

ORDINANCE NO. 2127

INTRODUCED BY: AMADOR, BULLOCK, CARSON, FORD, MCELLOWNEY, TETER

AN ORDINANCE AMENDING SECTION 21-5214 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY REMOVING THE SEPARATION REQUIREMENT BETWEEN LIQUOR STORES, TAVERNS, BEER AND WINE BUSINESSES ABSENT A USE BY PERMIT.

WHEREAS, the City of Commerce City, Colorado regulates the issuance of liquor licenses within its municipal boundaries in a manner determined to be in the best interests of its residents, and

WHEREAS, the existing Section 21-5214(1) of the City of Commerce City Land Development Code retains distance standards inconsistent with those in any of the surrounding municipal areas, and

WHEREAS, the distance requirements maintained by the City have been determined to be detrimental to the City's development and vision for the future, and

WHEREAS, the revision of the distance requirements is necessary to maintain consistent growth patterns that meet the needs of City residents, and

WHEREAS, the City Council of the City of Commerce City has determined that it is in the best interests of City and the public, including ongoing commercial and residential development, to amend Sec. 21-5214(1) to remove the requirements of separation between retail liquor stores, taverns, and beer and wine businesses and an establishment with the same class of liquor license without first obtaining a use by permit.

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

SECTION 1. The recitals to this ordinance are hereby adopted by and incorporated as findings of the City Council.

SECTION 2. Section 5214 of Chapter 21 of the City of Commerce City Land Development Code is hereby amended as set forth in "Exhibit A" attached hereto and incorporated herein by reference.

SECTION 3. Except as specifically modified herein, all other provisions of the Land Development Code of Commerce City shall remain unchanged and in full force and effect.

SECTION 4. This ordinance shall become effective as provided by the Charter of the City of Commerce City.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 19TH DAY OF JUNE, 2017.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF JULY, 2017.

CITY OF COMMERCE CITY,
COLORADO

BY: _____
Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

EXHIBIT A

Sec. 21-5214. Alcohol Sales

(1) Special Location Restrictions.

~~(a) — Proximity 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~~a) Proximity 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.

(~~e~~b) 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 preexisting uses shall be considered legal non-conforming uses and shall be governed by section 21-5520 (Non-Conforming Use).

(2) **Micro-winery.** A micro-winery shall conduct at least two of the following four activities on-site: crushing, fermentation, bulk aging/storing, or bottling.

(3) **Brewpub.** Not more than 30 percent of the gross floor area of a brewpub shall be used for the production of beer.

(4) Tasting Room.

(a) Food Sales. The sale of food in any tasting room is prohibited. The incidental provision of food, without compensation, is allowed.

(b) Room Orientation. A tasting room shall be oriented toward the public façade. The public façade of the building shall be established by the building's address. Within a shopping center, a tasting room shall be oriented toward the common space that provides public access to the building.