

### 3.3.6. ACCESSORY AND TEMPORARY USES.

- A. *Generally.* In the MU-N districts, all accessory uses operating between the hours of 12:00 midnight and 6:00 a.m. shall require conditional use approval.
- B. *Ambulance Service.*
1. In the Residential zone districts, this use is only permitted as an accessory use to a hospital.
  2. In all other districts, this use is only permitted when a 300 foot or greater distance between the building and the nearest Residential zone district exists. Where this separation does not exist conditional use approval shall be required.
- C. *Christmas Tree Sales.* Christmas tree sales are permitted between the months of October and December of each year. Such use shall be allowed only upon fulfilling the requirements of licensing, security bonds, and clearance of debris remaining from the sale as all applicable requirements of the Aurora City Code.
- D. *Donation Collection Bin.*
1. No donation collection bin shall be placed or allowed to remain on any property unless an annual (calendar year) donation collection bin permit has been issued by the City and remains in effect.
  2. The renewal of the donation collection bin permit for subsequent one-year periods is subject to payment of a new donation collection bin permit fee and full compliance with all applicable City ordinances and conditions of the donation collection bin permit.
  3. At a minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.
  4. Only one bin is permitted per lot, and each bin shall not exceed a footprint of 25 square feet or be taller than six feet in height. Bins shall be made of metal, steel, or similar durable product.
  5. No donation collection bin shall be located on property zoned for residential use, except for places of worship and public, private elementary, vocational or secondary schools.
  6. Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin shall not reduce the number of available parking spaces below the minimum number required for the lot.
  7. No bin shall be placed in the following locations:
    - a. Within a required building setback;
    - b. Within a site visibility triangle;
    - c. Within an access easement;
    - d. In a driveway, sidewalk, or other pedestrian circulation area;

- e. Within five feet of any fire hydrant;
- f. Within any fire lane;
- g. Within required landscaped areas;
- h. In whole or in part upon any portion of a public-right-of-way or projecting onto or over any part of a public right-of-way; or
- i. On an undeveloped parcel of land.

8. Each donation collection bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or city.

9. Each bin shall be enclosed by use of a one-way receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

10. Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.

11. Within 10 days after completion of the temporary use, the bin shall be removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

E. *Drive-Up or Drive-Through Facility.*

1. Drive-up or drive-through facilities are limited to the following uses: restaurant, grocery, bank, pharmacy, and coffee and/or bakery shops.

2. No liquor or marijuana sales shall occur through a drive-up or drive-through window.

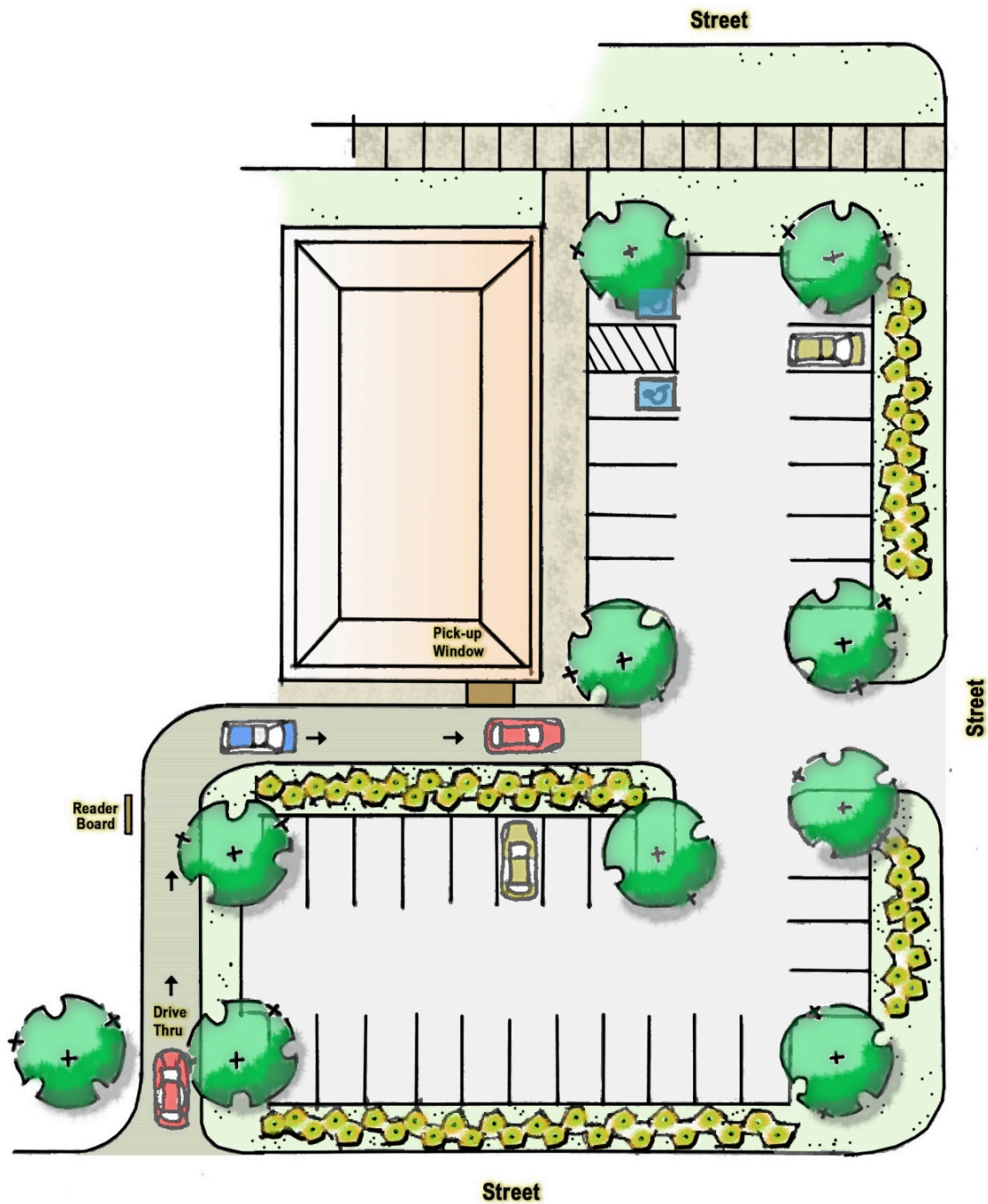
3. In the MU-TOD zone district:

a. A drive-up or drive-through accessory facility for a grocery store or bank may be a permitted use in the Nine Mile or City Center Station Area only. No other drive-up or drive-through facilities are permitted in the MU-TOD district.

b. The drive-up or drive-through lane may not pass between the front façade of the primary structure and the front lot line.

4. In the MU-OA zone district:

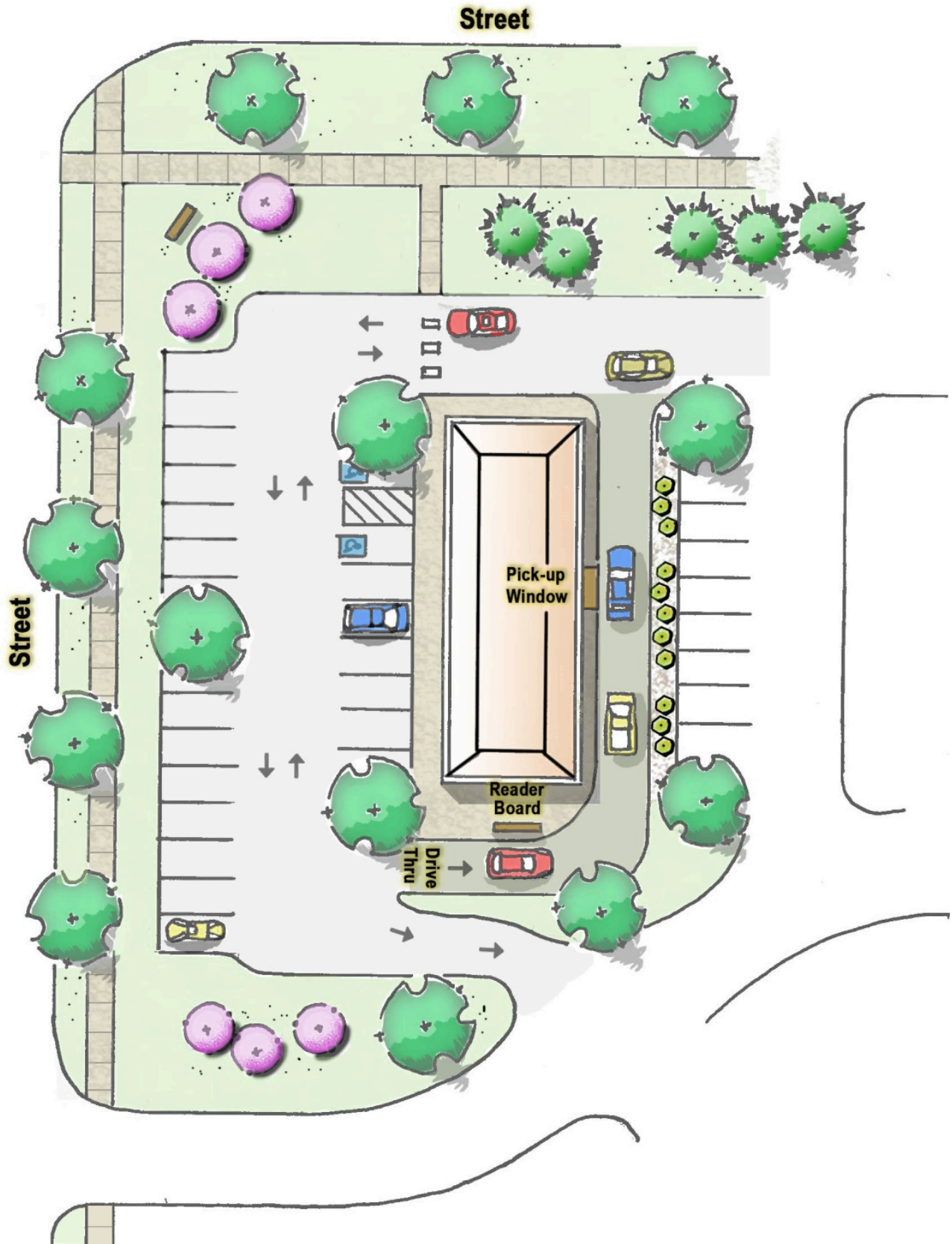
Drive-up or drive-through windows and aisles shall be located on the rear of primary structures, or a side of the structure not adjacent to a public street, to minimize their visibility from public streets and to minimize interference with pedestrian access from sidewalk to the entrances of the primary building.



**Figure 3.3-1: Drive-up or Drive-through on Rear of Structure**

- 5. In all other zone districts:

Drive-up or drive-through facilities shall be located to the side or rear of the primary building and not between any façade of a primary building and any street.



**Figure 3.3-2: Drive-up or Drive-through on Side of Structure**6. *Additional standards.*

- a. No drive-up or drive-through accessory facility shall be permitted that is designed or constructed to serve the passenger side of the vehicle.
- b. Drive-up and drive-through accessory facilities shall be designed and located to avoid impairing pedestrian mobility or creating risks to pedestrian safety.
- c. Drive-up and drive-through accessory facilities shall be designed so that menu boards, order boards, and service windows are not located on any side of the primary structure abutting a Residential zone district or a residential use.
- d. Drive-up or drive-through accessory facilities shall be designed to meet all applicable standards in Sections [146-4.4](#) (Neighborhood Protection Standards) and [146-4.6.7](#) (Drive-Through Stacking Areas).

F. *Dwelling, Short-term Rental.* The operator of this use shall have a valid Aurora business license.

G. *Dwelling Unit, Detached Accessory.*1. *Generally.*

- a. Accessory dwelling units are permitted only on lots served by an alley.
- b. Accessory dwelling units are permitted only on lot containing, and must be accessory to, one single-family dwelling.
- c. Only one accessory dwelling unit is permitted per single-family detached dwelling.
- d. Each accessory dwelling unit must be detached from the primary dwelling; attached accessory dwelling units are not permitted.
- e. Accessory dwelling units are permitted only on lots, or combinations of two or more contiguous lots, with a size greater than 6,000 square feet.
- f. [RESERVED]
- g. At least 360 square feet of usable private common space must be provided for the accessory dwelling unit, and each dimension of the private common space measuring at least 10 feet.
- h. The maximum size of an accessory dwelling unit is 650 square feet.
- i. The accessory dwelling shall not exceed the height of the principal dwelling or 24 feet.
- j. The building architecture and materials shall be complementary to the principal dwelling and the façade cannot be constructed of metal.
- k. One additional off-street parking space, accessed from the alley serving the lot, is required.

- l. The property owner shall occupy either the primary dwelling unit or accessory dwelling.
- m. No lot containing both a primary dwelling unit and an accessory dwelling unit may be subdivided so that the accessory dwelling unit occupies a different platted lot than the primary dwelling unit.
- n. Accessory dwelling units may be used as short-term rentals by a property owner who is living in the primary structure on the property.
- o. Each detached accessory dwelling unit shall comply with all setbacks applicable to other accessory structures, except that the required setback for an accessory dwelling unit located on top of an existing garage shall be no less than the setback of the existing garage.
- p. The accessory dwelling unit shall not exceed 24 feet in height, regardless of the height of the primary dwelling structure.
- q. Windows for a second story accessory dwelling unit shall be sited to preserve the privacy of adjacent residences to the maximum extent practicable.

2. *Additional Standards for MU-OA District.* The following additional standards apply in the MU-OA zone district. If there is a conflict between the standards in this Subsection 2 and the standards in Subsection 1 above, the standards in this Subsection 2 shall apply.

- a. In the MU-OA district, notwithstanding the designation in Table 3.2-1, any accessory dwelling unit legally created before the Effective Date shall be deemed to be a permitted use and shall not require approval of a conditional use approval.
- b. In the MU-OA district, notwithstanding the designation in Table 3.2-1, any accessory dwelling unit that was not legally created, but that existed on the Effective Date, shall be deemed to be an illegal use, but may be approved for continued occupancy through the approval of a conditional use approval requiring that the unit be brought into compliance with the standards in this Section [146-3.3.6.G](#) to the maximum extent practicable.

H. *Ground Floor Commercial Use.*

1. *R-4 and MU-N Zone Districts.* In the R-4 and MU-N zone district this use must comply with the following standards:

- a. The commercial use must be a permitted or conditional use in the zone district in which the property is located;
- b. In the R-4 zone district, the use must be located at street level in a multifamily building;
- c. The primary entrance to the commercial space must be from the street;
- d. The ground floor wall area between two and 10 feet above grade shall consist of at least 30 percent transparent glazing;

e. Parking is provided for the commercial space in accordance with the parking requirements of Section [146-4.6](#) (Parking, Loading, and Stacking), in addition to the required parking for the residential portion of the building, unless the parking is eligible for a parking reduction as allowed in Section [146-4.6.4](#) (Parking Alternatives); and

f. Signage shall comply with the standards of Section [146-4.10](#) (Signs), and shall be compatible with the exterior architecture with regard to location, scale, color, and lettering style.

2. *MU-OA-RMU Subdistrict.* In the MU-OA-RMU subdistrict, this use must comply with the provisions of Section [146-2.4.4.F.2](#) (Ground Floor Commercial Use).

I. *Home Adult or Child Day Care.*

1. In-home day care may be provided to children from birth to 16 years of age, with no more than two children, including caretaker's own children, under two years of age. The limit on enrollment shall be six.

2. All facilities must operate under the rules set forth by the Colorado Department of Human Services, as amended from time to time.

J. *Home Occupation.*

1. The activity is incidental and secondary to the primary purpose served by the dwelling.

2. A home occupation shall not create noise, dust, vibration, smell smoke, glare, electrical interference, fire hazard, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.

3. The residents of the dwelling unit shall be the only people engaged in the activity.

4. The storage of materials to be used in the activity shall be inside either the principal building or an accessory building.

5. There shall be no external evidence that indicates or advertises the performance of the activity.

6. Except for parties entering the dwelling unit as a result of prior individual invitation, the general public shall not be invited to or solicited upon the premises.

7. Performance of any personal service, shall be limited to one pupil; client, which may include a partnership, married couple or parties engaged in a joint venture; or customer at any one time.

8. The use shall not jeopardize the health, safety, or welfare of the occupants or of the surrounding neighborhood.

9. The activity shall not cause an amount of vehicular or pedestrian traffic not normally associated with the residential area in which the home occupation is conducted.

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.
  4. *Location.* Mobile Food Trucks are subject to following 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 distance 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 closest 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 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 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 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 the 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](#) of the Aurora City Code regarding noisemaking devices.

L. *Outdoor Seating or Dining.*

1. Outdoor dining areas are only permitted for permitted or approved conditional uses.
2. Outdoor seating or dining is not permitted within 100 feet of an R-R or R-1 zone district.
3. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating area and a right-of-way. The fence, wall or barrier shall be at least three feet in height and allow patrons and pedestrians to see from the seating area to the street and vice versa.

4. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced, and maintained.

5. A minimum six foot clear pedestrian way must be maintained to allow pedestrian unobstructed passage around the Outdoor Seating or Dining area, unless the Director of Public Works approves a smaller width of clear pedestrian way based on anticipated traffic volumes and other considerations of pedestrian safety.

M. *Roadside Sales Stand*. This use shall comply with urban agriculture standards in Section [146-3.3.4.D](#).

N. *Slaughterhouse, Small*. This use is permitted only as an accessory use to a permitted agriculture use in the I-2 zone district and only permitted if the use complies with the following standards:

1. This use is not allowed in any PD zone district;
2. The slaughterhouse shall with all applicable state laws governing the licensing, operation, and maintenance of facilities for “custom processing of meat animals” as provided under Colorado Revised Statutes Sections [35-33-101](#), et seq., (Custom Processing of Meat Animals), and 35-33.5-101, et seq.;
3. All slaughterhouse operations shall be conducted in an enclosed structure within a confined area to prevent the transmission of sound to the outside;
4. No outdoor storage is allowed, including the outdoor storage of any animal, animal waste, or animal by product, and all waste is stored in airtight containers in a confined area in a fully enclosed structure;
5. All buildings, structures, enclosures for handling, processing and/or storage of any animal or animal material shall be setback from property lines the greater of 200 feet or the required setback of the zone district in which the use is located, and 1,000 feet from any residential or mixed-use zone district;
6. Vehicular access to the facility shall not be obtained through residential areas;
7. All loading and unloading areas shall be screened from view from adjacent lands and public streets in compliance with Section [146-4.7](#) (Landscape, Water Conservation, Storm water Management), and
8. The slaughterhouse is operated in compliance with all applicable standards in Section [146-4.11](#) (Operating and Maintenance Standards) and all federal and state public health and agricultural regulations.

O. *Solar Collector, Ground or Building-Mounted*.

1. If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, open space, or golf course to the most reasonable extent possible without prohibiting the installation.

2. Ground-mounted collectors are allowed as an accessory structure outside the setbacks.

3. Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel.

P. *Temporary Event or Sales*.

1. Within a 12-month period, this use is limited to the following:
  - a. 4 to 10 consecutive days, or
  - b. 6 two-day weekends.
2. Within a 90 day period, outdoor events in parking areas are limited to 7 consecutive days.
3. Seasonal sales activities, including temporary residence/security trailers, on non-residential properties, may occur for no more than 30 calendar days within a 12-month period, for each seasonal product.
4. No more than 25 percent of the existing parking spaces in a parking lot may be used for a temporary outdoor sale.
5. All parking lot entrances and exits shall remain unobstructed.
6. Any outdoor event proposed within the public right-of-way requires a special event permit.

Q. *Temporary Construction Support Facility.*

1. In Special Purpose districts, the Planning Director may approve a temporary permit for temporary trailers, offices, and structures necessary for construction purposes or for the conduct of business operations while new facilities are being constructed. Such approval shall be limited to a maximum of six months for construction offices and one year for temporary business offices and may be renewed upon separate application. Any approval of a temporary construction support facility may establish conditions and limitations as the Director may determine are necessary.
2. In Residential zone districts, any person developing lands for residential use, either for sale or rent, is permitted to conduct temporary sales or rental operations within a model residential unit or Manufactured Home used as a construction office on the premises of the development, subject to a permit granted by the Building Department. An application for a permit shall indicate the following:
  - a. The zoning classification where models are to be situated;
  - b. The street address of models;
  - c. The parking facilities; and
  - d. The period that the permit is requested limited to six months for a Manufactured Home and one year for a model home.

R. *Temporary Outdoor Food or Merchandise Stand.* The following regulations shall control the issuance of a permit to operate a temporary outdoor food and/or merchandise establishment or stand, pursuant to Section [146-5.4.3.E](#) (Temporary Use Permit). This use does not include Mobile Food Trucks.

1. *Licenses and Permits.* A special use permit and an Aurora business license are required to operate temporary food and/or merchandise establishments. Prior to the issuance of an Aurora business license, the applicant shall provide proof that they have a current and ongoing contract with a registered trash disposal

service and a state licensed commissary. The applicant shall prove that they have written permission from the property owner of the location where the temporary vending establishment will operate. The applicant shall have obtained a special use permit authorizing the operation of a temporary outdoor food and/or merchandise establishment or stand, and a Colorado health license, if applicable. Original documentation of all required information shall be submitted at the time of application.

2. *Display of Licenses and Permits.* Any license or permit required, including the special use permit, Aurora business license, and Colorado health license, if applicable, shall be conspicuously displayed at all times during the operation of the temporary food and/or merchandise establishment or stand's operation. Original documentation of all required information shall be displayed.

3. *Hours of Operation.* Temporary outdoor food and/or merchandise establishment or stand operators shall be allowed to engage in the business of selling or offering to sell any food, beverage, or general merchandise only between the hours of 7:00 a.m. and 11:00 p.m. on Friday and Saturday nights and between 7:00 a.m. and 9:00 p.m. on other nights of the week.

4. *Period of Operation.* Except in the MU-OA, MU-FB, and MU-TOD zone districts, all temporary outdoor food and/or merchandise establishments or stands shall be disassembled and removed from the business location when not in operation. It shall be unlawful for any business owner to fail to remove a temporary outdoor food and/or merchandise establishment or stand and all trash and trash containers from its business location during non-business hours. It shall be unlawful for the owner, lessee, agent, or occupant to allow a temporary outdoor food and/or merchandise establishment or stand to be stored during non-business hours on their property.

5. *Littering and Trash Removal.* Temporary outdoor food and/or merchandise establishment or stand operators shall keep the sidewalks, roadways, and other spaces adjacent to their business sites or locations clean and free of paper, peelings, and refuse of any kind generated from the operation of their business. All trash or debris accumulating within 25 feet of any temporary outdoor food and/or merchandise establishment or stand shall be collected by the operator and deposited in a trash container. The temporary outdoor food and/or merchandise operator shall maintain a trash container, maintained in good condition and constructed of a noncorrodible and watertight material, sufficient to hold the refuse generated by the business. The vendor at the close of each business day shall remove such container. All food, beverage, or general merchandise will be displayed and stored within the confines of temporary outdoor establishment or stand and shall not be placed, stored, or positioned in any location other than in the physical confines of the temporary structure.

6. *Location Restrictions.* Temporary outdoor food and/or merchandise establishments or stands shall not be located and a temporary use permit shall not be granted for operation in any Residential zone district.

S. *Wind Energy System, Small Ground-Mounted.*

1. An individual small wind system shall be set back from the property line and the principal structure at least 1.5 times the height of the turbine.

2. The accessory small wind system shall be permitted up to 60 feet in height in Residential zone districts as long as the system meets the small wind system setback. The height limit for an accessory small wind system in all other zone districts where they are allowed shall be the height limit in that zone district.
3. For a ground-mounted small wind system, the distance between the ground and the rotor blade (when the rotor blade in its lowest position) shall be a minimum of 20-feet.

T. *Wind Energy System, Small Roof-Mounted.* Rooftop small wind energy systems shall be considered an accessory use if both the following conditions are met:

1. The maximum height of the rooftop small wind system does not exceed a height of 15 feet above the roof or the top of a parapet, whichever is higher;
2. The small wind system is securely attached to the structure in compliance with all currently adopted Aurora Building Codes and Engineering Loads. The blade rotor plane shall be at least four feet away from any window and at least 12 feet above any patio with human access.

U. *Unlisted Temporary Use.* Temporary uses that are not listed separately in Table 3.2-1 (Permitted Use Table) may be approved by the City Manager and City Clerk pursuant to the standards in Section [146-5.4.3.E](#) (Temporary Use Permit). (Ord. No. 2020-37 §§ 10 – 12, 10-05-2020; Ord. No. 2019-49 § 1, 08-19-2019)

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**The Aurora Unified Development Ordinance is current through Ordinance 2021-67, passed December 20, 2021.**

Disclaimer: The city clerk's office has the official version of the Aurora Unified Development Ordinance. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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