



Accessory Uses and Structures

Sections 1103, Article 11, Chapter 146, Aurora Municipal Code
(Includes up to Ordinance No. 2004-20, Effective: May 3, 2004)

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Sec. 146-1103. Accessory Uses.

(A) *Generally.* All uses in this chapter which are incidental only to the permitted use, may be operated as an accessory use if they comply with all of the following conditions:

1. The use is clearly incidental and is customarily and commonly associated with the permitted use;
2. The use is operated and maintained under the same ownership and on the same building site as the permitted use;
3. The use does not include structures or structural features inconsistent with the permitted use; and
4. The use does not include residential occupancy except by domestic employees employed on the premises.

(B) *Accessory Buildings in Residential Zoning Districts.* Accessory buildings in residential zones other than RA, residential agricultural district, shall:

1. Be constructed within the rear yard only;
2. Not occupy more than 50 percent of the total rear yard;
3. Not exceed 50 percent of the gross floor area of the principal building;
4. Not exceed the height of the principal building;
5. Be set back a minimum of three feet from the rear and side yard lot lines if the accessory building does not exceed six feet in height. An additional one foot of setback from both the rear and side lot lines shall be provided for each additional foot in height over six feet. However, accessory buildings built pursuant to subsection (C) of this section or abutting an alley at the rear property line shall maintain a minimum three-foot setback from the rear property line.

Accessory buildings exceeding 120 square feet in area in residential zoning districts. Any accessory building having a floor area exceeding 120 square feet shall have design, colors, roof pitch, and building materials, similar and complementary to, or compatible with the principal building and the neighborhood, and shall not be clad in unpainted or galvanized metal. Any appeal from or waiver of this subsection shall be made to the board of adjustment and appeals.

(C) *Accessory Buildings of 120 Square Feet or Less in Residential Zones.* Accessory buildings which are 120 square feet of floor area or less, including play structures and buildings used for tool sheds or storage, may be placed within the side and rear setback requirements of all residential zones if the buildings conform to the following requirements:

1. The buildings shall be located in the rear one-half of the rear yard not within six feet of any structure, other than a fence. Accessory buildings meeting this

requirement are exempt from the fire safety construction standards of the Uniform Building Code (UBC).

2. The buildings shall not alter grading and drainage requirements as regulated in section 22-536 of the City Code for the City of Aurora.
3. The buildings shall not be placed within a utility easement unless the property owner obtains a revocable license from the city and the accessory building is constructed in a manner allowing easy access removal or relocation.

(D) *Carports and Garages.* Carports and private garages detached from the principal building requiring a building permit shall:

1. Be constructed within the rear or side yard;
2. Meet the side setback requirements for the underlying zone district. The rear setback shall be determined by the requirements found in subsection 146-1103(B)5.

(E) *Agricultural Buildings.* Accessory buildings in residential agricultural zones and planned developments that permit agricultural uses shall:

1. Be constructed within the rear or side yard;
2. Be set back a minimum of three feet from rear and side yard lot lines if the accessory building does not exceed six feet in height. An additional one foot of setback from both the rear and side lot lines shall be provided for each additional foot in height over six feet.
3. Not exceed five percent of the lot area.

Agricultural accessory buildings exceeding 120 square feet in area. Any accessory building having a floor area exceeding 120 square feet shall have design, colors, and roof pitch similar and complementary to or compatible with the principal building and the neighborhood, and shall not be clad in unpainted or galvanized metal. Any appeal from or waiver of this subsection shall be made to the board of adjustment and appeals.

(F) *Motor Vehicle Repair.* Motor vehicle repair shall not be permitted as an accessory use in the B-1 and B-2 zone districts.

(G) *R-4 and R-4H Districts.* Accessory uses in an R-4 or R-4H District will normally include only service facilities for the occupants and tenants. Retail sales facilities, open to the public, may be permitted by the city council provided that:

1. The principal permitted uses and structure will house in excess of 50 dwelling units; and
2. Retail sales facilities are not otherwise readily available to the occupants and tenants of the structure.

(H) *Industrial Districts.* Any use may be operated as an accessory use in an industrial district if it complies with all of the following conditions:

1. Is clearly incidental and customary to and commonly associated with the operation of the permitted use.
2. Is operated and maintained under the same ownership or lessees or concessionaires thereof and on the same site as the permitted use.
3. Does not include structures or structural features inconsistent with the permitted use.
4. Does not include residential occupancy except for caretakers.

(Ord. No. 2001-72, 12-3-2001; Errata of 2-20-2002, 18, 19; Ord. No. 2004-20, § 1, 5-3-2004)