

ORDINANCE NO. 4
Series 2006

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, AMENDING ZONING PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS IN THE TOWN, AND AUTHORIZING THE ISSUANCE OF SPECIAL PERMITS FOR THE USE OF RESIDENTIAL PROPERTY AS SHORT-TERM LODGING FACILITIES UNDER CERTAIN CONDITIONS.

WHEREAS, the provisions of the Lake City Municipal Code governing zoning in the Town's residential districts do not currently permit motels, hotels, lodges or boarding houses within such districts; and

WHEREAS, the Trustees have determined the use of homes and other dwelling units located in the Town's residential zoning districts as short-term lodging facilities should be allowed as a conditional use pursuant to a special, revocable permit issued by Town management.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, AS FOLLOWS:

A new Section 15.8-4.5 shall be added to the Lake City Municipal Code to provide as follows:

15.8-4.5 CONDITIONAL USES ALLOWED BY SPECIAL PERMIT IN RESIDENTIAL DISTRICTS:

Section 1. Property in any of the Town's residential districts which contains one or more homes, duplexes, mobile homes, and other such structures that are fully equipped and able to function as ordinary residential dwelling facilities may be leased to tourists, vacationers and other individuals for purposes of overnight, weekend and other short-term residential occupancy of less than 4 consecutive weeks in duration, provided that the property owner has first obtained from the Town Manager a special, annually renewable permit for such activity in conformity with the provisions of this Section 15.8-4.5. No such permit may be issued or renewed except upon the following conditions:

- (A) Applications for each such permit shall be submitted to the Town Manager, on forms provided by the Town, at least thirty (30) days prior to the date requested for permit issuance.
- (B) Applicants for each such permit must furnish the following items with the application itself:
 - (1) Proof of ownership of the subject property on which the

requested use subject to the permit is to be conducted.

- (2) Proof of lodging tax (and sales tax where appropriate) license for the requested property use.
 - (3) Proof of citizenship or other lawful presence in the United States in conformity with provisions of Colorado legislation known as HB 06S-1023.
 - (4) Payment of the required annual permit fee of \$100.00.
- (C) Within five (5) calendar days of filing an application with the Town, the concerned applicant(s) shall mail, by certified mail with return receipt requested, on forms provided by the Town, notice of the use for which the permit is being sought to all owners of property adjoining the property for which each permit is requested, at the addresses of such owners as is shown by then current records of the Assessor of Hinsdale County, Colorado. Satisfactory proof of such certified mailing of notice to all such adjoining property owners must be submitted to the Town Manager no more than ten (10) calendar days following the date of filing of the pertinent application.
- (D) If an application is completed and implemented in the manner provided by this Section, and if it is not opposed by any owner of adjoining property within twenty (20) calendar days after the date of actual mailing of the required notices, the applicant shall be entitled to the pertinent permit from the Town Manager upon request. If a properly completed and implemented application is protested by any adjoining landowner entitled to notice, the matter shall be submitted to the Town's Board of Trustees for resolution at a quasi-judicial hearing to be conducted no later than forty-five (45) calendar days following the protest deadline. Notice of such hearing shall be mailed by the Town to the applicant and each protester at least ten (10) calendar days prior to the pertinent hearing and posted in the manner required for all public meetings of the Town. At the hearing, the applicant shall bear the burden of proving to the satisfaction of the Town's Trustees that the issuance of the requested permit will not result in conditions that pose a danger to the public health or safety or an unreasonable risk of nuisance to the neighborhood.
- (E) Any permit issued by the Town pursuant to this Section shall expire on the anniversary of issuance unless renewed annually thereafter by the concerned applicant(s), which renewal shall be automatically granted upon the Town's receipt of the required annual permit fee of \$100.00. Once issued, no permit or renewed permit shall be revoked during its annual term without prior notice to the applicant(s) and determination of just

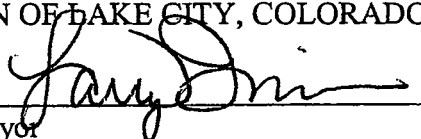
cause by the Town's Board of Trustees. Such cause shall be deemed to include a demonstrable risk of harm to the public safety or welfare and/or a history of unreasonable noise or other nuisance to the neighborhood attributable to the permitted use.

Section 2. The provisions of this Section 15.8-4.5 shall not be construed to require permits to be obtained by the owners of property who lease or rent the same for periods of longer than 4 consecutive weeks at any given time, as demonstrated by the terms of a written lease or other sufficient written evidence.

Section 3. It shall be unlawful to use real property in the residential zoning districts of the Town of Lake City for short-term boarding or lodging purposes except in accord with the provisions of this Section 15.8-4.5. Enforcement of this provision may be conducted in any manner authorized for enforcement of the remainder of Article 15.8 of the Lake City Municipal Code as more specifically provided in Section 15.8-21 thereof.

INTRODUCED, READ, AND ADOPTED by the Board of Trustees of the Town of Lake City, Colorado on the 1st day of November, 2006.

TOWN OF LAKE CITY, COLORADO

By: 
Mayor

ATTEST:


Town Clerk