



**ORDINANCE 22-09**

**AMENDING TITLES 5 AND 7 OF THE AVON MUNICIPAL CODE  
AND TOWN CORE MAP**

**WHEREAS**, the Town of Avon (“**Town**”) is a home rule municipal corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

**WHEREAS**, The Town Council of the Town of Avon (“**Applicant**” or “**Council**”) has submitted a Code Text Amendment application to modify the Short-Term Rental (“**STR**”) regulations in Title 5, Title 7, as well as to amend the Town Core Map, directly related to this particular amendment; and

**WHEREAS**, the Town Core map as referenced within the Avon Municipal Code has not been altered since 2011, and changes in development within and around Avon warrant the amendment of this defined area, such that the Town Core necessitates expansion; and

**WHEREAS**, the Town of Avon Planning & Zoning Commission (“**PZC**”), after publishing and posting notice as required by law, held a public hearing on July 5, 2022, and July 19, 2022, prior to formulating a recommendation to the Town Council considered all comments, testimony, evidence and Town Staff reports, and then took action to adopt Findings of Fact and made a recommendation to the Town Council to approve the Application; and

**WHEREAS**, in accordance with AMC §7.12.020, Council and in addition to other authority granted by the Town Charter, its ordinances, and State of Colorado law, has review and decision-making authority to approve, approve with conditions or deny the Application; and

**WHEREAS**, after publishing and posting notice in accordance with the requirements of AMC Section 7.16.020(d), Step 4: Notice, Council held public hearings on August 9, 2022, and August 23, 2023, prior to taking final action considering all comments, testimony, evidence and Town Staff reports; and then took action by approving this Ordinance; and

**WHEREAS**, pursuant to AMC §7.16.040(c), *Review Criteria*, the Town Council has considered the applicable review criteria for a Code Text Amendment application; and

**WHEREAS**, the Application complies with AMC §7.16.040(c), *Review Criteria*, and is consistent with the Comprehensive Plan’s goal of providing a balance of land uses while inviting guest accommodations that strengthen Avon’s identity as both a year-round residential community and a tourism center while preserving the opportunity to preserve long-term residential opportunities for workforce in these units; and

**WHEREAS**, the text amendments also promote the health, safety, and general welfare of the Avon community by limiting the number of fully unlimited STR licenses (“**STR-F**”) through a 15% cap on Properties outside the updated Town Core while allowing an unlimited number of resident occupied STR licenses (“**STR-RO**”), as well as licenses that permit STR owners to short term rent their units on a limited basis for a maximum of 42-days or six (6) weeks in the year (“**STR-L**”) in this same area; and

**WHEREAS**, Resident Occupied (“**RO**”) means the occupation and use of a residence on a full-time basis, occupied by the unit owner or a renter of that unit. RO verification and investigation for STR licensing purposes shall be determined appropriate by the Town Manager to ensure that a resident is continuously occupying and using the residence in a full-time capacity; and

**WHEREAS**, Limited (“**L**”) means the use of a residence as an STR for no more than 42 days in a calendar year, proof of which must be provided upon license renewal; and

**WHEREAS**, all of the potentially affected Properties are located outside of the Town Core, and

**WHEREAS**, all existing Properties remain suitable for short term rental usage, and all STR licenses for the affected properties shall be grandfathered as licenses that are allowed to continue until either the cessation of the STR use in these unit(s) by the property owner or a change in unit ownership occurs; and

**WHEREAS**, the official Short Term Rental Overlay (“**STRO**”) zone district is not affected by this Ordinance; and

**WHEREAS**, this amendment will increase the compatibility of STRs of neighboring properties and decrease workforce displacement within the current Properties historically used as full-time residential housing in the area outside the Town Core; and

**WHEREAS**, the Application will provide for orderly, efficient use of the Property, while at the same time conserving the value of the investments of owners of Property in the Town in accordance with the Purpose statements in the Avon Development Code; and

**WHEREAS**, the modifications to the STR program implement mandatory standards such as smoke detectors, informational signage, fire extinguishers, and other operational and maintenance controls; thus, ensuring protections for finding balance in housing stock, life safety requirements, and preserving the character of neighborhoods resulting in an improvement of the general wellbeing of the community; and

**WHEREAS**, the health, safety, and welfare of the citizens of the Avon community would be enhanced and promoted by the adoption of this Ordinance; and

**WHEREAS**, approval of this Ordinance on First Reading is intended only to confirm the Town Council desires to comply with the requirements of the *Avon Home Rule Charter* by setting a Public Hearing to provide the public an opportunity to present testimony and evidence regarding the Application, and, that approval of this Ordinance on First Reading does not constitute a representation that the Town Council, or any member of the Town Council, supports, approves, rejects, or denies this Ordinance prior to any final action prior to concluding the public hearing on second reading.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Code Text Amendments.** AMC §5.04.050, AMC §7.20.190 and AMC §7.24.050 are hereby amended as depicted in “**Exhibit A – Code Text Amendments**” with ~~strike-out~~ depicting language to be deleted and underline depicting language to be added.

**Section 3. Redefining Town Core.** The area and map of the Town Core has been updated to include certain residential properties that contain a significant number of front desk managed rental properties including STRs and time-share properties. The new map has been attached as “**Exhibit B – Town Core Map**”.

**Section 4. Effect on Existing Short Term Rental Licenses.** Properties that have a valid STR license with the Town of Avon on the effective day of this ordinance shall continue to remain in effect until abandonment of the Short Term Rental use, change in ownership, or revocation of the Short Term Rental license in accordance with the procedures set forth in Chapter 5.04 Business Licensing, as may be amended from time to time.

**Section 5. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it has passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after final adoption in accordance with Section 6.4 of the Avon Home Rule Charter.

**Section 7. Safety Clause.** The Town Council hereby finds, determines and declares this Ordinance is promulgated under the general police power of the Town of Avon, that it is promulgated for the health, safety and welfare of the public and this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 8. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or

obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 9. Correction of Errors.** Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

**Section 10. Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 1.16 of the Avon Municipal Code.

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** by the Avon Town Council on August 9, 2022, and setting such public hearing for August 23, 2022 at the Council Chambers of the Avon Municipal Building, located at One Hundred Mikaela Way, Avon, Colorado.

**BY:**

**ATTEST:**

\_\_\_\_\_  
**Sarah Smith Hymes, Mayor**

\_\_\_\_\_  
**Patty McKenny, Town Clerk**

**ADOPTED ON SECOND AND FINAL READING** by the Avon Town Council on August 23, 2022.

**BY:**

**ATTEST:**

\_\_\_\_\_  
**Sarah Smith Hymes, Mayor**

\_\_\_\_\_  
**Patty McKenny, Town Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Karl Hanlon, Town Attorney**

**EXHIBIT A  
AMENDMENTS TO SECTIONS 5.04.050  
OF THE AVON MUNICIPAL CODE**

**PROPOSED PROCESS: GENERAL TEXT AND TOWN CORE MAP AMENDMENT**

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**TITLE 5 BUSINESS TAXES, LICENSES and REGULATIONS**

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**5.04.050(g) – Limitations of Short Term Rental Licenses**

- (g) Limitations of Short Term Licenses. The total number of licenses permitted for a Property in the [STRO] zone district and outside the Town Core, as defined in 7.08.010 and as delineated on the Town Core Map, shall be 15% of the total number of residential units for such Property, with the following exceptions and modifications:
- (1) A Property for the purposes of this section shall mean a multi-family residential development associated with a site-specific subdivision plat approval for such property which typically has a distinct subdivision name.
  - (2) The number of allowed STR licenses shall be rounded up to the nearest whole and shall not be less than one (1) for any Property.
  - (3) There shall be no limit of STR-RO [\[insert HYPERLINK to Section 5.04.050 \(b\)2\]](#) or STR-L [\[insert HYPERLINK to Section 5.04.050 \(b\)3\]](#) licenses.

**TITLE 7 – DEVELOPMENT CODE**

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**7.08.010 – General Definitions.**

*Town Core* means the central commercial core area of Town, including the areas zoned Town Center (TC) and the adjacent parcels zoned Mixed-Use Commercial (MC), Neighborhood Commercial (NC), Shopping Center (SC) and PUD, but not including certain residential parcels which are zoned for only residential use as shown. See the Town Core Map

**7.20.090 - Overlay districts.**

- (a) Short Term Rental Overlay - STRO.
- (1) Intention. The Short Term Rental Overlay (STRO) zone district is intended to allow short term rentals of properties, including but not limited to accommodation, apartments, bed and breakfast, condominium, hotel, lodge, motel and residential properties for periods fewer than thirty (30) days subject to the provisions of this Chapter. The STRO zone district shall be an overlay zone district which shall apply to allow short term rentals of properties. Properties in the STRO zone district shall otherwise be subject to all requirements of the underlying zone district.
  - (2) Allowed Use. The following uses shall be permitted in the STRO District:
    - (i) The uses permitted in the underlying zone district or planned unit development (PUD).

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OF THE AVON MUNICIPAL CODE**

- (ii) Short term rental, except that short term rental use shall not be permitted for any residential unit which is deed restricted for ~~affordable Community Housing~~, long term residential use, ~~a primary residence as defined in [3.12.020]~~, residential use or for full time residential use.
  - (3) Short Term Rental. For the purpose of this Chapter, *short term rental* shall mean the rental of property for a total continuous duration of less than thirty (30) days.
  - (4) Development Standards. The developments standards within this overlay zone district are regulated by the underlying zone district.
  - (5) Sales and Public Accommodations Tax License. Any property owner who leases or rents property in the STRO District shall obtain a sales tax license in accordance with Chapter 3.08 and a public accommodations tax license in accordance with Chapter 3.28. The failure to obtain a sales tax license or public accommodations tax license prior to using property for short term rental in the STRO shall be a violation and subject to penalties as described in Title 3.
- (b) Short Term Rental and Town Core:
- (1) Intention. Properties located inside of the Town Core may be permitted to allow short term rentals in all zone districts and Planned Unit Developments (“PUDs”) for fewer than thirty (30) days subject to the provisions of this Chapter. Properties shall make an application to allow short term rental, subject to all requirements of the underlying zone district and the Avon Municipal Code.
    - (i) STRs shall be issued in accordance with Avon Municipal Code [Title 5].
  - (2) Allowed Use. The following uses shall be permitted:
    - (i) Short term rentals.
    - (ii) Other Uses shall be permitted pursuant to the provisions in the underlying zone district.
    - (iii) Short term rentals shall not be permitted within any residential unit which is deed restricted or reserved for: Community Housing, long term residential use, a primary residence as defined in [3.12.020] or for full-time residential use.
- (c) Planned Unit Development. All PUD zone districts shall comply to the dimensional and development standards as well as the review processes and criteria outlined in Section 7.16.060, Planned Unit Developments.

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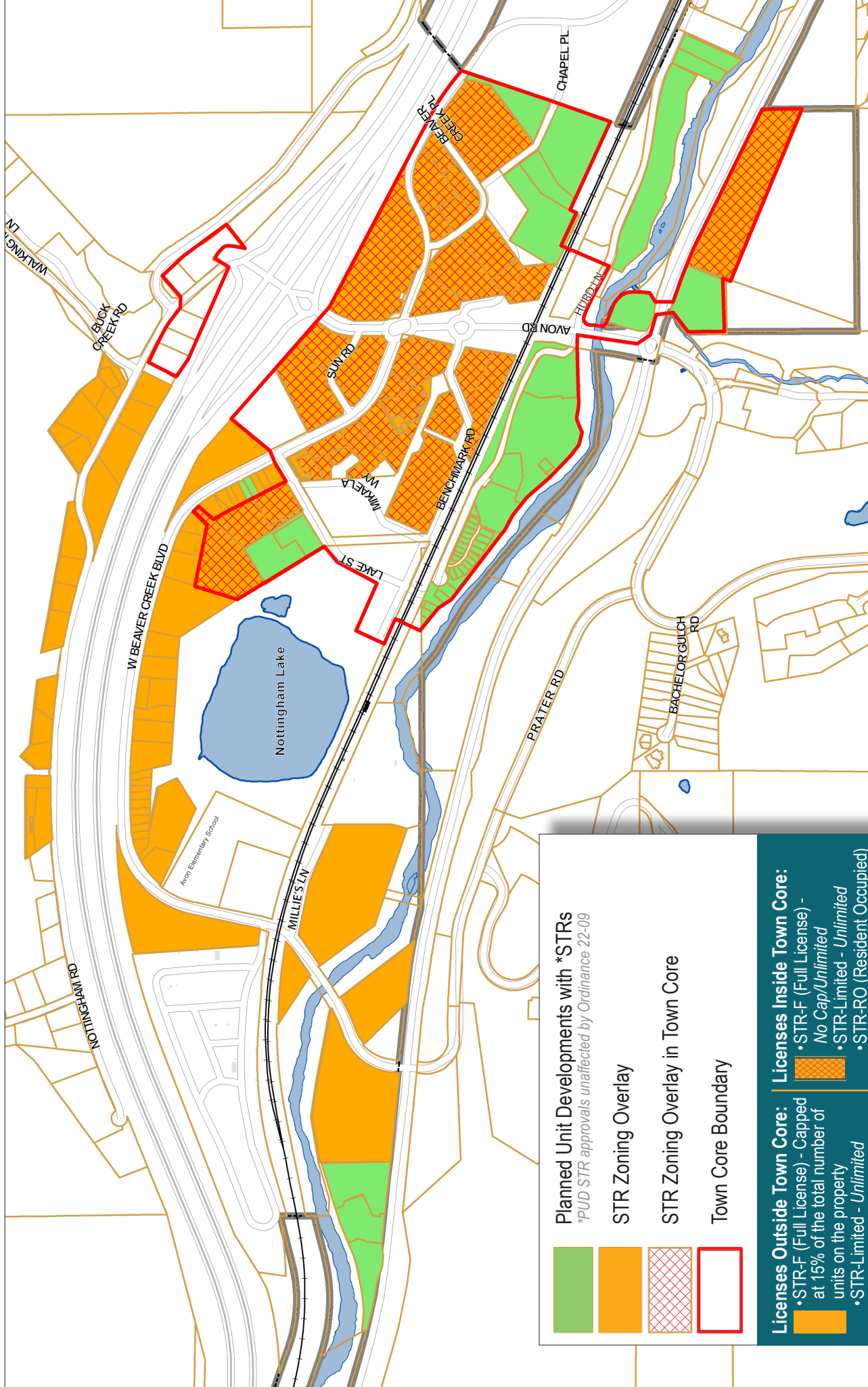
**7.24.050 - Use-specific regulations.**

- (a) *Public Uses.* Where permitted in a district, public uses (as identified in Table 7.24-1, Allowed Uses) must conform to siting and use provisions of the Avon Comprehensive Plan.
- (b) *Arboretum or Botanical Garden.* No sales are allowed except through gift shops that are approved accessory uses.
- (c) *Home Occupations.* A home occupation must comply with the following limitations and conditions:
  - (1) The use must not produce noise, vibration, smoke, dust, odors, heat or glare noticeable outside the dwelling unit where such activity is taking place;
  - (2) The use is limited to no more than five (5) customers or visitors, other than the occupants, per day;
  - (3) If the use is a day care, the use is limited to no more children than allowed by the state license for a childcare home (a state license is also required to operate a childcare home);
  - (4) The use does not have visible storage of equipment or parking of vehicles not normally associated with a residential use, including but not limited to trucks with a rating greater than three-quarters ( $\frac{3}{4}$ ) ton, earth-moving equipment or cement mixers;
  - (5) The use does not alter the exterior of the property or affect the residential character of the neighborhood;
  - (6) The use does not interfere with parking, access, other normal activities on adjacent properties or with other units in a multifamily development;
  - (7) Employees are not permitted to work on the property; the use shall be carried on by the inhabitants of the property;
  - (8) The use does not require alteration to the residence to satisfy applicable Town fire or building codes or county health regulations;
  - (9) Exterior signs are not permitted; and
  - (10) There may be only incidental sale of stocks, supplies or products.
- (d) *Dwelling, timeshare, interval ownership or fractional fee ownership ("timeshare")* must comply with the following limitations and conditions:
  - (1) The marketing and sales practices for a timeshare development shall not include solicitation of prospective purchasers of timeshare units on any street, walking mall, courtyard or other public property or facility unless otherwise permitted by the Town.

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- (2) The parking requirement for a timeshare development shall be calculated by applying the parking standard for the underlying zone district for lodge uses. The parking requirement shall be calculated based on the maximum number of proposed lock-off units in the development, unless an appropriate level of guest transportation services, such as vans, car-share or shuttle vehicles, are offered as an alternative to having owners and guests using their own vehicles in the Town.
  - (3) The owner of a timeshare shall be prohibited from storing a vehicle in a parking space on-site when the owner is not using the estate.
- (e) Short Term Rental must comply with the following limitations and conditions:
- (1) Premises shall conform to the applicable requirements of the Town's building, technical and safety codes adopted by reference in the Avon Town Charter and Municipal Code.
  - (2) Premises must comply with the Minimum STR Management Requirements set forth in the Avon Municipal Code Section 5.04.050, Short Term Rentals [\[insert HYPERLINK to Section 5.04.050\]](#).

# Short Term Rental Overlay and Town Core Map



**Planned Unit Developments with \*STRs**  
 \*PUD STR approvals unaffected by Ordinance 22-09

**STR Zoning Overlay**

**STR Zoning Overlay in Town Core**

**Town Core Boundary**

**Licenses Outside Town Core:**

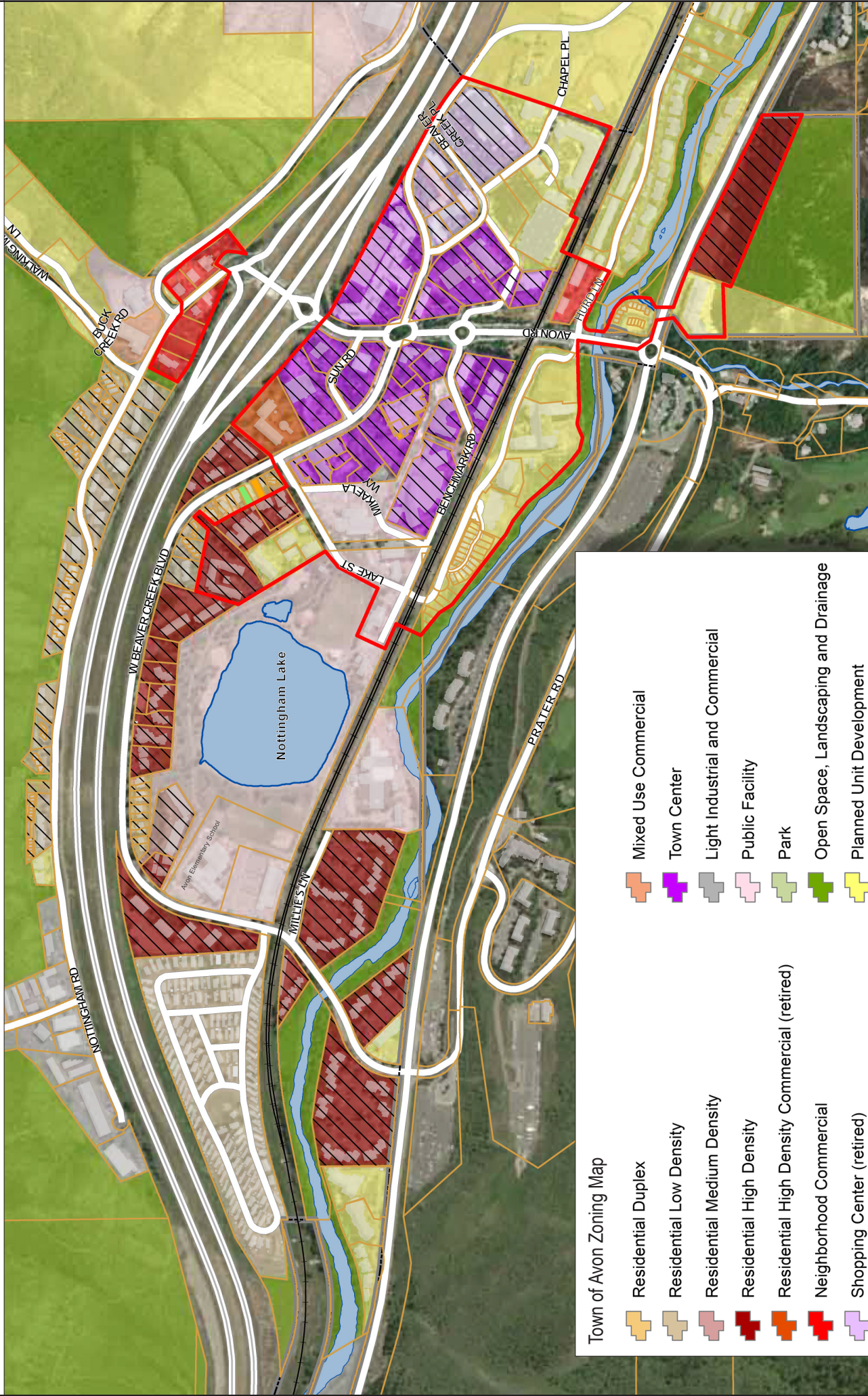
- STR-F (Full License) - Capped at 15% of the total number of units on the property
- STR-Limited - *Unlimited*
- STR-RO (Resident Occupied) - *Unlimited*

**Licenses Inside Town Core:**

- STR-F (Full License) - No Cap/*Unlimited*
- STR-Limited - *Unlimited*
- STR-RO (Resident Occupied) - *Unlimited*

*License definitions can be found in AMC Section 5.04.050 Short Term Rentals  
 See PUD approvals for STR regulations specific to these properties*

# Official Zoning and Town Core Map



## Town of Avon Zoning Map

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
|  | Residential Duplex                            |  | Mixed Use Commercial                 |
|  | Residential Low Density                       |  | Town Center                          |
|  | Residential Medium Density                    |  | Light Industrial and Commercial      |
|  | Residential High Density                      |  | Public Facility                      |
|  | Residential High Density Commercial (retired) |  | Park                                 |
|  | Neighborhood Commercial                       |  | Open Space, Landscaping and Drainage |
|  | Shopping Center (retired)                     |  | Planned Unit Development             |
|  |   |  | Short Term Rental Overlay            |

Town Core Boundary