

ORDINANCE NO. 2022- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.3.5.R OF THE CITY CODE PERTAINING TO DISTANCE RESTRICTIONS BETWEEN RETAIL LIQUOR STORES AND LIQUOR-LICENSED DRUGSTORES.

WHEREAS, the Colorado Liquor Code, Colorado Revised Statutes § 44-3-101 *et seq.*, regulates the licensing and operation of all liquor licensed establishments in the state of Colorado; and

WHEREAS, C.R.S. § 44-3-409(1)(a)(II)(A) imposes a one thousand five hundred foot distance restriction between a retail liquor store and another retail liquor store or a liquor-licensed drugstore; and

WHEREAS, C.R.S. § 44-3-410(1)(a)(II)(A) imposes a one thousand five hundred foot distance restriction between a liquor-licensed drugstore and another liquor licensed drugstore or a retail liquor store; and

WHEREAS, Aurora’s Unified Development Ordinance (“UDO”) § 146-3.3.5.R(2) imposes a two thousand foot distance restriction between retail liquor stores and liquor licensed drug stores in the City; and

WHEREAS, the City can eliminate our two thousand foot distance restriction and substitute the state’s one thousand five hundred foot distance restriction between retail liquor stores and liquor licensed drugstores by deleting UDO § 146-3.3.5.R(2).

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 to delete subsection 2 of section 146-3.3.5.R which section shall read as follows:

Sec. 146-3.3.5

R. *Retail Liquor Store.*

1. In Subarea A, a retail liquor store shall not be established within 300 feet of a single-family residential use unless a conditional use approval has been obtained.
2. No retail liquor store or liquor licensed drugstore, not existing or operating on February 1, 2004, shall be established, operated, or maintained within ~~2,000~~ **1,500** feet of

another liquor store as measured in a straight line from the nearest portion of the exterior of the existing business to the nearest portion of the exterior of the proposed business. Retail liquor stores and liquor licensed drugstores that existed or operated prior to the amendment of this Section are exempt from this Section as to those existing locations. Such preexisting uses are specifically considered existing businesses and not subject to the limitations of a nonconforming use or building as defined by Section 5.5, Pre-existing Development and Nonconformities. Existing licensed retail liquor stores or liquor licensed drugstores may change location only if the new location meets the dispersal requirement contained in this Section.

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 _____, 2022.

PASSED AND ORDERED PUBLISHED this ____ day of _____, 2022.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

Tim Joyce JK
Tim Joyce, Assistant City Attorney