

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF AURORA, COLORADO, 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)

WHEREAS, when the Unified Development Code (UDO) was enacted into Chapter 146 of the City Code some of the previous provisions of Chapter 146 relevant to development of parks and open spaces were omitted or need to be clarified; and

WHEREAS, the omitted provisions of Chapter 146 need to be included into the UDO for the proper administration of the dedication and development of parks and open spaces; and

WHEREAS, the Director of Parks, Recreation and Open Space (PROS) has authority to establish dedication and development criteria for parks and open spaces; and

WHEREAS, the Parks, Recreation and Open Space Dedication and Development Criteria Manual establishes minimum criteria to ensure that goals, policies, procedures and standards are met so that a quality parks, recreation and open space system can be implemented.

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

Section 1. That section 146-4.3.18.B of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

4.3.18. Schools, Parks, and Other Lands for Public Facilities.

B. Park and Open Space Land **Dedication** and Cash-in-Lieu.

1. *Requirement.* Public land shall be dedicated to provide for parks and open space to serve the future residents of the development, **and address the impacts of additional residents within existing neighborhoods**. The dedication of such land shall be as required by an annexation agreement, if one has been approved for the property. If land uses change from those approved at the time of annexation or no annexation agreement exists for the subdivision, park **land** dedication shall be required **as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual**.

2. *Dedication Timing.* The dedication of land for parks and open space purposes shall occur, by plat or separate document at the discretion of the City, at the time that the first plat for property adjacent to such land is submitted to the City. *Standards.* The amount of land dedicated for parks and open space purposes shall comply with the **methodology**, population-based standards ~~in Table 4.3 3,~~ **housing unit types, average household sizes, and other criteria, such as cash-in-lieu**, as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

~~Table 4.3 3~~

~~Standard Acres per 1,000 Population~~

Facility Type	Requirement
Neighborhood Parks	3 ac. per 1,000 residents
Community Parks	1.1 ac per 1,000 residents
Open Space, Other Park Uses and Trails	7.8 ac per 1,000 residents

~~4. Average Household Size.~~

~~a. For purposes of applying the population based standards, population projections shall be calculated based on the following average household sizes:~~

~~i. 2.65 persons per single family dwelling unit;~~

~~ii. 2.50 persons per multifamily dwelling unit;~~

~~iii. 2.02 persons per dwelling unit in a transit station area; and~~

~~iv. 1.58 persons per active adult dwelling unit in a residential community;~~

~~(a) In which occupancy is limited by deed or title to residents over 55 years of age, or~~

~~(b) That qualifies as “housing for older persons” as defined and regulated under the federal Fair Housing Act, as amended.~~

~~v. Assisted living, continuing care retirement, skilled nursing and convalescent communities or facilities shall be exempt from the land dedication requirements unless the use includes a mix of dwelling unit types for active adults or persons under age 55, in which case land dedication requirements may be imposed upon the number of~~

~~units intended to be occupied by persons without the age limitation or residents not in need of personal care or health services.~~

~~b. These numbers may be modified as determined by the City Council based upon census data.~~

~~4. 5. Cash-in-Lieu of Land Dedication Payments.~~

a. Developments unable to provide the required land dedication per the standards set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual shall be required to pay a cash-in-lieu of land dedication fee. The timing of any required cash-in-lieu of land dedication payments, land value calculations and payment tracking are set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

~~3. Land Dedication~~

~~For subdivisions that are not large enough to generate a minimum of five acres for neighborhood parks and 40 acres for community parks, the City Manager may, at the City Manager's sole discretion, require a cash payment in lieu of land dedication.~~

~~i. The amount of such payment shall be based upon the market value of property within the subdivision as fully developed, with all attendant infrastructure, in accordance with the land uses approved for the subdivision. This approach to valuing cash in lieu shall also be used if cash in lieu is accepted for dedication of park lands outside of the subdivision approval process.~~

~~ii. Cash in lieu of land shall only be used to provide park and open space facilities to serve the future residents of the subdivision.~~

~~iii. Cash in lieu payment shall occur at the time that the first plat for the subdivision is submitted to the City.~~

~~b. For infill developments in Subareas A and B and for development within transit station areas that are required to provide cash in lieu of land dedication, the amount of such payment shall be based upon a per-acre value derived from a case study analysis of the market value of property acquired by the City for community-based park, recreation, and open space purposes. Such per-acre value shall be determined annually by the Director of Parks, Recreation, and Open Space in accordance with the provisions of Section 2-587 of the Aurora City Code.~~

~~5. 6.~~ *Dedication and Development Criteria Manual.* Park and open space land dedication, **development** and design criteria, which govern the eligibility of land and areas to receive land dedication credit, shall be as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

Section 2. 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 3. 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, ~~Fences~~ 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 it 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.

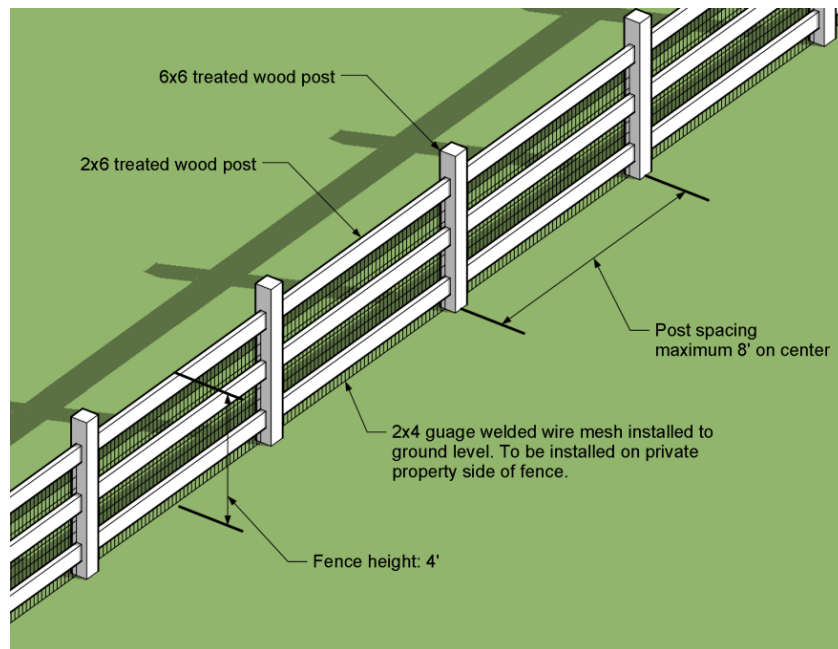


Figure 4.7-37: Fencing Along Open Areas

Section 4. That the City Code of the City of Aurora, Colorado, is hereby amended to add a new subsection, to be numbered 146-5.3.20, which subsection shall read as follows:

5.3.20. Park Development Fees.

A. In addition to other fees required by this UDO, applicants for development and redevelopment containing residential land uses are required to pay park development fees for development and improvement of parks and recreation facilities.

B. The methodology and criteria which govern the computation of the fees, including any policies which exempt certain types of residential projects from fees, shall be as set forth in the Parks, Recreation and Open Space Dedication and Development Criteria Manual.

C. Park development fees shall be payable at time of issuance of building permit.

Section 5. 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 6. 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 7. 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:

Michelle Gardner
MICHELLE GARDNER, Sr. Assistant City Attorney

RLA