

ORDINANCE NO. 2023- \_\_\_\_

A BILL

FOR AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 146 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO TO PROVIDE CORRECTIONS, CLARIFICATIONS AND UPDATES TO THE LAND USE REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That Section 146-4.2.2.B. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.2.2. General Dimensional Standards Summary Tables.

B. Mixed Use Districts. Dimensional standards for mixed-use districts are shown in Table 4.2.3.

Table 4.2-3								
Summary of Mixed-Use Districts Dimensional Standards								
See additional standards in Section <a href="#">146-2.4</a> (Mixed-Use Districts)								
Zone District	MU-N	MU-OI	MU-C	MU-OA	MU-FB	MU-TOD	MU-R	MU-A
Building Standards								
General	Subarea A: See Aurora Infill Handbook; Subareas B & C: 2 stories max.	75 ft. max.	Subarea A: <del>See Aurora</del> Infill Handbook; Subareas <del>B &amp; C:</del> 75 ft. max.  <b>75 ft max</b>	See Table 2.4-5	19 ft. min. on arterials	Core: No max.  3 story min.  Edge:  No max.  No min.	Max for Focal Point: N/A  Max General:  No building taller than Focal Point; If no Focal	Single- family and duplex: 38 ft. max.; Multifamily or mixed- use: 100 ft.; Non- residential: 100 ft.

Table 4.2-3

## Summary of Mixed-Use Districts Dimensional Standards

See additional standards in Section [146-2.4](#) (Mixed-Use Districts)

Zone District	MU-N	MU-OI	MU-C	MU-OA	MU-FB	MU-TOD	MU-R	MU-A
							Point yet constructed:  100 ft.	

Section 2. That Section 146-4.6.3.F. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.6.3. Required Off-Street Parking.

##### F. Bicycle Parking

###### 1. *Bicycle Parking Spaces Required.*

a. Multifamily and non-residential development in Subarea A shall provide bicycle parking spaces equal to at least 10 percent of required automobile parking spaces, and multifamily and non-residential development in Subareas B and C, shall provide bicycle parking spaces equal to at least five percent of the required automobile parking spaces; provided, that each multifamily and non-residential use shall install a minimum of two U-racks or other similar bicycle storage, and no multifamily or non-residential use shall be required to install more than 15 U-racks or other similar bicycle storage.

b. The requirements of Subsection F.1 above also apply to the non-residential component of each mixed-use development.

c. Each inverted-U bicycle rack counts as two bicycle parking spaces.

~~d. Multifamily development shall provide at least one bicycle parking space per five dwelling units in Subarea A and at least one bicycle parking space per 10 dwelling units in Subareas B and C.~~

Section 3. That Section 146-4.6.5.C.8. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.6.5. Parking Design and Location.

C. *Single Family Detached and Two-Family Lots*

8. *Garage Variation Required.*

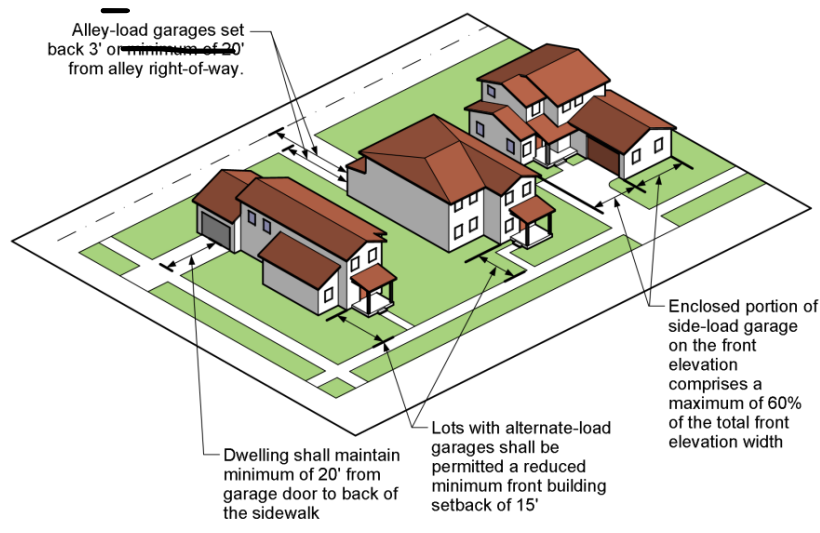


Figure 4.6-3: Alternate-load Garage

Section 4. That Section 146-4.7.3.B. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.3. General Landscaping Standards

B. Plant Material Requirements.

8. Plant Beds

d. Where rock is the chosen mulch treatment and no plant material will be installed, weed barrier fabric shall be used to block weed growth and conserve moisture. **Crusher fines may not be used as a mulch treatment unless specified as permitted in another section of the UDO.**

11. Artificial Turf Standards

Where this UDO permits the use of artificial turf, it shall comply with the following standards.

a. *Allowed Use.*

- i. Artificial turf may be used in sports field applications.
- ii. Artificial turf may be used in front yards to replace sod or native seed areas of single-family residential lots if approved by a homeowners' association and/or Title 32 District, ~~but may not be used in the Water-Wise landscape option in which no turf is allowed.~~ Homeowners shall meet the Residential Yard Landscape Requirements per Table 4.7-3 in addition to providing artificial turf.
- iii. Artificial turf may be used in commercial developments.
- iv. Artificial turf may be used in street frontage buffers.**
- v. Artificial turf may be used in dog parks.**
- vi. Artificial turf may be used in back yards.**

f. *Specific Prohibited Uses.*

- i. Artificial turf may not be used within curbside planting areas in any zone district.
- ~~ii. Artificial turf may not be used in street frontage buffers.~~
- ~~iii. Artificial turf may not be used in dog parks.~~

12.

Section 5. That Section 146-4.7.5.C.2. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

*C. Curbside Landscaping*

*2. Detached Walks.*

- i. Curbside landscape areas that are less than ~~three~~ **four** feet in width shall be mulched with rock mulch **or wood mulch**, no white rock. Rock shall be a minimum of 2.5 inch diameter.

ii. Curbside landscape areas that are between ~~three~~ **four** and ~~seven and half~~ **six** feet in width shall be planted ~~a minimum~~ with shrubs **meeting the minimum quantity requirements as defined by this section**. Ornamental grasses may also be provided.

v. ~~When shrub and ornamental grasses are used, Curbside landscapes shall~~ **provide** no less than one shrub per 40 square feet **of curbside landscape area**. ~~or~~ **S**shrub equivalents may be installed ~~within the curbside landscape area and but may~~ **not account for** ~~no~~ more than 40 percent of the **total** shrub count **provided as shrub equivalents** ~~can be ornamental grasses provided as shrub equivalents~~. Shrubs are assumed to be an average of four feet wide at maturity. No more than five percent of perennials may be provided as shrub equivalents.

vii. When located within a sight distance triangle, plant materials shall comply with the provisions of Section 146-4.2.3.I. Refer to the Aurora Roadway Design and Construction Specifications Manual for sight distance triangle design parameters.

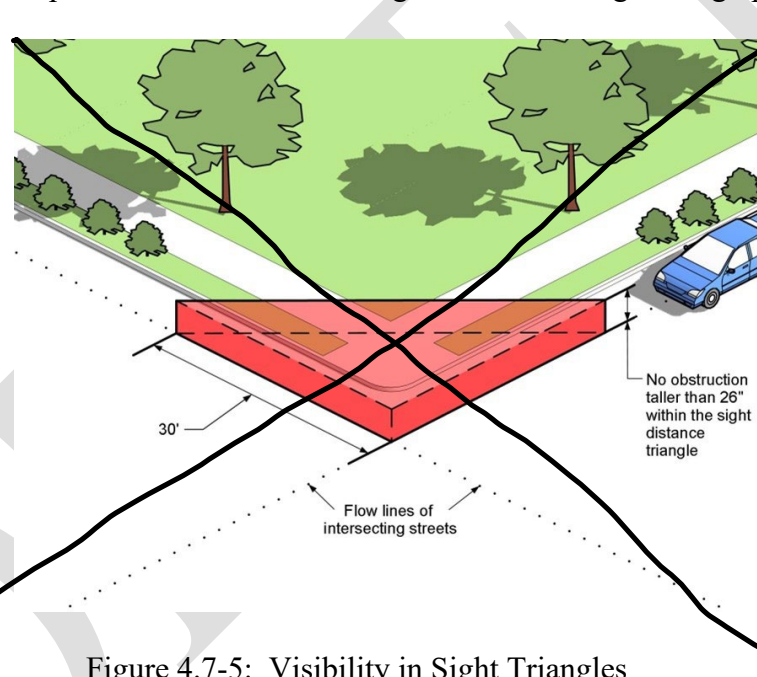


Figure 4.7-5: Visibility in Sight Triangles

c. *Use of Living and Non-Living Materials.* The following standards apply to sites with detached sidewalks.

i. In addition to the required street trees, curbside landscaping within the right-of-way may consist of both living and non-living landscape materials.

iii. Non-living landscape materials may consist of wood mulch and rock mulch in combination with living plant material consistent with Section 146-4.7.5.C.2.a.ii. **Crusher fines may not be used as a mulch treatment. Crusher fines may be installed to support limited areas of high pedestrian traffic**

generated by adjacent land uses or as step out areas supporting on-street parking within the curbside landscapes as a means to access adjoining sidewalks.

Section 6. That Section 146-4.7.5.C.4. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5. Required Landscaping

##### *C. Curbside Landscaping*

##### *4. Urban Street Frontages.*

*b. Urban Street Trees.* Refer to the Landscape Reference Manual regarding the City of Aurora Recommend Xeriscape and No-Water Plant List. ~~for a list of recommended street trees.~~

Section 7. That Section 146-4.7.5.D.2. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5. Required Landscaping

##### *D. Street Frontage Landscape Buffers*

##### *2. Exceptions*

a. Landscape Street frontage buffers for single-family detached and multifamily developments facing an arterial and/or collector street shall measure their street frontage buffer from the **back of walk**. ~~flow line.~~ Refer to Figures 4.7-14 through 4.7-17.

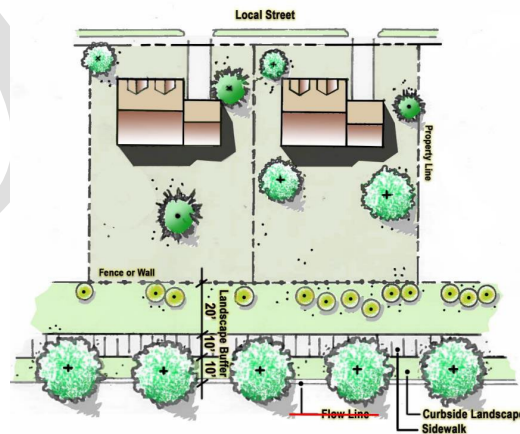


Figure 4.7-14: Arterial Street Frontage Buffer Measurement Detached Straight Walk

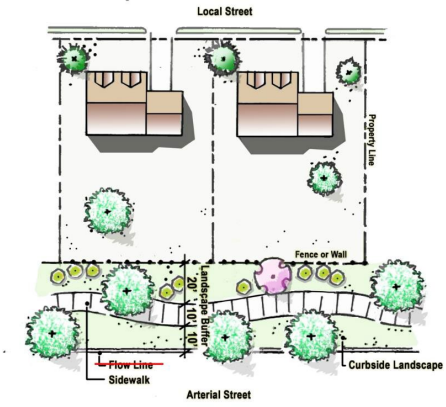


Figure 4.7-15: Arterial Street Frontage Buffer Measurement Detached Meandering Walk

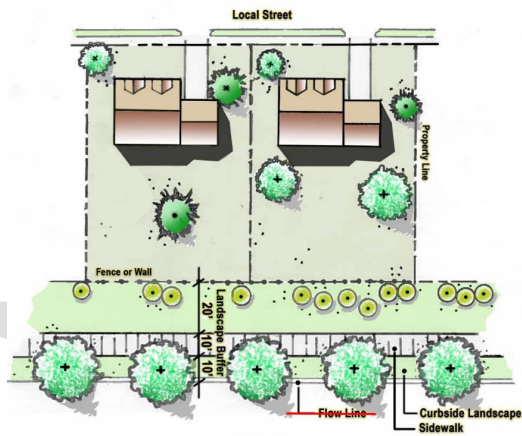


Figure 4.7-16: Arterial Street (Painted Median) Frontage Buffer Measurement Detached Straight Walk

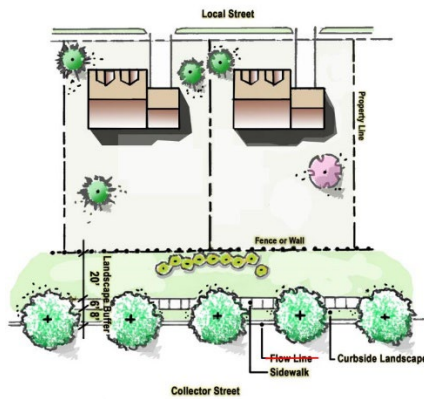


Figure 4.7-17: Collector Street Frontage Buffer Measurement Detached Straight Walk

Section 8. That Section 146-4.7.5.D.5. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

*D. Street Frontage Landscape Buffers*

5. *Encroachments into Buffers.* No buildings or portions of buildings including porches or patios, drive lanes, sidewalks, detention ponds, parking stalls, dumpsters or dumpster enclosures may intrude into the minimum required buffer.

Section 9. That Section 146-4.7.5.E.4. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

*E. Non-Street Perimeter Buffers*

4. *Encroachments into Buffers.* No buildings or portions of buildings including porches or patios, drive lanes, sidewalks, structured or unstructured detention ponds, parking stalls, dumpsters or dumpster enclosures may intrude into the minimum required buffer.

Section 10. That Section 146-4.7.5.G. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.5. Required Landscaping

*G. Buffer Width and Allowed Reduction Table.*

1. All development and redevelopment shall comply with the provisions of Table 4.7-2 unless an exception or alternative standard is included in this UDO.

	Residential [1]	Multifamily	Institutional [2]	Office, Commercial and Mixed-Use	Industrial
STANDARD DESIGN [3] Plant material quantities per code requirements. Standard design means without buffer reduction incentive features.					
[1] Includes all residential uses listed in Table 3.2-1 (Permitted Use Table) except multifamily dwellings.					
[2] Includes all institutional uses listed in Table 3.2-1 (Permitted Use Table) except parks and open spaces.					
[3] Standard design refers to the required plant material per linear foot of required buffer.					



	Residential [1]	Multifamily	Institutional [2]	Office, Commercial and Mixed-Use	Industrial
[4] Buffer reductions are not permitted for industrial developments along arterial streets.					
[5] When an Urban Street Frontage is <b>proposed</b> <del>required by or approved under this UDO,</del> <b>with no intervening vehicular area between the building and street</b> , no street frontage buffers are required.					
[6] Where the rear lots of single-family detached and multifamily abut an arterial or collector roadway, a 20-foot-wide landscape setback is required in accordance with Section <a href="#">146-4.7.9.H</a> . Buffer reductions are not permitted for multifamily dwelling units adjacent to arterial and collector streets.					
[7] Buffer reductions are not permitted adjacent to parks, trails, or open space.					
[8] Single-family residential developments are exempt from the 25-foot buffer except under those circumstances noted in Section 146-4.7.5.H(2)(b)(iii).					
[9] Landscape plant material quantities shall remain the same regardless of any approved reduction in buffer width.					
[10] For a tall landscape screen, deciduous trees and evergreen trees shall mature to a height of 15-25 feet tall, and shrubs shall mature to an average height of five feet tall. If option 2 in Table 4.7-2 is chosen, then 50 percent of the buffer trees shall be evergreen species.					
[11] Fences and masonry walls shall not be permitted as a buffer reduction feature installed along the rear lots of homes adjacent to arterial and collector streets.					
[12] Parallel fencing along adjoining properties shall be avoided to the maximum extent practicable to avoid inefficiencies in maintaining either fence. If two parallel fences are necessary, a minimum separation of 10 feet shall be maintained for maintenance purposes.					

Section 11. That Section 146-4.7.5.H.1.c. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5. Required Landscape.

#### H. *Special Landscape Buffers for Development Adjacent to I-70, I-225, E-470, Public Parks, Open Space, and Trails.*

##### 1. General.

c. The encroachment of buildings or portions of buildings including porches and patios, trash enclosures, dumpsters, parking lots and internal vehicular drives, sidewalks and detention and water quality pond infrastructure into

landscape buffers is prohibited. Exceptions to this rule in the case of public parks, open space and trail buffers including the provision of trail connections **and sidewalks**, may be made on a case-by-case basis by the Parks, Recreation and Open Space Department based on unique site conditions and alternatives to those impacts, including any proposed mitigation measures.

i. The provision of trail connections through **public park, open space and trail** buffers is generally permitted, but at those locations approved by the Parks, Recreation and Open Space Department based on trail connectivity, public safety, and appearance.

ii. **Sidewalks which provide access to the primary entry to residential uses may be permitted in public park, open space and trail buffers, provided the sidewalk is set back a minimum of 10 feet from the property line of the adjacent park, open space or trail.**

Section 12. That Section 146-4.7.5.J.2.a. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5 Required Landscape.

##### J. Building Perimeter Landscaping

###### *2. Non-residential and Mixed-Use Structures*

a. *Requirements.* Building perimeter landscaping is required for all non-residential buildings in Subareas A (excluding the MU-OA zone district), B and C when said building elevations face public streets, transportation corridors, public open space, residential neighborhoods, or whenever an entrance door is present. Applicants shall provide one tree or tree equivalent for each 40 linear feet of elevation length. **Measurements are not cumulative but shall be measured per side of the building.**

i. **Ornamental grasses may comprise up to 25% of the total shrub requirement.**

Section 13. That Section 146-4.7.5.K.3.f. and g. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5 Required Landscaping

##### K. Parking Lot Landscaping

### *3. Interior Parking Lot Landscaping.*

f. In addition to trees, grasses (maximum 30 percent per island) and shrubs ~~with trees~~ shall be provided at a ratio of six plants per nine-by-19-foot island or 12 plants per nine-by-38-foot island. Plant materials shall be sited appropriately to not exceed the confines of the planting area. **Perennials may be provided as accents but may not be used to satisfy the parking lot island landscape requirements.**

g. Landscaped islands may be mulched with either wood or rock mulch. The use of white rock mulch **or crusher fines** is prohibited. **The use of crusher fines for pedestrian connectivity to an adjoining walk will be reviewed on a case-by-case basis.**

**h. No portion of the required parking lot island landscaping may be displaced by lighting, trash enclosures, recycling containers, transformers, fire hydrants, vacuum equipment or other mechanical equipment.**

Section 14. That Section 146-4.7.5.K.5. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5 Required Landscaping

#### K. Parking Lot Landscaping

### *5. Parking Lot Perimeter Screening.*

a. Parking lots shall be visually screened ~~along from the~~ public rights-of-way, **private streets as well as from open** space and adjacent property. Such screening can be integrated into buffer requirements and is not in addition to such buffer requirements when the buffer and parking lot screening overlap with one another.

Section 15. That Section 146-4.7.5.O. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.5 Required Landscaping

#### O. Medians.

All medians in the public street rights-of-way that are to be maintained by the Parks, Recreation and Open Space Department (PROS) shall be landscaped in accordance with the PROS Dedication and Development Criteria Manual. A copy of the manual is available on the City's website. The applicant shall prepare median design and construction drawings for submission to PROS for review and approval independent of the required site plan submittal to the Planning and Development Services Department. A separate review fee is collected by PROS at time of submission. Coordinate with PROS on specific submittal requirements.

All medians in the public street rights-of-way that are to be privately owned and maintained by a homeowner's association or Title 32 District **may be landscaped in accordance with the PROS Dedication and Development Criteria Manual or** ~~shall be landscaped at a minimum~~ in accordance with the following requirements:

Trees: One deciduous canopy/shade tree (two and one-half inches) or ornamental tree (two inches) every 35 feet on average. At least half of the trees shall be canopy or shade trees. Evergreen trees are not permitted within medians unless a narrow species is selected and preapproved by Planning staff. Ornamental trees may be grouped closer together to achieve a specific aesthetic look.

Shrubs: Shrubs shall be provided at a ratio of six shrubs per 36 linear feet of median. Shrub installation size shall be five-gallon containers.

Ornamental Grasses: Ornamental grasses may be provided but may not count for more than 30 percent of the total shrub quantity. Ornamental grass installation shall be five-gallon containers.

Mulch: Mulch may be either organic or inorganic or a combination of both at the direction of the designer. Shredded cedar is the preferred mulch treatment as it has moisture retention qualities, unlike rock mulch that retains and radiates heat. No white rock **or crusher fines** is are permitted.

Section 16. That Section 146-4.7.6.D. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 4.7.6 Site Design For Low Impact Development

##### D. ~~Water Conservation and Irrigation.~~

~~1. Single Family, Two Family (Duplex), and Single Family Attached Dwellings. The design and installation of the all new turf areas for each lot shall comply with all of the requirements listed in Section 146-4.7.5.P (Residential Yard Landscape) and the turf area limitations in Subsection 2 Below.~~

~~2. All Other Development Except Playfields and Golf Courses. In all development sites except playfields and golf courses, the use of cool season grass sod, seed and seed mixtures that contain cool season grass species shall be limited to not more than 33 percent of a site's total landscaped area. The area consisting of high water using species of cool season grasses, such as Kentucky Blue Grass, shall be contiguous and patches located throughout the site shall be avoided. For purposes of these standards "contiguous" shall mean all abutting areas and areas that may be separated by a pedestrian walk or trail. Areas separated by pavement used for vehicular circulation are not considered contiguous. A cool season grass species shall be considered a high water user if it requires one and one half inches of water or more per week to survive. Tot lots~~

~~and recreational areas that will benefit from the durability of cool season grasses are exempt from contiguity requirements of this Section. All other requirements shall apply.~~

~~3. Z-Zone Program Option. Applicants may choose to temporarily water native seed areas for a three-year period for establishment purposes under the Z-Zone Program administered by Aurora Water. The annual water allocation will be adjusted accordingly after three years or upon successful establishment of the z-zone areas as determined by Aurora Water. The adjusted water allocation will be based upon the permanently irrigated areas. Contact Aurora Water, Water Conservation Division for details on the Z-Zone Program. (Ord. No. 2019-49 § 1, 08-19-2019)~~

Section 17. That Section 146-4.7.9.K. of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.7.9. Fence and Wall Regulations.

*K. Fences and Walls Along Open Space Tracts, Parks, Reservoirs, Golf Courses, Trails, and Drainage Ways.*

1. **For proposed development and new construction,** ~~f~~**Fences adjacent to open space tracts, public parks, open space, trails, and drainage ways shall meet the design standards shown in Figure 4.7-37 and the screening requirements of Section 146-4.7.5.H.2 (Buffer Standards for Areas Adjacent to Public Parks, Open Space, and Trails) shall also apply.**

**a. Within a master-planned development, residential lots that abut public open space where the open space also abuts a street, alley or shared drive may use a privacy fence in lieu of a three-rail fence to screen views into side and rear yards located across from the street, alley or shared drive. The fence design and material shall be included in the approved master plan and shall not exceed 6 feet in height. Additional landscaping may be required adjacent to the privacy fence depending on the context of and will be reviewed with each site plan.**

2. **Existing fences adjacent to public parks, open space, trails, and drainage ways not within a master planned development shall be maintained and repaired in accordance with the location, height, design, and materials as shown on approved Site Plans.**

**a. For replacement fences, the Director of Parks, Recreation, and Open Space shall determine the location, height, design, and materials of fences adjacent to city-owned property taking into consideration consistency in the appearance and treatment along neighboring properties and the screening and access control needs relative to abutting land uses if no Master Plan or Site Plan exists for a property.**

3. 2. Fences adjacent to public golf courses or reservoirs shall be an open wrought iron style with masonry columns, or other styles or column spacing as may be specified by the Director of Parks, Recreation, and Open Space. Screening requirements of Section 146-4.7.5.H.2 (Buffer Standards for Areas Adjacent to Public Parks, Open Space, and Trails) shall also apply.

4. 3. Fences may be up to four feet in height for parks and open space, and up to nine feet for athletic courts and fields and may exceed those maximum heights if the Parks, Recreation and Open Space Department determines that the additional height is needed and will not create a traffic hazard.

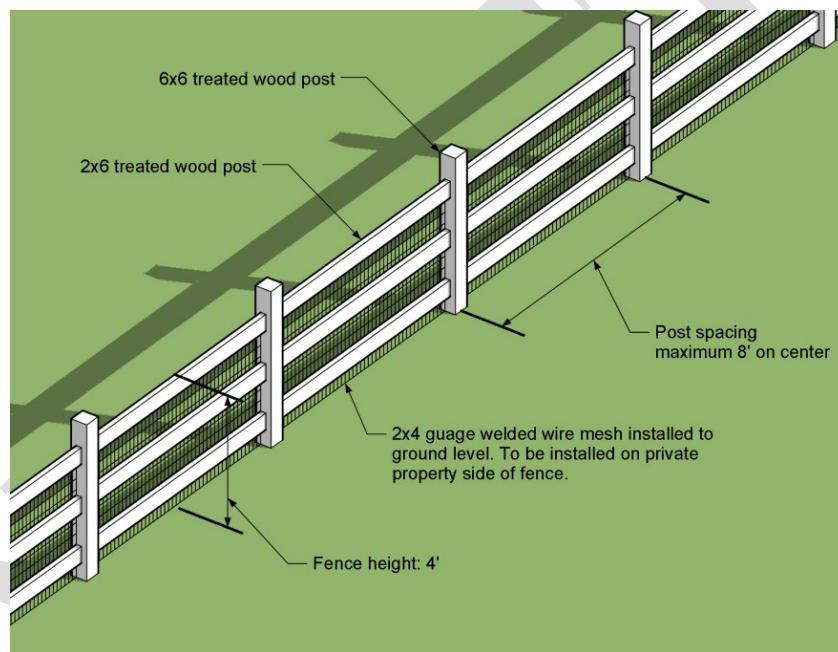


Figure 4.7-37: Fencing Along Open Areas

N. ~~*Swimming Pools.* The swimming pool area shall be completely enclosed by a fence not less than four feet in height with openings of not more than four inches. The fence shall be located not more than 100 feet from the edge of the pool. All gates shall be equipped with self latching and self closing devices placed on the inside top of the gate. See the International Building Code for additional restrictions on height, vertical member spacing, and access gates. Chain link and welded wire fences are prohibited.~~

N. *Reserved.*

Section 18. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the

remaining provisions of this Ordinance.

Section 19. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 20. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL L. MONEY, Senior Assistant City Attorney