

ORDINANCE NO. 2024- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 146-3.3.5.S.3 OF THE UNIFORM DEVELOPMENT ORDINANCE PERTAINING TO THE HOURS OF OPERATION FOR RETAIL MARIJUANA STORES

WHEREAS, Section 146-5.4.1.C.3 of the Uniform 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 ____, 2024, 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 146-3.3.5.S.3 of the Uniform Development Ordinance of the City of Aurora, Colorado, is hereby amended as follows:

3. Retail Marijuana Store.

a. *Distance from Schools.* No retail marijuana store shall be licensed if located within 1,000 feet of a pre-K-12 public or private elementary, vocational, or secondary school. This distance shall be measured in a straight line from the nearest property boundary of the school property to the address point of the retail marijuana store.

b. *Distance from Hospitals and Substance Abuse Treatment Center.* No retail marijuana store shall be licensed if located within 500 feet of a hospital or substance abuse treatment center. This distance shall be measured from the nearest property boundary of the hospital or treatment center property to the address point of the retail marijuana store. For purposes of this Subsection, the terms “hospital” and “substance abuse treatment center” shall have the same meaning as set forth in Section 6-302 of the Aurora City Code.

~~c. *Hours of Operation.* It shall be unlawful for any retail marijuana store licensed pursuant to this UDO to remain open to the public at any time other than between the hours of 8:00 a.m. to 10:00 p.m. daily.~~

Section 2. Based on the evidence presented at tonight’s public hearing, City Council finds and determines that: the ordinance text amendment is consistent with the spirit and intent of the Comprehensive Plan and the change is required to promote economic growth and investment that will not create material risks to the public health, safety, and welfare.

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 _____, 2024.

PASSED AND ORDERED PUBLISHED this ____ day of _____, 2024.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

LENA MCCLELLAND, Assistant City Attorney