

**TOWN OF AVON, COLORADO  
ORDINANCE NO. 09-12  
SERIES OF 2009**

**AN ORDINANCE ADDING SECTION 17.20.140 SHORT TERM RENTAL OVERLAY  
(STRO) ZONE DISTRICT TO TITLE 17 OF THE AVON MUNICIPAL CODE**

**WHEREAS**, pursuant to C.R.S. §31-15-103; C.R.S. §31-23-301 *et. seq.*; the Local Government Land Use Control Enabling Act of 1974 set forth in Article 20 of Title 29, Colorado Revised Statutes; and the home rule authority of the Town of Avon (“Town”) provided by Section XX of the Colorado Constitution and the home rule charter adopted by the Avon electorate, the Town Council has the power to establish zone districts, adopt regulations for such zone districts, and adopt ordinances for promotion and preservation of public health, safety, and welfare;

**WHEREAS**, pursuant to the purpose of Title 17 of the Avon Municipal Code, the Town Council has the authority to divide the Town into zones, or districts, restricting and requiring therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specified uses;

**WHEREAS**, the intent of Title 17 of the Avon Municipal Code is to provide a planned and orderly use of land, protection of the environment and preservation of viability as a tourist area, all to conserve the value of the investments of the people of this community and encourage the most appropriate use of land throughout the municipality;

**WHEREAS**, the Town desires to permit Short Term Rental uses as defined by Section 3.28.020 for *Hotel room, condominium unit, or other accommodation* of the Avon Municipal Code, in areas of the town core that are residential in nature, as defined in the attached map (Exhibit A); and,

**WHEREAS**, the Town Council finds that the passage of this Ordinance will promote and preserve the health, safety and welfare of the Avon community.

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

**Section 1.**     **Amendment to Title 17 of the Avon Municipal Code.** The Avon Municipal Code is hereby amended by adopting the following language:

**17.20.140 Short Term Rental Overlay - STRO.**

(a) 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 of thirty-one (31) days or less subject to the provisions of this Section 17.20.140. 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.

(b) 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).

(ii) Short Term Rental, except that Short Term Rental use shall not be permitted for any residential unit which is deed restricted for affordable housing, long term residential use, primary residential use, or full time residential use.

(c) Short Term Rental. For the purpose of this Section 17.20.140, Short Term Rental shall mean the rental of property for a total continuous duration of less than thirty (30) days.

(d) Development Standards. The developments standards within this overlay zone district are regulated by the underlying zone district or PUD.

(e) 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 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.

**Section 2. Zone District Map Amendment.** The official Zone District Map for the Town of Avon shall be amended to adopt and include the Short Term Rental Overlay zone district as illustrated by Exhibit A, Short Term Rental Overlay Zone District map.

**Section 3. Codification.** The codifier of the Town’s Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Avon Municipal Code.

**Section 4. 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 would have 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 5. Effective Date.** This Ordinance shall take effect seven days after public notice following final passage in accordance with Section 6.4 of the Avon Home Rule Charter.

**Section 6. Safety Clause.** The Town Council hereby finds, determines and declares that 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 that 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 7. Publication by Posting.** The Town Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the Town and posting at the office of the Town Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the Town Clerk during normal business hours.

**INTRODUCED, APPROVED, PASSED ON FIRST READING, ORDERED POSTED AND REFERRED TO PUBLIC HEARING** and setting such public hearing for 5:30 p.m. on the 22<sup>nd</sup> day of September, 2009, at the Council Chambers of the Avon Municipal Building, located at One Lake Street, Avon, Colorado, on the 8<sup>th</sup> day of September, 2009.

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Ronald C. Wolfe, Mayor

Published by posting in at least three public places in Town and posting at the office of the Town Clerk at least seven days prior to final action by the Town Council.

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Eric Heil, Town Attorney

**INTRODUCED, FINALLY APPROVED, AND PASSED ON SECOND READING, AND ORDERED PUBLISHED BY POSTING** on the 22<sup>nd</sup> day of September, 2009.

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Ronald C. Wolfe, Mayor

Published by posting by title in at least three public places in Town and posting by title at the office of the Town Clerk.

ATTEST:

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Patty McKenny, Town Clerk