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Article 146-1: General Provisions

1.1 Title

This ordinance shall be officially known as the Aurora Unified Development Ordinance, but is sometimes referred to within this document as “this Code”, “this Ordinance”, or “this UDO”. A copy of the official UDO is available on the Aurora website or in the Aurora Department of Planning and Development Services.

1.2 Authority

This Ordinance is adopted pursuant to the Home Rule powers granted to the City by Article XX of the Colorado Constitution, the Aurora Home Rule Charter, and the powers and authority conferred by the laws of the State of Colorado, including without limitation those in C.R.S. Sec. 24-65.1-101 et. seq. (Areas and Activities of Statewide Interest), C.R.S. Sec. 29-20-101 et. seq. (Local Government Land Use Enabling Act), C.R.S. Sec. 31-23-301 et. seq. (Zoning), and C.R.S. Sec. 31-23-101 et. seq. (Subdivision), C.R.S. Sec. 29-20-104 et. seq. (Impact Fees). It is the intent of the City to have available all powers of a Home Rule municipality under Colorado law to control land uses, land development, and the impacts of land use and development.

1.3 Purpose

The purpose of this UDO is to:

1.3.1. Implement the adopted Aurora Comprehensive Plan, as that plan may be amended or replaced from time to time.

1.3.2. Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1.3.3. Promote the creation of safe, unique, interesting, and economically vibrant places throughout the city.

1.3.4. Protect the quality and character of stable residential neighborhoods.

1.3.5. Promote the economic development and fiscal sustainability of the City.

1.3.6. Encourage efficient and connected multimodal transportation and circulation systems serving drivers, bicyclists, pedestrians, and transit riders.

1.3.7. Encourage the conservation and efficient use of water and other natural resources.

1.3.8. Ensure the provision of adequate public facilities and services for new development and redevelopment.

1.3.9. Provide for the consistent, predictable, and equitable administration of City land use and development regulations.

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1 Replaces current 146.101 and 147.1.
2 From current 146-412(A) and 147.2 with new material reflecting Aurora’s land use authority under the Colorado Constitution and state law.
3 From current 146-102 and 147.4, with additional reference to adopted Comprehensive Plan values. Purpose 1.3.3 added and redevelopment added to purpose 1.3.4 since Module 1.
1.3.10. Implement a connected system of parks, trails, and open spaces that promote improved outdoor activity and public health.

1.3.11. Provide protection from nuisances and hazards.

1.3.12. Protect the health, safety, and general welfare of the public.

1.4. **Applicability**

1.4.1. This Ordinance shall apply to all land within the City, including any land that is annexed into the City after the Effective Date.

1.4.2. No building or land shall be used or occupied, and no building, structure, or part of a building or structure shall be erected, moved, or altered, and no land shall be subdivided into lots or parcels for development, and no boundaries of an existing subdivided lot shall be modified or consolidated except in conformity with the provisions of this UDO and in conformity with all regulations adopted by the City (including but not limited to the building code, Aurora Roadway Specification Manual, Aurora Parks and Open Space Dedication and Development Criteria Manual, Aurora Landscape Reference Manual, and FHAW/AASHTO roadside barrier requirements, unless state or federal law or court decisions require that the development be completely or partially exempted from the regulation.\(^5\)

1.4.3. Projects that involve expansions of existing land uses or buildings, but not the construction of new primary buildings, shall be required to bring the property into compliance with the standards in Sections 146-Error! Reference source not found. \((Error! Reference source not found.)\), 146-REF \(_{Ref482879516}\) \(w\) \(_{\text{MERGEFORMAT Error! Reference source not found.}}\) \(d\) \(_{\text{Error! Reference source not found.}}\) \(e\) \(_{\text{Error! Reference source not found.}}\) \(n\) \(_{\text{Error! Reference source not found.}}\) \(146-6.7\) (Drive-Through Stacking Areas), 146-4.7 (Landscape, Water Conservation, Stormwater Management), 146-4.8 (Building Design Standards), and 146-4.9 (Exterior Lighting) to the extent required by the “Touch Rule” defined in Error! Reference source not found. \((Error! Reference source not found.)\).\(^6\)

1.4.4. In the interpretation and application of this UDO, all provisions shall be considered as minimum requirements unless specifically stated otherwise; liberally construed in favor of the City; and deemed neither to limit nor repeal any other powers granted under state statutes.\(^7\)

1.5. **Official Zoning Map**

1.5.1. The standards and regulations in this UDO applicable to specific zone districts or overlay zone districts apply to the areas of the City shown with those zone district or overlay zone district designations on the Official Zoning Map.

1.5.2. The Official Zoning Map is the latest version of the zoning map as approved or amended by City Council, and is maintained in electronic form by the Department of Planning and Development Services, and is available on the City’s website.

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\(^4\) Current 146-104 and 147-3, revised for clarity, with exception for regulations prohibited by state or federal law.

\(^5\) References to manuals added since Module 3.

\(^6\) Applicability of “Touch Rule expanded beyond MU-OA and MU-TOD districts since Module 3.

\(^7\) Provision added from Section 70-12 since Module 1.

\(^8\) New section to reflect current practice.
1.6 RELATIONSHIP TO OTHER REGULATIONS

1.6.1. If two or more of the regulations in this UDO conflict with each other, or conflict with other applicable laws or regulations of the City, or conflict with applicable state or federal law, the stricter provision shall apply, except as noted in Section 1.6.2.

1.6.2. If any regulation contained in Section 2.8 of this UDO (Overlay Districts) conflicts with any other regulation in a different section of this UDO, the provisions of Section 2.8 shall apply regardless of whether it is more or less strict than the base zone district, except that in the case of Section 2.7.1 (Flood Protection Overlay - FPO) the stricter standard, including standards in an existing easement, covenant, or deed restriction, shall prevail.10

1.6.3. If there is a conflict between the standards in an adopted Station Area Plan and the requirements of this UDO, the Station Area Plan shall apply regardless of whether it is more or less strict than the standards of this UDO.11

1.6.4. If there is a conflict between any regulation of this UDO and adopted state or federal regulations governing the construction of public utility facilities, the provisions of this UDO shall be modified to the minimum extent necessary to allow compliance with such state or federal regulations.12

1.6.5. All references to a standard, regulation, or manual in this UDO refer to the latest edition or version of that standard, regulation, or manual adopted by the City.13

1.7 RELATIONSHIP TO PRIVATE COVENANTS AND CONDITIONS

This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not have any obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.

1.8 EFFECTIVE DATE

The effective date of this UDO shall be ______________________ (the “Effective Date”).

1.9 TRANSITION FROM PREVIOUS ORDINANCES

1.9.1. An application for a permit or approval that has been accepted by the Department of Planning and Development Services as complete prior to the Effective Date or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete. Notwithstanding the provisions of Section 146-5.3.16.A, minor amendments to applications in this category may also be processed in compliance with the requirements in effect when the application was accepted as complete, but major amendments to applications in this category shall be processed pursuant to Section 146-5.3.16.B (Major Amendments) of this UDO. Major and minor amendments are listed in Section 146-5.3.16 (Amendments of Existing Approvals).

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9 New section. Proposed new provision that life safety engineering standards supersede UDO standards deleted since Module 3.
10 Revised since Module 1 to clarify relationship to FPO and other overlay districts.
11 New since Module 1. This provision is under continuing discussion by City staff.
12 New since Module 1.
13 New since Module 3.
14 New provision.
15 New provision.
1.9.2. An application for a permit or approval that has not been accepted by the Department as complete prior to the Effective Date, or that is submitted after the Effective Date, shall be processed in compliance with the requirements of this UDO.

1.9.3. Any violation of the City zoning, subdivision, or land development regulations in effect prior to the Effective Date will continue to be a violation under this UDO unless the development or other activity that was a violation of the previous regulations conforms with the requirements and regulations of this UDO.¹⁶

1.10 SEVERABILITY¹⁷

If a court of competent jurisdiction declares any part of this UDO to be invalid, that ruling shall not affect any other provisions of this UDO not specifically included in that ruling. More specifically, if any development standard, sign regulation, or other requirement of this UDO is declared to be invalid, this UDO shall be interpreted to produce a development approval as close as possible to that which would have occurred if the development standard, sign regulation, or other requirement had not been ruled invalid.

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¹⁶ From current 147-5, reworded and made applicable to all violations.
¹⁷ From current 147-5, made applicable to the entire Ordinance.