

**Ordinance No. 29-16**

**AN ORDINANCE AMENDING THE  
ESTES VALLEY DEVELOPMENT CODE  
REGARDING VACATION HOMES**

**WHEREAS**, on November 29, 2016, the Estes Valley Planning Commission conducted a public hearing on the proposed text amendment to the Estes Valley Development Code, Section 5.1.B (Vacation Homes) and related sections, and found that the text amendment complies with Estes Valley Development Code §3.3.D *Code Amendments, Standards for Review*; and

**WHEREAS**, on November 29, 2016, the Estes Valley Planning Commission voted to recommended approval of the text amendment; and

**WHEREAS**, the Board of Trustees of the Town of Estes Park finds the text amendment complies with Estes Valley Development Code §3.3.D *Code Amendments, Standards for Review* and determined that it is in the best interest of the Town that the amendments to the Estes Valley Development Code, Section 5.1.B (Vacation Homes) and related sections, as set forth on Exhibit "A"; be approved; and

**WHEREAS**, said amendments to the Estes Valley Development Code are set forth on Exhibit "A" attached hereto and incorporated herein by this reference:

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO:**

**Section 1:** The Estes Valley Development Code shall be amended as more fully set forth on Exhibit "A".

**Section 2:** Immediate passage of this Ordinance is necessary for the preservation of health, safety and welfare of the citizens of the Town in order to provide for appropriate registration to begin December 16, 2016, and therefore the Ordinance shall take effect and be in force immediately after its passage, adoption, and signature of the Mayor.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO, THIS 15<sup>TH</sup> DAY DECEMBER, 2016.**

TOWN OF ESTES PARK, COLORADO

/s/Todd Jirsa, Mayor

ATTEST: /s/ Jackie Williamson, Town Clerk

**Estes Valley Development Code**  
**Draft Text Amendment: Sec. 5.1.B (Vacation Home) & related sections**  
**[FINAL]**

**§5.1 SPECIFIC USE STANDARDS**

**B. Vacation Home.**

1. All vacation homes shall be subject to the following:
  - a. Annual Operating Registration.
    - (1) All vacation homes shall obtain an operating registration on an annual basis, which shall be effective on and following the date of issuance for all of the remaining calendar year in which it is issued, unless suspended or revoked for cause.
    - (2) If the property is located within Town limits, the business license shall be considered the operating registration. If the property is within the unincorporated Estes Valley, an operating registration shall be obtained from the Town of Estes Park Town Clerk's Office.
    - (3) Beginning January 1, 2017, the annual period for operating registration shall begin January 1 of each year and end on March 31 of each year. Issuance of an operating registration between April 1 and December 31 in any given calendar year shall take place on a schedule determined by the Town Clerk's office and such schedule shall be at the sole discretion of the Town.
    - (4) Pro-ration and partial reduction in any required registration fees for an operating registration issued after January 1 in any given year shall not be authorized.
    - (5) No more than one (1) operating registration shall be issued and effective in any given calendar year for any given vacation home. An active registration for a specific vacation home shall be transferable to a different owner in accordance with procedures in this Code and as established by the Town Clerk's Office.
    - (6) Effective December 16, 2016, vacation home operating registrations in residential zoning districts (designated herein as zoning districts E, E-1, R, R-1, R-2, RE, RE-1, and RM) shall be held at a maximum total ("cap") of 588 registrations in effect at any given time. This cap shall be reviewed annually by the Planning Commission and governing Boards, in or near the month of April beginning in or near April 2017. Applications received at any time such that their approval would cause the cap to be exceeded shall be held and kept on file in the order they are received and deemed complete by the Town Clerk's Office. Registrations held on such list shall be issued during the calendar year as operating registrations may become available.
    - (7) Vacation homes in non-residential zoning districts (designated as all zoning districts except those enumerated in the preceding subsection) shall not be included in or subject to this cap.
    - (8) Beginning December 16, 2016, every vacation home for which an operating

application is made shall require that the vacation home undergo and pass an initial inspection in accordance with this Code prior to issuance of the operating registration.

- (9) Beginning December 16, 2016, no operating registration for a vacation home shall be issued unless the vacation home structure has a valid Certification of Occupancy issued by the appropriate authority.
- (10) Issuance of an operating registration for a vacation home shall not constitute a zoning entitlement for a property's use as a vacation home, nor shall absence of an operating registration for a vacation home constitute removal or abrogation of a property's zoning permissibility for use as a vacation home. However, both appropriate zoning permission and compliance and a valid current operating registration are necessary elements in order for operation as a vacation home to occur.
- (11) Operating registrations that are deemed active as of December 31 in any given year shall have priority for renewal in the following calendar year over any new operating registration applications, provided a re-application for said active registration by the same owner is received and deemed complete, all required inspections passed, and fees paid by March 31 of the renewal calendar year.
- (12) Local Representative. The registration shall designate a local resident or local property manager in the Estes Valley who can be contacted by telephone and is available when the vacation home is rented, with regard to any violation of the provisions of this Section. The person set forth on the application shall be the representative of the owner for immediate violation resolution purposes with regard to the operation of the vacation home. The local representative may be the same person as the property owner. An annual operating registration shall not be valid unless the property owner, and the designated local representative (if different), sign the operating registration application acknowledging all vacation home regulations. If the local representative changes during the calendar year, it shall be the responsibility of the property owner to notify the Town Clerk within fifteen (15) days of change, and to insure the new local representative is knowledgeable of all vacation home regulations. If the property owner changes during the calendar year, it shall be the responsibility of the new property owner of record to transfer the operating registration into his/her name and to ensure all other regulations in this Section are in compliance.
- (13) State Sales Tax License. A condition of issuance of the annual operating registration shall be proof of a current sales tax license, provided by the applicant.
- (14) Violations. The relevant Decision-Making Entity may deny or withhold the renewal of an annual operating registration until a violation related to such property, use or development is corrected, in accordance with §12.4.A.1. The relevant Decision-Making Entity may revoke or suspend the annual operating registration at any time in accordance with §12.4.A.2. Operating the vacation home during any such period of suspension or revocation shall be a violation of this Code. Appeals to this section shall be made in accordance with the appeals process in the Estes Valley Development Code.
- (15) Nothing described herein shall limit the Town or County, within their respective jurisdictions, from exercising other remedies and enforcement powers pursuant to Chapter 12 of this Code or other penalties and enforcement powers as may be available at law.

- b. Estes Park Municipal Code. Properties located within the Town of Estes Park shall comply with all the conditions and requirements set forth in the Town of Estes Park Municipal Code, Chapter 5.20 (Business Licenses).
- c. Residential Character in Residential Zoning Districts. Vacation homes in residential zoning districts as designated in this Section shall not be designed or operated in a manner that is out of character with residential use of a dwelling unit by one household. This includes, but is not limited to, the following:
  - (1) Design shall be compatible, in terms of building scale, mass and character, with low-intensity, low-scale residential use.
  - (2) For purposes of §5.1.B of this Code, “bedroom” and “sleeping room” are deemed equivalent terms to each other, and equivalent to a sleeping space pursuant to the currently adopted and applicable International Building Codes. Kitchen facilities shall be limited to be consistent with single-family residential use. No kitchen facilities or cooking shall be allowed in guest rooms, sleeping rooms or bedrooms.
- d. Postings.
  - (1) Vacation homes in all zoning districts shall have a clearly legible notice posted on-site. The posted notice shall be provided by the Town Clerk’s Office at the time the operating-registration is initially applied for, shall be posted in a prominent location inside the vacation home prior to or during the initial inspection, and shall remain posted in the same location for the duration of its use as a vacation home. The posted notice shall include standard contents as determined and approved by the Community Development Department.
  - (2) Property Line Boundaries: The property owner or local representative shall inform all occupants of property boundaries.
  - (3) Property owner or local representative shall include in all print or online advertising the operating registration number in the first line of the property description.
  - (4) Advertising shall accurately represent the allowed use of the property, including the maximum number of allowed occupants.
  - (5) Neighbor Notification. Prior to issuance of the initial annual operating registration, the owner or local contact shall be responsible for mailing a written notice.
    - (a) Notice shall be mailed, with certificate of mailing or other method as approved by staff, to the owners of properties within one hundred (100) feet of the boundary of the subject property.
    - (b) Notices shall provide a name and telephone number of the local representative and property owner. Any change in the local representative or property owner shall require that the name and telephone number of the new representative or owner be furnished to the Community Development Director and owners of properties within one hundred (100) feet of the subject property within two (2) weeks of the change. Mailed notice of such changes shall follow the same procedure as the initial notification as specified herein.
    - (c) Copies of mailing certificates shall be provided to the Community Development Director upon issuance of initial annual operating registration.
- e. Parking. Minimum Required Parking. Except in the CD Downtown Commercial zoning district, the number of off-street parking spaces available to a vacation home shall not be less than two (2).

- f. Employee Housing Units. Employee housing units as designated in §5.2.C.2 shall not be designated as vacation homes as defined and regulated herein.
  - g. Attainable Housing Units. Attainable housing units as designated in §11.4 shall not be designated as vacation homes as defined and regulated herein.
  - h. Accessory Dwelling Units. Vacation homes shall not be allowed on residential lots of record containing an accessory dwelling unit as defined and regulated herein.
  - i. Density. Only one (1) vacation home shall be allowed per residential dwelling unit. One (1) or more vacation homes may be allowed on an individual lot of record, subject to all regulations in this Code and other regulations as may be applicable.
2. All vacation homes shall also be subject to the following:
- a. Maximum Occupancy in Residential Zoning Districts: 8-and-Under occupants. Except for 9-and-over vacation homes that may be approved and registered under the provisions of this Code via LV application, the maximum allowable occupancy for an individual vacation home shall be eight (8) occupants. Occupancy shall be further limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home.
  - b. Maximum Occupancy in Residential Zoning Districts: 9-and-Over occupants. A residential structure with four (4) or more sleeping rooms may apply for Large Vacation Home Review approval as a “9-and-over vacation home”, in accordance with the regulations in §5.1.B.3. The maximum occupancy in a 9-and-over vacation home shall be as specified in the Large Vacation Home Review terms of approval; provided that occupancy shall be limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home.
  - c. Maximum Occupancy in Non-Residential Zoning Districts. Occupancy shall be limited to a maximum of two (2) individuals per sleeping room plus two (2) individuals per vacation home. No overall maximum occupancy for a vacation home in a non-residential zoning district shall be applicable, provided that the vacation home is deemed to be in compliance with all Building, Fire, and Health Codes and that a valid operating registration is issued.
  - d. For purposes of this Code section, occupancy shall not be counted differentially on the basis of age or status.
  - e. Number of Parties, Vacation homes in residential zone districts as those districts are defined herein shall be rented, leased or furnished to no more than one (1) party, occupying the vacation home as a single group. Owners of the vacation home shall not be allowed to occupy the vacation home while a party is present. All occupants must be registered by name.
  - f. Home Occupations. Home occupations shall not be operated on the site of a vacation home, nor shall vacation homes offer ancillary services to guests.
  - g. Vacation homes shall be required to meet applicable Building, Health and Fire codes.
  - h. Except as specifically provided for elsewhere in this Code, general development standards (Chapter 7) as required by the underlying zoning district shall be applicable. In residential zoning districts, development standards shall be those for single-family detached dwellings in the zoning district. In non-residential zoning districts, development standards shall be those for “hotel, small” in the zoning district.
  - i. Vacation homes, whether new or existing structures, shall be subject to the requirements of Sec. 7.9 (Exterior Lighting) for new development.

- j. Initial Time Frame for Compliance. All vacation homes in every zoning district shall be required to obtain a new or renewed, as the case may be, operating registration by a deadline no later than March 31, 2017.
3. Large Vacation Home Review (LV Review) for 9-and-Over Vacation Homes in Residential Zoning Districts.
- a. The owner of record of a vacation home that has obtained an approved valid operating registration on or before March 31, 2017 may make application for Large Vacation Home Review under the procedures of this Section and Code to allow nine (9) or more individuals to occupy the vacation home, provided that:
    - (1) The vacation home for which Large Vacation Home Review application is made has four (4) or more sleeping rooms; and
    - (2) The vacation home is in compliance with all applicable Building, Health, and Fire Codes, or is brought into compliance with said Codes by deadline dates as specified in accordance with the Codes.
  - b. The Large Vacation Home Review application shall be reviewed and may be approved by motion and affirmative vote of the Planning Commission. The Planning Commission's decision shall be final, except that an appeal of the Planning Commission's decision may be made to the Town of Estes Park Board of Trustees or the Board of Larimer County Commissioners, whichever has jurisdiction.
  - c. Large Vacation Home Review for a 9-and-over vacation home shall comply with the following policies and procedures:
    - (1) The procedure for application, review, and approval shall comply with the "Procedure Checklist for Large Vacation Home Review: 9-and-Over Vacation Homes", promulgated and maintained by the Community Development Department;
    - (2) The required "Vacation Home Safety Inspection Report" and "Vacation Home Location Inspection Report" shall be provided to the Planning Commission prior to any Planning Commission approval of a Large Vacation Home Review;
    - (3) The minimum lot size for a 9-and-over vacation home shall be one (1) acre, unless the Planning Commission makes a specific finding of fact that the vacation home is in conformance with applicable use and development standards with a lot size of less than one (1) acre;
    - (4) The minimum front, side, and rear setback from any lot boundary shall be twenty-five (25) feet or the setback under the zoning or whichever is greater, unless the Planning Commission makes a specific finding of fact that the vacation home is in conformance with applicable use and development standards with a setback of less than twenty-five (25) feet;
    - (5) An approved Large Vacation Home shall in no case be occupied by more than two (2) occupants per bedroom plus two (2) additional occupants.
  - d. Denial of a Large Vacation Home Review zoning permission for use as a 9-and-over vacation home shall not void an existing operating license for an 8-and-under vacation home, nor shall such denial in itself void zoning permissibility for use as an 8-and-under vacation home; provided that 8-and-under vacation home zoning requirements in this Code and other applicable regulations remain applicable.

#### 4. Inspections

- a. Beginning December 16, 2016, inspections of all vacation homes per the requirements of this Code shall be completed prior to initial approval of any operating registration.
  - b. All vacation homes with registrations approved during calendar year 2017 shall be inspected at least one (1) time during calendar year 2017.
  - c. Inspection after a violation is cured, and after a change in ownership, shall be required.
  - d. Inspections shall be completed by the Department in accordance with the applicable inspection checklist as promulgated and maintained by the Community Development Department. The checklist shall be either the "Procedure Checklist for 8-and-Under Vacation Homes" or the "Procedure Checklist for Large Vacation Home Review: 9-and-Over Vacation Homes", whichever may be applicable. These checklists are hereby adopted and incorporated by reference in this Code.
5. Transitional Regulations. In order to establish an equitable method of transitioning from pre-existing vacation-home regulations and those taking effect on December 16, 2016 and beyond, the following interim regulations shall be effective. In case of any conflict between regulations elsewhere in this Code and the transitional regulations, the transitional regulations shall control:
- a. All 2017 operating-registration applications for vacation homes that have active operating registrations as of December 15, 2016, shall have first priority in application processing and operating-registration approval for 2017.
  - b. Within such application first-priority queue as may result from applications filed under subsection a., sequencing of registration issuance shall be determined by the date/time received filing stamp by the Town Clerk's Office on the face of each application.
  - c. All 2017 operating-registration applications for vacation homes that do not have active operating registrations as of December 15, 2016, but for which either or both of the following is provided to the Town Clerk's office at the time of initial application, shall have second priority in application processing and operating-registration approval for 2017:
    - (1) a written signed contract for vacation-home occupancy during 2016 is provided to the Town Clerk's Office;
    - (2) an executed and signed sales tax return establishing that sales tax has been paid during Year 2016 to the State of Colorado for the vacation home.
  - d. Within such application second-priority queue as may result from applications filed under subsection c., sequencing of registration issuance shall be determined by the date/time received filing stamp by the Town Clerk's Office on the face of each application.
  - e. All 2017 operating-registration applications for vacation homes that do not satisfy the requisite conditions in subsection a. or c. shall have third priority in application processing and operating-registration approval for 2017.
  - f. Within such application third-priority queue as may result from applications filed under subsection e., sequencing of registration issuance shall be determined by the date/time filing stamp by the Town Clerk's Office on the face of each application.
  - g. In the event the cap for vacation homes in residential zoning districts in §5.1.B.2 is reached at any point in the 2017 queuing process, applications shall be maintained on a waiting list in the order established within priority queues as specified above.

- h. All operating registrations approved and issued between December 16, 2016 and March 31, 2017 shall initially be for 8-and-under occupants only. The Large Vacation Home Review shall determine whether or not operating-registration-approved vacation homes with four (4) or more sleeping rooms may be approved as 9-and-over vacation homes.
- i. All vacation home permits in effect on December 15, 2016 shall be automatically extended and in effect through March 31, 2017. This extension shall be deemed a separate matter from the operating registration requirements beginning January 1, 2017. Either an approved 2017 operating registration or an extended 2016 permit shall allow operation of an 8-and-under vacation home at a given location, provided the vacation home remains in compliance with all other applicable regulations.

**Table 4-1: Permitted Uses: Residential Zoning Districts.**

Table 4-4

Permitted Uses: Residential Zoning Districts

	Specific Use	Residential Zoning Districts "P" = Permitted by Right "S" = Permitted by Special Review "LV" = Permitted by Large Vacation Home Review "–" = Prohibited								Additional Regulations (Apply in All Districts Unless Otherwise Stated)	
		RE-1	RE	E-1	E	R	R-1	R-2	RM		
Low-Intensity Accommodations	Bed and Breakfast Inn	–	–	–	–	–	–	S	P	§5.1B	
	Vacation Home: 8-and-under Occupants	P	P	P	P	P	P	P	P	§5.1B	
	Vacation Home: 9-and-over Occupants	LV	LV	LV	LV	LV	LV	LV	LV	§5.1B (Large Vacation Home Reviews may be approved by Planning Commission only, subject to specified criteria)	

**Table 4-4: Permitted Uses: Nonresidential Zoning Districts.**

Table 4-4

Permitted Uses: Nonresidential Zoning Districts



Use Classification	Specific Use	Nonresidential Zoning Districts "P" = Permitted by Right "S" = Permitted by Special Review "—" = Prohibited							Additional Regulations (Apply in All Districts Unless Otherwise Stated)
		A	A-1	CD	CO	O	CH	I-1	
Low-Intensity Accommodations	Vacation Home	P	P	P	P	—	—	—	

## § 5.2 ACCESSORY USES (INCLUDING HOME OCCUPATIONS) AND ACCESSORY STRUCTURES

Table 5-2  
Accessory Uses Permitted in the Nonresidential Zoning Districts

Accessory Use	Residential Zoning District "Yes" = Permitted "No" = Not Permitted "CUP" = Conditional Use Permit							Additional Requirements
	A	A-1	CD	CO	O	CH	I-1	
Vacation Home	No	Yes	Yes	No	No	No	No	§5.1.B In CD, such use shall not be located on the ground floor of a building fronting on Elkhorn Avenue.— (Ord. 02-10 §1)

## §7.9 EXTERIOR LIGHTING

- B. Applicability.** All new development shall comply with the standards set forth in this Section. Vacation homes as designated and regulated in §5.1.B of this Code shall comply with the standards set forth in this Section, whether new or existing.

## § 12.7 - ENFORCEMENT PROCEDURES

### A. Nonemergency Matters.

In the case of a violation of this Code that does not constitute an emergency or require immediate attention, written notice of the nature of the violation shall be given to the property owner, agent, or the Applicant for any relevant permit or registration. Notice shall be given in person, or by certified U.S. Mail, or contact via website contact. The notice shall specify the Code provisions allegedly in violation, and—unless a shorter time frame is allowed by this Chapter—shall state that the individual has a period of fifteen (15) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

The Board of Trustees or Board of County Commissioners, as applicable, may grant an extension of the time to cure a violation, up to a total of ninety (90) days, if the Board finds

that due to the nature of the violation, it reasonably appears that it cannot be corrected within fifteen (15) days. (Ord. 2-02 #3)

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