone is to provide areas to accommodate related retail businesses to serve the traveling and recreation oriented public; mainly located along federal and state highways. Residential uses are permitted in this zone district.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

SECTION IX
B - BUSINESS DISTRICT

9.1 DECLARATION OF INTENT - BUSINESS ZONE DISTRICT

The purpose of the Business District is to provide areas designed for retail shopping convenience of persons residing in the County as well as from more distant places. The

Business District is designated to provide a wide range of commercial uses. There may be some emphasis upon wholesale and business services. Light manufacturing and some types of processing are also permitted.

ADMINISTRATIVE USE

- (1) Short Term Rental subject to an Administrative Permit (aka Short Term Rental Permit) and the term, conditions, and requirements of Section 14.8, Short Term Rental).

Amend Section XIV – Supplemental Regulations of the Grand County Zoning Regulations

Section 14.8 Short Term Rentals are amended and added to Section XIV – Supplemental Regulations of the Grand County Zoning Regulations as follows:

14.8 Short Term Rental.

- A. An Administrative Permit (“Short Term Rental PERMIT”) is required for any property to be offered, advertised, operated or rented as a short term rental.
- B. A SHORT TERM RENTAL PERMIT IS REQUIRED TO BE OBTAINED ON AN ANNUAL BASIS.
- C. A Short Term Rental PERMIT may be approved upon application by the property owner or by a PROPERTY MANAGER. In all applications, the Property Owner or Property Manager, on behalf of the Property Owners, must acknowledge that the Property Owner is responsible for compliance with all terms, conditions and requirements of this section and the Short Term Rental PERMIT.
- D. The renewal FOR A Short Term Rental PERMIT will include but is not limited to: failure to comply with any term, condition and requirement set by this regulation OR SHORT TERM RENTAL PERMIT, complaints received by the Sheriff’s Office, Department of Community Development or Department of Road and Bridge for noise or improper parking, any active zoning violations AND other impacts that cause the short term rental to become incompatible with the surrounding land uses.
- E. Application for a Short Term Rental PERMIT must include the name, address, telephone number and email address of all property owners, the legal description and the location by street address. If the application is being made by a PROPERTY MANAGER, it shall also include the name, address, telephone number and email address of the PROPERTY MANAGER.

The application must also include or demonstrate each of the following items:

- (1) **Sales Tax License.** The property owner or PROPERTY MANAGER shall provide a current sales tax license for the short term rental issued by the Colorado Department of Revenue and shall be responsible for remitting County sales tax and lodging tax.
- (2) **Local 24-hour Contact.** Each short term rental shall have a primary and secondary person responsible to manage the Short Term Rental during any period it is occupied. The 24-hour contact persons may be the PROPERTY OWNER or PROPERTY MANAGER and they must reside in Grand County and be able to respond within one (1) hour or less. If any local contact information changes the property owner OR PROPERTY MANAGER shall notify the Grand County Department of Community Development of the new contact information in writing within five (5) business days of the change in local contacts.

- (3) **Occupancy:** The maximum occupancy of any Short Term Rental shall be provided in the application. No property may be advertised or rented for use by more persons than the maximum occupancy advertised.
- (4) **Access and Parking.** Adequate driveway access and parking shall be provided in compliance with Section 14.4.
 - I. Off-street parking spaces are required to be clearly designated.
 - II. No off-street parking in non-designated places is allowed.
 - III. No on-street parking for Short Term Rental use is permitted within a County Road right-of-way, a private road right-of-way or ACCESS EASEMENTS.
 - IV. If DRIVEWAY OR PARKING is shared, written permission must be provided from each shared driveway OR PARKING property owner.
- (5) **Garbage.** The Short term rental shall have a plan for garbage storage and disposal. The plan shall clearly define garbage storage areas with an adequate number of containers, and the method and frequency for regular garbage pick-up. Any garbage containers stored outside shall be of a bear-proof design. Garbage containers that are placed for street pick-up shall not be left out for more than a 24-hour period.
- (6) **Safety.** The property owner shall equip the dwelling with operable smoke alarms, fire extinguishers and carbon monoxide alarms. An operable carbon monoxide alarm shall be installed within fifteen (15) feet of the entrance of each room used for sleeping purposes. The smoke alarms shall be installed pursuant to the current International Building Code adopted by Grand County Community Development.
- (7) **Physical Address.** The physical address shall be posted on the Property, clearly visible and legible from the street. The property address posting must be kept clear of snow and obstructions at all times. No other identification signs are permitted.

F. **Posting Information.** The property owner or PROPERTY MANAGER shall post the following information in a prominent location within the dwelling:

- (1) Copy of approved Short Term Rental PERMIT. In addition, the property owner shall provide each renter a copy of the Short Term Rental PERMIT at the time of occupancy.
- (2) Primary and secondary 24-hour local contact person.
- (3) Maximum occupancy permitted. The posting shall include a statement that it is a violation of the Short Term Rental PERMIT and the rental agreement for the number of occupants to exceed the permitted occupancy.
- (4) Maximum parking spaces and location on the property where parking is permitted, and a statement that parking in non-designated places is prohibited and that on-street parking within a County Road right-of-way, private road right-of-way OR ACCESS EASEMENT is prohibited.
- (5) Identification of the location of the garbage storage area, garbage collection day and garbage disposal plan.

F. **Property Maintenance.** The property shall be maintained free of garbage,

trash or litter at all times.

- G. **Noise and Disorderly Conduct.** Be a good neighbor. QUIET TIMES ARE FROM 7:00 PM TO 7:00 AM. While occupying or visiting a Short Term Rental, no person shall make, cause or permit unreasonable noise to be emitted from the Short Term Rental that is audible upon private premises in excess of the limits set forth in Title 25, Article 12 of the Colorado Revised Statutes or constitutes disorderly conduct under C.R.S. § 18-9-106

- H. **Vehicles AND OTHER STRUCTURES.** No person shall be permitted to stay overnight in any motor vehicle, including but not limited to a motorhome, truck camper, travel trailer or other similar vehicle, TENT OR OTHER OUTDOOR STRUCTURES.

- I. **Limitation of Liability.** Grand County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Grand County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Short Term Rental. Owner shall maintain appropriate liability insurance for the Short Term Rental. Owner further warrants and agrees to compensate Grand County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.

Nothing contained in this Section 14.8 shall allow short term rentals if otherwise prohibited by any applicable covenants. Covenants are in enforced according to their terms.

J. **Administrative Enforcement**

- (1) As a condition of obtaining a Short Term Rental PERMIT, the Property Owner OR PROPERTY MANAGER agree, as a contractual matter, that the County may suspend a Short Term Rental PERMIT and/or may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.

- (2) The Director of Community Development, upon approval of the County Manager, may levy an administrative penalty at any time for failure to comply with the provisions of this Short Term Rental Regulation.
 - i. 1st Violation - Warning
 - ii. 2nd Violation - \$500
 - iii. 3rd Violation -\$1,000
 - iv. 4th Violation -UPON THE THIRD VIOLATION, THE SHORT TERM RENTAL PERMIT MAY BE REVOKED OR SUSPENDED FOR A PERIOD OF ONE (1) YEAR.

- (3) A Property Owner OR PROPERTY MANAGER may appeal the decision of the Director of Community Development to levy an administrative penalty by filing with the County Manager a notice of appeal. If a notice of appeal is filed, the matter shall be referred to the Board of County Commissioners for hearing not later than the second regular meeting of the Board of County Commissioners following the filing of the appeal. The Notice of Appeal shall contain the following information:
 - i. Name of Property Owner
 - ii. Name of Registration Holder
 - iii. Property Address and Legal Description
 - iv. Date of Violation
 - v. Copy of notice of violation
 - vi. Brief statement of grounds of appeal.
 - vii. Any documentation Property Owner or Registration Holder wants considered.

viii. Name, address, email address and telephone number for contacting appellant.

(4) Upon receipt of a Notice of Appeal, the County Manager will set the appeal for hearing, and will advise the appellant of the time, date and location of the hearing. In addition, the County Manager shall advise the appellant of any matter in the Notice of Appeal that does not appear complete. Appellant shall respond within three business days. Failure to respond may be a grounds for dismissal of the appeal by the Board of County Commissioners.

i. At the day and time set for hearing, the Board of County Commissioners shall hear the Director and the appellant and review any documents or other evidence by either party. The Director bears the burden of proof, and must demonstrate the violation by a preponderance of evidence. Each party may examine witnesses and may cross examine witnesses produced by the other party. The Board of County Commissioners may uphold, reverse, or modify any determination and administrative penalty or suspension imposed by the Director.

J. **Suspension or Revocation of Permit.** The County may revoke a Short Term Rental Permit at any time for failure to comply with the provisions of this Zoning Regulation concerning short term rentals, the Short Term Rental Permit and/or confirmed violation(s) of any federal, state, or local law ordinance, or regulation.

(1) Any such decision for suspension or revocation of a Registration shall be made by the Board of County Commissioners at a public hearing. A written notice shall be provided to the PERMIT Holder at least 10-days prior to the scheduled hearing and include a description of the violation and the time, date and place of the hearing.

i. A decision to suspend or revoke a PERMIT must be supported by facts showing that violations of the terms, conditions and requirements or of law, endanger the public health, safety or welfare, including peaceful use of property by others, or the Property Owner or Property Manager has failed to resolve repeated violation after notice of violation, and requires immediate revocation or suspension of the Short Term Rental Registration,

ii. The Board of County Commissioners at the public hearing, may take other action, in its sole discretion as they deem appropriate.

(2) If the Board of County Commissioners suspends or revokes the Short Term Rental Permit, it shall be for a period of one (1) year.

K. These regulations or any amendment thereto shall be administered and may be enforced as provided in the Grand County Zoning Regulations, Sections 18 and 19, which are hereby incorporated herein. The penalties for violations enforced under the Zoning Regulations are as set forth in Section 19.2

Amend Section XVIII – Enforcement of the Grand County Zoning Regulations

Section 18.1 (1), Grand County Zoning Regulations is amended as follows:

The Board of County Commissioners of Grand County or its authorized representatives upon obtaining personal knowledge of a violation of these regulations, or any amendment thereto, may request the Sheriff of Grand County to issue a summons and complaint to any violator; provided, however, if the violation is of section 19.1 of these regulations the Board of County Commissioners or its authorized representatives shall, prior to requesting the issuance of a summons and complaint, first give written notice to the

violator to correct such violation within TEN (10) DAYS after the date of such notice and if the alleged violation is not corrected within said TEN (10) DAYS, then request the Grand County Sheriff to issue a summons and complaint to the violator.

Amend Section XIX – Violations and Penalties of the Grand County Zoning Regulations

Section 19.1, Grand County Zoning Regulations is amended as follows:

19.1 VIOLATIONS

- (1) It is unlawful to use any building, structure, or land in violation of these regulations, or any amendment thereto, enacted or adopted by the Board of County Commissioners of Grand County.
- (2) IT IS UNLAWFUL TO OFFER, OPERATE, ADVERTISE, LET OR USE ANY BUIDING, STRUCTURE, OR LAND AS A SHORT TERM RENTAL WITHOUT A SHORT TERM RENTAL PERMIT.
- (3) It is unlawful to offer, operate, advertise, let, or use any building, structure, or land in violation of the terms and conditions of a Short Term Rental Registration.