

ORDINANCE NO. 1916

INTRODUCED BY: BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT,  
FORD, MCELLOWNEY, MORENO, TETER

AN ORDINANCE AMENDING SECTION 21-5214 OF THE LAND DEVELOPMENT CODE

WHEREAS, the City Council of the City of Commerce City adopted the Land Development Code by Ordinance 1720; and

WHEREAS, recent revisions to the City's municipal code relating to entertainment licenses and cabarets require that § 21-5214 of the Land Development Code be updated to eliminate any potential confusion; and

WHEREAS, City Council also wishes to clarify that the distance restrictions contained in § 21-5214 apply to like-licensed establishments and that they do not apply to establishments located outside of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** Section 21-5214 of the Land Development Code of the City of Commerce City is hereby amended to read as follows:

**Sec. 21-5214. Alcohol Sales**

- (a) **Location to Other Alcohol Establishment.** No retail liquor store, tavern, or beer and wine business, as defined by state law, shall be operated or maintained within 2,500 feet of an establishment that holds the exact same class of liquor license and is located within the municipal boundaries of the city without first obtaining a use-by-permit.
- (b) **Location to Residential.** Unless a conditional use permit is obtained, no business whose operations require both a liquor license and a class 1 entertainment establishment license shall be operated or maintained within 2,000 feet of any residential zone district or any legally authorized residence, whether located in or outside of the city. For purposes of this section, distance shall be measured from the nearest point of the licensed establishment to the nearest point of the residential zone district or legally authorized residence.
- (c) **Pre-Existing Use.** Any of the aforementioned establishments licensed to sell alcoholic beverages and in operation on February 2, 2004 shall be exempt from the provisions of this section. Such pre-existing uses shall be considered legal non-conforming uses and shall be governed by section 21-5520 (Non-Conforming Use).

**SECTION 2.** Except as specifically modified herein, the provisions of the Land Development Code shall remain unchanged and in full force and effect.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 6<sup>th</sup> DAY OF AUGUST, 2012.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2012.

CITY OF COMMERCE CITY,  
COLORADO

---

Sean Ford, Mayor

ATTEST:

---

Laura J. Bauer, CMC, City Clerk