NOTICE OF COUNCIL MEETING

STUDY SESSION

AURORA ROOM
(Open to the Public)
Monday, August 24, 2026
3:00 PM

Members of the Aurora City Council will participate in the August 24, 2026 Study Session.

Members of the public and media may participate remotely through the options listed below:

View or listen live to the Study Session

Live streamed in the Paul Tauer Aurora City Council Chamber

www.AuroraTV.org

Youtube.com/TheAuroraChannel

Cable Channels 8 and 880 in Aurora

The city of Aurora is committed to the accessibility of our services and our responsibility to provide them in a non-discriminatory manner. The city recognizes the importance of effective and accurate communication with the community and values equal access to our programs, services and activities. If you seek a physical accommodation, or require the use of an auxiliary aid or device, or if you require an interpreter to help you access this event or service, please scan here to fill out a request form:

All requests must be submitted three days in advance of any scheduled event.
For additional information, please visit AuroraGov.org/Accessibility.

For other information regarding public meetings, please contact the Office of the City Clerk at (303) 739-7094, by email at CityClerk@auroragov.org, or visit www.auroragov.org.

AGENDA

Study Session of the Aurora City Council

Monday, August 24, 2026, 3:00 p.m.
Aurora Room
15151 E. Alameda Parkway
Aurora, CO 80012

Pages

1. ITEMS FROM THE MAYOR

   1.a Mayor's Update

   1.b Issue Update

2. CONSENT CALENDAR

   2.a **Intergovernmental Agreement (IGA) for Automatic and Mutual Aid between Aurora Fire Rescue and Sable-Altura Fire Protection District (Resolution)** 3

   Alec Oughton, Fire Chief, Fire / Angela Garcia, Senior Assistant City Attorney

   2.b **Authorizing the Assignment of the City's Private Activity Bond Allocation for 2026 to the Aurora Housing Authority (Resolution)** 15

   Sarah Pulliam, Manager of Housing and Community Development, Housing and Community Services / Andrea Wood, Assistant City Attorney

3. ITEMS FROM THE POLICY COMMITTEES

   3.a **Consideration for a Text Amendment to the Food Truck Standards and Definition (Ordinance)** 35

   Sponsor: Angela Lawson, Council Member

   Erik Gates, Planner III, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney

   Estimated time: 30 mins

3.b **Repealing Sections of Chapter 94 of the City Code Pertaining to Offenses and Miscellaneous Provisions (Ordinance)** 73

Jason Batchelor, City Manager / Peter Schulte, City Attorney

Estimated time: 10 mins

4. ITEMS FROM THE COUNCIL APPOINTEES

5. ITEMS FROM THE CITY COUNCIL

5.a **Establishing Reporting Requirements for City-Funded Nonprofit Organizations (Resolution)** 100

Sponsor: Françoise Bergan, Council Member

Jason Batchelor, City Manager / Andrea Wood, Assistant City Attorney

Estimated time: 10 mins

5.b **Evaporative Cooling (Ordinance)** 105

Sponsor: Amy Wiles, Council Member / Françoise Bergan, Council Member

Marshall Brown, General Manager, Aurora Water / Ian Best, Senior Assistant City Attorney

Estimated time: 5 mins

5.c **Text Amendment to Update the Permitted Use Table Regarding Data Centers (Ordinance)** 111

Brandon Cammarata, Planning Manager, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney

Estimated time: 10 mins

5.d **Data Center Standards Discussion** 120

Jason Batchelor, City Manager / Rachel Allen, Deputy City Attorney

Estimated time: 25 mins

6. CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS

7. MISCELLANEOUS ITEMS

8. ITEMS REMOVED FROM THE AGENDA, IF ANY

CITY OF AURORA
Council Agenda Commentary

Item Title: Intergovernmental Agreement (IGA) for Automatic and Mutual Aid between Aurora Fire Rescue and Sable-Altura Fire Protection District (Resolution)
Item Initiator: Inass Bounouar, Support Specialist Supervisor, fITR
Staff Source/Legal Source: Alec Oughton, Fire Chief, Fire / Angela Garcia, Senior Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Safe: Promoting safety in our built environment through effective administration of city codes and ordinances and responding to emergencies appropriately to preserve and enhance the community's sense of security and well-being.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

2nd Regular Meeting (if applicable): n/a

Item requires a Public Hearing: ☐ Yes ☒ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Alec Oughton, Fire Chief, Fire / Angela Garcia, Senior Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Public Safety, Courts & Civil Service

Policy Committee Date: 7/9/2026

Action Taken/Follow-up: ***(Check all that apply)***

☒ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

07/09/2026 - PSCCS policy committee approved moving item forward to Study Session.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Intergovernmental Agreement for Automatice and Mutual Aid between Aurora Fire Rescue and Sable-Altura Fire Protection District.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Does Council approve of moving the item forward to a regular City Council meeting?

LEGAL COMMENTS

City Council may, by resolution, enter into Intergovernmental Agreements with other governmental units or special districts for the joint use of buildings, equipment or facilities, and for furnishing or receiving commodities or services. (City Charter, Art. 10-12). The Mayor must sign all intergovernmental agreements to which the city is a party. (City Code, Sec. 2-31(b)(2)). (Garcia)

INTERGOVERNMENTAL AGREEMENT
FOR AUTOMATIC AND MUTUAL AID BETWEEN AURORA FIRE RESCUE
AND SABLE - ALTURA FIRE PROTECTION DISTRICT

This INTERGOVERNMENTAL AGREEMENT for Automatic and Mutual Aid (this "Agreement") is made and entered into this 18th day of June, 2026 by and between the **City of Aurora** (the "City"), on behalf of its Aurora Fire Rescue ("AFR"), and the **South - Altura Fire Protection District** (the "SAFPD") and are collectively referred to herein as the "Parties" or singularly referred to as "Party."

RECITALS

WHEREAS, the Parties wish to serve their communities through effective provision of fire protection and emergency response services; and

WHEREAS, the provision of such services can be better served using automatic and mutual aid between the Parties; and

WHEREAS, pursuant to the provisions of the Colorado Constitution, Article XIV, Section 18(2)(a) and (b) and Section 29-1-203, C.R.S., the Parties desire to establish an agreement to provide services or functions, specifically, for automatic and mutual aid response of equipment and personnel of each Party to areas within the jurisdiction of the other Party, as provided herein; and

WHEREAS, establishment of an automatic and mutual aid agreement will serve a public purpose and will promote the health, safety, security and general welfare of the inhabitants and visitors of the Parties and the State of Colorado.

NOW THEREFORE, in consideration of the mutual promises and benefits described herein, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

1. The City, through AFR, will provide one (1) engine and truck company, first-due, to all fire-related emergency calls (structure fire) originating within the SAFPD response area generally bordered by E. Tufts Avenue on the south, Liverpool Street on the west, Pena Boulevard on the north and Trussville Street on the east. SAFPD will provide all companies as required by the appropriate SAFPD response plan in addition to the one engine and truck company from AFR. The City, through AFR, will provide (1) one mutual

aid engine and truck company or specialized resources, at the request of the SAFPD incident commander within the identified response area for all-hazards emergencies, if AFR resources are available and approved by a shift Battalion Chief.

2. The SAFPD, will provide one (1) Type 3, Type 6 or Tender for all wildland fire-related emergency calls (wildland fire) originating within the response area generally bordered by E. County Line Road on the south, E-470 on the west, Pena Boulevard Avenue on the north and N. Titusville Road on the east. AFR will provide all companies as required by the appropriate AFR response plan in addition to the one (1) Type 3, Type 6 or Tender from SAFPD. The SAFPD will provide one mutual aid specialized resource (Heavy Rescue or ambulance) at the request of the AFR incident commander within the identified response area for all-hazards emergencies, if SAFPD resources are available and approved by the Duty Chief.

3. Response assignments onto interstates or other roadways will be determined upon the designated response plans for each Party.

4. This Agreement will not require the move-up of resources for either Party. If either Party requests a move-up to support City / District coverage, the request can be made, and the requestor agency Duty Chief or Battalion Chief will approve or deny the request based upon situational awareness of their primary district and capabilities to cover their incident response needs.

Communications protocol:

5. Aurora911 and the South Metro Fire Dispatch will provide dispatch services for their respective agencies in accordance with this Agreement.

6. Fire-related emergency incidents in which AFR and SAFPD are responding together within the designated automatic aid response areas will require the communication center that receives the request to notify the other agency as appropriate. When responding to this area, Aurora911 will initially dispatch all AFR companies on the Suppression Dispatch channel. Responding SAFPD units will code up on the assigned AFR suppression channel. The South Metro Fire Dispatch will initially dispatch all SAFPD companies on the East Metro Primary Channel. Responding AFR units will code up on the assigned East Metro operations channel.

7. Individual agency responses to E-470 will be dispatched according to each Party's specific policy and/or procedure.

8. The Parties shall cooperate with each other during and until completion of any response under this Agreement. Each Party shall be responsible for obtaining the information necessary for completion of its own emergency incident report and shall exchange that information with the other Party present at the incident as necessary and as appropriate under applicable law or protocol. As needed or required, and as appropriate under applicable law or protocol, the Parties may share information with other safety or law enforcement agencies that respond to emergencies. All protected health information shall be subject to the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements.

9. Any and all dispatch, communications, or technology costs to comply with this Agreement will be the responsibility of the respective Party. This Agreement creates no binding obligation upon either Party to fund, support, or provide any sort of financial assistance in complying with the terms of the Agreement.

Financial Obligations:

10. All financial obligations of the Parties created by the terms of this Agreement, if any, are contingent upon funds for those purposes being appropriated, budgeted, and otherwise made available by their governing bodies.

11. Compensation: The Parties agree that the services to be provided under this Agreement to each other are of equal value. All aid rendered under the terms of this Agreement shall be without charge to either Party.

Review, Renewal, Termination, Assignment, Notices, Conflict Resolution, Severability, Execution, and Personnel/Equipment:

12. Review: AFR and SAFPD will meet annually either in person or electronically to review and evaluate the continued effectiveness of this Agreement. This Agreement may be altered, changed, amended, and or modified at any time upon request of either Party and upon a showing of good cause. Should any alterations, modifications, amendments, or changes be made to this Agreement, they shall be reduced to writing and signed by the Parties in the same manner as this Agreement.

13. Renewal: The Agreement will automatically renew under the existing Agreement terms for a term of one (1) year if neither Party wishes to make any alterations, modifications, amendments, or changes to the Agreement.

14. Termination: Either Party may terminate, with or without cause, its participation in this Agreement with thirty (30) days prior written notice to the other Party.

15. Assignment: The services contemplated under this Agreement shall not be assigned, sublet, or transferred without the written consent of both Parties.

16. Notices: Any formal notice, demand, or request pursuant to this Agreement shall be in writing and shall be deemed properly served, given or made, if delivered in person or sent by certified mail postage prepaid to the Parties as follows:

CITY OF AURORA:
Aurora Fire Rescue
Attn: Fire Chief Alec Oughton
15151 E. Alameda Parkway
Aurora, CO 80012

With a copy to:
Aurora City Attorney's Office
Attn: Fire Legal Advisor
15151 E. Alameda Parkway, Suite 5300
Aurora, CO 80012

SABLE - ALTURA FIRE PROTECTION DISTRICT
Sable Altura Fire Protection District
Attn: Fire Chief Rich Solomon
26900 E. Colfax #52
Aurora, CO 80018

17. No Third-Party Beneficiary: Nothing in this Agreement shall be construed as conferring an enforceable right or benefit to any third party or as a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by, either party under common law or pursuant to statute, including but not limited to the Colorado Governmental Immunity Act (CGIA), Sections 24-10-101, *et seq*., C.R.S.

18. Governing Law: This Agreement shall be governed by and construed in accordance with all laws of the State of Colorado and all the ordinances of general applicability enacted pursuant thereto.

19. Conflict Resolution: The Parties agree that prior to sending written notice of termination, the Party seeking to terminate the Agreement shall convene a meeting of the Parties in an effort to resolve conflicts. Such meeting shall be informal and not require the attendance of attorneys or prior approval of either Parties governing body.

20. Severability: If any of the terms, covenants or conditions of this Agreement or their application shall be held invalid as to any person, entity or circumstance by any court having competent jurisdiction, the remainder of this Agreement and the application in effect of its terms, covenants or conditions to such persons, entities or circumstances shall not be changed thereby.

21. Personnel and Equipment: Nothing herein shall operate to alter or amend the provisions of Section 29-5-109 C.R.S., regarding workers' compensation coverage. Each Party shall remain responsible for the payment of salary, wages, or other compensation or reimbursement of its own personnel used in responses under this Agreement, and all costs associated with the use of their own equipment and apparatus. The personnel and equipment of any Party providing a response under this Agreement shall be insured by the liability, workers' compensation, or other insurance of their own agency, and nothing herein is intended nor shall be deemed to create joint employment among or between the Parties with respect to their respective employees, policies, benefits, or in any other manner. Each Party shall be responsible for their own consumable equipment and supplies, including fuel, which may be consumed as part of a response under this Agreement.

22. Endorsement: By their signatures below, the following parties in the Agreement on behalf of their respective jurisdiction and with the terms and conditions above, the Parties do not intend to create any obligation or contract, express or implied, other than those specified within this Agreement.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the day and year first written above.

CITY OF AURORA

MIKE COFFMAN, Mayor

ATTEST:

Kadee Rodriguez, City Clerk

APPROVED AS TO FORM:

Angela Garcia, Senior Assistant City Attorney

SABLE – ALTURA FIRE PROTECTION DISTRICT

Name: Richard Solomon

Title: Fire Chief

RESOLUTION NO. R2026- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, APPROVING THE INTERGOVERNMENTAL AGREEMENT FOR MUTUAL OR AUTOMATIC AID BETWEEN THE CITY OF AURORA AND THE SABLE – ALTURA FIRE PROTECTION DISTRICT.

WHEREAS, the City of Aurora and the Sable – Altura Fire Protection District wish to serve their communities through effective provision of fire protection and emergency response services; and

WHEREAS, the provision of such services can be better served using mutual or automatic aid between the City of Aurora and the Sable – Altura Fire Protection District; and

WHEREAS, the City of Aurora is authorized, pursuant to Article XIV of the Colorado Constitution and Section 29-1-201, *et seq*., of the Colorado Revised Statutes, to cooperate and contract with any political subdivision of the State of Colorado, to provide any function, service or facility lawfully authorized to each of the contracting or cooperating units of government; and

WHEREAS, establishment of a mutual or automatic aid agreement will serve a public purpose and will promote the health, safety, security and general welfare of the inhabitants and visitors of the City of Aurora, the Sable – Altura Fire Protection District, and the State of Colorado.

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

Section 1. The Intergovernmental Agreement between the City of Aurora and Sable – Altura Fire Protection District regarding Mutual or Automatic Aid is hereby approved.

Section 2. The Mayor and City Clerk are hereby authorized to execute the attached agreement in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____ 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

PETER A. SCHULTE, CITY ATTORNEY

By: _____
ANGELA GARCIA, Senior Assistant City Attorney

CITY OF AURORA
Late Submission Approval for Agenda Item

Item Title: Intergovernmental Agreement for Automatic and Mutual Aid between Aurora Fire Rescue and Sable-Altura Fire Protection District

Item Initiator: Inass Bounouar, Support Specialist Supervisor

Staff Source/Legal Source: Alec Oughton, Fire Chief, Aurora Fire Rescue / Angela Garcia, Senior Assistant City Attorney

Outside Speaker: N/A

Strategic Outcome: Safe: Promoting safety in our built environment through effective administration of city codes and ordinances and responding to emergencies appropriately to preserve and enhance the community's sense of security and well-being.

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date

☐ The delay will result in an adverse financial impact to the city

☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Item presented at the 07/09/26 PSCCS policy committee meeting. The Committee approved moving the item forward to Study Session. Item was supposed to be on the 07/22/26 Study Session but was pulled since the agenda was full. Item wasn't moved forward to the 08/10/26 Study Session agenda. Late submission so item can be moved forward to the 08/24/26 Study Session agenda.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Inass Bounouar
Agenda Item Initiator Name

Inass Bounouar
Agenda Item Initiator Signature Date

Jason Batchelor
Late Submission Approver Name (Council Appointee or DCM)

Jason Batchelor 08.20.26
Late Submission Approver Signature Date

CITY OF AURORA
Council Agenda Commentary

Item Title: Authorizing the Assignment of the City's Private Activity Bond Allocation for 2026 to the Aurora Housing Authority (Resolution)
Item Initiator: Ki'i Kimhan,Director, Housing and Community Services
Staff Source/Legal Source: Sarah Pulliam, Manager of Housing and Community Development, Housing and Community Services /Andrea Wood, Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Economically Strong: Building a conducive development climate, a diverse mix of industries and housing options, and fostering economic growth so that our community thrives and remains resilient.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: ☐ Yes ☒ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Sarah Pulliam, Manager of Housing and Community Development, Housing and Community Services / Andrea Wood, Assistant City Attorney

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The purpose of the Community Investment Financing application is to provide resources for developers and service providers interested in creating and/or preserving affordable housing opportunities in the city of Aurora. The city's housing priorities are established in the recently adopted Housing Strategy and guided by six policies informed by best practices and extensive community input. Applications will be evaluated based on alignment with the policies and goals of the Housing Strategy.

Types of Projects Funded: New rental or for-sale affordable housing, rehabilitation/preservation of existing affordable housing, permanent supportive housing, and homelessness service providers with infrastructure needs related to housing.

Funding Sources: Amounts will vary from year to year based on changing federal grant allocations, program income received, and funding needs for other programs. Sources will include some or all of the following: HOME (Home Investment Partnership Program) funds and CDBG (Community Development Block Grant) funds. The city currently has approximately $27,359,629 in Private Activity Bonds (PAB), $3.0 million in HOME funds, and $3.0 million of CDBG for this first round of financing in 2026.

General Application Components/Evaluation Criteria:

- Alignment with Housing Strategy
- Meets an identified housing need in the community
- Demographics to be served by the project reflect the principles of diversity, equity, and inclusion
- Average median income to be served by the project
- Cost-effectiveness: leveraging of funding, review of sources and uses, and funding sustainability
- Available city funding sources based on project type, developer or organization experience, and surrounding compatible uses.

Review Committee: City staff including Community Development, Homelessness Program, Finance, Planning, and Urban Renewal, and members of the Community Housing and Development (CHD) Committee.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Applications for the City of Aurora's Community Investment Financing round were received on March 31, 2026, and reviewed by a committee consisting of City staff and members of the Community Housing and Development Committee. A total of nineteen (19) applications for nineteen (19) projects were received including twelve (12) multi-family new construction projects (total request $3.4M in HOME, $6M in CDBG, and $65.5M in PAB) and five (5) multi-family preservation projects (total request $900K in HOME, $4M in CDBG, and $19.15M in PAB).

Recommendations for PAB funding:

Horizon Uptown Workforce Development - $10M

Walker Landing - $7M

Walden II - $7M

Lotus Tanah - $3,359,629

A Private Activity Bond (PAB) is a special class of tax-exempt bond that benefits private (non-governmental borrowers) that can be issued by states, local governments, or housing authorities. These "state or local issuers" are bound by very specific restrictions as to the use of the bonds and the compliance requirements related to those bonds. The benefit of the PABs is that the interest paid to the bondholders is exempt from Federal income tax, which generally results in a lower borrowing cost the eligible project or a lower interest rate mortgage in the case of single-family bonds. A population-based formula establishes the maximum amount of PABs that a state can issue annually, which amount is referred to as "cap" or "volume cap."
Eligible Uses for PABs

• Affordable multifamily housing including new construction or acquisition and rehabilitation for low- and moderate-income individuals and families.

• Single-Family Mortgage Revenue Bonds (SFMRBs) used to finance the purchase of mortgages made to income-qualified first-time homebuyers.

• Mortgage Credit Certificates (MCCs), a financing enhancement for income eligible first-time homebuyers (can't be combined with SFMRB financing).

• Industrial Development Bonds for smaller manufacturing projects (less than $10 million) that produce any type of goods.

• Qualified Redevelopment Bonds used to acquire and redevelop blighted areas (typically not used in Colorado).

• Solid Waste Disposal Bonds used to finance certain disposal facilities utilizing certain waste disposal processes.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does the City Council wish to support the Resolution to assign of the City's Private Activity Bond Cap allocation for 2026 to the Aurora Housing Authority for use in the development of four Aurora properties – Horizon Uptown Workforce Development, Hazelbrook HUB Apartments, Walden II, and Lotus Tanah?

LEGAL COMMENTS

Pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, C.R.S. § 24-32-1701, *et seq.*, the City has received a direct allocation of the State of Colorado's Private Activity Bond Ceiling for 2026 in the amount of $27,359,629. As a designated State housing and finance authority, the City may assign all or a portion of its allocation to the State housing and finance authority for the purpose of financing the construction of multi-family rental housing projects. C.R.S. § 24-32-1706(2) (Wood)



City of Aurora Bond Cap Assignment 2026

Sarah A. Pulliam
Manager of Housing & Community Development
August 24, 2026

PAB Basics:

What are Private Activity Bonds (PABs)?

- Tax-exempt bonds used to finance eligible private projects, including affordable housing.
- Issued by states, local governments, and housing authorities.
- Tax-exempt interest allows developers to borrow at lower interest rates.
- Lower financing costs make affordable housing projects more financially feasible.
- The federal government limits the amount that can be issued each year through an annual **volume cap**.

Community Investment Finance Review

Total Grant Amount To Be Allocated:	
Private Activity Bonds (PAB)	$27,329,629.00
HOME Funds	$3,000,000.00
CDBG Funds	$3,000,000.00
TOTAL	**$33,359,629**
Total Number of Agencies Applied:	13
Total Applications:	19
Total Amount Requested:	$98,950,000
Total Amount Awarded:	**$33,359,629**
Total Number of New Units added to Housing Stock:	**1,359**
Number of Units Already in the Pipeline	545
Number of Units Not Supported	*373*
Total Units in the Pipeline	**1,904**

PAB Recommendations

Project Name	Amount Requested	Amount Awarded
Grand Peaks (480 Units)	$10,000,000	$7,000,000
Horizon Uptown Workforce Development (252 Units)	$10,000,000	$10,000,000
Walden II (68 Units)	$ 8,500,000	$ 7,000,000
Lotus Tanah (108 Units)	$10,000,000	$ 3,359,629
Aurora Village (100 Units)	$ 9,150,000	$ 0
The Delegate (273 Units)	$19,000,000	$ 0
Total Units Funded 908 Units	**$66,650,000**	**$27,359,629**

Question for City Council

Does the City Council recommend to move the Private Activity Bond Assignment approval to Regular Session?

Thank You



Sarah A. Pulliam
Manager of Housing & Community Development
sacarrol@auroragov.org

ASSIGNMENT OF ALLOCATION

THIS ASSIGNMENT OF ALLOCATION (the "Assignment"), dated as of _____, 2026, is between the City of Aurora, a Colorado, a home rule municipal corporation (the "Assignor"), and the Housing Authority of the City of Aurora, dba Aurora Housing Authority, a business entity registered with the Colorado Secretary of State (the "Assignee").

RECITALS

A. The Assignee intends to finance or assist in the financing of qualified residential rental projects including, but not limited to, the costs of the acquisition, construction, rehabilitation, renovation and equipping of (i) a 252-unit multifamily affordable rental units, to be known as Horizon Uptown Workforce Development, to be located at the Northwest Corner of N. Gun Club Road and E. 6th Avenue (Address To Be Determined), Aurora, Colorado, (ii) a 68-unit multifamily affordable rental units known as Walden Phase II located at the Southeast corner of Walden Street and Walden Circle (Address To Be Determined), Aurora, Colorado, , (iii) a 108-unit multifamily affordable rental housing project known as Lotus Tanah, to be located at E. Pacific Circle and Peoria Street (Address To Be Determined), Aurora, Colorado, and, (iv) a 480-unit multifamily affordable housing acquisition rehabilitation project known as Walker Landing located at 2205 S. Racine Way(25 Buildings) and 12775 East Pacific Drive (28 Buildings), Aurora, Colorado, all in the City (collectively, the "Project").

B. Each Project will be designed to qualify as a "project" within the meaning of Title 29, Article 4, Part 2, Colorado Revised Statutes, as amended (the "Act").

C. The Assignee intends to provide for the issuance of its multifamily housing revenue bonds, notes or other obligations, in one or more series (the "Proposed Bonds"), pursuant to the provisions of the Act for the purpose of financing the Project.

D. The Assignee has requested that the Assignor assign to the Assignee all of the Assignor's 2026 allocation in the amount of $27,359,629 (the "Allocation") under the bond ceiling for the State of Colorado and its issuing authorities (the "State Ceiling") computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the "Code"), as provided for the Assignor as a "designated local issuing authority" under part 17 of article 32 of title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in connection with the financing of the Project.

E. Subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept, the Allocation in the amount of $27,359,629 from the State Ceiling.

ASSIGNMENT

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Assignor hereby assigns and transfers to the Assignee all of the Assignor's 2024 Allocation from the State Ceiling for private activity bonds in an amount equal to $27,359,629. The Assignor and the Assignee understand that such assigned allocation shall automatically be relinquished to the "Statewide Balance" as defined under the Allocation Act unless (a) the Proposed Bonds are issued by the Assignee on or before September 15, 2026, or (b) Section 24-32-1706(3)(c) of the Allocation Act, pertaining to the carryforward of the assigned allocation, applies.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) accepts the assignment of $27,359,629, of the Assignor's Allocation from the State Ceiling described above;

(b) agrees to use its best efforts to issue and use the Proposed Bonds for the purpose of financing the Project, and further agrees to use its best efforts to deploy the Allocation to finance a portion of the costs of (i) Horizon Uptown Workforce Development, which is expected to use approximately $10,00,000 of the Allocation, (ii) Walker Landing project, which is expected to use approximately $7,000,000 of the Allocation, (iii) the Walden II Development project, which is expected to use approximately $7,000,000 of the Allocation, and (iv) the Lotus Tanah Development project, which is expected to use approximately $3,359,629 of the Allocation provided that each such project receives an award of tax credits in CHFA's 2026 Round 2, 4% federal and State Credit award cycle; and

(c) agrees to abide by each of the terms and conditions of this Assignment in connection with the use of such Allocation.

4. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for any project with a carryforward purpose within the meaning of the Allocation Act.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multifamily rental housing project located in the City of Aurora or elsewhere, provided that any Proposed Bond proceeds attributable to the Allocation shall be subject to paragraph 3 above.

6. This Assignment shall not constitute the debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

(The remainder of this page is intentionally left blank)

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this Assignment of Allocation to be executed to be effective as of the date and year first written above.

CITY OF AURORA, COLORADO as Assignor

By:_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIQUEZ,
City Clerk

APPROVED AS TO FORM:

_____
ANDREA WOOD,
Assistant City Attorney

HOUSING AUTHORITY OF THE CITY OF AURORA, COLORADO, as Assignee

By: _____
Chair

ATTEST:

By: _____
Clerk to the Board

(Signature Page to Assignment of Allocation)

CERTIFICATE OF CITY OF AURORA, COLORADO CONCERNING ASSIGNMENT OF PRIVATE ACTIVITY BOND VOLUME CAP ALLOCATION TO THE HOUSING AUTHORITY OF THE CITY OF AURORA, COLORADO

We, the undersigned, hereby certify that we are the duly sworn, qualified and acting Mayor (the "Mayor") and City Clerk (the "City Clerk") of the City of Aurora, Colorado (the "City"), and that:

1. The City is a Colorado home rule municipal corporation, duly organized and existing under the constitution and laws of the State of Colorado.

2. The City has been previously notified that, pursuant to Section 24-32-1706 of the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), it has an allocation of the State ceiling (as defined in the Allocation Act) for 2026 in the amount of $27,359,629 (the "2026 Allocation").

3. Attached hereto as Exhibit A is a true and correct copy of a resolution (the "Resolution") authorizing the assignment to the Housing Authority of the City of Aurora, Colorado dba Aurora Housing Authority (the "Authority") all of the City's 2026 Allocation in the amount of $27,359,629 (the "Assigned Allocation"), and authorizing the execution and delivery of an Assignment of Allocation dated [_____ __], 2026 (the "Assignment of Allocation") between the City and the Authority in connection therewith, which Resolution was duly adopted by the City Council of the City (the "City Council") at a meeting thereof held on _____, 2026, at which meeting a quorum was present and acting throughout and which Resolution has not been revoked, rescinded, repealed, amended or modified and is in full force and effect on the date hereof.

4. The meeting of the City Council at which action has been taken with respect to the Assignment of Allocation was a regular meeting properly called and open to the public at all times.

5. With respect to the Assigned Allocation, the City has not heretofore: (a) issued private activity bonds; (b) assigned the Assigned Allocation to another "issuing authority," as defined in the Allocation Act; (c) made a mortgage credit certificate election; or (d) treated the Assigned Allocation as an allocation for a project with a carryforward purpose, as defined in the Allocation Act.

6. The Assignment of Allocation, attached hereto as Exhibit B, is in substantially the form presented to and approved by the City Council at the meeting thereof held on August 24, 2026.

7. On or before the date hereof, the Mayor of the City and the City Clerk officially executed counterparts of the Assignment of Allocation.

8. The City has authorized the execution, delivery and due performance of the Assignment of Allocation, and the execution and delivery of the Assignment of Allocation and the compliance by the City with the provisions thereof, will not, to the best of my knowledge, conflict with or constitute on the part of the City a breach of or a default under any existing Colorado law,

City resolution, court or administrative regulation, decree or order or any agreement or other instrument to which the City is subject or by which it is bound.

9. To the best of the undersigned's knowledge, there does not exist any action, suit, proceeding or investigation pending, or threatened against the City, contesting (a) the corporate existence of the City, (b) the title of its present officers or any of them to their respective offices, including, without limitation, the members of the City Council, (c) the validity of the Assignment of Allocation or (d) the power of the City to execute, deliver or perform the Assignment of Allocation.

10. No referendum petition has been filed concerning the Resolution; and to the best of my knowledge none is being circulated or planned for circulation.

EXECUTED this _____ day of _____, 2026.

_____
Mike Coffman, Mayor

ATTEST

_____
KADEE RODRIGUEZ, City Clerk

EXHIBIT A
RESOLUTION

EXHIBIT B
ASSIGNMENT OF ALLOCATION

RESOLUTION NO. R2026-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AUTHORIZING THE ASSIGNMENT OF A PORTION OF THE CITY'S 2026 PRIVATE ACTIVITY BOND ALLOCATION TO THE HOUSING AUTHORITY OF THE CITY OF AURORA, COLORADO DBA AURORA HOUSING AUTHORITY

WHEREAS, the Internal Revenue Code of 1986, as amended (the "IRC"), restricts the amount of tax-exempt bonds (the "Private Activity Bonds") which may be issued in the State to provide for qualified residential rental projects, mortgage loans, and for certain other purposes; and

WHEREAS, pursuant to the IRC, the State of Colorado passed the Colorado Private Activity Bond Ceiling Allocation Act, constituting Title 24, Article 32, Part 17, Colorado Revised Statutes, as amended (the "Allocation Act"), and the City of Aurora, Colorado (the "City") has received a direct allocation of the State of Colorado's Private Activity Bond Ceiling for the year 2026 (the "2026 Allocation") in the amount of $27,359,629; and

WHEREAS, the Allocation Act provides for the direct allocation of the State Ceiling among the Colorado Housing and Finance Authority, and other governmental units in the State, including the City and, and further provides for the assignment of such allocations from such other governmental units to the Housing Authority of the City of Aurora, Colorado dba Aurora Housing Authority (the "Authority"); and

WHEREAS, the Authority has requested that the City assign a portion of the 2026 Allocation in the aggregate amount of $27,359,629 (the "Assigned Allocation") to the Authority pursuant to Section 24-32-1706 of the Allocation Act, to be used to issue bonds to finance qualified residential rental projects including but not limited to the costs of the acquisition, construction, rehabilitation, renovation, and equipping of (i) Horizon Uptown Workforce Development, which is expected to use approximately $10,000,000 of the Assigned Allocation, (ii) Walker Landing, which is expected to use approximately $7,000,000 of the Assigned Allocation, (iii) Walden II, which is expected to use approximately $7,000,000 of the Assigned Allocation, and (iv) Lotus Tanah, which is expected to use $3,359,629 of the Assigned Allocation provided that each such project receives an award of tax credits in CHFA's 2026 Round 2, 4% federal and State Credit award cycle; and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the Assigned Allocation; and

WHEREAS, the City desires to assign the Assigned Allocation to the Authority; and

WHEREAS, the City Council of the City has determined it is in the best interest of the City to assign the Assigned Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority in the form presented at this meeting (the "Assignment").

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

Section1. Authorization of Assignment. The Aurora City Council hereby authorizes the assignment of the Assigned Allocation in the aggregate amount of $27,359,629, constituting a portion of the City's 2026 Allocation, to the Housing Authority of the City of Aurora, dba Aurora Housing Authority (the "Authority").

Section 2. Approval of Assignment of Allocation. The form, terms, and provisions of the Assignment hereby are approved, and the officers of the City hereby are authorized, and the Mayor and City Clerk are hereby authorized to execute (by manual, electronic or facsimile signature) the attached Assignment of Allocation in substantially the form presented at this meeting with such technical additions, deletions, and variations as may be deemed necessary or appropriate by the City Attorney.

Section 3. Further Action. The officers of the City shall take such other steps or actions necessary or reasonably required to carry out the terms and intent of this Resolution and the Assignment.

Section 4. Ratification. All actions not inconsistent with the provisions of this Resolution taken by City Council and the officers of the City directed toward the assignment of the Assigned Allocation and the authorization of the Assignment are hereby ratified, approved, and confirmed.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution is for any reason 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 Resolution, the intent being that the same are severable.

Section 6. Recission. All resolutions of the City, or parts thereof, inconsistent with this resolution are hereby rescinded only to the extent of such inconsistency.

Section 7. Effective Date. This Resolution shall be in full force and effect upon its passage and approval.

RESOLVED AND PASSED this _____ day of _____, 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:
PETER A. SCHULTE, CITY ATTORNEY

By: Andrea Wood
ANDREA WOOD, Assistant City Attorney

CITY OF AURORA
Council Agenda Commentary

Item Title: Consideration for a Text Amendment to the Food Truck Standards and Definition (Ordinance)
Item Initiator: Erik Gates, Planner III, Planning and Business Development
Staff Source/Legal Source: Erik Gates, Planner III, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Well-Managed: High performing organization, committed to great customer service, innovation, continuous improvement, fiscal stewardship, and maintaining critical infrastructure.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: ☒ Yes ☐ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Sponsor: Angela Lawson, Council Member
Erik Gates, Planner III, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney
Estimated time: 30 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Planning & Economic Development

Policy Committee Date: 6/18/2026

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval

☐ Does Not Recommend Approval

☒ Forwarded Without Recommendation

☐ Minutes Not Available

☒ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

In the 2019 UDO update, use-specific standards for the operation of food trucks in the City of Aurora were established. Since that time, these standards have remained largely unchanged. In the intervening years, the number of food trucks in the city has increased as has the number of concerns about their operation and storage. Staff was asked to draft and present potential code language to address issues arising from the overcrowding of food trucks on a single parcel and other issues commonly encountered in the operation of food trucks.

On April 27, 2026, Staff presented to the PED Committee the current issues observed related to food truck operations. Staff presented potential solutions to these issues along with draft updated code language for existing temporary food truck uses. Staff also presented the concept of food truck plazas which are a permanent space for food trucks to set up during the day with seating for patrons, restroom facilities, and on-site commissary kitchens. Based on feedback received in this meeting and in order to address current issues more expeditiously, staff split the code amendment proposal into two phases. Phase I will pursue updates to the current UDO standards and definition for food trucks, and Phase II will explore new code language for food truck plazas.

On June 18, 2026, Staff returned to the PED Committee with refined text amendment language for Phase I; the food truck use-specific standards and definition. Staff addressed comments and concerns received at the previous PED meeting, as seen in the 4/27 PED Follow Up Memo attached. The PED largely indicated support for the current proposed language, but had some concerns with limits to opening/morning hours in certain circumstances. These circumstances include active construction sites, in food deserts, and not adjacent to residential uses. The Committee requested that staff prepare some draft language alternatives regarding opening hours, which is included in this meeting's presentation.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The presentation for this item will provide the Council a brief overview of the current issues staff is seeing with the operation of food trucks in the City of Aurora. Staff will then present the proposed UDO text changes and discuss how the changes will address these issues. These text changes were discussed in depth during the PED meetings and include a change to the definition of food trucks to exclude passenger vehicles and dining cars, requirements on storage of food trucks after operating hours, a limit to the number of food trucks per individual parcel, and a few other minor text changes.

Staff also presents two drafts of text amendment language for beginning food truck operating hours at 6 a.m. Staff will discuss the advantages of both drafts. This will be a discussion item for Council at Study Session, and the drafts are as follows:

A: "Food trucks may operate starting at 6 a.m. on active construction sites or while legally parked on streets immediately adjacent to active construction sites."

B: "Food trucks may operate starting at 6 a.m., provided that in no circumstance may a food truck operate before 7 a.m. within 50 ft of any residential structure with a certificate of occupancy."

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Does Council wish to incorporate text amendment options A or B, as presented above, into the Ordinance to amend the text for the food truck use-specific standards and definition?

Does Council wish to forward the ordinance to amend the text for the food truck use-specific standards and definition, adjusted as needed based on discussion at Study Session, to the next City Council regular meeting?

LEGAL COMMENTS

The City Council is the governing body of the City and has the authority to approve amendments to the text of the UDO. (UDO §146-5.1.1.A)
The City Council shall conduct a public hearing on the application. (UDO §146-5.4.1.C.2.c)
Amendments to the text of the UDO shall only be approved if City Council finds that the proposed amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and (a) the text amendment is required because of changed conditions or circumstances in all or a portion of the City; or (b) the text amendment is required to address a new or unforeseen threat to the public health, safety, and welfare; or (c) the text amendment is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare. (UDO §146-5.4.1.C.3.b.i) (McClelland)

ORDINANCE NO. 2026- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 146-6.2 AND 146-3.3.6.K OF THE UNIFIED DEVELOPMENT ORDINANCE PERTAINING TO FOOD TRUCKS

WHEREAS, Section 146-5.4.1.C.3 of the Unified Development Ordinance provides that all applications for ordinance text amendments shall be presented for a public hearing, both to the Planning and Zoning Commission, who shall render a recommendation to City Council, and to the City Council for final decision; and

WHEREAS, on _____, following a public hearing, the Planning and Zoning Commission voted to recommend the ordinance text amendment to City Council.

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

Section 1. Section 146-3.3.6.K of the Unified Development Ordinance of the City of Aurora, Colorado, is hereby amended as follows:

K. *Mobile Food Truck.*

1. *Applicability.*

    a. In the event that a food vendor is authorized to operate within the City pursuant to authority granted and limits found elsewhere in the Aurora City Code, this Section 146-3.3.6.K shall not apply.

    b. After August 10, 2015, no new permit for Mobile Food Truck operation shall be issued under Section 146-3.3.6.R) and the provisions of this Section shall control.

2. *Licenses.* The operator shall obtain both an Aurora business license and a State of Colorado mobile retail food service license. Both documents shall be maintained in effect at all times and shall be conspicuously displayed at all times during the operation of a Mobile Food Truck.

3. *Hours of Operation.* Mobile Food Trucks may operate only between the hours of 7:00 am and 10:00 pm. **Mobile Food Trucks must be attended at all times when in operation and not in storage.**

4. *Location.* Mobile Food Trucks are subject to the follow location restrictions:

    a. *Separation Distance Requirements.* Mobile Food Trucks may operate only in locations that are:

        i. At least minimum of 175 feet distance from any restaurant, while the restaurant is open for business, as measured from the public entrance of the operating restaurant to the closest point of the Mobile Food Truck. The separation shall not apply:

            (a) If the Mobile Food Truck operator has written permission from the impacted restaurant; or

            (b) The Mobile Food Truck is on a property with common ownership of the impacted restaurants' property and the Mobile Food Truck operator has written permission from the common property owner.

        ii. At least 50 feet from any single-family detached dwelling within the City, as measured from the closet point of the Mobile Food Truck to the nearest property line of a single-family home. This separation distance shall not apply if:

            (a) The Mobile Food Truck ~~Is~~ **is** operating as an accessory to a business in a permanent structure with written permission; and

            (b) The Mobile Food Truck primarily serves patrons of the business referenced in Subsection a. above; and

            (c) The Mobile Food Truck does not operate a generator or create other noise that violates the noise standards of this UDO.

    b. *Private Property.* Mobile Food Trucks may operate on private property provided they meet the following requirements:

i. The operator must obtain prior to written permission from the private property owner and must have available an original copy of such permission for inspection at all times;

ii. The Mobile Food Truck must be parked on a paved surface outside any designated fire lane and outside the sight triangle area defined in the Aurora Roadway Design and Construction Specifications Manual.

c. *Schools.* Mobile Food Trucks may operate on the property of a Pre-K-12 Public or Private School, or Postsecondary School, provided the following requirements are met:

i. The Mobile Food Truck operator must obtain prior written permission from a school representative ~~authorize~~ **authorized** to grant such permission, and must have available an original copy of such permission for inspection purposes at all times;

ii. The Mobile Food Truck must be parked on a paved surface outside any designated fire lane and outside the sight triangle area defined in the Aurora Roadway Design and Construction Specifications Manual.

d. *City-Owned Property.* Mobile Food Trucks may not operate on City property regardless of the zone district unless authority to operate is provided for elsewhere in the Aurora City Code or otherwise authorized by the City Manager. This prohibition shall not apply to City-owned public right-of-way as provided for in Subsection e below.

e. *Public Right-of-Way.* Mobile Food Trucks may operate within the public right-of-way provided they meet the following requirements:

i. The Mobile Food Truck must be parked in a legal parking space and comply with all City and state parking restrictions;

ii. The Mobile Food Truck may only serve customers from an adjacent sidewalk or the curbside of the vehicle. In the absence of a sidewalk or curb, customers may only be served from the side of the Mobile Food Truck that is furthest from the area of right-of-way customarily used for motor vehicle travel.

5. *Littering and Trash Removal.* Mobile Food Truck operators must keep sidewalks, roadways, and other spaces adjacent to their business location clean and free of paper, peelings, and other refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any Mobile Food Truck shall be collected by the operator and deposited in a trash container maintained by the operator in good condition and constructed of a noncorrodible and

watertight material, sufficient to hold the refuse generated by the business. The container shall be removed by the operator whenever the Mobile Food Truck moves to another location or at the close of business.

6. *Noise.* Mobile Food Trucks must comply with the provisions of Section ~~26-348~~ **94-107** of the Aurora City Code regarding ~~noisemaking devices~~ **unnecessary noise and disturbing the peace**.

7. ***Storage.*** **Mobile Food Trucks must be moved to a storage location when not in active operation. Allowed storage locations must:**

    a. **Be on an improved parking surface meeting the standards of Section 146-4.6.5.D.7;**

    b. **Screen all signage associated with the Mobile Food Truck, including any signage on the Mobile Food Truck itself; and**

    c. **Not be located on the same lot as a residential primary use.**

8. ***Number and Density.*** **Mobile Food Trucks shall be limited to one (1) truck for every 15,000 square feet of lot or parcel area when operating on private or City-owned property, up to a maximum of five (5) trucks. Parcels or lots less than 15,000 square feet in area shall be allowed one (1) Mobile Food Truck. When operating in the right-of-way, Mobile Food Trucks shall be limited to one (1) truck per 200 feet of City right-of-way.**

    a. **These limits do not apply when operating as part of a temporary event approved through a Temporary Use Permit.**

Section 2. Section 146-6.2.M of the Unified Development Ordinance of the City of Aurora, Colorado, is hereby amended as follows:

Mobile Food Truck.
A retail food establishment that is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, **but not to provide in-vehicle dining seating,** operating in either a static or transitory location. This definition includes but is not limited to vehicles selling or distributing frozen milk, frozen dairy or ice confection products, candy, gum or other confection products. **This definition does not include the selling of food or beverage products transported by way of and sold directly from a passenger vehicle.**

Section 3. 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 4. 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 5. 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 _____, 2026.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM BY:
CITY ATTORNEY PETE SCHULTE

BY: Lena McClelland RLA
Lena McClelland, Sr. Assistant City Attorney

Memorandum

City of Aurora

AuroraGov.org

TO: City of Aurora Planning and Economic Development Committee

THROUGH: Laura Perry, Deputy City Manager
Jeannine Rustad, Director

FROM: Erik Gates, Planner III, Planning and Business Development Department

DATE: August 6, 2026

SUBJECT: Responses to PED Questions Regarding Proposed Food Truck Regulations on June 18, 2026

Thank you to everyone for their time at the June 18 PED meeting, where we discussed proposed food truck UDO updates following feedback from a previous PED meeting in April. The feedback at this stage is critical and will guide the direction of the UDO amendments to be presented to the Council for consideration this summer and later this year.

The following responses are answers to the questions and concerns raised by City Councilmembers at the June 18, 2026 PED meeting. In addition, staff are available to meet and further discuss this proposal with any member of council. Please email Erik Gates (egates@auroragov.org) with some times you are available, and we will coordinate a meeting.

1. Should the allowed hours of operation for food trucks begin at 6 a.m.?

During the June PED meeting, multiple concerns were raised regarding the need for Food Trucks to be allowed to operate at 6 a.m. either in specific circumstances or generally. It should be noted that the current 7 a.m. start time for food truck operations is already a requirement of the Aurora Unified Development Ordinance, and not something new being proposed with the subject regulatory changes.

Most of the discussion centered around the need for food trucks to operate for construction sites which often begin their day before 7 a.m., however some discussion was also had regarding the benefit of food trucks being able to operate in food deserts at 6 a.m. The Committee also expressed a desire to buffer this earlier start time from residential developments.

While a specific direction for the conditions in which a 6 a.m. start would be allowed was not settled on during this meeting, the Committee did request that staff provide some draft language for City Council when the food truck ordinance is brought to Study Session. Staff has drafted and will be presenting two versions of updated hours of operation language for City Council. The draft language is as follow:

A. “Food trucks may operate starting at 6 a.m. on active construction sites or while legally parked in streets immediately adjacent to active construction sites.”
B. “Food trucks may operate starting at 6 a.m., provided that in no circumstance may a food truck operate before 7 a.m. within 50 ft of any residential structure with a certificate of occupancy.”

As food desert areas can change over time and are not readily tracked in the City, a city-wide allowance for earlier start times appears to be the best way to tackle the food desert concern. There also has been no concerns raised with an earlier starting time for food truck operations outside of residential areas.

2. What commissary kitchen spaces are available for Food Trucks operating in Aurora?

The need for food trucks to return to a commissary kitchen regularly to clean kitchen equipment and prepare food items is not a requirement of the City itself, but rather a requirement of the Colorado Department of Public Health and Environment. Therefore, this is something food trucks should already be doing. The proposed food truck regulations do not mention commissaries directly but rather intend to require vendors to leave their site of operation each night to help encourage them to return to a commissary and proper storage location.

A list of commissary kitchens within the City of Aurora has been generated and attached to this memorandum as Attachment A – Commissary Kitchens. It should also be noted that food trucks will not be limited to Aurora commissaries as many food truck vendors operate in both Aurora and surrounding areas, including Denver and unincorporated Adams and Arapahoe Counties. Adams County even has its own list of commercial retail commissaries that is also listed in Attachment A.

3. What non-residential storage spaces are available for Food Trucks operating in Aurora?

A list of large vehicle storage facilities has been generated and is also attached to this memorandum as Attachment B – RV Storage Facilities. These include Aurora locations and locations in surrounding jurisdictions. As with the commissary kitchens, food trucks can choose storage locations outside of Aurora. While most of these locations are primarily advertised for RV owners, other large vehicles, including food trucks, can utilize these facilities as well.

4. Is anything being proposed for the benefit of food trucks to offset these new restrictions?

While this first set of UDO changes is focused on refining current food truck operations in the City of Aurora, a follow up ordinance is being developed to allow for a new food truck plaza use. As a quick summary, these food truck plazas are envisioned as a permanent space for food trucks to be set up during the day with seating for patrons, restroom facilities, and on-site commissary kitchens. The use could potentially be combined with outdoor storage uses for food trucks as well, so long as an individual site can meet our use-specific standards for outdoor storage.

The reason these ordinances are being split up is due to the urgency of addressing current issues found in the City of Aurora with overcrowded food truck operations. While these changes are smaller in scope and can be addressed relatively quickly, establishing a new zoning use category for food truck plazas will be a more involved and time-consuming process. As such, it appears necessary to separate these ordinances.

5. Who determines how long a food truck can operate on a private property?

The City can set overall limits for things like operating hours and number of food trucks. However, the private properties on which food trucks operate may mandate further restrictions beyond our code requirements at their discretion.

Attachment to Memo Dated August 24, 2026
Responses to Planning and Economic Development Committee Questions Regarding Proposed Food Truck Regulations on June 18, 2026

Attachment A – Commissary Kitchens

Buckley Commissary
Stop #75, 365 N Telluride St Bldg 1
(303) 353-3473
Website

Mile High Commissary
1670 Jasper St Unit H
(303) 905-5184
Open 24 hours
Website

The Crazy Caterer Commissary Kitchen
15821 E Centretech Cir Unit B
(720) 434-6135
Open 24 hours
Website

El Alba Cooperative
11690 E Montview Blvd Unit 140
(720) 512-5817
Website

Retail Food Commissary List | Adams County Health

Attachment B – RV Storage Facilities

Walls Storage
RV storage facility
1880 North Kiowa-Bennett Road
(303) 732-8801
Open 24 hours
Website

RV, Trailer,
Outdoor RV, Trailer, Boat, And Vehicle Storage
24-hour Access
Website

Mammoth Storage
Storage facility
7950 South Hannibal Street
(303) 238-7950
Website

RVVault Aurora
RV storage facility
2151 S Rome Way
(720) 903-2619
Open 24 hours
Website

South Fraser Street RV & Boat Storage
RV storage facility
2250 S Fraser St
(719) 224-0232
Website

Hampton Yards RV Storage
RV storage facility
16451 E 2nd Ave
(720) 440-6270

Aurora Boatel & RV Storage
RV storage facility
651 Salida Way
(303) 343-3626
Open 24 hours

Aspen RV & Boat Storage
RV storage facility
17151 E 32nd Ave
(303) 344-2776
Open 24 hours
Website

Honey Bee RV Storage
RV storage facility
2360 S Rome Way
(970) 469-7028
Website

Rocky Mountain Storage
RV storage facility
17700 E Colfax Ave
(720) 616-3000
Website

Chambers Road RV & Boat Storage
RV storage facility
2700 Chambers Rd
(303) 360-0808
Website

Neighbor RV Storage
RV storage facility
23905 E 26th Ave
(719) 215-9953
Open 24 hours
Website

Clary RV & Boat Storage
RV storage facility
15555 E Colfax Ave
(303) 364-1693

Aurora RV self Storage
RV storage facility
14700 E Otero Ave
(720) 900-4413
Website

Honey Bee RV Storage
RV storage facility
21920 E Atlantic Pl C2
(970) 469-7028
Website

SmartStop Self Storage
Self-storage facility
500 N Laredo St
(720) 557-3476
Website

Aurora Springhill RV Storage
RV storage facility
17701 E 14th Dr
(303) 343-6613

Harbor Plaza Storage
Storage facility
4411 S Parker Rd
(303) 690-2759
Website

VIP Storage
RV storage facility
23905 E 26th Ave
Website

Otter Self Storage
Self-storage facility
22020 E Atlantic Pl
(720) 706-5138
Website

PLANNING AND ECONOMIC DEVELOPMENT POLICY COMMITTEE MEETING MINUTES

Date: **June 18, 2026**
Time: **2:00 pm**

Members Present	Chair, Council Member Amy Wiles, Vice Chair, Council Member Françoise Bergan, Council Member Alli Jackson
Others Present	Aja Tibbs, Angela Lawson, Baxter Richardson, Brad Pierce, Brandon Cammarata, Brenda Kenney, Bruce Dalton, Caitlynn Fortner, Chance Horiuchi, Chris Fellows, Cindie Perry, Cindy Shearon, Connor Bailey, Darcy Dodd, Darren Akrie, Deborah Bickmire, Erik Gates, Hollie Birkholz, Jeannine Rustad, Jeremiah Fettig, Jonathan Woodward, Jose Rodriguez, Joshua King, Julie Patterson, Kelly Bish, Laura Perry, Leah Ramsey, Lena McClelland, Leticia Callanen, Maria Alvarez, Marisa Noble, Mark Witkiewicz, Mason Zastrow, McKenna Harford, Megan Waldschmidt, Michael Riley, Mike Landes, Mike Riley, Morgan Cullen, Morgan Jennings, Naomi Colwell, Rachel Allen, Robert Oliva, Robin Fleischmann, Sarah Wile, Steve Timms, Sunny Banka, Taryn Farber, Trevor Vaughn, William Polk

1. CALL TO ORDER

2. APPROVAL OF MAY 27, 2026, DRAFT MINUTES–COUNCIL MEMBER WILES

2.a. The minutes were approved.

3. GENERAL BUSINESS

3.a. Notice and Appeals UDO Updates

Summary of Issue and Discussion:

Sarah Wile, Senior Planner III, outlined the ongoing evaluation of public notice and appeal processes within the Unified Development Ordinance (UDO). S. Wile highlighted that public notice balanced transparency and community involvement with administrative efficiency. The project was in Phase 3, with staff targeting the end of 2026 for potential code amendment adoption. S. Wile reviewed Aurora's current practices, noting the city mailed notices to abutting property owners and

Registered Neighborhood Organizations (RNOs) within a one-mile radius, whereas neighboring municipalities utilized fixed distances ranging from 200 to 1,500 feet.

CM Bergan questioned the cost of mailings and expressed support for the one-mile radius for RNOs, though she highlighted a frequent communication gap between Homeowner Associations (HOAs) and their residents. S. Wile confirmed the city paid standard postage fees and project coordinators manually packed the envelopes weekly.

Brad Pierce, Alternate Referral Contact for Woodgate Terrace, delivered public comment. B. Pierce requested that criteria for development approval be included alongside supporting documents online to focus public feedback on relevant legal criteria. CM Bergan endorsed B. Pierce's recommendation. B. Pierce also noted he received email notifications rather than mailed notices. S. Wile clarified that RNOs with email addresses on file received electronic notices, while adjacent property owners received mailed notices.

Outcome:
The committee provided feedback and discussion only; no formal action was taken. The committee expressed an openness to exploring fixed-distance mailed notice but flagged cost concerns, requesting cost-effective alternatives and an improved interactive project map or landing page. The committee did not endorse front-of-process signposting at this stage. CM Bergan opposed the proposal because of the administrative burden and potential for sign fatigue, CM Jackson remained undecided, and Chair Wiles requested further research on alternative notice options. Furthermore, members supported retaining the current process under which administrative appeals proceeded directly to the City Council.

Follow-up Action:
Staff planned to research alternative notice options and technological improvements.

3.b. Accessory Dwelling Units – 2026 Reevaluation

Summary of Issue and Discussion:
Jeremiah Fettig, Planner II, reviewed the status of Accessory Dwelling Units (ADUs) and proposed an Aurora-specific ordinance following the City Council's rejection of the 2025 text amendment regarding House Bill 24-1152. J. Fettig reported 262 citizen inquiries regarding ADUs since 2023, with 56 occurring since February 2026, primarily concentrated in Ward 1. J. Fettig noted ADUs were currently only permitted in Original Aurora through a conditional use permit, resulting in nine approvals and five constructions since 2018.

Outcome:
The committee provided feedback on three staff questions. The committee supported allowing ADUs on single-family detached lots and requested additional

research on whether internal or attached ADUs could be appropriate on larger duplex and townhome lots. The committee leaned toward administrative approval for detached ADUs that met architectural compatibility and livability standards, with elevated review reserved for variances or other deviations, though they agreed to revisit this after the UDO amendment was drafted. The committee also supported establishing minimum and maximum size requirements, potentially utilizing a ratio to lot size to ensure proportional size and protect neighboring natural light.

Follow-up Action:
Director Jeannine Rustad confirmed that staff would return with proposed Aurora-specific code amendments and the associated reasoning, rather than merely returning with research. Staff planned a City Council study session for July 13, 2026, the launch of an Engage Aurora page, and a future Planning and Zoning Commission session.

3.c. AEDC Update

Summary of Issue and Discussion:
Jonathan Woodward, Vice President, Aurora Economic Development Council, delivered an economic development update, highlighting a growing aerospace and defense sector, steady manufacturing, and a strong healthcare sector in Aurora. J. Woodward cautioned that biosciences had slowed due to funding constraints and office real estate valuations had declined substantially since the pandemic. Despite Colorado losing nearly 12,000 jobs in 2025 due to high living costs and heavy regulations, Aurora added 2,253 jobs and secured nearly $300 million in capital investment. J. Woodward emphasized that Arapahoe County gained nearly 17,000 acres of Enterprise Zone designations in Aurora, providing tax credits to attract businesses.

J. Woodward detailed several major commercial projects:

- QTS Data Center: The facility used approximately 50 megawatts of power and utilized roughly 80 gallons of water per acre daily. The first building generated nearly $900,000 in permit fees and was projected to yield $55 million in sales tax over 10 years.
- Project Waterfall (Philip Morris International): A $600 million investment creating 500 permanent jobs and 1,000 construction jobs. The city collected $13.2 million in fees, with an estimated $25 million in direct tax revenue over 10 years.
- RK Industries: Relocated its headquarters to an existing building in Aurora, hiring 500 employees and bringing in 135 apprentices.
- Innovus: Development of the planned secure aerospace campus near Buckley Space Force Base had been delayed by construction costs estimated at $1,000 per square foot.

J. Woodward also reported that Aurora had more than 50 million square feet of industrial inventory and seven active prospects seeking at least 100 acres, including two or three prospects seeking approximately 1,000 acres. He explained that Aurora's diverse pipeline of manufacturing, e-commerce, aerospace, defense, and energy projects reduced reliance on any single industry. J. Woodward added that declining office acquisition costs could eventually support lower rents and attract new users.

CM Bergan questioned the impact of Aurora's public safety reputation on business attraction. J. Woodward responded that prospective companies largely overlooked media portrayals, focusing instead on the city's pro-business environment and successful project history.

Outcome:
Information only.

Follow-up Action:
None needed.

3.d. Food Trucks Update - June

Summary of Issue and Discussion:
Erik Gates, Planner III, presented proposed code amendments to address complaints regarding food truck operations. E. Gates reported 85 code enforcement complaints between April 2025 and April 2026, with 38 residential complaints—approximately 45%—and 34 repeat complaints—40%. Proposed regulations included limiting density, mandating overnight takedown, prohibiting residential storage, and requiring continuous attendance during operations.

Chair Wiles expressed concern that the existing 7:00 a.m. start time restricted food trucks serving construction sites and industrial food deserts. Trevor Vaughn, Tax and Licensing, clarified that the commissary requirement was a state health code mandate, not a new city regulation, and confirmed the 7:00 a.m. start time was existing code that had not previously generated complaints. Council Member Angela Lawson emphasized the necessity of strict compliance and overnight removal to mitigate neighborhood disturbances, specifically noting a large concentration of trucks at Hampden and Chambers. T. Vaughn confirmed the city had recently counted 16 trucks at that location. Cindie Perry, Business Development, supported creating operational exceptions for manufacturing facilities.

Outcome:
The committee supported advancing the proposed amendments to a City Council study session, subject to additional language addressing early-morning operations in appropriate nonresidential areas. The committee supported the revised density regulations allowing one truck per 15,000 square feet, with one truck allowed on parcels smaller than 15,000 square feet and a maximum of five. E. Gates confirmed

this density limit would reduce the congregation at the Hampden and Chambers lot from 16 trucks to five. The committee also supported the overnight teardown requirement and the prohibition on residential storage. The committee evaluated operating hours, concluding that hours should not be changed citywide. The committee deferred regulations for permanent food truck plazas to a later, separate ordinance.

Follow-up Action:
Staff planned to advance the proposed amendments to a study session, incorporating new language to provide earlier operating hours options for construction, industrial, and underserved areas, utilizing residential buffers or zoning carve-outs. Staff also planned to compile a storage and parking resource guide to assist operators.

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4. MISCELLANEOUS MATTERS FOR CONSIDERATION

4. a. Aurora Economic Development Council
- Jonathan Woodward

NO REPORT

4.b. Havana Business Improvement District
- Chance Horiuchi

NO REPORT

4.c. Aurora Chamber of Commerce
- Naomi Colwell

NO REPORT

4.d. Planning Commission
- Becky Hogan

NO REPORT

4.e. Oil and Gas Committee
- Brad Pierce

NO REPORT

4.f. Business Advisory Board
- Garrett Walls

NO REPORT

4.g. Retail
- Cindie Perry

NO REPORT

4.h. Small Business

- Ashvina Patel

NO REPORT

4.i. Visit Aurora

- Randi Morritt

Report included in agenda packet.

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5. CONFIRM NEXT MEETING DATE

Scheduled for July 22, 2026, at 2:00 PM MT.

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6. ADJOURNMENT

APPROVED: _____

Amy Wiles, Committee Chair

Text Amendment to the Food Truck Standards and Definition

City Council Study Session

Planning

Tax & Licensing

Code Enforcement

Business Development

City Council Sponsor
Council Member Angela Lawson, Ward V

Food Trucks Standards In the UDO

Licenses: Must have both an Aurora business license and State of Colorado mobile retail food service license.

Hours of Operation: May only operate between 7am and 10pm.

Separation:

- Must be 175 ft from any restaurant entrance while the restaurant operates, unless written permission from the owner is given
- Must be 50 ft from any single-family dwelling property, unless the truck operates accessory to a permanent business, primarily for patrons of said business, and does not operate a generator or create other noise violating noise standards.

Food Trucks Standards In the UDO Cont…

Private Property / Schools:

- Must have written permission from property owner or school representative
- Must be parked on a paved surface outside of fire lanes and sight triangles.

City-Owned Property:

- Only allowed in public right-of-way unless authorized by the City Manager.
- Must be in a legal parking space and serve customers from the sidewalk or side of the truck furthest from right-of-way.

Trash Removal: Trash within 25 feet of any Mobile Food Truck must be collected by the operator and deposited in a trash container maintained by the operator.

Noise: Current food truck standards reference a repealed section of code, however, general unnecessary noise standards (Sec. 94-107) still apply.

Food Truck Benefits

Placemaking to Drive Foot Traffic and Support Community Gathering

Potential Tax Revenue

Entrepreneurial Support

Appear to draw positive activity

Issues Encountered: Planning

- Code speaks primarily to operation
- No clear delineation between temporary food truck and permanent fixture
- Code does not speak to location of storage
- Lack of clarity in food truck definition
- Demand for established Food Truck plaza locations. Current code only supports temporary use.

Issues Encountered: Licensing

- Large congregations of food trucks
- No limit on number of trucks
- Limits on operating time-frame lacking
  - Failing to return regularly to commissary
  - Never leaving the site
  - Begin constructing structures
  - Fire Safety
  - Wastewater issues
  - Appearance issues





Issues Encountered: Licensing







Issues Encountered: Code Enforcement

- Storage in Residential Areas
  - Commercial trucks not allowed to park in residential areas normally
  - Common complaint

- Seen blocking traffic while operating

- Lack of clarity on policy for outdoor seating setups

Issues Encountered: Business Development

- Lack of awareness of code requirements
- Difficulty with multiple levels of licensing
- Sense that the worst actors are not the operators coming to us first
- Sales Tax Opportunity
- Competition with brick and mortar

Summary of Proposed Code Changes

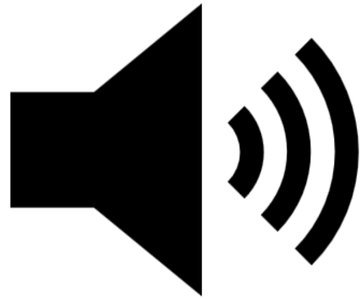
Existing Code	Issue Seen	Proposed Code
146-6.2.M Mobile Food Truck [definition] "...is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages…"	A number of vehicles have appeared that do not fit the original intention of the UDO for Food Truck operations, including mobile dining buses, and passenger vehicle trunk operations.	146-6.2.M Mobile Food Truck [definition] "is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, but not to provide in-vehicle dining seating," ... "This definition does not include the selling of food or beverage products transported by way of and sold directly from a passenger vehicle."



Summary of Proposed Code Changes

Existing Code	Issue Seen	Proposed Code
146-3.3.6.K.3 "Hours of Operation. Mobile Food Trucks may operate only between the hours of 7:00 am and 10:00 pm."	Attempts to correct code enforcement issues can be made difficult by the absence of an operator during operating hours.	146-3.3.6.K.3 "Hours of Operation. Mobile Food Trucks may operate only between the hours of 7:00 am and 10:00 pm. Mobile Food Trucks must be attended at all times when in operation and not in storage."
146-3.3.6.K.6 "Noise. Mobile Food Trucks must comply with the provisions of Section 26-348 of the Aurora City Code regarding noisemaking devices."	Section 26.348 has since been removed from the UDO, making the reference irrelevant. The proposed reference leads to general noise generation rules in Aurora.	146-3.3.6.K.6 "Noise. Mobile Food Trucks must comply with the provisions of Section 94-107 of the Aurora City Code regarding unnecessary noise and disturbing the peace."





Summary of Proposed Code Changes

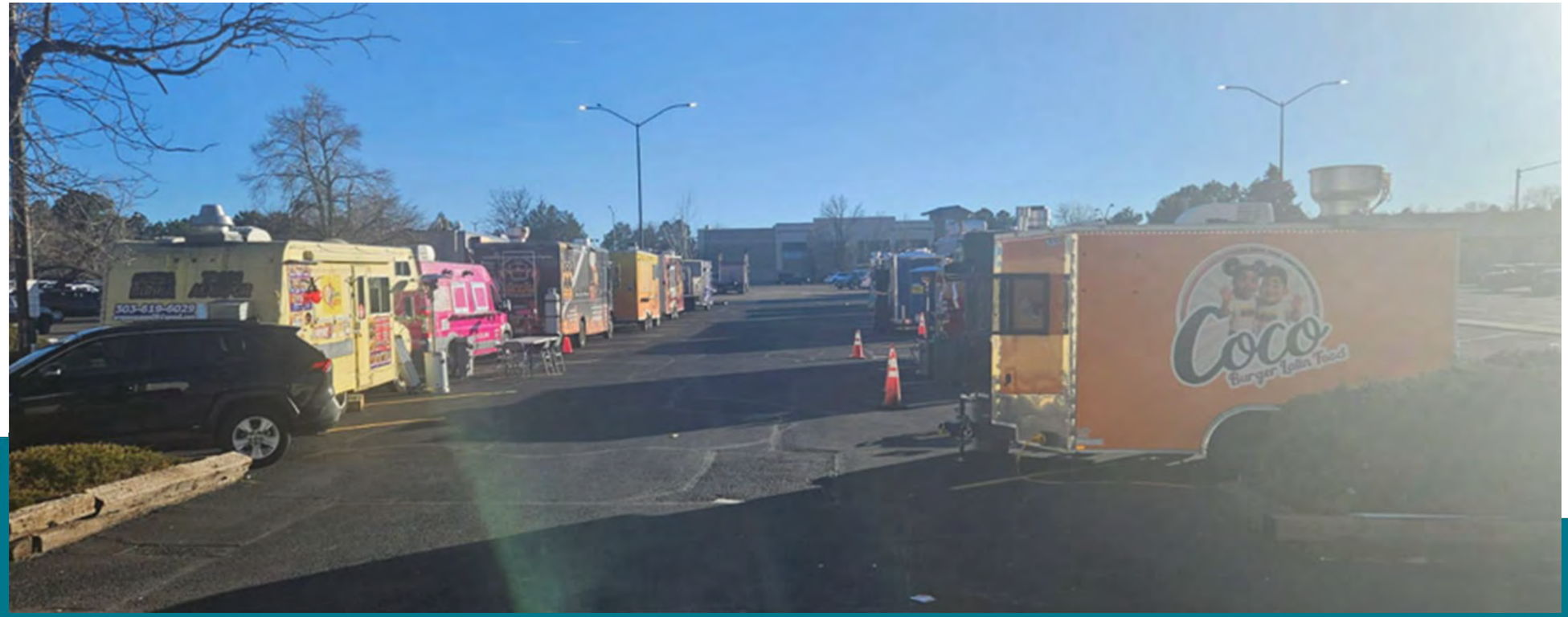
Existing Code	Issue Seen	Proposed Code
None [storage]	Some Food Trucks are not leaving their location following operating hours leading to an effectively permanent use, an accumulation of waste, and illegal wastewater runoff in some cases. There are also concerns that operators are not returning to a commissary in these cases. Additionally, storage in residential areas violates existing rules against the storage of commercial trucks in these areas.	146-3.3.6.K.7 "Storage. Mobile Food Trucks must be moved to a storage location when not in active operation. Allowed storage locations must: a. Be on an improved parking surface meeting the standards of Section 146-4.6.5.D.7; b. Screen all signage associated with the Mobile Food Truck, including any signage on the Mobile Food Truck itself; and, c. Not be located on the same lot as a residential primary use"





Summary of Proposed Code Changes

Existing Code	Issue Seen	Proposed Code
None [Number and Density]	We have seen and received numerous code enforcement complaints related to the mass congregation of food trucks on individual sites. This has created issues with noise generation, the blocking of fire lanes, waste generation, and other safety concerns.	146-3.3.6.K.8 "Number and Density. Mobile Food Trucks shall be limited to one (1) truck for every 15,000 square feet of lot or parcel area when operating on private or City-owned property, up to a maximum of five (5) trucks. Parcels or lots less than 15,000 square feet in area shall be allowed one (1) mobile food truck. When operating in the right-of-way, Mobile Food Trucks shall be limited to one (1) truck per 200 feet of City right-of-way. a. These limits do not apply when operating as part of a temporary event approved through a Temporary Use Permit"



Potential Earlier Hours of Operation Language

A. “Food trucks may operate starting at 6 a.m. on active construction sites or while legally parked in streets immediately adjacent to active construction sites.”

B. “Food trucks may operate starting at 6 a.m., provided that in no circumstance may a food truck operate before 7 a.m. within 50 ft of any residential structure with a certificate of occupancy.”



Direction from City Council

- Does Council wish to incorporate text amendment options A or B, as presented in the previous slide, into the ordinance to amend the text for the food truck use-specific standards and definition?

- Does Council wish to forward the ordinance to amend the text for the food truck use-specific standards and definition, adjusted as needed based on today's discussion, to the next City Council regular meeting?

Thank you



CITY OF AURORA
Late Submission Approval for Agenda Item

Item Title: Repealing Sections of Chapter 94 of the City Code Pertaining to Offenses and Miscellaneous Provisions

Item Initiator: Mayor Pro Tem, Alison Coombs

Staff Source/Legal Source: Jason Batchelor, City Manager/Angela Garcia, Senior Assistant City Attorney

Outside Speaker: N/A

Strategic Outcome: Well Managed: High Performing organization, committed to great customer service, innovation, continuous improvement, fiscal stewardship, and maintaining critical infrastructure.

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

☐ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date

☒ The delay will result in an adverse financial impact to the city

☐ The item is related to a disaster and must be addressed before the next available meeting

☒ This item was requested by Mayor Pro Tem Alison Coombs

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

This item was requested by Mayor Pro Tem Alison Coombs, it was moved from the 8/13 Public Safety Policy Committee Meeting.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

_____	Jason Batchelor
Agenda Item Initiator Name	Late Submission Approver Name (Council Appointee or DCM)
_____	08.13.26
Agenda Item Initiator Signature Date	Late Submission Approver Signature Date

CITY OF AURORA
Council Agenda Commentary

Item Title: Repealing Sections of Chapter 94 of the City Code Pertaining to Offenses and Miscellaneous Provisions (Ordinance)
Item Initiator: Alison Coombs, Mayor Pro Tem
Staff Source/Legal Source: Jason Batchelor, City Manager / Peter Schulte, City Attorney
Outside Speaker: N/A
Strategic Outcome: Well-Managed: High performing organization, committed to great customer service, innovation, continuous improvement, fiscal stewardship, and maintaining critical infrastructure.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

2nd Regular Meeting (if applicable): 9/28/2026

Item requires a Public Hearing: ☐ Yes ☒ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Jason Batchelor, City Manager / Peter Schulte, City Attorney
Estimated time: 10 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Public Safety, Courts & Civil Service

Policy Committee Date: 8/13/2026

Action Taken/Follow-up: ***(Check all that apply)***

☒ Recommends Approval ☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation ☒ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

certain provisions of Chapter 94 establish mandatory minimum penalties that are inconsistent with limitations recognized by the Colorado Supreme Court for corresponding municipal offenses and certain provisions within Chapter 94 of the Aurora City Code have become obsolete or no longer serve an independent municipal purpose.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Does City Council approve of moving the item forward to a regular City Council meeting?

LEGAL COMMENTS

All legislative enactments must be in the form of ordinances. (City Charter, Art. 5-1). Council has the power to make and publish ordinances consistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the State Constitution, State Statute, or City Charter and such as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city and the inhabitants thereof. (City Code. Sec. 2-32 and C.R.S., Sec. 31-15-103). (Garcia)

ORDINANCE NO. 2026- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 94-74, 94-85 AND 94-122, AND REPEALING SECTIONS 94-75, 94-80, 94-149, 94-219, 94-222, 94-223, 94-224, 94-246, 94-248, 94-279, 94-280, 94-281, 94-312, 94-346, 94-347, 94-348, AND 94-385 OF CHAPTER 94 OF THE CITY CODE OF THE CITY OF AURORA PERTAINING TO OFFENSES AND MICELLANEOUS PROVISIONS.

WHEREAS, the City of Aurora is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and possesses the authority to adopt and enforce municipal ordinances for matters of local concern; and

WHEREAS, Chapter 94 of the Aurora City Code establishes criminal offenses and penalties enforceable in the Aurora Municipal Court; and

WHEREAS, on December 22, 2025, the Colorado Supreme Court issued its opinion in *In re People v. Camp* and *In re People v. Simons*, 2025 CO 64, holding that when a municipal ordinance prohibits conduct identical to that prohibited by state law, a home-rule municipality may prosecute the offense in municipal court but may not impose penalties that exceed the maximum penalties authorized by state law for the corresponding offense; and

WHEREAS, City Council finds that certain provisions of Chapter 94 establish mandatory minimum penalties that are inconsistent with limitations recognized by the Colorado Supreme Court for corresponding municipal offenses; and

WHEREAS, City Council finds that certain provisions within Chapter 94 of the Aurora City Code have become obsolete or no longer serve an independent municipal purpose, and that repeal of those provisions will improve the organization and clarity of the Aurora Municipal Code.

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

Section 1. That Section 94-74 of the City Code of the City of Aurora, Colorado is hereby amended and shall read as follows:

Sec. 94-74. Theft.

(a) A person commits theft when he or she knowingly obtains, retains, or exercises control over anything of value of another having a value of less than $1,000 without authorization or by threat or deception; or receives, loans money by pawn or pledge on, or disposes of

anything of value or belonging to another that he or she knows or believes to have been stolen; and

(1) Intends to deprive the other person permanently of the use or benefit of the thing of value;

(2) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;

(3) Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use or benefit;

(4) Demands any consideration to which that person is not legally entitled as a condition of restoring the thing of value to the other person; or

(5) Knowingly retains the thing of value more than 72 hours after the agreed-upon time of return in any lease or hire agreement.

(b) It shall be unlawful to knowingly transfer a label or other designation of price from one item to another or alter the item with intent to purchase such item at a lesser cost.

(c) If any person willfully conceals unpurchased goods, wares, or merchandise owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on that person's own body, clothing or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment shall constitute prima facie evidence that the person intended to commit the crime of theft.

(d) It shall be unlawful to procure food or accommodations with the intent to defraud in any public establishment without making payment therefor in accordance with an agreement with such public establishment where the total amount due under such agreement is $1,000 or less.

(1) For the purposes of this subsection, the following words have the following meanings:

a. *Agreement with such public establishment* means any written or verbal agreement as to the price to be charged for and the acceptance of food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of such food, beverage, service, or accommodations for which a reasonable charge is made.

b. *Public establishment* means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including but not exclusively restaurants, cafes, dining rooms, lunchcounters, coffeeshops, boardinghouses, hotels, motor hotels, motels, and roominghouses, unless the rental thereof is on a month-to-month basis or a longer period of time.

~~(2) As part of the fine or penalty imposed under section 1-13, a person who pleads guilty or no contest to or is convicted of an offense under this subsection where the total due under the agreement is $15.00 or more:~~

~~a. *Mandatory minimum sentence*. A mandatory minimum jail sentence of 72 consecutive hours shall be imposed. The court shall not set aside or suspend this minimum sentence.~~

(e) For the purpose of this section, the terms "anything having value," "anything of value," and "thing of value" shall include, but not be limited to, the following:

(1) Any tangible or intangible thing, including property, which has value or may be exchanged for monetary consideration, including any "major component of a motor vehicle." A "major component of a motor vehicle" means any of the following parts of a motor vehicle:

a. The engine;

b. The transmission;

c. A front fender;

d. The hood;

e. Any door allowing entrance to or egress from the passenger compartment of the vehicle;

f. The front or rear bumper;

g. A rear quarter panel;

h. The deck lid, tailgate, or hatchback;

i. The trunk floor pan;

j. The cargo box of a pickup truck;

k. The frame, or if the vehicle has a unitized body, the supporting structure or structures that serve as the frame;

l. The cab of a truck;

m. The body of a passenger vehicle;

n. An airbag or airbag assembly;

o. A wheel or tire;

p. A catalytic converter; or

q. Any other part of a motor vehicle that is comparable in design or function to any of the parts that have been listed, or that have been labeled with a unique traceable identification number, by the manufacturer of the motor vehicle or part;

(2) Any services for which a person would reasonably expect to provide monetary compensation; or

(3) Any compensation to which a person is entitled for services provided.

(f) For the purposes of this subsection, the term "services" shall not include the provision of shelter or housing for any term whatsoever.

(g) *Evidence of value.*

(1) For purposes of this section, when theft occurs from a store, evidence of the retail value of the thing involved shall be prima facie evidence of the value of the thing involved. Evidence offered to prove retail value may include but shall not be limited to affixed labels and tags, signs, shelf tags, and notices.

(2) For the purposes of this section, in all cases where theft occurs, evidence of the value of the thing involved may be established through the sale price of other similar property and may include but shall not be limited to testimony regarding affixed labels and tags, signs, shelf tags, and notices tending to indicate the price of the thing involved. Hearsay evidence shall not be excluded in determining the value of the thing involved. (Code 1979, § 27-53; Ord. No. 2024-62, § 3, 9-23-2024; Ord. No. 2022-37, § 3, 7-11-2022; Ord. No. 2013-29, § 1, 9-9-2013; Ord. No. 2007-84, §§ 2—4, 12-17-2007; Ord. No. 98-64, § 2, 10-5-1998)

Section 2. That Section 94-75 of the City Code of the City of Aurora, Colorado, is hereby repealed.

Sec. ~~94-75. Motor vehicle theft.~~

~~(a) As used in this section, unless the context otherwise requires, the term "motor vehicle" means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails.~~

~~(b) It shall be unlawful to commit motor vehicle theft. A person commits motor vehicle theft if he or she knowingly obtains or exercises control over a motor vehicle of another~~

~~without authorization or by threat or deception and if none of the aggravating factors or other circumstances listed in C.R.S. § 18-4-409, as amended, recodified, or reenacted, that would otherwise classify the offense as a felony are present.~~

~~(c) As part of the fine or penalty imposed under section 1-13, a person who pleads guilty or no contest to or is convicted of an offense under this section:~~

~~(1) *Mandatory minimum sentence*. A mandatory minimum jail sentence of 60 days shall be imposed. The court shall not set aside or suspend this minimum sentence.~~

~~(2) *Repeat offender*. If evidence is presented that the defendant has previously been convicted for motor vehicle theft or a similar offense under this Code, Colorado State law, or the laws of another state, a mandatory minimum jail sentence of 120 days shall be imposed. The court shall not set aside or suspend this minimum sentence. (Code 1979, § 27-54; Ord. No. 2024-62, § 4, 9-23-2024)~~

Section 3. That Section 94-80 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-80. Prohibited use of skateboards, in-line skates, and similar devices.~~

~~(a) It shall be unlawful for any person to use skateboards, in-line skates, or similar devices on public or private property which is posted to prohibit any person from entering or remaining upon that property while utilizing skateboards, in-line skates, or similar devices.~~

~~(b) The owner of private property is authorized to post or cause to be posted signs which give notice of the prohibition of the use of skateboards, in-line skates, or similar devices referenced in subsection (a). Such posting shall be deemed to authorize, without further action of the owner, enforcement of this section. (Ord. No. 96-22, § 1, 7-1-1996)~~

Section 4. That Section 94-85 of the City Code of the City of Aurora, Colorado (a) is hereby amended and shall read as follows:

Sec. 94-85. Retail Theft.

~~(a)~~ A person commits retail theft when the person commits the offense of theft under section 94-74 of any goods or merchandise for sale by a business licensed under section 86-87.

~~(b) As part of the fine or penalty as defined in section 1-13, every person who pleads guilty or no contest to or is convicted of this offense where the amount of value taken is over $100.00, a mandatory minimum jail sentence of 72 consecutive hours shall be imposed in~~

~~addition to any other sentence imposed by the court. The court shall not set aside or suspend this minimum sentence.~~

~~(c) *Repeat offender.*~~

~~(1) Upon a conviction of a defendant under this section, if evidence is presented that the defendant has previously been once convicted of retail theft or a similar offense under this Code, Colorado State law, or the laws of another state, a mandatory minimum jail sentence of 90 days shall be imposed. The court shall not set aside or suspend this minimum sentence.~~

~~(2) Upon a conviction of a defendant under this section, if evidence is presented that the defendant has previously been at least twice convicted of retail theft or a similar offense under this Code, Colorado State law, or the laws of another state, a mandatory minimum jail sentence of 180 days shall be imposed. The court shall not set aside or suspend this minimum sentence.~~

~~(3) Any prior conviction as used in this subsection is applicable for a repeat offender punishment regardless of the dollar value amount of the item(s) or service(s) stolen or taken in those prior offenses. (Ord. No. 2024-62, § 2, 9-23-2024)~~

Section 5. That Section 94-122 of the City Code of the City of Aurora, Colorado is hereby amended and shall read as follows:

(a) It shall be unlawful for any person to camp on private property without the express written consent of the property owner or the owner's agent, except in any location where camping has been expressly authorized by the city. It shall be unlawful for any person to camp or store property in an area or location designated as an area closed to camping, as defined in section 114-112.

(b) It shall be unlawful for any person to camp on any public property, except in any location where camping has been expressly authorized by the city.

~~(c) Any person convicted of violating this section is subject to the general penalty provisions as provided in section 1-13.~~

(c)~~(d)~~ For purposes of this section:

Camp or *camping* means the use of property for the purpose of unauthorized overnight occupancy, or to reside or dwell on public property with shelter overnight, or the use of public property for the purpose of overnight occupancy or longer occupancy. The term "shelter" as used in this definition includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other

than clothing. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions. Evidence of unauthorized camps includes, but is not limited to, sleeping, or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, or other structure used for overnight living purposes, or any form of cover or protection from the elements other than clothing, or making preparations for a fire or making a fire (except for fires at sites specifically designated or authorized for a fire by the parks, recreation and open space (PROS) department), setting up or using a camp stove, cooking device, or other type of heating source (except for grills and personal grills permitted in designated areas by PROS). Camp or camping can include using a vehicle for overnight occupancy where overnight occupancy or overnight camping violates City Code or a city rule or regulation or is not otherwise authorized by the city. Camping does not include napping during the day or picnicking.

Public property means, by way of illustration, but not limited to, a highway, highway median, any street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, trail, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets and culverts; or any other grounds, buildings, or other facilities owned or leased by the city or by any other public entity, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

~~(c) Any person convicted of camping or storing property in an area closed to camping, as described in section 114-112, is subject to the general penalty provision as provided in section 1-13.~~ (Ord. No. 2025-12, § 1, 2-10-2025; Ord. No. 2024-25, § 1, 6-24-2024; Ord. No. 2022-12, § 1, 3-28-2022)

Section 6. That Section 94-149 of the City Code of the City of Aurora, Colorado is hereby repealed.

~~Sec. 94-149. Unlawful sale and possession of restricted ammunition.~~

~~It shall be unlawful to sell or possess any restricted ammunition. (Code 1979, § 27-118)~~

Section 7. That Section 94-219 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-219. Toxic vapors.~~

~~(a) *Definition.* As used in this section, the term "toxic vapors" shall mean the following substances or products containing such substances: alcohols (methyl, ethyl, isopropyl, propyl, butyl), aliphatic acetates (ethyl, methyl, propyl, methyl cellosolve acetate), acetone, benzene, carbon tetrachloride, cyclohexane, freons (freon 11 and freon 12), hexane, methyl ethyl ketone, methyl isobutyl ketone, naphtha, perchlorethylene, toluene, trichloromethane or xylene.~~

~~(b) *Use or possession.* It shall be unlawful for any person intentionally to smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system or to possess, buy or use any such substance for the purpose of violating or aiding another to violate this section.~~

~~(c) *Under the influence*. It shall be unlawful for any person to intentionally be under the influence of any toxic vapors.~~

~~(d) *Sale*.~~

~~(1) It shall be unlawful for any person to sell, give, deliver or furnish any substance releasing toxic vapors to any minor without the personal or written consent of a parent, guardian or other person having legal care or custody of such minor, except when the sale of one tube of glue is made simultaneously with the sale, purchase and delivery of a hobby or model kit.~~

~~(2) It shall be unlawful for any person, except a person who is at the time of such sale actually employed by or engaged in operating a bona fide commercial establishment at a fixed location, to sell to any other person any substance releasing toxic vapors, and all sales of such substance not made in or from such an establishment shall be unlawful.~~

~~(3) It shall be unlawful for any person knowingly to sell or offer for sale, deliver or give away to any other person any substance releasing toxic vapors where the seller, offerer, deliverer or donor knows or has reason to believe that such substance will be used for the purpose of inducing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses or nervous system.~~

~~(e) *Exception.* This section shall not apply to the inhalation of anesthesia for medical or dental purposes. (Code 1979, § 27-3)~~

Section 8. That Section 94-222 of the City Code of the City of Aurora, Colorado is hereby repealed.

~~Sec. 94-222. Use or possession of a controlled substance.~~

~~(a) For the purposes of this section, the term "controlled substance" shall have the definition as set forth in section 18-18-102 of the Colorado Revised Statutes.~~

~~(b) Except as otherwise provided in this division for offenses concerning marijuana, it shall be unlawful for any person to use any controlled substance, except when it is dispensed by or under the direction of a person licensed or authorized by law to prescribe, administer, or dispense the controlled substance for bona fide medical needs.~~

~~(c) Except as authorized by Article 42.5 of Title 12 of the Colorado Revised Statutes, or by Part 2 or 3 of Article 18 of Title 18 of the Colorado Revised Statues, or by section 94-221(a)(1) or (a)(2) of this Code, it shall be unlawful for any person to knowingly possess any material, compound, mixture or preparation that contains any quantity of a controlled substance listed in Schedule III, IV or V of Part 2 of Article 18 of Title 18 of the Colorado Revised Statutes except Flunitrazepam or Ketamine.~~

> ~~(1) If the circumstances described in section 94-221(a)(1) or (a)(2) occur, the peace officer shall not arrest the person pursuant to this section for any minuscule, residual controlled substance that may be present in the used hypodermic needle or syringe, and the city attorney shall not charge or prosecute the person pursuant to this section for any minuscule, residual controlled substance that may be present in a used hypodermic needle or syringe. The circumstances described in section 94-221(a)(1) may be used as a factor in a probable cause or reasonable suspicion determination of any criminal offense if the original stop or search was lawful. (Ord. No. 2016-01, § 2, 1-25-2016; Ord. No. 2012-09, § 2, 3-19-2012)~~

Section 9. That Section 94-223 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-223. Unlawful use or possession of synthetic cannabinoids or Salvia divinorum.~~

~~(a) It shall be unlawful for any person to use or possess any amount of any synthetic cannabinoid or Salvia divinorum.~~

~~(b) The following words, when used in this section shall have the meanings herein after set forth.~~

> ~~*Analog* means any chemical that is substantially similar in chemical structure to a chemical compound that has been determined to have binding activity at one or more cannabinoid receptors.~~
>
> ~~*Salvia divinorum* means Salvia divinorum, salvinorin A, and any part of the plant classified as Salvia divinorum, whether growing or not, including the seeds thereof,~~

~~any extract from any part of the plant, and any compound, manufacture, salts, derivatives, mixture, or preparation of the plant, its seeds, or its extracts.~~

~~*Synthetic cannabinoid* means any chemical compound that is chemically synthesized and either:~~

~~1. Has been demonstrated to have binding activity at one or more cannabinoid receptors; or~~

~~2. Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors.~~

~~*Synthetic cannabinoid* includes but is not limited to the following substances:~~

~~1. HU-210: (6AR,10AR)-9-(Hydroxymethyl)-6,6-Dimethyl-3-(2-Methyloctan-2-yl)-6A, 7,10,10A-Tetrahydrobenzo[C]Chromen-1-ol;~~

~~2. HU-211: Dexanabinol, (6AS, 10AS)-9-(Hydroxymethyl)-6, 6-Dimethyl-3-(2-Methyloctan-2-YL)-6A, 7, 10, 10A-Tetrahydrobenzo[C]Chromen-1-ol;~~

~~3. JWH-018: 1-Pentyl-3-(1-Naphthoyl)Indole;~~

~~4. JWH-073: 1-Butyl-3-(1-Naphthoyl)Indole;~~

~~5. JWH-081: 1-Pentyl-3-(4-Methoxy-1-Napthoyl)Indole, also known as 4-Methoxynapthalen-1-YL-(1-Pentylindol-3-YL)Methanone;~~

~~6. JWH-200: 1-[2-(4-Morpholinyl)Ethyl]-3-(1-Napthoyl)Indole;~~

~~7. JWH-250:1-Pentyl-3-(2-Methoxyphenylacetyl)Indole, also known as 2-(2-Methoxyphenyl)-1-(1-Petylindol-3-yl)Ethanone; and~~

~~8. CP 47, 497, and homologues: 2-[(1R, 3S)-3-Hydroxycyclohexyl]-5-(2-Methyloctan-2-yl)Phenol.~~

~~*Synthetic cannabinoid* does not mean:~~

~~1. Any Tetrahydrocannibols, as defined in C.R.S. 18-18-102(35); or~~

~~2. Nabilone. (Ord. No. 2012-10, § 1, 3-19-2012)~~

Section 10. That Section 94-224 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-224. Limitations on the manufacture of marijuana concentrate.~~

~~(a) Except as provided in subsection (c) of this section, it shall be unlawful for a person to process or manufacture marijuana concentrate anywhere in the City.~~

~~(b) Except as provided in subsection (c) of this section, it shall be unlawful for any person who owns, manages, operates [or] otherwise controls the use of any premises anywhere in the City to allow marijuana concentrate to be processed or manufactured on the premises.~~

~~(c) It shall not be an offense under this section to process or manufacture marijuana concentrate if:~~

> ~~(1) The production of marijuana concentrate is done in a licensed retail marijuana product manufacturing facility and in compliance with all applicable state and local laws, and all rules and regulation promulgated thereunder, including any and all necessary permits.~~
>
> ~~(2) The production of marijuana concentrate is done by means of a water-based extraction method and is done in compliance with all applicable state and local laws, and all rules and regulations promulgated thereunder.~~

~~(d) The following words and terms, as used in this section, shall have the following meaning:~~

> ~~Cannabinoid means a class of chemical compounds found within the marijuana plant that act on the cannabinoid receptors in the central nervous system. Cannabinoids are separated into several classes which includes tetrahydrocannabinols (THC), the main active cannabinoid in marijuana.~~
>
> ~~Manufacture means to produce, prepare, propagate, compound, convert or process a controlled substance, directly or indirectly, by extraction from substances of natural origin, chemical synthesis, or a combination of extraction and chemical synthesis. The term "manufacture" includes removing or extracting the oil from a marijuana plant.~~
>
> ~~Marijuana means all parts of the plant of the genus Cannabis whether growing or not, the seed thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of~~

~~germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.~~

~~Marijuana concentrate means hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.~~

~~Water-based extraction means processing or manufacturing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice, or dry ice. (Ord. No. 2015-19, § 1, 4-27-2015)~~

Section 11. That Section 94-246 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-246. Obscenity.~~

~~(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Material* means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device.~~

~~*Obscene* means material or a performance that:~~

~~1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;~~

~~2. Depicts or describes:~~

~~a. Patently offensive representations or descriptions of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or~~

~~b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state; and~~

~~3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

~~*Obscene device* means a device, including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulations of human genital organs.~~

Patently offensive means so offensive on its face as to affront current community standards of tolerance.

Performance means a play, motion picture, dance, or other exhibition performed before an audience.

Promote means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do such.

Prurient interest means a shameful or morbid interest.

Simulated means the explicit depiction or description of any of the types of conduct set forth in subsection (2) of the definition of obscene in this subsection, which creates the appearance of such conduct.

Wholesale promote means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purpose of resale.

(b) Offenses.

(1) It is unlawful to commit wholesale promotion of obscenity. A person commits wholesale promotion of obscenity if, knowing its content and character, he or she wholesale promotes or possesses with intent to wholesale promote any obscene material.

(2) It is unlawful to commit promotion of obscenity. A person commits promotion of obscenity if, knowing its content and character, he or she:

a. Promotes or possesses with intent to promote any obscene material; or
b. Produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity.

(c) Exceptions.

(1) This section does not apply to a person who possesses or distributes obscene material or participates in conduct otherwise proscribed by this section when the possession, participation, or conduct occurs in the course of law enforcement activities.

(2) This section does not apply to a person's conduct otherwise proscribed by this section which occurs in that person's residence as long as that person does not engaged in the wholesale promotion or promotion of obscene material in his or her residence.

~~*(d) Injunctions to restrain the promotion of obscene materials.*~~

~~(1) The municipal court and the judges thereof shall have full power, authority, and jurisdiction to enjoin the wholesale promotion, promotion, or display of obscene materials as specified in this section and to issue all necessary and proper restraining orders, injunctions, and writs and processes in connection therewith not inconsistent with this section.~~

~~(2) If a person wholesale promotes or promotes or is about to wholesale promote or promote or has in his or her possession with intent to wholesale promote or promote or is about to acquire possession with intent to wholesale promote or promote any obscene material, the city attorney may maintain an action for injunction against such person to prevent the wholesale promotion or promotion or further wholesale promotion or promotion of the material described or identified in the suit for injunction.~~

~~(3) This subsection shall not authorize the issuance of temporary restraining orders except where exigent circumstances require the issuance. In matters of exigent circumstances, the restraining order shall provide that the action must be commenced on the earliest possible date. No temporary restraining order may be issued to restrain the continued exhibitions of a motion picture being shown commercially before the public, notwithstanding the existence of exigent circumstances.~~

~~(4) No temporary restraining order or temporary injunction may be issued except after notice to the person sought to be enjoined and only after all parties have been offered or afforded an opportunity to be heard. A person shall be deemed to have been offered or afforded an opportunity to be heard if notice has been given and he or she fails to appear. At such hearing, evidence shall be presented and witnesses examined.~~

~~(5) Before or after the commencement of the hearing on an application for a temporary injunction, the court may, and on motion of the party sought to be restrained shall, order the trial on the action on the merits to be advanced and consolidated with the hearing on the application. Where such hearings are not so consolidated and a temporary injunction or restraining order is issued, the court shall hold a final hearing and a trial of the issues within one day after joinder of issue, and a decision shall be rendered within two days of the conclusion of the trial. If a final hearing is not held within one day after joinder of issue or a decision not rendered within two days of the conclusion of the trial, the injunction shall be dissolved. No temporary injunction or restraining order shall issue until after a showing of probable cause to believe that the material or display is obscene and a showing of probable success on the merits. Any such temporary injunction or restraining order shall provide that the defendant may~~

~~not be punished for contempt if the material is found not to be obscene after joinder of issue, final hearing, and trial.~~

~~(6) Nothing contained in this subsection shall prevent the court from issuing a temporary restraining order forbidding the removing, destroying, deleting, splicing, or otherwise altering of any motion picture alleged to be obscene.~~

~~(7) Any person sought to be permanently enjoined shall be entitled to a full adversary trial of the issues within one day after the joinder of issue, and a decision shall be rendered by the court within two days of the conclusion of the trial. If the defendant in any suit for a permanent injunction filed under the terms of this division shall fail to answer or otherwise join issue within the time required to file his or her answer, the court, on motion of the party applying for the injunction, shall enter a general denial for the defendant and set a date for hearing on the question raised in the suit for injunction within ten days following the entry of the general denial entered by the court. The court shall render its decision within two days after the conclusion of the hearing.~~

~~(8) If a final order or judgment of injunction is entered against the person sought to be enjoined, such final order or judgment shall contain a provision directing the person to surrender to the chief of police or his or her designee any material described in the definition of obscene in subsection (a) of this section, and the chief of police or his or her designee shall be directed to seize and destroy material six months after the entry of the final order unless criminal proceedings or an indictment is brought before that time, in which event, the material may be used as evidence in such criminal proceeding.~~

~~(9) In any action brought as provided in this subsection, the city attorney shall not be required to file any undertaking, bond or security before the issuance of any injunction order provided for in this subsection, shall not be liable for costs, and shall not be liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person sought to be enjoined.~~

~~(10) Every person who wholesale promotes, promotes, displays, or acquires possession with intent to wholesale promote, promote, or display any of the material described in the definition of obscene in subsection (a) of this section, after the service upon him or her of a summons and complaint in an action brought pursuant to this section, is chargeable with knowledge of the contents. (Code 1979, § 27-83; Ord. No. 95-52, exhibit A (§ 27-83), 9-11-1995)~~

Section 12. That Section 94-248 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94- 248. Display and dissemination of sexually explicit material harmful to minors.~~

~~(a) *Legislative declaration*. Both the United States Supreme Court and state supreme court have held that the government's interest in protecting the well-being of children permits greater latitude in adopting restrictions which limit children's access to sexually explicit materials than can be imposed on adults, and the purpose of this section is to enact reasonable time, place, and manner regulations to further this compelling governmental interest. The dissemination regulations of this section are designed to prevent the sale to minors of materials deemed legally obscene as to minors, but not as to adults. Similarly, the performance provisions of this section are designed to prevent minors from being exposed to sexually explicit performances that are not appropriate for minors. The purpose of the display regulations of this section is to establish a narrowly drawn provision preventing the display to minors of material that is harmful to minors, which provision has only an incidental effect on the right of adults to sell adult materials and an adult's ability to purchase them.~~

~~(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Harmful to minors* means that quality of any material or performance that depicts sexually explicit nudity or sexual activity and that, taken as a whole, has the following characteristics:~~

~~1. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest of minors;~~

~~2. The average adult person applying contemporary community standards would find that the depiction of sexually explicit nudity or sexual activity in the material or performance is patently offensive to prevailing standards in the adult community concerning what is suitable to minors; and~~

~~3. The reasonable adult person would find the material or performance lacks serious, literary, artistic, political, or scientific value for minors.~~

~~*Material* means pictures, drawings, video recordings, films, books, magazines, or other depictions, descriptions, or representations of sexual activity or sexually explicit nudity.~~
~~*Minor* means an individual who is less than 18 years old and is not married or judicially emancipated.~~

~~*Obscene device* means a device, including a dildo, vibrator, or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs.~~

~~*Sexual activity* means any of the following acts:~~

~~1. Masturbation, whether done alone or with another human or an animal.~~

~~2. Vaginal, anal, or oral intercourse, whether done with another human or with an animal.~~

~~3. Touching, in an act of apparent sexual stimulation or sexual abuse, of the clothed or unclothed genitals, pubic area, or buttocks of another person or the clothed or unclothed breasts of a human female.~~

~~4. An act or condition that depicts torture, physical restraint by being fettered or bound, or flagellation which is intended to depict apparent sexual stimulation or sexual abuse.~~

~~5. Excretory functions.~~

~~6. The insertion of any part of a person's body or of any object into another person's anus or vagina, except when done as part of a generally recognized medical procedure.~~

~~*Sexually explicit nudity* means the showing of:~~

~~1. Uncovered or less than opaquely covered human genitals, pubic area, or buttocks, or the nipple or any portion of the areola of the human female breast; or~~

~~2. Covered human male genitals in a discernibly turgid state.~~

~~(c) Unlawful display to minors.~~

~~(1) A person commits the offense of displaying material that is harmful to minors if, having custody, control, or supervision of a commercial establishment and knowing the character or content of the material, he or she displays material that is harmful to minors or an obscene device in any show window or any other window facing upon any street, alley, sidewalk, parking lot, mall common area, or any other similar area to which the general public has access.~~

~~(2) It is an affirmative defense to a prosecution under this section that the material or device in question was not within 15 feet of the glass plate constituting the window.~~

~~(d) *Disseminating harmful material to minors.* A person commits the offense of disseminating harmful material to minors if, with or without consideration and knowing the character or content of the material, he or she:~~

~~(1) Sells, furnishes, presents, or distributes to a minor material that is harmful to minors;~~

~~(2) Allows a minor to review or peruse material that is harmful to minors; or~~

~~(3) Sells, furnishes, presents, or distributes to a minor an obscene device.~~

~~(e) *Exhibiting harmful performances to minors.* A person commits the offense of exhibiting a harmful performance to a minor if, with or without consideration and knowing the character or content of the performance, he or she allows a minor to view a live performance that is harmful to minors.~~

~~(f) *Affirmative defense.* Except as provided in subsection (f)(2) of this section, a mistake of age is not a defense to a prosecution under this subsection. It is an affirmative defense to a prosecution under this section that:~~

~~(1) The defendant was a parent or legal guardian of the minor.~~

~~(2) Before disseminating or exhibiting the harmful material, obscene device, or performance, the defendant requested and received a driver's license, or state identification card indicating that the minor to whom the material, device, or performance was disseminated or exhibited was at least 18 years old, and the defendant reasonably believed the minor was at least 18 years old.~~

~~(3) The dissemination or exhibition was made with the prior written and notarized consent of a parent or guardian of the minor.~~

~~(g) *Severability.* If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of this section which may be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable. (Code 1979, § 27-85)~~

Section 13. That Section 94-279 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-279. Possession of a gambling device or records.~~

~~(a) Except as provided in subsection (b) of this section, a person who owns, manufactures, sells, transports, possesses or engages in any transaction designed to affect the ownership,~~

~~custody, or use of a gambling device or gambling record, knowing that it is to be used in professional gambling, commits possession of a gambling device or record.~~

~~(b) The sale, transportation, manufacture, and remanufacture of gambling devices, including the acquisition of essential parts therefor and the assembly of such parts, is permitted, provided such devices are sold, transported, manufactured, and remanufactured only for transportation in interstate or foreign commerce when such transportation is not prohibited by any applicable foreign, state, or federal law. Storage of gambling devices is also permitted, but only for purposes of manufacturing, remanufacturing, and transporting such devices in interstate or foreign commerce when their transportation is not prohibited. Such activities may be conducted only by persons who have registered with the United States government pursuant to the provisions of 15 USC 24 as legal buyers. Gambling devices may not be sold for use in the state, regardless of where purchased, or manufactured, remanufactured, or stored for purposes of manufacture, remanufacture, and transportation in violation of any applicable state or federal law. For purposes of this subsection, the term "legal buyer" means a buyer who resides in another state or country which does not restrict the possession of the specific gambling device in question. (Code 1979, § 27-99; Ord. No. 95-52, exhibit A (§ 27-99), 9-11-1995)~~

Section 14. That Section 94-280 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-280. Gambling information.~~

~~(a) It shall be unlawful to knowingly transmit or receive gambling information by telephone, telegraph, radio, or other means, or knowingly install or maintain equipment for the transmission or receipt of gambling information.~~

~~(b) Facilities and equipment furnished by a public utility in the regular course of business and which remain the property of the utility while so furnished shall not be seized except in connection with an alleged violation of this division by the public utility and shall be forfeited only upon conviction of the public utility therefor. (Code 1979, § 27-100)~~

Section 15. That Section 94-281 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-281. Gambling premises.~~

~~(a) Any owner, lessee, agent, employee, operator, or occupant who knowingly maintains, aids or permits the maintaining of gambling premises commits unlawful maintaining of a gambling premises.~~

~~(b) All gambling premises are common nuisances which shall be subject to abatement as provided by law, including any such premises that are located within an authorized entertainment district. (Code 1979, § 27-101; Ord. No. 2017-56, § 3, 10-30-2017)~~

Section 16. That Section 94-312 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94- 312. Sale to minors and intoxicated persons.~~

~~(a) It shall be unlawful for any person to sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, giving or procuring of ethyl alcohol to or for any person under the age of 21 years of age or to a visibly intoxicated person or to permit any such person to participate in the sale or dispensing thereof.~~

~~(b) A parent or legal guardian of a person under 21 years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under the age of 21 years of age, while such person is legally upon private property, as defined in section 94-314, with the knowledge and consent of the owner or legal possessor of such private property, if the parent or legal guardian is present during such possession or consumption. This subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to C.R.S. tit. 12, art. 46(C.R.S. § 12-46-101 et seq.), tit. 12, art. 47(C.R.S. § 12-47-101 et seq.) or tit. 12, art. 48(C.R.S. § 12-48-101 et seq.) or any members, employees or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under 21 years of age. (Code 1979, § 27-71; Ord. No. 2002-57, § 2, 10-14-2002; Ord. No. 95-52, exhibit A (§ 27-71), 9-11-1995)~~

Section 17. That Section 94-346 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-346. Aiding or harboring a runaway child.~~

~~(a) A person commits aiding or harboring a runaway child if he or she:~~

~~(1) Knowingly aids a child in running away from home by concealing the child's whereabouts without reporting to the child's parent, legal guardian, or other legal custodian or to a law enforcement agency within 24 hours;~~
~~(2) Knowingly harbors a child who has run away from home without reporting the child's whereabouts to the child's parent, legal guardian, or other legal custodian or to a law enforcement agency within 24 hours.~~

~~(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~Harbor means to keep secreted, cohabit with, or provide shelter for any unmarried minor without the consent of the parent, guardian or other person having legal custody of such person.~~

~~Home means the child's place of residence, including the home of any parent, legal guardian, or other legal custodian, but the term does not include any facility or residence under the jurisdiction of the department of institutions.~~

~~Runaway child means an unmarried minor who has run away from home or is otherwise beyond the control of his or her parent, legal guardian, or other legal custodian, but the term does not include a child who is under the legal custody of the department of institutions.~~

~~(c) Nothing in this section shall be construed to apply to a peace officer acting in his or her official capacity. (Code 1979, § 23-6; Ord. No. 95-52, exhibit A (§ 23-6), 9-11-1995)~~

Section 18. That Section 94-347 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-347. Unlawful sales of obscene materials.~~

~~It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:~~

~~(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or~~

~~(2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in subsection of this section or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors. (Code 1979, § 23-19)~~

Section 19. That Section 94-348 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 94-348. Entry or presence of minor on premises of sexually oriented business.~~

~~(a) It shall be unlawful for the owner, operator, manager, person in charge, or any employee of a sexually oriented business, as defined in section 26-441, to knowingly allow or permit any person under the age of 18 years to enter or be present in the premises of such business.~~

~~(b) It shall be an affirmative defense to a violation of this section that the person under the age of 18 years exhibited a fraudulent proof of age in order to gain entrance to the business premises. (Code 1979, § 23-20)~~

Section 20. That Section 94-385 of the City Code of the City of Aurora, Colorado, is hereby repealed.

~~Sec. 385. Report by physician of injured persons.~~

~~(a) It shall be unlawful for any physician or surgeon practicing within the City, who attends or has under his or her charge or care any patient or other person suffering from any gunshot wound, powder burn, or any other injury arising from the discharge of a firearm or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which he or she believes to be intentionally inflicted or caused by the patient's own act or by the act of another or any other injury which he or she has reason to believe involves a criminal act, to fail to report forthwith to the police department the name of such patient or other person and all facts appertaining to such case within the knowledge of such physician or surgeon.~~

~~(b) Any physician who makes a report pursuant to this subsection (a) of this section shall not be subject to the physician-patient relationship described in C.R.S. § 13-90-107(1)(d) as to the medical examination and diagnosis. Such physician may be examined as a witness, but not as to any statements made by the patient that are the subject matter of C.R.S. § 13-90-107(1)(d). (Code 1979, § 27-26; Ord. No. 95-52, exhibit A (§ 27-26), 9-11-1995)~~

Section 21. 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 22. 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 23. 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 _____, 2026.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

PETER A. SCHULTE, CITY ATTORNEY

RLA

By: _____
ANGELA GARCIA, Senior Assistant City Attorney

CITY OF AURORA
Council Agenda Commentary

Item Title: A Resolution Establishing Reporting Requirements for City-Funded Nonprofit Organizations
Item Initiator: Council Member Francoise Bergan
Staff Source/Legal Source: Jason Batchelor, City Manager/Andrea Wood, Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Well-Managed: High performing organization, committed to great customer service, innovation, continuous improvement, fiscal stewardship, and maintaining critical infrastructure.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: ☐ Yes ☐ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Sponsor-Council Member, Francoise Bergan
Staff source- Jason Batchelor, City Manager
Legal source-Andrea Wood, Assistant City Attorney
Esitmated time- 10 Minutes

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval ☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation ☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

This Resolution would establish reporting and documentation requirements for nonprofit organizations who receive City funds.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Does Council wish to support the resolution?

LEGAL COMMENTS

City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance; all actions, except as herein provided, may be in the form of Resolutions or motions. (Article 5-1 Aurora City Charter).

A resolution may be used for a statement of policy or other matters which are not required to be adopted by ordinance as long as it doesn't include International issues or concerns (Article IV, Section 2, Rules of Order and Procedure for the Aurora City Council). (Wood)

RESOLUTION NO. R2026- ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ESTABLISHING REPORTING REQURIEMENTS FOR NONPROFIT ORGANIZATIONS RECEIVING CITY FUNDING.

WHEREAS, The City of Aurora provides funding to nonprofit organizations to support programs and services that benefit the Aurora community; and

WHEREAS, The City Council of the City of Aurora has an interest in ensuring that public funds are used appropriately and that City-funded programs achieve their intended purposes; and

WHEREAS, regular reporting regarding the use of City funds, organizational compliance, program performance, and results will promote transparency and accountability.

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

Section 1. **Reporting Requirement**.

Nonprofit organizations receiving City funding shall provide the City with quarterly reports containing information sufficient to evaluate:

1. The organization's continued legal and nonprofit status;

2. The use of City funds and the organization's financial condition as it relates to the City-funded program;

3. Performance indicators and progress toward the goals established for the City-funded program; and

4. Results and outcomes achieved through the use of City funds

In addition to reports, nonprofit organizations shall provide complete supporting documentation for all expenditures of City funds, including receipts, invoices, payroll records, timesheets, canceled checks, or other documentation sufficient to verify that City funds were expended in accordance with the funding agreement;

Section 2. **Annual Council Report.**

The City Manager, or designee, shall provide City Council with an annual report summarizing the performance and results of nonprofit organizations receiving City funding.

Section 3. **Administration.**

The City Manager, or designee, shall establish reasonable reporting requirements, forms, deadlines, and procedures to implement this Resolution. Reporting requirements may be tailored based on the amount and type of City funding and the nature of the funded program.

Section 4. All resolutions or parts of resolutions of the City in conflict herewith are hereby rescinded.

RESOLVED AND PASSED this _____ day of _____, 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

PETER A. SCHULTE, CITY ATTORNEY

By: Andrea Wood
ANDREA WOOD, Assistant City Attorney

CITY OF AURORA
Late Submission Approval for Agenda Item

Item Title: Evaporative Cooler Ordinance

Item Initiator: Casey Rossman, Executive Specialist, Aurora Water

Staff Source/Legal Source: Marshall Brown, General Manager, Aurora Water / Ian Best, SR Asst. City Attorney

Outside Speaker: N/A

Council Goal: 2012: 3.4--Maintain a reliable water system

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date

☐ The delay will result in an adverse financial impact to the city

☐ The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

EXPLANATION: ***(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)***

This item was slated to go to Water Policy Committee at the September 16, 2026, meeting. However, it has been requested to be added to the August 24, 2026 Study Session agenda listing Council Member Wiles as the item Sponsor.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Casey Rossman
Agenda Item Initiator Name

Casey Rossman 8/11/2026
Agenda Item Initiator Signature Date

Marshall P. Brown
Late Submission Approver Name

8/11/2026
Late Submission Approver Signature Date

CITY OF AURORA
Council Agenda Commentary

Item Title: Evaporative Cooling (Ordinance)
Item Initiator: Casey Rossman, Executive Specialist, Aurora Water
Staff Source/Legal Source: Marshall Brown, General Manager, Aurora Water / Ian Best, Senior Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Healthy: Connecting natural and built environments with multimodal networks, ensuring access to parks and recreation, and preserving sustainable water supplies.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: 9/14/2026

2nd Regular Meeting (if applicable): 9/28/2026

Item requires a Public Hearing: ☐ Yes ☒ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Sponsor: Amy Wiles, Council Member / Françoise Bergan, Council Member
Marshall Brown, General Manager, Aurora Water / Ian Best, Senior Assistant City Attorney
Estimated time: 20 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval ☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation ☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

There are finite water resources available in the arid Colorado climate in which the City is located, which Aurora Water must consider as it prepares to meet the projected water supply demands associated with expected population growth in the coming decades. As part of the city's ongoing efforts to conserve water it has been determined that the use of evaporative cooling technologies in the City of Aurora lead to inefficient water usage and threaten Aurora Water's ability to reliably provide water service for all Aurora residents.

Therefore, Aurora Water is recommending the new building evaporative cooling mechanisms will no longer be permitted in the City of Aurora and any evaporative cooling systems installed prior to the enactment of the ban, may only be replaced if the replacement results in equal or more efficient water use and does not increase the system's overall water consumption.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☒ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

N/A

QUESTIONS FOR COUNCIL

Does the Council support moving forward an Ordinance of the City Council of the City of Aurora, Colorado, prohibiting permits for evaporative cooling mechanisms in new commercial, multifamily or industrial buildings to the September 9, 2026 Council meeting?

LEGAL COMMENTS

Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of ordinances; all other actions, except as herein provided, may be in the form of resolutions or motions. (Section 5-1, Aurora City Charter). The city has the power to construct, condemn and purchase, acquire, lease, add to, maintain, conduct and operate waterworks and any other public utilities, for its own use and the use of its citizens, and to legislate upon, provide, regulate, conduct, and control the issuance, refunding and liquidation of all kinds of municipal obligations. (City Code Sec. 138-27). Council Members, City Manager, City Attorney, Chief Public Defender, Presiding Judge, and Court Administrator are the only ones who have authority to place items on Study Session and Regular/Special Meeting agendas. Each such item shall indicate the party requesting the item. (Council Rule Article II, Section 1). (Best)

ORDINANCE NO. 2026- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, PROHIBITING PERMITS FOR NEW BUILDING EVAPORATIVE COOLING MECHANISMS

WHEREAS, the City of Aurora, and its Utility Enterprise ("Aurora Water") is responsible for providing safe and reliable drinking water to the current and future residents and customers of Aurora Water; and

WHEREAS, finite water resources are available in the arid Colorado climate in which the City is located, which Aurora Water must consider as it prepares to meet the projected water supply demands associated with expected population growth in the coming decades; and

WHEREAS, use of evaporative cooling technologies in the City of Aurora lead to inefficient water usage and threaten Aurora Water's ability to reliably provide water service for all Aurora residents.

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

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 138-163 which section reads as follows:

Sec. 138-163 – New building evaporative cooling mechanisms not permitted.

(a) The term Evaporative Cooling as used in this section shall mean any mechanical or engineered device or system that cools air by the evaporation of water, including but not limited to direct evaporative coolers, indirect evaporative coolers, and combination direct/indirect evaporative cooling systems.

(b) No new commercial, multifamily or industrial building that utilizes evaporative cooling mechanisms or devices as part of the building's heating, ventilation, air conditioning, and refrigeration system shall be permitted. This excludes new and existing single-family residences. This provision shall be deemed to prevail over any contrary or inconsistent provision of the City Code, any code published by reference pursuant to Charter 5-9, City rules and regulations or standards and specifications. Exceptions may only be granted, in writing by the City Manager, General Manager, or their respective designee.

(c) Evaporative cooling systems approved and installed prior to the effective date of this ordinance, may only be expanded or replaced with evaporative cooling equipment if such expansion or replacement results in a system that is equal to or more efficient than the existing technology and does not increase the system's overall water consumption.

Section 2. 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 3. 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 4. 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 _____, 2026.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2026.

_____
MIKE COFFMAN, Mayor

ATTEST:

_____
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

PETER A. SCHULTE, CITY ATTORNEY

By: Ian J Best RLA
IAN BEST, Sr. Assistant City Attorney

CITY OF AURORA
Late Submission Approval for Agenda Item

Item Title: Text Amendment to Update the Permitted Use Table and Definitions Regarding Data Centers
Item Initiator: Stacy Wasinger, Senior Planner, Planning and Business Development
Staff Source/Legal Source: Brandon Cammarata, Planning Manager, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Economically Strong: Building a conducive development climate, a diverse mix of industries and housing options, and fostering economic growth so that our community thrives and remains resilient.

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date

☐ The delay will result in an adverse financial impact to the city

☐ The item is related to a disaster and must be addressed before the next available meeting

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COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 8/24/2026

Regular Meeting: N/A

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Per direction from Council on August 10, 2026 and Resolution R2006-98, this item was to be brought back to City Council Study Session within 30 days. This item proposes an update of the UDO permitted use table and definitions as it pertains to data centers.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Brandon Cammarata
_____
Agenda Item Initiator Name

_____8/19/2026_
Agenda Item Initiator Signature Date

Laura Perry
_____
Late Submission Approver Name (Council Appointee or DCM)

_____ 08/19/26
Late Submission Approver Signature Date

CITY OF AURORA
Council Agenda Commentary

Item Title: Text Amendment to Update the Permitted Use Table Regarding Data Centers (Ordinance)
Item Initiator: Stacy Wasinger, Senior Planner, Planning and Business Development
Staff Source/Legal Source: Brandon Cammarata, Planning Manager, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney
Outside Speaker: N/A
Strategic Outcome: Economically Strong: Building a conducive development climate, a diverse mix of industries and housing options, and fostering economic growth so that our community thrives and remains resilient.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: ☒ Yes ☐ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Brandon Cammarata, Planning Manager, Planning and Business Development / Lena McClelland, Senior Assistant City Attorney
Estimated time: 10 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☒ Approve Item and Move Forward to Regular Meeting

☐ Information Only

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval

☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation

☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

On August 10, 2026, Resolution R2026-98 passed, directing staff to review Data Centers and propose regulations, as well as identify related items pertaining to Mixed Use and APZ zone districts and potential conflicts with residential uses.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The Unified Development Ordinance (UDO) defines a Data Center as: "A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes backup batteries and power generators, cooling units, fire suppression systems, and enhanced security features." This use is classified under industrial uses in the UDO Permitted Use Table.

Currently, a Data Center is a permitted use-by-right in the following zone districts:

- Mixed-Use Office/Institutional (MU-OI)
- Airport District (AD)
- Accident Potential Zone (APZ)
- Business/Tech District (I-1)
- Medium Industrial District (I-2)

A Data Center is a Conditional Use in the following zone districts:

- Mixed-Use Regional Activity Center (MU-R)
- Mixed-Use Airport (MU-A)

Of the zone districts that currently allow a Data Center as a use-by-right, the Mixed-Use Office/Institutional (MU-OI) Zone District also allows uses such as Schools, Multifamily, and Assisted Living Facilities. There are concerns that a Data Center may be established in proximity to these types of uses in the MU-OI district. Therefore, this item proposes to remove Data Center as a use-by-right in the MU-OI zone district and avoid proximity to residential, school, and other sensitive uses. It is important to note that there are two data centers currently in the City zoned MU-OI. If this amendment is approved, those two data centers would become legal nonconforming uses. The item proposes an amendment to the UDO text:

1. Modify the Permitted Use Table (Table 3.2-1) in the Unified Development Ordinance to remove "Data Center" as a permitted use in the MU-OI zone district. The "P" will be removed and the cell left blank.

See the attached Permitted Land Use Table for Data Center uses and map showing the MU-OI zoned property.

An item for future discussion may include updating the UDO definitions to clarify scale and size of permitted Data Center uses.

Proposed MU-OI Text Change Schedule
8/24/2026 - Council Study Session
9/23/2026 – Planning and Zoning Commission
10/12/2026 – City Council Public Hearing
10/26/2026 – City Council Second Reading

Exhibit A: Map of MU-OI zoned areas
Exhibit B: UDO Permitted Land Use Table for Data Center

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☐ Workload Impact ☐ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Does Council wish to support an Ordinance that would remove Data Center as a permitted use in the MU-OI zone district?

LEGAL COMMENTS

The City Council is the governing body of the City and has the authority to approve amendments to the text of the UDO. (UDO §146-5.1.1.A)
The City Council shall conduct a public hearing on the application. (UDO §146-5.4.1.C.2.c)
Amendments to the text of the UDO shall only be approved if City Council finds that the proposed amendment is consistent with the spirit and intent of the Comprehensive Plan and with other policies and plans adopted by the City Council; and (a) the text amendment is required because of changed conditions or circumstances in all or a portion of the City; or (b) the text amendment is required to address a new or unforeseen threat to the public health, safety, and welfare; or (c) the text amendment is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare. (UDO §146-5.4.1.C.3.b.i) (McClelland)

EXHIBIT A


Legend
MU-OI
E 29TH AVE
E MONTVIEW BLVD
E COLFAX AVE
E 6TH AVE
E LOWRY BLVD
E ALAMEDA AVE
E ALAMEDA PKWY
E MISSISSIPPI AVE
E EVANS AVE
E HAMPDEN AVE
E UNION AVE
E BELLEVIEW AVE
E ILIFF AVE
E JEWELL AVE
E SMITH RD
E 32ND PKWY
E STEPHEN D HOGAN PKWY
E 14TH AVE
E 6TH PKWY
E 6TH SH 30 AVE
N QUEBEC ST
S QUEBEC ST
N PEORIA ST
S PEORIA ST
N HAVANA ST
S HAVANA ST
S PARKER RD
N CHAMBERS RD
S CHAMBERS RD
N AIRPORT BLVD
S AIRPORT BLVD
S BUCKLEY RD
S TOWER RD
N PICADILLY RD SB
N PICADILLY RD
N GUN CLUB RD
S GUN CLUB RD
S GUN CLUB SH 30 RD
S HARVEST RD
S RESERVOIR RD
S YOSEMITE ST
E CHERRY CREEK DAM RD
225
70
E-470

Table 3.2-1 Permitted Use Table	P = Permitted C = Conditional use	A = Accessory to primary use T = Temporary use	V = Permitted if structure vacant for 5 years or more

	RESIDENTIAL								MIXED-USE													SPECIAL PURPOSE					OVERLAY DISTRICTS
ZONE DISTRICT & Subarea or Subdistrict		R-1		R-2					MU-N				MU-OA						MU-TOD								
Land Use	R-R	A&B	C	A&B	C	R-3	R-4	R-MH	A&B	C	MU-OI	MU-C	OA-R1	OA-R2	OA-RMU	OA-MS	OA-G	MU-FB	Core	Edge	MU-R	MU-A	AD	APZ	I-1	I-2	POS	USE SPECIFIC STANDARD
Industrial																												
Data Center											P										C	C	P	P	P	P		

ORDINANCE NO. 2026- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.2 OF THE UNIFIED DEVELOPMENT ORDINANCE PERTAINING TO DATA CENTERS

WHEREAS, Section 146-5.4.1.C.3 of the Unified Development Ordinance provides that all applications for ordinance text amendments shall be presented for a public hearing, both to the Planning and Zoning Commission, who shall render a recommendation to City Council, and to the City Council for final decision; and

WHEREAS, on _____, following a public hearing, the Planning and Zoning Commission voted to recommend the ordinance text amendment to City Council.

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

Section 1. Section 146-3.2 Table 3.2-1 of the Unified Development Ordinance of the City of Aurora, Colorado, is hereby amended as follows:

Table 3.2-1 **Permitted Use Table**	**P = Permitted** **C = Conditional use**	**A = Accessory to primary use** **T = Temporary use**	**V = Permitted if structure vacant for 5 years or more**	
	RESIDENTIAL	**MIXED-USE**	**SPECIAL PURPOSE**	

ZONE DISTRICT & Subarea or Subdistrict		R-1		R-2					MU-N				MU-OA							MU-TOD								
Land Use	**R-R**	**A&B**	**C**	**A&B**	**C**	**R-3**	**R-4**	**R-MH**	**A&B**	**C**	**MU-OI**	**MU-C**	**OA-R1**	**OA-R2**	**OA-RMU**	**OA-MS**	**OA-G**	**MU-FB**	**Core**	**Edge**	**MU-R**	**MU-A**	**AD**	**APZ**	**I-1**	**I-2**	**POS**	**USE SPECIFIC STANDARD**
COMMERCIAL AND INDUSTRIAL USES																												
Industrial																												
Data Center											~~P~~										C	C	P	P	P	P		
Equipment Rental and Repair												P										C	P		P	P		3.3.5.AA

Section 2. 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 3. 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 4. 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 _____, 2026.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2026.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM BY:
CITY ATTORNEY PETE SCHULTE

BY: Lena McClelland RLA
Lena McClelland, Sr. Assistant City Attorney

CITY OF AURORA
Late Submission Approval for Agenda Item

Item Title: Data Center Discussion
Item Initiator: Kelly Ladie / Executive Specialist CMO
Staff Source/Legal Source: Laura Perry Deputy City Manager / Rachel Allen Deputy City Attorney
Outside Speaker: Click here to type the name and title (e.x. Jane Smith, Executive Director) of outside speaker(s)
Strategic Outcome: Select a Strategic Outcome

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

☒ There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date

☐ The delay will result in an adverse financial impact to the city

☐ The item is related to a disaster and must be addressed before the next available meeting

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COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: 8/24/2026

Regular Meeting: Click or tap to enter a date or type N/A

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Item is being added to the 8/24 Study Session per council discussion at the August 10th City Council meeting.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Kelly Lardie	Laura Perry
Agenda Item Initiator Name	Late Submission Approver Name (Council Appointee or DCM)
Kelly Lardie 08/12/2026	08/12/2026
Agenda Item Initiator Signature Date	Late Submission Approver Signature Date

CITY OF AURORA
Council Agenda Commentary

Item Title: Data Center Standards Discussion
Item Initiator: Kelly Lardie, Executive Specialist, General Management
Staff Source/Legal Source: Jason Batchelor, City Manager / Rachel Allen, Deputy City Attorney
Outside Speaker: N/A
Strategic Outcome: Economically Strong: Building a conducive development climate, a diverse mix of industries and housing options, and fostering economic growth so that our community thrives and remains resilient.

COUNCIL MEETING DATES:

Study Session: 8/24/2026

Regular Meeting: Click or tap to enter a date or type N/A

2nd Regular Meeting (if applicable): Click or tap to enter a date or type N/A

Item requires a Public Hearing: ☐ Yes ☒ No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Waiver of reconsideration requested, and if so, why
- Sponsor name
- Staff source name and title / Legal source name and title
- Outside speaker name and organization
- Estimated time: (For Study Session items only indicate combined time needed for presentation and discussion)

Jason Batchelor, City Manager / Rachel Allen, Deputy City Attorney
Estimated time: 25 mins

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

☐ Approve Item and Move Forward to Study Session

☐ Approve Item and Move Forward to Regular Meeting

☒ Information Only

☐ Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

☐ Approve Item as Proposed at Policy Committee

☐ Approve Item as Proposed at Study Session

☐ Approve Item as Proposed at Regular Meeting

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: N/A

Policy Committee Date: N/A

Action Taken/Follow-up: ***(Check all that apply)***

☐ Recommends Approval ☐ Does Not Recommend Approval

☐ Forwarded Without Recommendation ☐ Minutes Not Available

☐ Minutes Attached

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

At the August 3, 2026 City Council Meeting City Council voted to approve a resolution directing City Management to update data center development standards in the city's Unified Development Ordinance (UDO) which include:

- Prohibit the use of evaporative cooling in large scale commercial and industrial Data Centers; and
- Establish setbacks and/or landscape buffers to ensure appropriate placement of Data Centers within mixed use or APZ zone districts to mitigate any adverse neighborhood impacts; and
- Address any additional issues as may be deemed necessary and appropriate by the City Manager that are not inconsistent with this Resolution

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

City staff will make a presentation on data center development requirements as well as discuss and seek feedback from City Council on which specific areas City Council wishes to discuss for additional data center regulations during the next Study Session.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

☐ Revenue Impact ☐ Budgeted Expenditure Impact ☐ Non-Budgeted Expenditure Impact
☒ Workload Impact ☐ No Fiscal Impact

REVENUE IMPACT
Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

N/A

BUDGETED EXPENDITURE IMPACT
Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

N/A

NON-BUDGETED EXPENDITURE IMPACT
Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

N/A

WORKLOAD IMPACT
Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

Analysis and coordination of new data center development standards between Planning, Development Services, and Aurora Water. Workload will be absorbed between departments.

QUESTIONS FOR COUNCIL

Which specific areas does Council wish to discuss for additional data center regulations during the next Study Session:

1. Setbacks?
2. Additional noise regulations?
3. Screening?
4. Other areas?

LEGAL COMMENTS

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in the city manager's charge, and to that end the city manager shall have the power and duty to attend council meetings and participate in discussions with the council in an advisory capacity and inform the public concerning plans and activities of the council and of the city administration. (City Charter Section 7-4(i-j)).

The City Manager, or designee, is hereby directed to bring forward ordinances for consideration by the City Council within thirty-five (35) days to b) establish setbacks and/or landscape buffers to ensure appropriate placement of Data Centers within mixed use or APZ zone districts to mitigate any adverse neighborhood impacts; and c) address any additional issues as may be deemed necessary and appropriate by the City Manager that are not inconsistent with this Resolution (R2026-98 Section 1(b-c)). (Allen)

Data Center
Development Standards Discussion

August 24, 2026
Study Session

Data Center Development Standards Resolution

Resolution passed by Council at the August 10th City Council meeting included the following direction to City Management:

- Prohibit the use of evaporative cooling in large scale commercial and industrial Data Centers; and
- Establish setbacks and/or landscape buffers to ensure appropriate placement of Data Centers within mixed use or APZ zone districts to mitigate any adverse neighborhood impacts; and
- Address any additional issues as may be deemed necessary and appropriate by the City Manager that are not inconsistent with this Resolution

Overview of Data Center Regulations

- The Unified Development Ordinance (UDO) defines a Data Center as:
  "A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes backup batteries and power generators, cooling units, fire suppression systems, and enhanced security features."

- Classified as industrial use in Aurora.

- UDO industrial regulations apply: Setbacks, buffering, height, and screening.

- Power allocation is governed by PUC and Xcel Energy.

Zoning and Land Use

Permitted By Right	Conditional
AD – Airport District APZ – Accident Potential Zone I-1 – Business/Tech District I-2 – Medium Industrial District MU-OI – Mixed-Use Office/Institutional	MU-R – Mixed-Use Regional Activity Center MU-A – Mixed-Use Airport

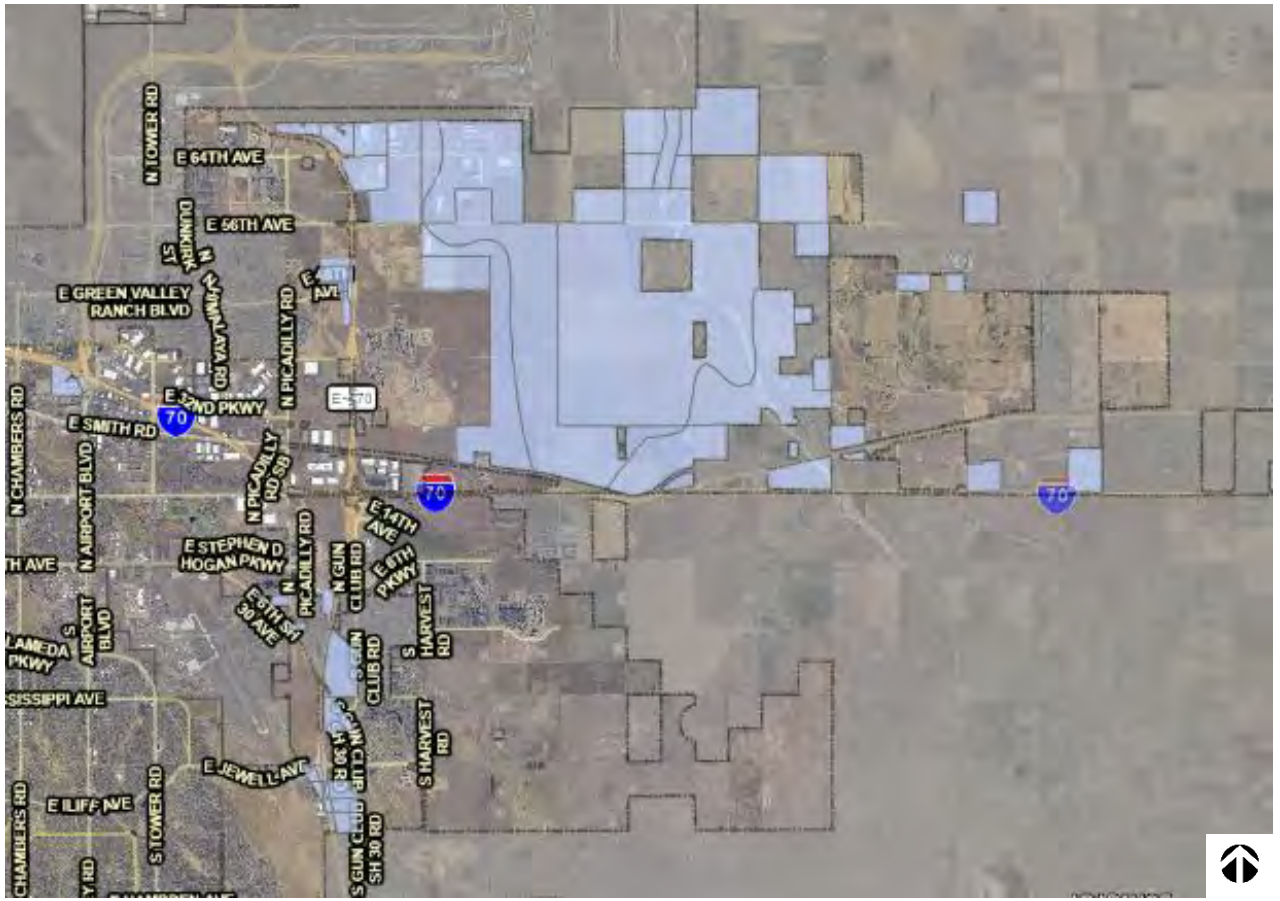
Mixed-Use Office/Institutional (MU-OI)

- Accommodates office, institutional, and related low impact uses near residential areas.
- District permits low- to medium-scale, low traffic generating office and residential uses to buffer single-family residential areas from nearby more intensive commercial development.
- Located throughout Aurora
- Permits some residential uses



Airport District (AD)

- Intended to take advantage of the nearby regional and national transportation hubs and infrastructure.
- Expands employment opportunities created by the strategic location of these lands near the airports operating in or near Aurora
- Ensures development is located and designed to be consistent operation of those airports.
- Located primarily in northeast Aurora near DIA
- Does not permit residential uses



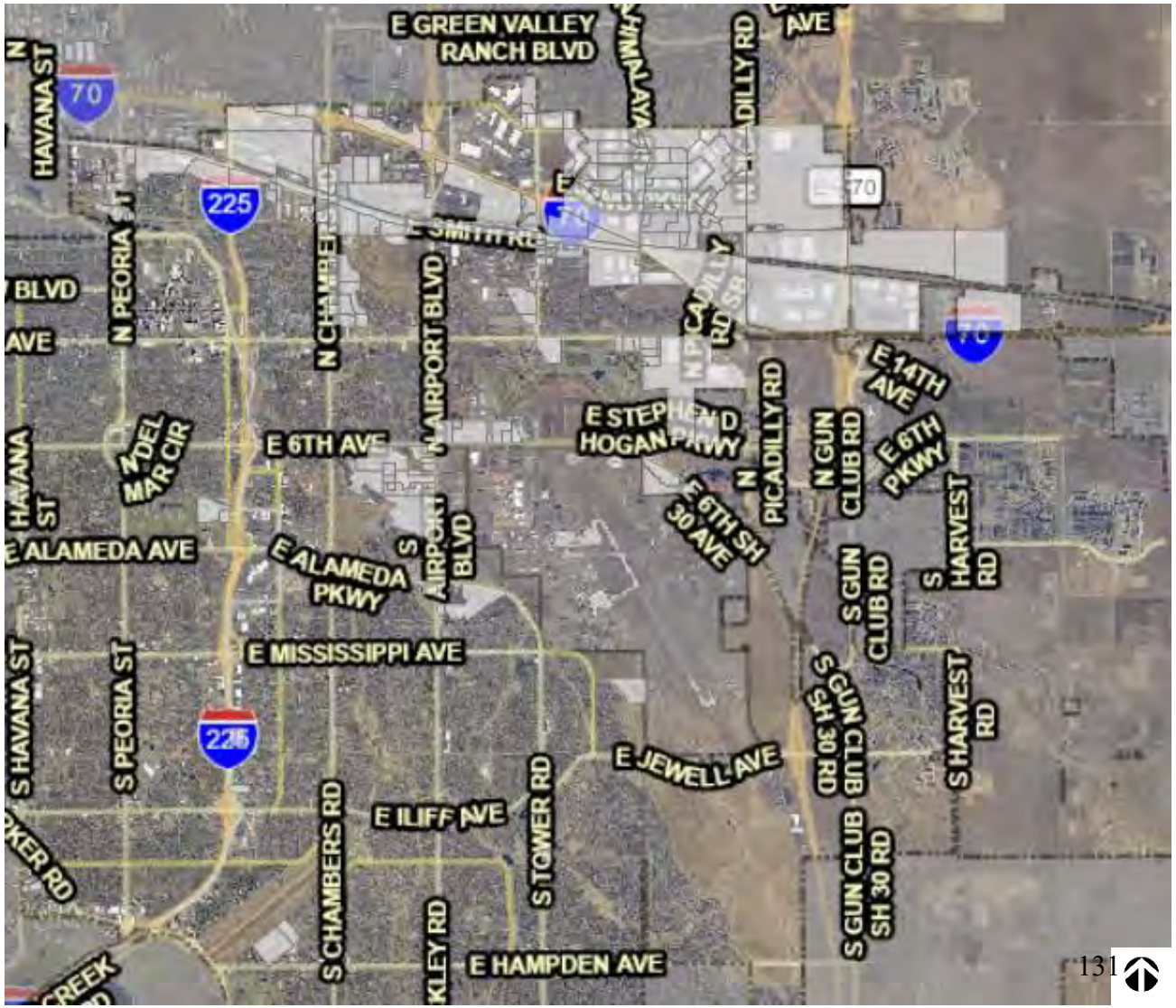
Accident Potential Zone (APZ)

- Requires development near military airport facilities to comply with the regulations of the U.S. Department of Defense, and any other applicable aviation regulations, regarding land uses, building heights, and other factors.
- Protects public from hazard impacts of airport operations, minimizing exposure to crash hazards generated by military airport operations
- Located primarily in east Aurora, surrounding Buckley Space Force Base
- Permits single family residential uses but does not allow gathering uses such as schools



Business/Tech District (I-1)

- Provides employment centers with offices, office showrooms, light manufacturing, research and development operations, and a limited range of associated retail services
- Low- to medium scale with high building design quality in an integrated or campus-like setting.
- Located primarily along the I-70 corridor and in center-east Aurora
- Does not permit residential uses



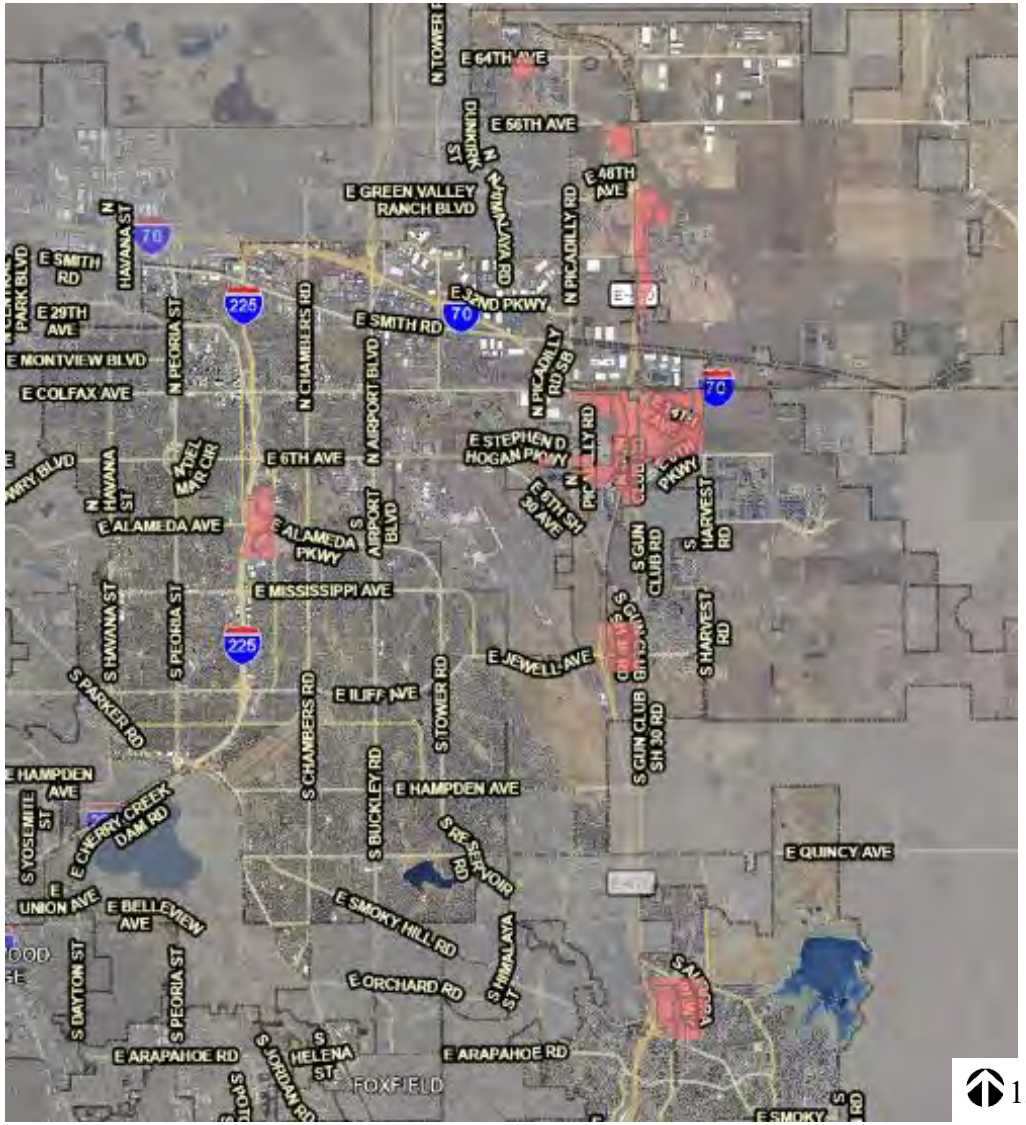
Medium Industrial District (I-2)

- Provides locations for all industrial uses that are not permitted in the I-1 zone district, while mitigating impacts on surrounding areas to the extent practicable.
- Includes certain public facilities that are needed to serve this district and nearby neighborhoods.
- Located primarily along the I-70 corridor
- Does not permit residential uses



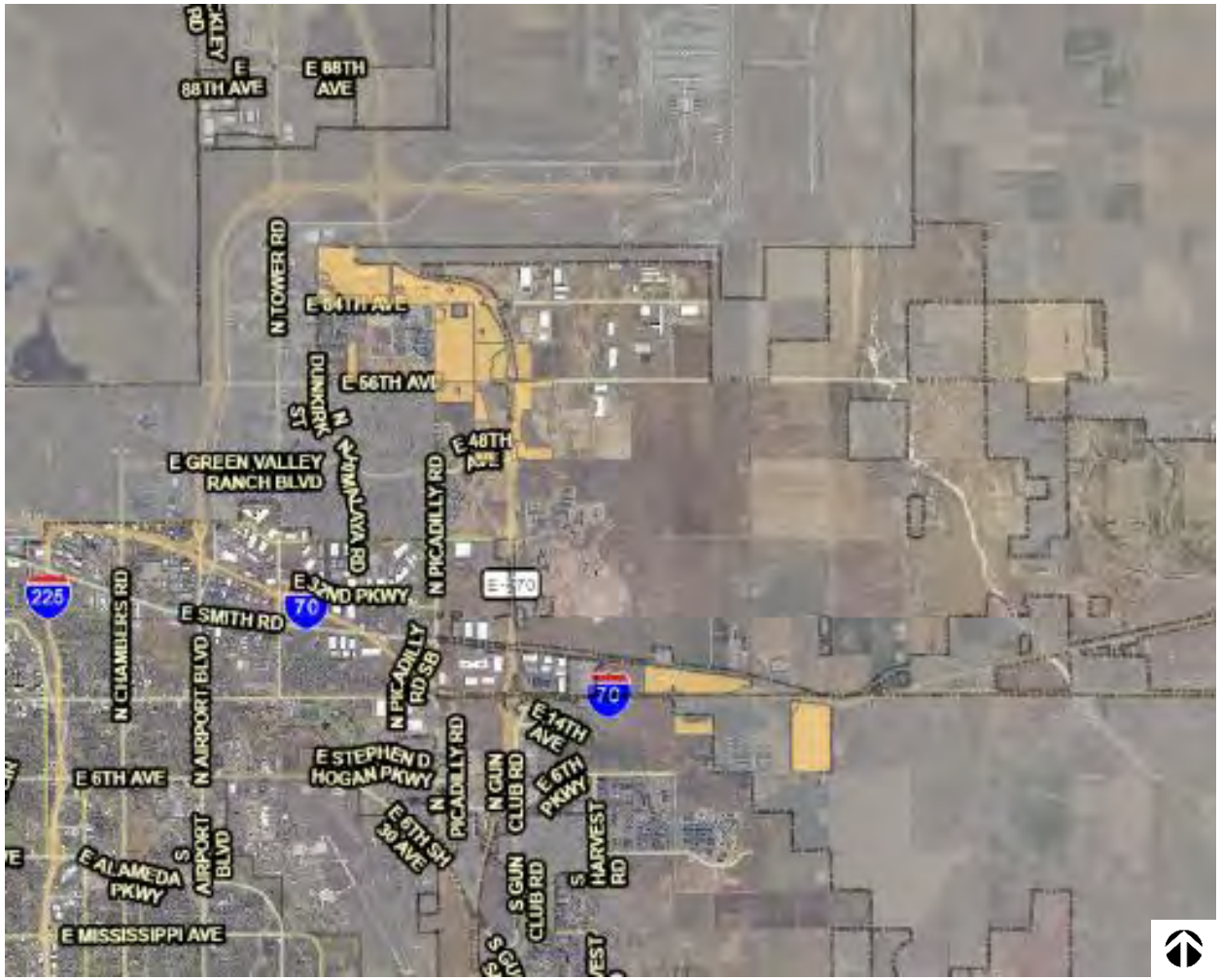
Mixed-Use Regional Activity Center (MU-R)

- Intended to serve “image making” areas in Aurora such as gateways, major arterial street and highway intersections, and regional activity centers.
- Allows for a mix of medium- to high-density residential and regional commercial uses, as well as other uses
- Intends to promote a distinctive, unified character and to ensure high-quality development.
- Located primarily at major gateways and highway intersections
- Permits some residential uses



Mixed-Use Airport (MU-A)

- Enables the development of master planned developments that allow for a mix of uses
- Allows Aurora to leverage the economic opportunities created by Denver International Airport.
- Located primarily west and south of Denver International Airport
- Permits a range of residential uses



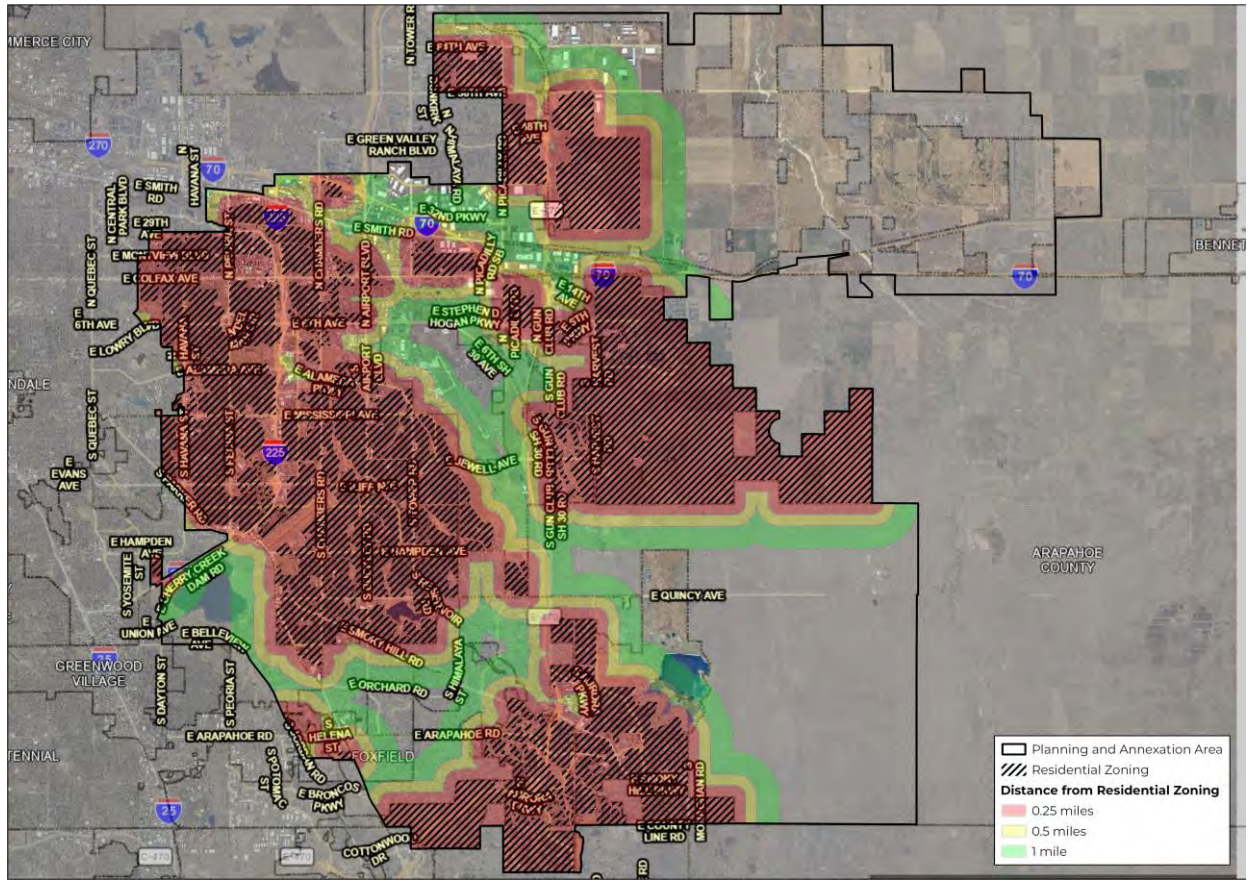
Setbacks and Buffer Requirements

- Industrial setbacks apply as defined in UDO Zone District Standards.
- Landscape buffers required per UDO when adjacent to residential.
- Ground-mounted equipment must be screened.

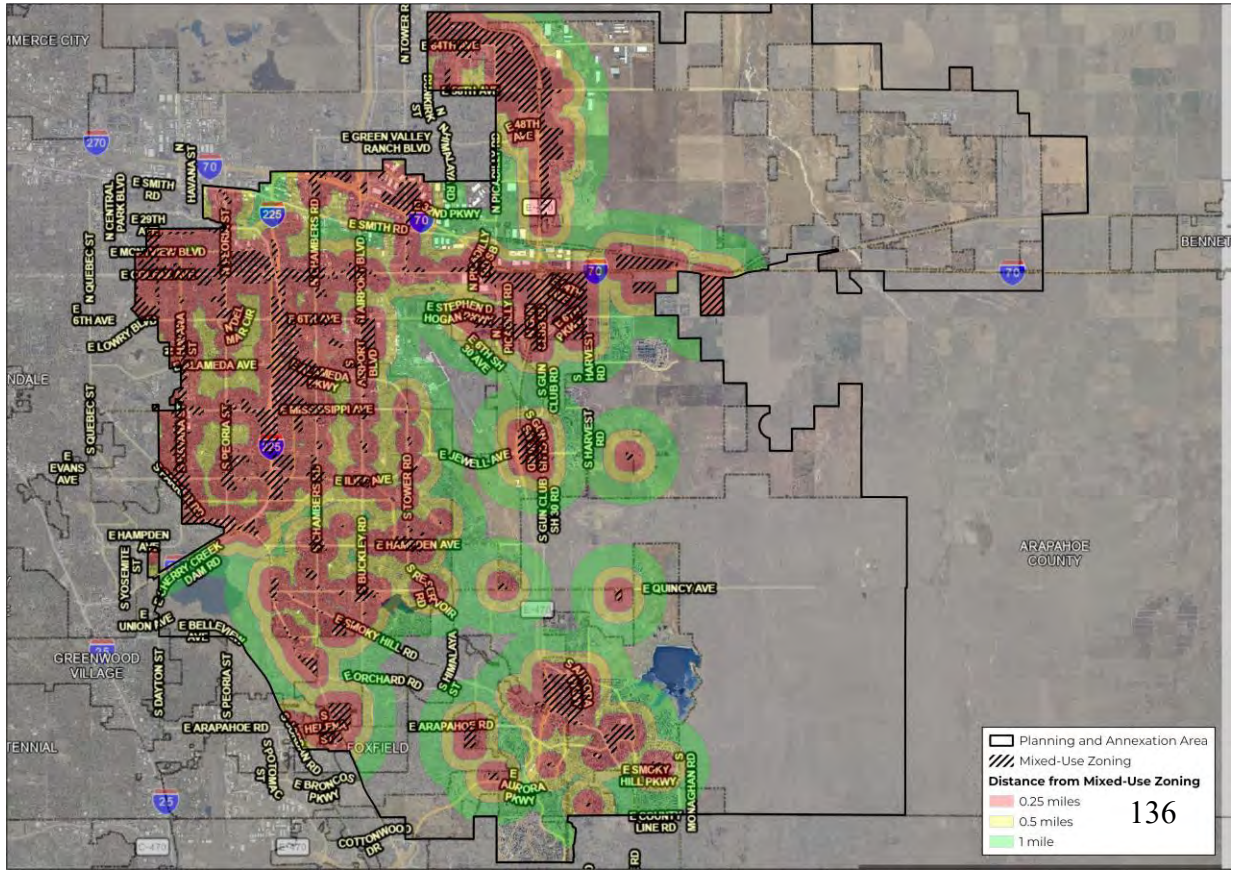
Setbacks and Buffer Requirements

If a buffer were established based on distance from a residential zone, a data center would not be able to be established within these buffers.

Distance from Existing Residential Zoning

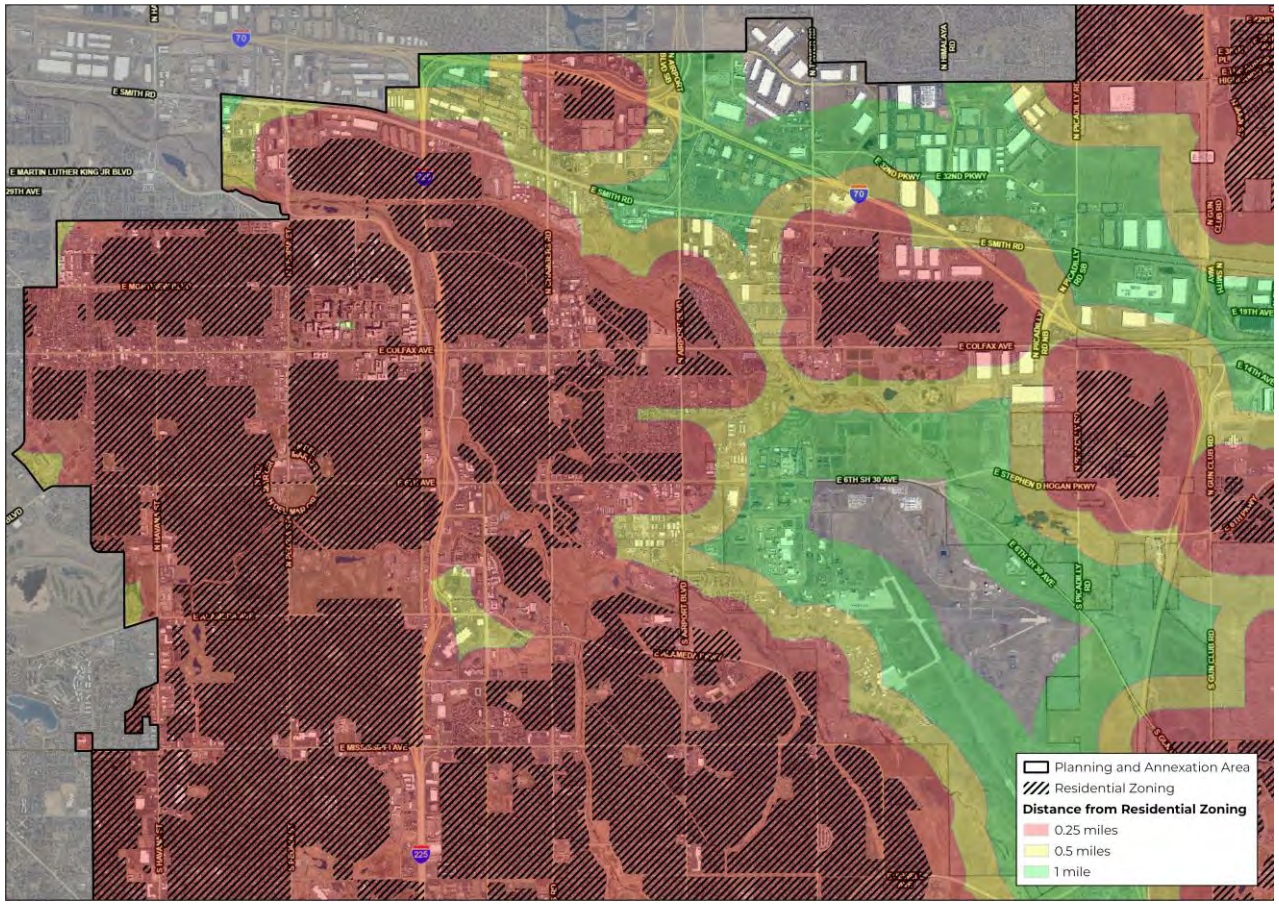


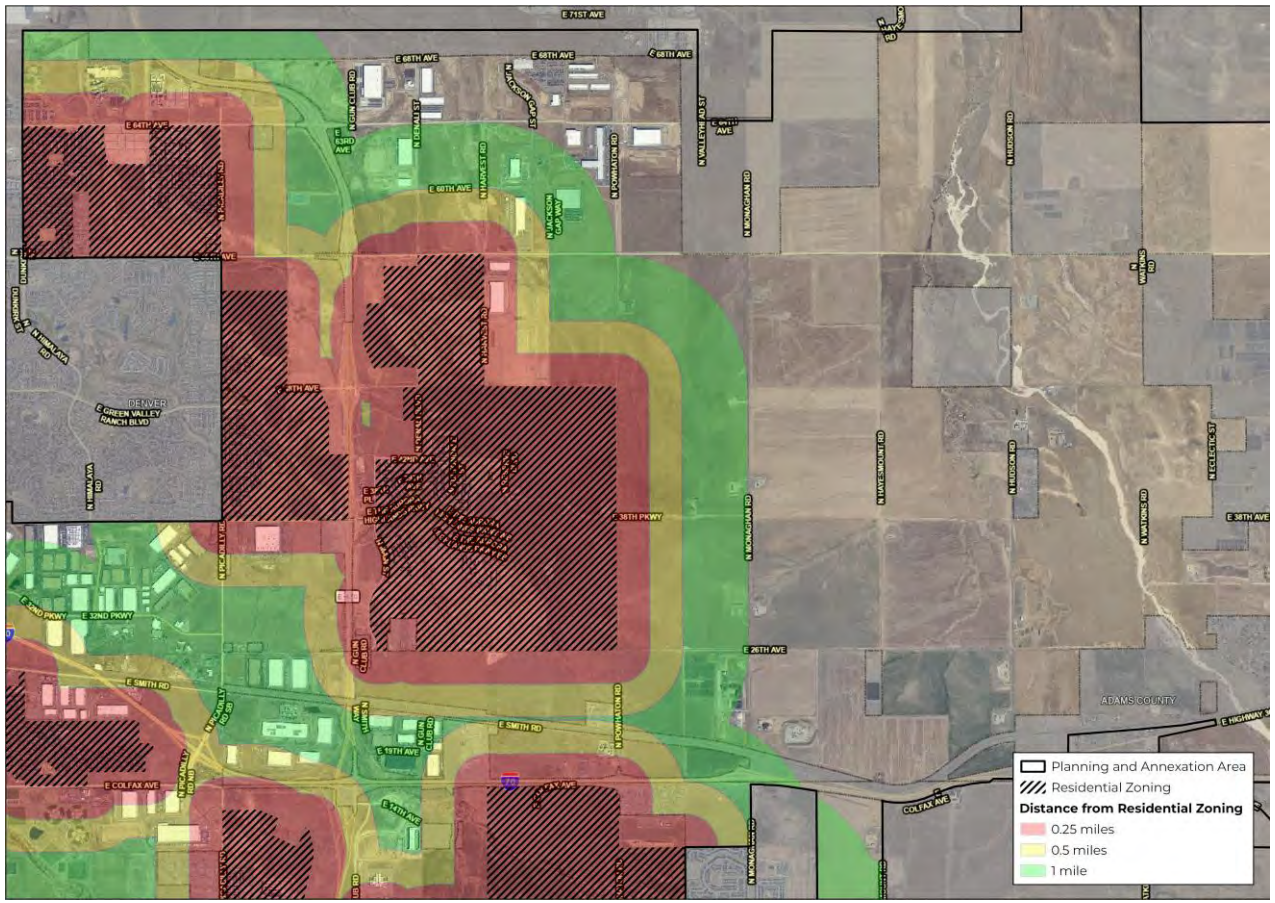
Distance from Mixed-Use Zoning



Setbacks and Buffer Requirements

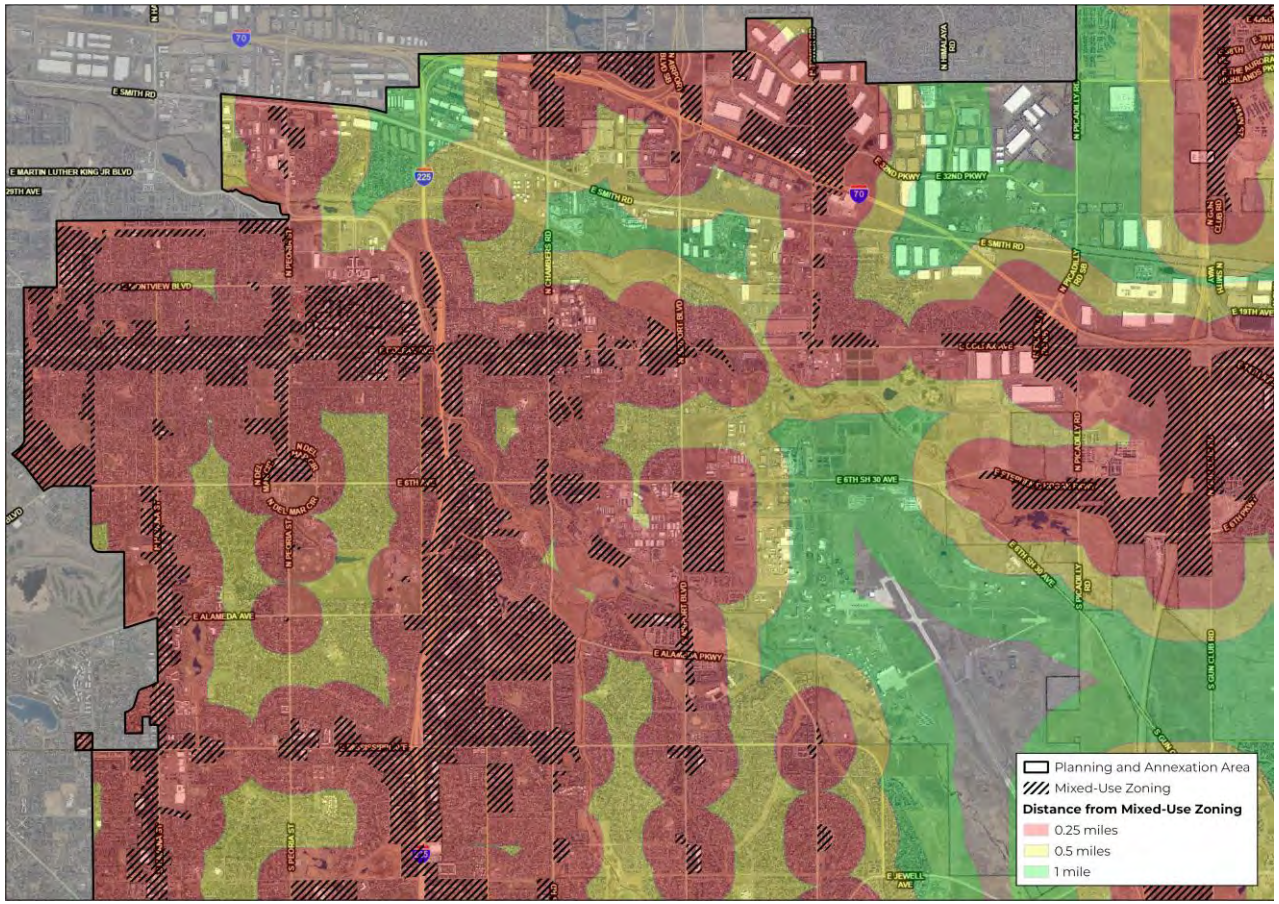
Distance from residential zoning – detailed views

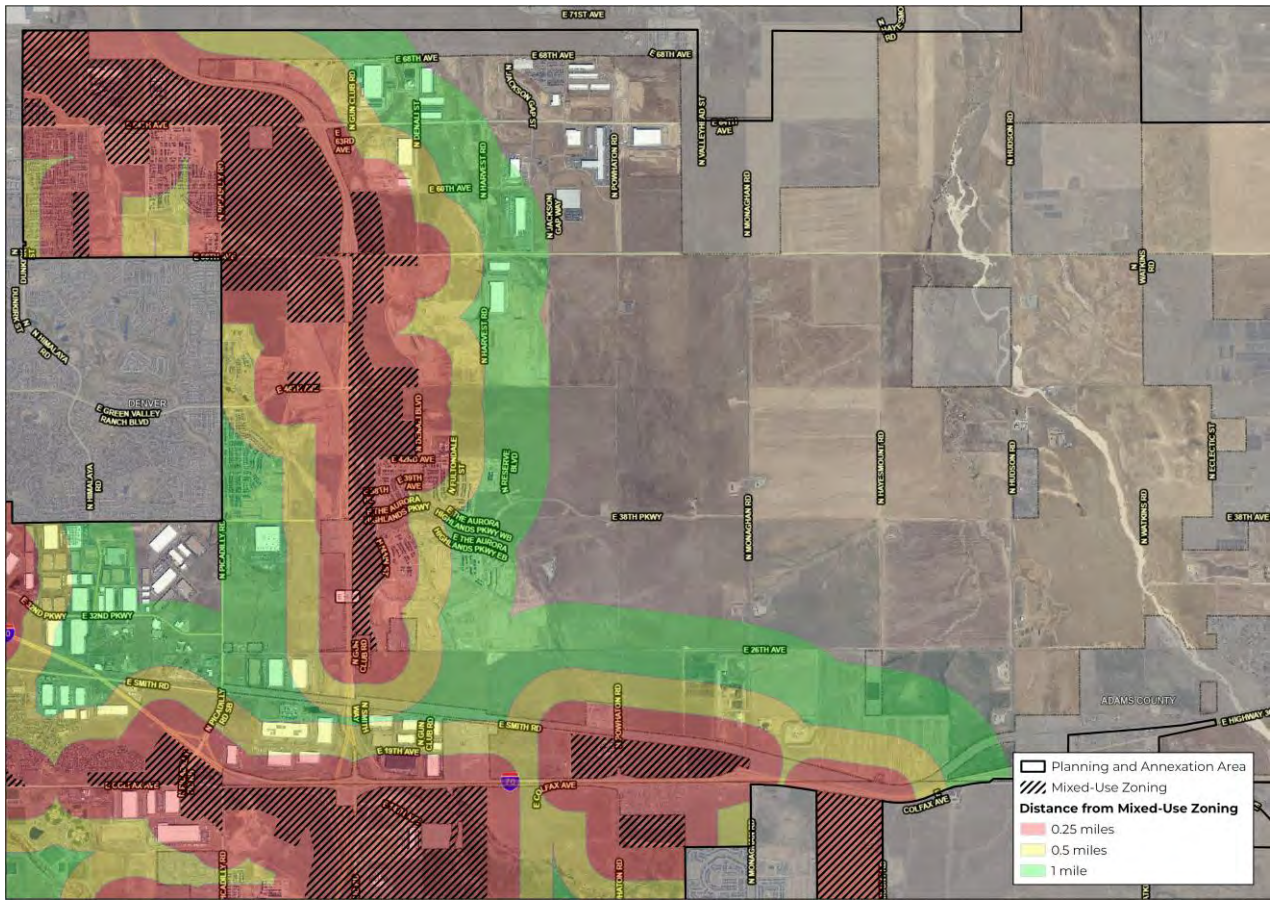




Setbacks and Buffer Requirements

Distance from mixed-use zoning – detailed views





Jurisdictional Buffer Comparisons

- Other jurisdictions have adopted a range of buffers, typically measured as a distance from residential zones or uses

Municipality or County	Minimum Buffers/Setbacks from Residential
Augusta, GA	500 ft
Aurora, IL	1,500 ft (Roof-mounted chillers); 1,000 ft (Ground-mounted chillers)
Chesapeake, VA	1320 ft from residential zoning; 2640 ft from existing residential structure
DeKalb Co, GA	500 ft; 2,640 ft from a high-capacity transit stop.
Fairfax Co, VA	200 ft
Fort Worth, TX	250 ft
Manassas, VA	100 ft
Phoenix, AZ	150 ft; 2,640 ft from a high-capacity transit station.
Tucson, AZ	2,640 ft
Wixom, MI (Detroit Suburb)	1,500 ft; A Data Center shall not be located adjacent to residentially used or zoned property.

City Council – Setbacks and Buffer Discussion

- Does City Council desire a buffer from data centers to residential or from residential to data centers?
    - ¼ mile
    - ½ mile
    - 1 mile
    - Other

Council Discussion: Other Data Center Development Requirements

UDO Definition

- The current UDO definition does not distinguish scale or size of data centers
  - Staff proposes reviewing the current definition and suggesting at least two categories of data centers

  - Consider updating or adding definitions to clarify scale of allowed data center by zoning district if desired
    - Should different scale of data centers be Permitted Use or Conditional Use in various districts?

Building and Site Standards

- Data center projects need to follow the UDO standards for Street Frontage Landscape Buffers, which does not require, but can include, walls.

- Roof-mounted chillers are allowed but must be screened from view

- No lot coverage, acreage, or facility size maximums.

Noise and Testing Standards

- Permissible maximum noise levels defined in UDO
- Data center projects need to provide acoustical studies showing that the projects are meeting these sound levels.
- Annual third-party acoustical reports could be required
- State regulates generator emissions and testing.

Table 4.11-1
Maximum Permissible Sound Levels [1]

Adjacent Land Use [2]	Max decibels (dBA) 7am-9pm	Max decibels (dBA) 9pm-7am
Residential	55	45
Commercial or Mixed-Use	60	55
I-1 zone district	70	65
I-2 zone district	80	75

Notes:

[1] Construction work is subject to standards applicable to the I-2 district from 7 am to 5 pm, the standards applicable to the I-1 district from 5 pm to 9 pm, and the standards based on adjacent land uses between 9 pm and 7am. Operation of trash compactor trucks is subject to the standards applicable to the I-2 district at all times.

[2] If there is more than one adjacent land use, the standard for the more restrictive applies

Additional Issues Council Feedback

Which specific areas does Council wish to discuss for additional data center regulations during the next Study Session:

1. Setbacks?
2. Additional noise regulations?
3. Screening?
4. Other areas?

Data Center UDO and Code Update Next Steps

Potential Text Change Schedule

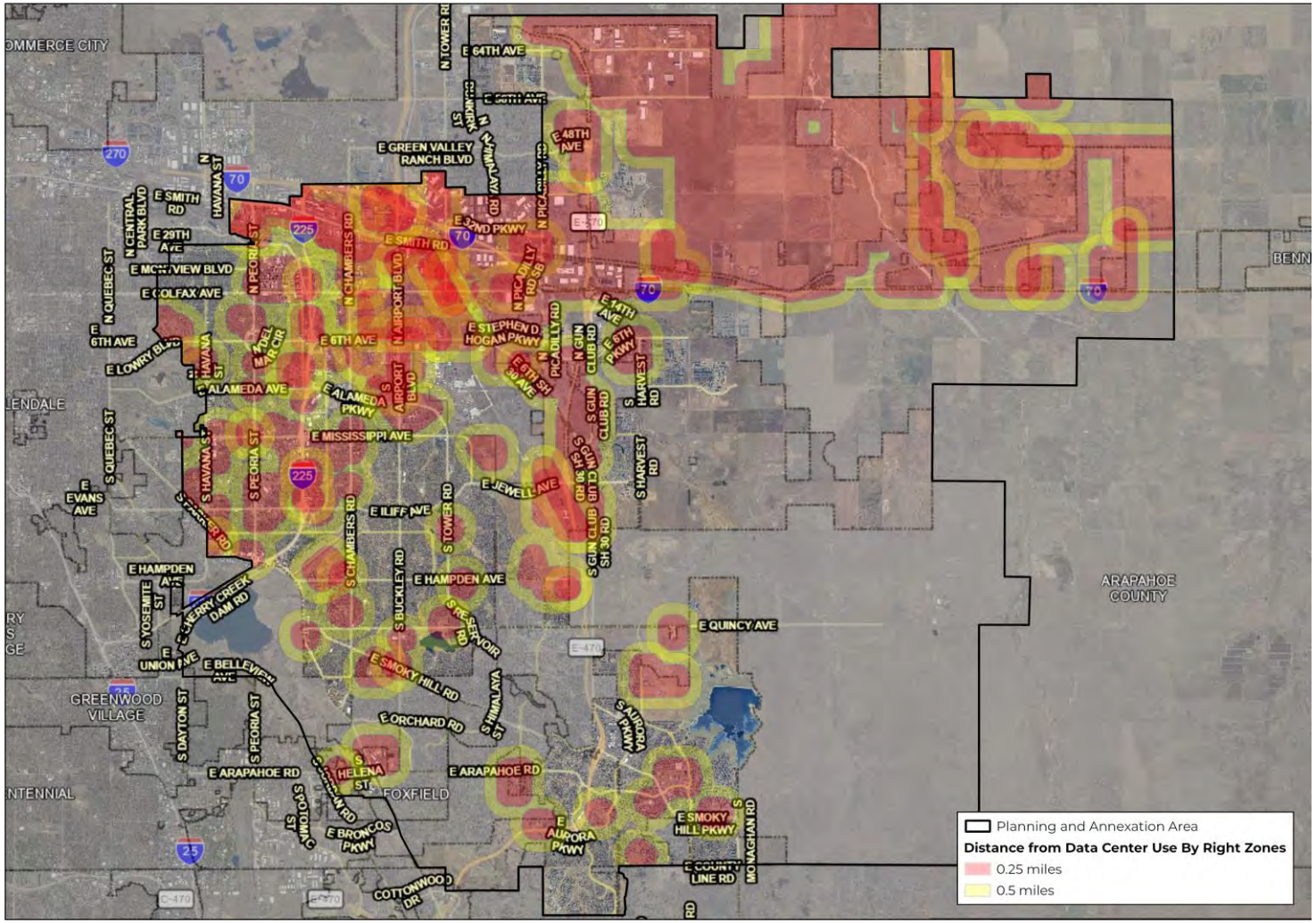
- 8/24/2026 - Council Study Session
- 9/14/2026 – Council Study Session
- Fall 2026 – Planning and Zoning Commission
- Winter 2026– City Council Public Hearing
- Winter 2026 – City Council Second Reading

Appendix

Setbacks and Buffer Requirements

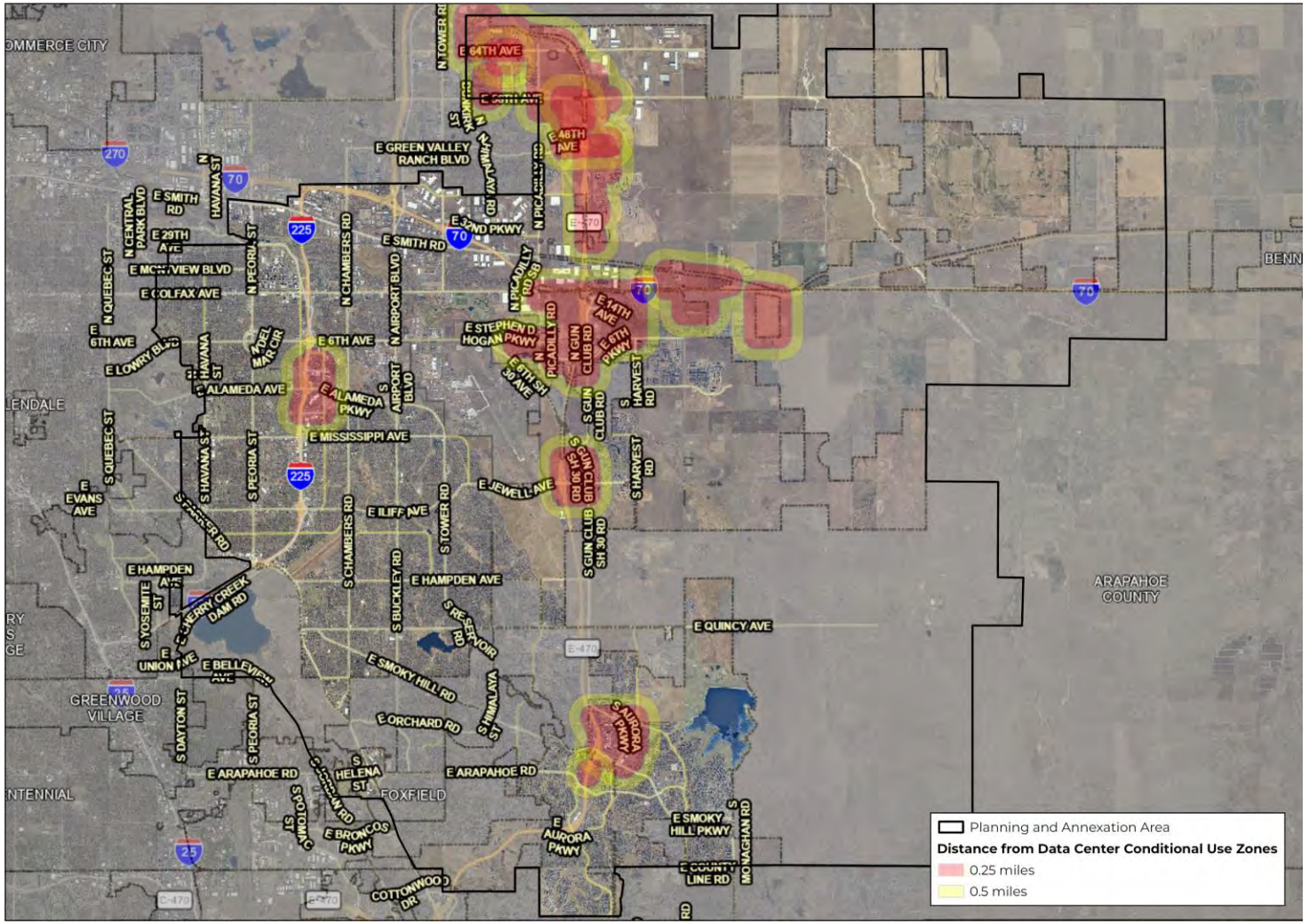
- Demonstrates distance from zones where a data center is currently a permitted use

- If a buffer were established based on distance from these zones, residential or other sensitive uses may not be established within these buffers



Setbacks and Buffer Requirements

- Demonstrates distance from zones where a data center is currently a conditional use
- If a buffer were established based on distance from these zones, residential or other sensitive uses may not be established within these buffers


Planning and Annexation Area
Distance from Data Center Conditional Use Zones
0.25 miles
0.5 miles
ARAPAHOE COUNTY
GREENWOOD VILLAGE
FOXFIELD
E 64TH AVE
E 48TH AVE
E GREEN VALLEY RANCH BLVD
E SMITH RD
E 29TH AVE
E MONTVIEW BLVD
E COLFAX AVE
E 6TH AVE
E LOWRY BLVD
E ALAMEDA AVE
E ALAMEDA PKWY
E MISSISSIPPI AVE
E JEWELL AVE
E ILIFF AVE
E HAMPDEN AVE
E QUINCY AVE
E SMOKY HILL RD
E ORCHARD RD
E ARAPAHOE RD
E BELLEVIEW AVE
E UNION AVE
E EVANS AVE
E 14TH AVE
E 6TH PKWY
E STEPHEN D HOGAN PKWY
E AURORA PKWY
E SMOKY HILL PKWY
E COUNTY LINE RD
E BRONCOS PKWY
COTTONWOOD DR
N TOWER RD
N HAVANA ST
N CENTRAL PARK BLVD
N QUEBEC ST
N PEORIA ST
N CHAMBERS RD
N AIRPORT BLVD
N PICADILLY RD
N GUN CLUB RD
S HAVANA ST
S QUEBEC ST
S PEORIA ST
S CHAMBERS RD
S AIRPORT BLVD
S PICADILLY RD
S GUN CLUB RD
S HARVEST RD
S TOWER RD
S BUCKLEY RD
S RESERVOIR RD
S AURORA PKWY
S MONAGHAN RD
S DAYTON ST
S HELENA ST
S SCHOMBURG ST
S DEL MAR CIR
JERRY CREEK DAM RD
SH 30 RD
SH 30 RD
SH 30