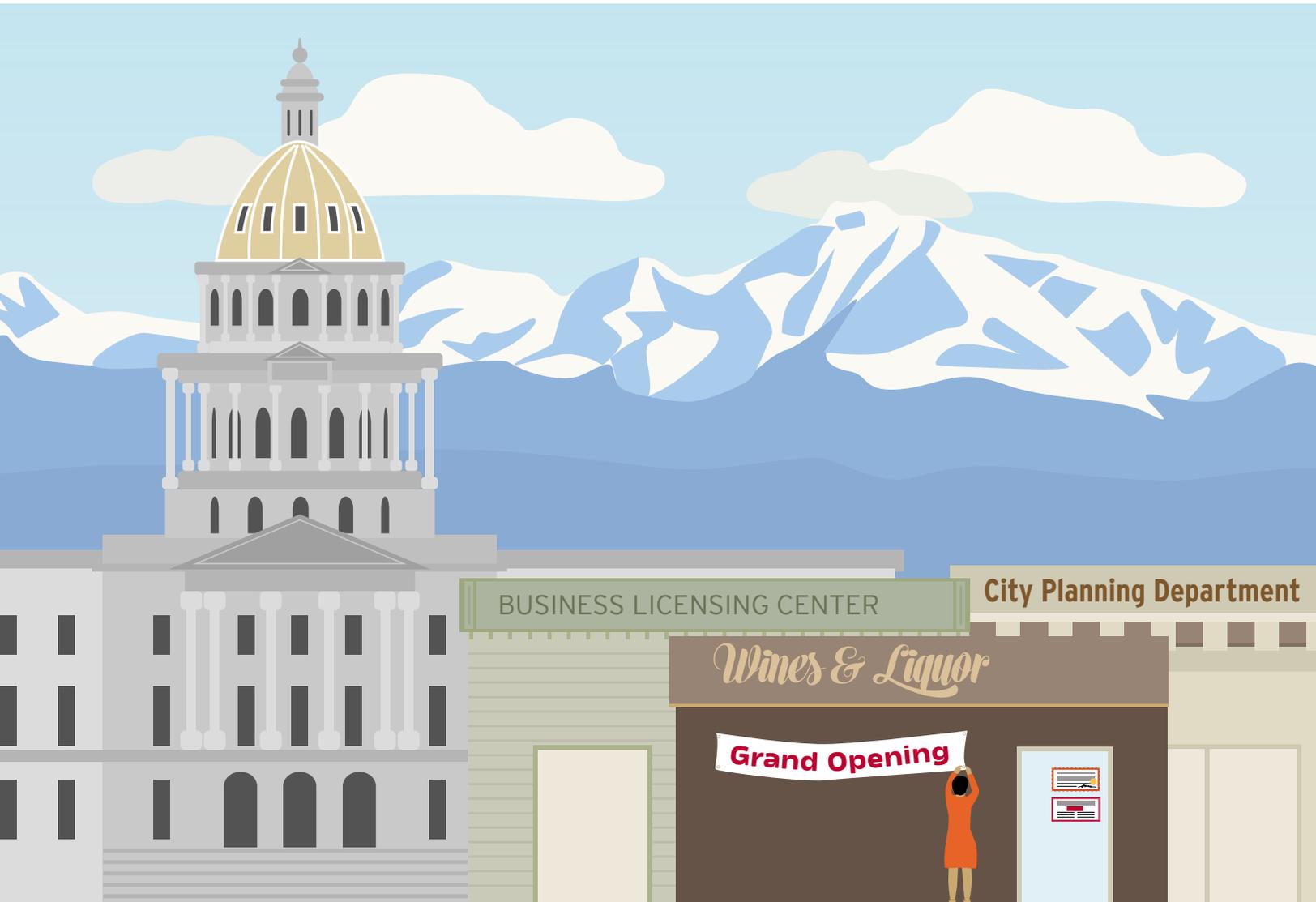


Licensing & Zoning

Local Tools for Managing Alcohol Outlet Density
in Colorado



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Introduction: The Role of Policy in Preventing Excessive Alcohol Use

Excessive alcohol consumption, including binge and underage drinking, can affect a community's health and safety. In Colorado, one in five adults report excessive alcohol use in the past 30 days,¹ and almost five alcohol-related deaths occur each day, on average.² Excessive alcohol use cost Colorado \$5 billion in 2010, with almost half the cost paid by taxpayers.³

Communities use many different strategies to reduce excessive alcohol consumption and alcohol-related harms. Policies can shape physical environments, community norms, and individual behaviors.⁴ A comprehensive evidence-based policy approach to prevention may help achieve significant, sustainable results more quickly and at a lower cost than other tools or interventions.⁵ Policy interventions can also be more equitable, reaching all people rather than specific groups.⁶

A well-designed policy, such as a law, can influence the choices and behaviors of entire neighborhoods, communities, and cities. Laws that regulate alcohol outlet density, limiting the number of businesses that can sell or serve alcohol in an area, have been shown to reduce alcohol consumption and decrease "related harms, including medical harms, injury, crime, and violence."^{7,8} More specifically, such laws can decrease driving under the influence, interpersonal violence, and alcohol poisoning, as well as other alcohol-related health and safety concerns in communities. This fact sheet introduces two mechanisms that local communities in Colorado can use to reduce excessive alcohol consumption and related harms: licensing and zoning.

ALCOHOL OUTLET DENSITY

Laws that regulate alcohol outlet density have been shown to reduce alcohol consumption and decrease related harms, including medical harms, injury, crime, and violence.

Alcohol Licensing & Zoning

An **alcohol outlet** is any business that sells alcohol for on- or off-site consumption. On-premises outlets include restaurants, bars, and breweries with on-site consumption. Off-premises outlets—such as grocery stores, convenience stores, retail liquor stores, and breweries—sell alcoholic beverages for off-site consumption. **Alcohol outlet density** refers to the number of businesses selling or serving alcohol in a specific area; high alcohol outlet density contributes to excessive use of alcohol and related harms (e.g., violence, crime).⁹

Alcohol outlet density can be regulated through licensing and zoning.¹⁰ In order to legally operate, an alcohol outlet must obtain a license to sell liquor¹¹ and be located in a zone that allows the sale of liquor for on- or off-site consumption.¹²

Licensing is a government’s process for issuing a license, which is a revocable permission to do something that is otherwise unlawful.¹³ Licensing is typically used to regulate businesses and professionals working in certain fields. A license usually grants rights to the person or entity that holds it for a specified amount of time, after which the license holder must re-apply for the license. In Colorado, a **liquor license** is required to manufacture, distribute, or sell alcohol.¹⁴ Most liquor licenses must be renewed annually, and a license is required even if an applicant only wants to sell liquor at a single event, such as a festival.¹⁵

The Colorado Liquor Code (Colo. Rev. Stat. §§ 44-3-101 to -3-1002) gives licensing authority to both state and local governments, which means an outlet must obtain **two licenses** in order to sell liquor. However, the state is the exclusive licensing authority for the manufacture¹⁶ and distribution of alcoholic beverages. An alcohol outlet that only sells the alcohol, such as a bar or convenience store, must be licensed by both the state of Colorado and the local government.¹⁷

Local governments in Colorado have broad authority to use the licensing process to regulate alcohol outlet density. Local licensing authorities may regulate how, where, and when liquor is sold within their boundaries¹⁸ and may potentially cap the total number of licenses issued or establish a maximum rate (e.g., number of outlets per square mile or per 100,000 people) for licenses allowed in the local jurisdiction.¹⁹ Local governments can also completely ban the sale of alcoholic beverages or limit the sale of alcoholic beverages to specific classes of liquor licenses defined in the state liquor code; for example, a city could ban the sale of hard liquor.²⁰



Licensing:
a government’s process for permitting something that is otherwise unlawful



Zoning:
how local governments regulate the use of property

Zoning is how local governments regulate the use of property. Colorado’s Local Government Land Use Control Enabling Act²¹ requires local governments to establish zoning regulations “for the purpose of promoting health, safety, morals, or the general welfare of the community.” Zoning regulations generally divide the land within a jurisdiction into separate zoning districts, each with different regulations for land use, building size, lot coverage, and population density.²² In order for an alcohol outlet to operate legally, it must be located in a zoning district that allows the sale of alcohol.²³

Local governments can amend their zoning ordinances to regulate alcohol sales in three ways: (1) changing which zoning districts allow alcohol sales, (2) redrawing the zoning districts on the zoning map, and (3) allowing alcohol outlets in specific zoning districts only by special exception through **conditional use permits**.²⁴ Allowing alcohol outlets by conditional use permit has these consequences:

- A person who wishes to open an alcohol outlet must apply for a conditional use permit from the local planning or zoning commission.
- Local government can specify additional requirements that must be met in order for the activity to be allowed. A city might address alcohol outlet density, for instance, by prohibiting the issuance of a conditional use permit to an applicant who wants to open an alcohol outlet within 1000 feet of an existing alcohol outlet.
- Local government can place additional conditions on the operation of alcohol outlets and deny applications that cannot meet those conditions, even if an applicant meets the preconditions that a local government requires for a conditional use. Such conditions may take into account traffic impacts, crime, or the potential for an outlet to become a nuisance in an area, among other things.²⁵

ALCOHOL TERMINOLOGY

While the mechanics of licensing and zoning described in this guide are generally applicable across the United States, the laws referenced and the terminology used (such as *liquor* instead of *alcohol*) are specific to Colorado. In Colorado, even licenses issued solely for the sale of beer or wine are referred to under the umbrella term *liquor license*.

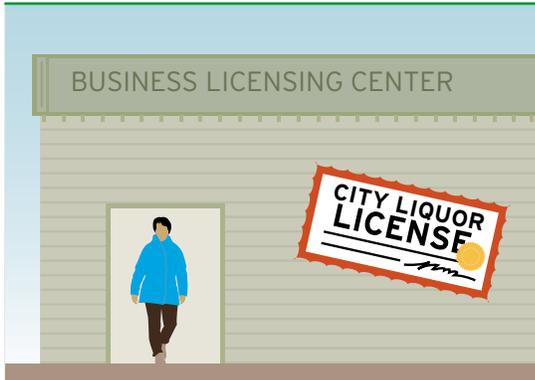
DEALING WITH EXISTING OUTLET DENSITY

Sometimes the issues caused by existing alcohol retail outlets cannot be addressed through licensing or zoning. In these cases, municipalities may be able to use nuisance ordinances to address issues caused by specific outlets. However, nuisance ordinances may raise equity concerns if they criminalize loitering, noise, or other behaviors that might be symptoms of homelessness, poverty, or mental health issues rather than remedy the nuisance activities by penalizing the alcohol outlets that permit or perpetuate such nuisance behaviors. More information about nuisance ordinances can be found in *Regulating Outlet Density: An Action Guide*, which is featured in the Resources section at the end of this document.

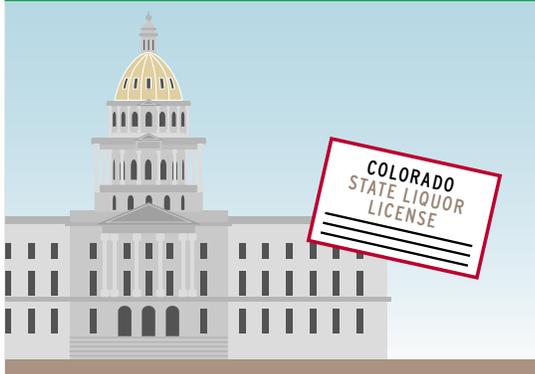
Example: Colorado's Licensing & Zoning Process

Taylor wants to open a liquor store. Before she can do that, she must do two things:

1. obtain liquor licenses from the city and state
2. make sure the location of her store is zoned to allow retail sale of liquor



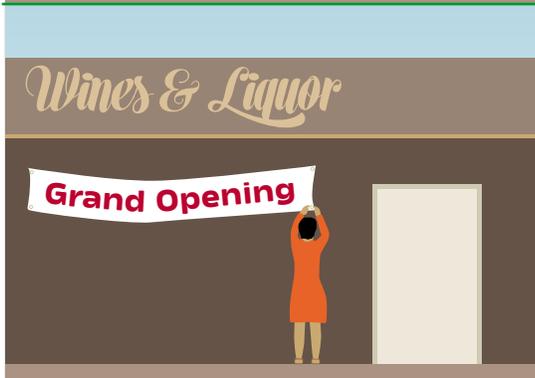
To obtain the necessary liquor licenses, Taylor first applies for a license from the city. The city has licensing requirements that restrict the density of liquor outlets, including a rule that outlets licensed to sell alcohol must be a certain distance from schools and from other alcohol outlets. The proposed location of Taylor's store is not near any other outlets, and she meets all other licensing requirements, so she receives a license from the city.



After receiving her liquor license from the city, Taylor applies for and receives a license from Colorado. Because Colorado does not have licensing requirements in addition to the city's requirements, Taylor is now licensed to operate an alcohol outlet.



While she is obtaining the liquor licenses, Taylor must also make sure that her store complies with her city's zoning. Taylor's store is located in an area that is zoned to allow retail sales of liquor, but only as a conditional use; therefore, Taylor must apply for a conditional use permit. Taylor's store meets the requirements the city has set for approval of conditional use, and Taylor agrees to abide by additional conditions for the operation of her business that are put in place by the city during the application process, so she receives a conditional use permit to operate her store in that location.



Once Taylor has obtained a conditional use permit as well as the city and state liquor licenses, she can open her store!

Considerations in Regulating Alcohol Outlet Density

The strengths and limitations of licensing and zoning as strategies to address excessive alcohol use vary from locality to locality. This section details the key differences between licensing and zoning that result in advantages and disadvantages of using each tool to address alcohol outlet density.

Liquor Licensing as a Policy Intervention

■ What is being regulated?

Both the state of Colorado and its local governments license alcohol outlets, and each outlet must have the appropriate state and local licenses in order to sell alcohol.

■ Who is doing the regulating?

Alcohol licensing is overseen at the state level by the executive director of the Colorado Department of Revenue's Enforcement Division and at the local level by the local licensing authority (LLA). LLAs are formed in different ways in different localities.

■ How does licensing regulate alcohol outlets?

A government can determine who can get a license to operate an alcohol outlet; whether a license can be transferred to another person, organization, or location; and how a license can be renewed. Licenses also determine what kinds of alcohol can be sold by a licensee.

■ How is licensing enforced?

A license can be revoked or suspended by the state or LLA if its holder does not comply with the law. Violations can also be punished by criminal or civil penalties.²⁷

LICENSING & ZONING WORK TOGETHER

It is important to remember that any business, in order to operate lawfully in a specific location, must meet both licensing *and* zoning requirements.²⁶ Licensing and zoning are not dependent on each other—for example, a business's location may be zoned for commercial purposes, but the business may not be licensed to sell liquor. Licensing and zoning share many of the same advantages and disadvantages. Consequently, a community may be able to use licensing and zoning separately or together to address alcohol outlet density.

Licensing: Policy Advantages

- Licensing requirements can be added or amended by an LLA any time a license is up for renewal.²⁸ Thus, local governments can impose additional requirements on existing outlets in order to address density or issues caused by specific outlets.
- In addition to having authority to determine license types and requirements, LLAs are required to review every application for a new alcohol outlet. During this process, members of the community can provide input to the LLA. An LLA can deny a license application if it finds evidence of an undue concentration of similar licenses that would require more police presence²⁹ or evidence that the license is contrary to the needs or desires of the community.³⁰
- Licensees not in compliance with license requirements might face penalties or even lose their license before the license renewal date.³¹
- Licensing changes can be implemented more quickly than zoning changes because most licenses must be renewed annually.³² The license renewal process can also help ensure that existing alcohol outlets comply with changes in state or local law, and renewal can be denied to problematic license holders.³³
- LLAs can generally take into account a wider range of issues (anything within the scope of reasonable requirements of the neighborhood) and have more discretionary authority than zoning commissions, which generally must tie their conditions directly to negative impacts of the proposed alcohol outlet.³⁴

Licensing: Policy Disadvantages

- LLAs often do not adopt their own regulations or issue written policies, so it can be difficult to anticipate how an LLA will respond to a proposed change in licensing requirements.
- Licensing requirements are not as permanent as zoning and can be changed or removed by the state or LLA more easily than zoning requirements.³⁵
- Licensing is an effective tool only if it is actively used and enforced by the LLA.

EXAMPLE: LICENSING ALCOHOL OUTLETS IN BOULDER

Approval of license applications in Boulder is based on the “needs and desires” of the neighborhood in which the alcohol outlet wants to be located.³⁶ The licensing process includes proof of approval by the zoning commission, background checks for applicants, notification of neighboring businesses and residents of a potential new outlet, and a public hearing.³⁷

Zoning as a Policy Intervention

■ What is being regulated?

Zoning laws regulate the physical nature of buildings (size, height, location on a lot) and the way buildings or land is used in a particular area.³⁸ Through conditional use permits, zoning can regulate some aspects of how businesses operate.³⁹ Zoning laws apply to all land and all buildings within a local jurisdiction.⁴⁰

■ Who is doing the regulating?

Typically, zoning is overseen by planning commissions at the city or county level,⁴¹ although zoning appeals and conditional use applications may be heard by a separate zoning authority.⁴²

■ How does zoning regulate alcohol outlets?

As noted earlier, zoning laws generally divide land within a jurisdiction into separate zoning districts, each with different regulations for land use, building size, lot coverage, and population density. Typically, zoning puts uses into one of three categories: (1) “as of right” (allowed without planning commission or zoning board review); (2) prohibited; or (3) permitted by special exception and subject to conditions.⁴³ For example, a local zoning ordinance may create zones where alcohol outlets are automatically permitted, zones where alcohol outlets are expressly prohibited, and zones where alcohol outlets require approval from the local zoning commission, which can set criteria for approval of the alcohol outlet (such as whether there is another alcohol outlet within a certain distance) and place conditions on how the alcohol outlet will operate, if it is approved.

■ How is zoning enforced?

Zoning laws are enforced administratively, through cease-and-desist orders or fines, or through a legal injunction, in which a local government asks a court to order that an individual or business comply with the law.⁴⁴ In the case of a conditional use permit, the permit-issuing authority can deny renewal or revoke the permit if the business ceases to meet its requirements.⁴⁵



Zoning: Policy Advantages

- Once a piece of land has been zoned for particular uses, it will remain zoned that way, regardless of who owns the land. How a piece of land is zoned can be changed only by the local government's planning commission.⁴⁶
- Zoning laws can regulate where alcohol outlets are allowed before the licensing process even begins.⁴⁷
- Zoning alcohol outlets as conditional uses provides communities with a second opportunity to voice opposition to alcohol outlets (in addition to that provided by a licensing application), because community members are given an opportunity to object to any conditional use permit application or renewal.⁴⁸
- A local government can revoke a conditional use permit if the permit holder is not complying with the conditions of the permit and can, if it deems it necessary, place additional conditions on the issuance of a renewal permit.⁴⁹

EXAMPLE: CONDITIONAL USE PERMITTING FOR ALCOHOL OUTLETS IN MT. CRESTED BUTTE

The City of Mt. Crested Butte utilizes conditional use permitting as part of its zoning code. Through the conditional use permitting process, the city can include requirements that regulate "potential nuisances" (Mt. Crested Butte Code, Sec. 21-380). Thus, if the city determines that a high density of alcohol outlets is likely to contribute to nuisance issues such as disorderly conduct, the city could impose conditions designed to limit potential nuisances on any conditional use permit application for an alcohol outlet.

Zoning: Policy Disadvantages

- Using zoning to address alcohol outlet density requires amending the local government's zoning regulations.⁵⁰
- Local governments should be careful to ensure that any zoning amendments to control alcohol outlet density are consistent with state law.⁵¹
- When zoning is changed—whether by redrawing the zoning map, changing zones where alcohol outlets are allowed, or making alcohol outlets subject to conditional use permits—existing businesses are generally **grandfathered** into the new zoning map (that is, they are included as an exception to the new rule). While a grandfathered use can be terminated over time by regulation⁵² or if the business changes its purpose (for example, if a convenience store converts to a bar) or closes,⁵³ zoning is not very effective for addressing existing outlet density.

Evaluating Policy Options

To evaluate advantages and disadvantages of licensing and zoning in your community, ask these questions:

- How do alcohol-related harms impact your community?
 - What groups, neighborhoods, businesses, or city departments (e.g., law enforcement, public transit) are most affected?
- How are those harms influenced by the number of alcohol outlets, the location of outlets, or outlets causing issues in your community?
- Is there an area with a high density of alcohol outlets that has a disproportionate concentration of alcohol-related harms?
- Is that high density of alcohol outlets an existing problem, or is there fear that adding more outlets might become a problem?
- What are the current alcohol licensing and zoning laws in your locality?
 - What restrictions has your local government put on alcohol licenses or conditional use permits?
 - Is the number or rate of alcohol licenses capped?
- What city or county body oversees alcohol licensing (i.e., who is your LLA)?
 - Do you or your organization already have a working relationship with your LLA?
 - Is the LLA responsive to community feedback?
- How have the licensing body and planning commission typically responded to applications from alcohol outlets?
 - How much scrutiny is applied in alcohol license approval and renewal?
 - How favorably have the LLA and planning commission responded to community concerns?
- Who are the members of your local government's alcohol licensing body and planning commission?
 - What kinds of stakeholders are represented by the members of your LLA and planning commission? Are they neighborhood representatives, businesspeople, alcohol outlet owners, or a combination of people from those groups?
- What regulations could address the harms caused by high alcohol outlet density?
- How are current alcohol zoning and licensing laws being enforced?
 - Are some of the alcohol-related harms due to lack of enforcement of current laws?
- Based on your assessment of the local government bodies that can address and enforce problems related to alcohol outlets, is zoning or licensing the best intervention?

Stakeholders in Alcohol Outlet Density

This section discusses the types of groups and organizations that may be invested in addressing alcohol outlet density. These stakeholders may be directly affected by alcohol outlet density and may be able to provide information about those impacts and about community needs during zoning or licensing processes. To successfully employ density controls for alcohol outlets, it is important to become familiar with these stakeholders and how they are affected by alcohol outlet density.

Communities & Neighborhoods

These groups may be the first to recognize issues associated with high density of alcohol outlets or to identify alcohol outlets that are causing issues. Some community or neighborhood groups may also have collected data or stories on the impact of alcohol outlets.

- Parent, family, and youth groups
- Neighborhood organizations and homeowners associations
- Health care organizations and professionals
- Faith-based organizations
- Nonprofit groups
- Equity and community stakeholders

Businesses

Local businesses are affected by which outlets are licensed and which are not. In commercial areas, a high concentration of alcohol outlets or outlets causing issues could create issues for businesses that do not sell alcohol.

- Dedicated alcohol outlets
- Other retailers licensed to sell alcohol (e.g., grocery stores, breweries, corner stores)
- Businesses not selling alcohol that are located near alcohol outlets that are causing issues



Local Government

Local governments can both affect and be affected by alcohol outlet density. Outlets must meet licensing and zoning requirements set by their local government in order to operate. If alcohol outlets cause issues or density issues arise, local governments may be forced to use their resources to address those concerns.

- Law enforcement and emergency services
- School districts and schools
- Local licensing and zoning authorities

State Government

The state grants liquor licenses, and various departments of state government house information and data on alcohol consumption and the impacts of alcohol on Colorado communities.

- **The Colorado Department of Revenue** is in charge of taxing alcohol outlets and enforcing liquor laws through its **Liquor Enforcement Division**.
- The **Colorado Department of Public Health & Environment** collects health data; works on health promotion strategies; and houses the state's alcohol epidemiologist, who works to limit the negative effects of excessive alcohol use.
- The **Colorado Department of Health Care Policy & Financing** oversees substance use disorder services for the state.
- The **Colorado Department of Human Services** houses the Office of Behavioral Health and hosts data on admissions for treatment of alcohol use disorder.
- The **Colorado Department of Local Affairs** has information on local governments and on community development and planning and can help identify which city department is responsible for which part of the regulatory process for alcohol outlets.
- The **Colorado Departments of Public Safety and Transportation** gather crime statistics that can be used to show connections between alcohol outlet density and crime (e.g., DUI arrests).

COLORADO DEPARTMENT OF PUBLIC HEALTH & ENVIRONMENT

For more information on alcohol outlet density, alcohol-related policies, their implementation, or alcohol-related harms in your community, visit colorado.gov/pacific/cdphe/alcohol.

Resources

These resources provide more information on licensing and zoning policies, alcohol-related harms, and how to evaluate advantages of policy options, calculate outlet density in your locality, and assess alcohol-related harms in your community.

- **Center on Alcohol Marketing and Youth** – Preemption tool: What can my community do about alcohol outlets? (2019)
camy.org/research-to-practice/place/alcohol-outlet-density/preemption-data-tool.html
- **Centers for Disease Control and Prevention** – Prevention Status Reports: Alcohol-related harms (updated 2016)
wwwn.cdc.gov/psr/NationalSummary/NSARH.aspx
- **ChangeLab Solutions** – *Alcohol Outlet Density: An Evidence-Based Strategy* (2017)
changelabsolutions.org/product/alcohol-outlet-density
- **ChangeLab Solutions** – *Licensing & Zoning: Tools for Public Health* (2012)
changelabsolutions.org/product/licensing-zoning
- **ChangeLab Solutions** – User’s guides for CDC’s Prevention Status Reports (2017)
alcohol-psr.changelabsolutions.org
- **City and County of Denver** – *Community Guide to Liquor Licensing* (2014)
www.denvergov.org/content/dam/denvergov/Portals/723/documents/Community_Guide_to_Liquor_Licensing.pdf
- **Colorado Department of Public Health & Environment** – Excessive alcohol use prevention and data (updated 2019)
colorado.gov/pacific/cdphe/alcohol
- **Community Anti-Drug Coalitions of America & Center on Alcohol Marketing and Youth** – *Regulating Outlet Density: An Action Guide* (2012)
camy.org/_docs/resources/reports/alcohol-availability/strategizer-55-regulating-alcohol-outlet-density.pdf

Notes

- 1 Behavioral Risk Factor Surveillance System and Child Health Survey. Colorado Department of Public Health & Environment website: colorado.gov/pacific/cdphe/behaviorsurvey.
- 2 Alcohol and public health: Alcohol-related disease impact (ARDI). Centers for Disease Control and Prevention Web site: nccd.cdc.gov/DPH_ARDI/default/Report.aspx?T=AAM&P=d95e8d5d-740d-4e59-9831-ebcc44cf3ae6&R=d7a9b303-48e9-4440-bf47-070a4827e1fd&M=307910A2-BDA1-4C49-818F-EA43F9A8745B&F=6D. 2013.
- 3 Sacks JJ, Gonzales KR, Bouchery EE, Tomedi LE, Brewer RD. 2010 national and state costs of excessive alcohol consumption. *Am J Prev Med*. 2015;49(5):e73–e79. doi: 10.1016/j.amepre.2015.05.031.
- 4 ChangeLab Solutions. *What Is Policy?* changelabsolutions.org/product/what-policy. 2017.
- 5 *Id.*
- 6 *Id.*
- 7 Campbell CA, Hahn RA, Elder R, et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *Am J Prev Med*. 2009;37(6):556-569.
saapa.net/research-and-resources/alcohol-outlet-density/limiting-alcohol-outlet-density-means-reducing.pdf.
- 8 Community Anti-Drug Coalitions of America; Center on Alcohol Marketing and Youth, Johns Hopkins Bloomberg School of Public Health. *Regulating Alcohol Outlet Density: An Action Guide*.
camy.org/_docs/research-to-practice/place/alcohol-outlet-density/outlet-density-strategizer-nov-2011.pdf. 2012.
- 9 Campbell CA, Hahn RA, Elder R, et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *Am J Prev Med*. 2009;37(6):556-569.
saapa.net/research-and-resources/alcohol-outlet-density/limiting-alcohol-outlet-density-means-reducing.pdf.

- 10 Alcohol – excessive consumption: regulation of alcohol outlet density. The Community Guide Web site: thecommunityguide.org/findings/alcohol-excessive-consumption-regulation-alcohol-outlet-density.
- 11 “Spiritous liquor” is defined as “any alcohol beverage obtained by distillation, mixed with water and other substances in solution, and includes among other things brandy, rum, whiskey, gin, powdered alcohol, and every liquid or solid, patented or not, containing at least one-half of one percent alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except as provided in subsections (30) and (59) of this section, shall not be construed to be fermented malt or malt or vinous liquor but shall be construed to be spirituous liquor.” Colo. Rev. Stat. § 44-3-103(54) (2018).
- 12 Colo. Rev. Stat. § 44-3-301 (2018); ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 13 *License*, Black’s Law Dictionary (10th ed. 2010).
- 14 “License” is defined as “a grant to a licensee to manufacture or sell alcohol beverages as provided by this article 3,” which refers to the laws placing, among other things, conditions and limitations on the manufacture and selling of alcohol in the state. Colo. Rev. Stat. § 44-3-103(23) (2018); see Colo. Rev. Stat. § 44-3-12(2) (2018).
- 15 Colo. Rev. Stat. §§ 44-3-301(1), (3) (2018).
- 16 Brew pub license. City and County of Denver Web site: denvergov.org/content/denvergov/en/denver-business-licensing-center/liquor-licenses/brew-pub.html. (states that local governments license retail brew pubs— breweries that sell alcohol on the premises).
- 17 Colo. Rev. Stat. § 44-3-201(1) (2018).
- 18 Colo. Rev. Stat. § 44-3-301(2)(a) (2018). (allows local licensing authorities to take a wide range of factors into consideration when hearing a license application and further allows local licensing authorities to establish reasonable restrictions on the approval of alcohol outlets in various neighborhoods).
- 19 Colo. Rev. Stat. § 44-3-301(2)(b) (2018). (allows local licensing authorities to deny the issuance of new tavern and retail store licenses if they determine that issuing such licenses would result in an undue concentration of such licenses in the local government unit).
- 20 Colo. Rev. Stat. § 44-3-105 (2018).
- 21 Colo. Rev. Stat. §§ 29-20-101 to -20-109 (2018); Colo. Rev. Stat. § 31-23-301(1) (2018).
- 22 Colo. Rev. Stat. § 31-23-301(1) (2018).
- 23 Colo. Rev. Stat. § 44-3-313(1)(c) (2018).
- 24 See Colo. Rev. Stat. § 29-20-203 (2018). (stating that local governments may generally impose conditions on the granting of land use approvals, provided (1) that such conditions do not include the dedication of real property or money to the local government, unless there is a central nexus between the dedication and a local government interest and (2) that no local government shall impose any discretionary condition upon a land use approval unless the condition is based on duly adopted standards that are sufficiently specific to ensure that the condition is imposed in a rational and consistent manner); see also *Penrose Hosp. of Colorado Springs v. City of Colorado Springs*, 802 P.2d 1167 (Colo. App. 1990). (finding that when a land use is designated as a conditional use, it means that the use is generally compatible with the permitted uses in a particular zone under certain circumstances but can be denied if the use does not fit in with its specific surroundings or meet certain conditions).
- 25 Colo. Rev. Stat. § 29-20-204(2)(d)(IV) (2018). (stating that a local government may really take anything into account when placing conditions on land use approvals, provided that there are adequate legislative standards and criteria to ensure that the local law, regulation, policy, or requirement is rationally and consistently applied).
- 26 ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 27 Liquor enforcement summaries. Colorado Department of Revenue, Enforcement Division Web site: colorado.gov/pacific/enforcement/liquor-enforcement-summaries. 2019. (summarizing state and local enforcement actions, including suspensions, revocations, and civil monetary penalties).
- 28 “In its discretion, the local licensing authority may impose additional requirements necessary for the approval of the application.” Colo. Rev. Stat. § 44-3-309 (2018).
- 29 Colo. Rev. Stat. §§ 44-3-301(2)(b), -313(2) (2018).
- 30 Colo. Rev. Stat. § 44-3-301(2)(a) (2018).
- 31 Colo. Rev. Stat. § 44-3-601 (2018).
- 32 Colo. Rev. Stat. § 44-3-301(1) (2018); ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 33 Colo. Rev. Stat. § 44-3-302(1) (2018).
- 34 Colo. Rev. Stat. § 44-3-301(2)(a) (2018).
- 35 Colo. Rev. Stat. § 31-23-304 (2018). (stating that a municipality must hold a public hearing with at least 15 days’ notice before a regulation, restriction, or boundary may become effective through action by the zoning commission).
- 36 Liquor licensing. City of Boulder, Colorado, Web site: bouldercolorado.gov/tax-license/liquor-licensing. Accessed June 11, 2019.
- 37 City of Boulder, Colorado, Regulatory Licensing Division. *City of Boulder Liquor License Application Workflow Summary*. www-static.bouldercolorado.gov/docs/Checklist_scheduled_fees_resources_for_Liquor_application-1.1.19-1-201901040701-1-201907091544.pdf. 2019.
- 38 Zoning may be used “to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the height and location of trees and other vegetation, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.” Colo. Rev. Stat. § 31-23-301(1) (2018).
- 39 ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 40 *Id.*
- 41 Colo. Rev. Stat. § 31-23-202 (2018).
- 42 Colo. Rev. Stat. § 32-23-307 (2018).
- 43 ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 44 *Id.*
- 45 *Id.*
- 46 Colo. Rev. Stat. § 31-23-305 (2018).
- 47 Colo. Rev. Stat. § 31-23-302 (2018); Colo. Rev. Stat. § 44-3-301(2) (2018). (stating that LLAs must consider all other reasonable restrictions, including zoning laws, that may be placed on an area before granting a license).
- 48 See Logan County, Colorado. *Requirements for Conditional Use Permit Applications*. (“All Conditional Use Permits are subject to review and must remain in compliance with Logan County and the State of Colorado Regulations. All Permits must be reviewed and renewed every 5 years. ...”) colorado.gov/pacific/sites/default/files/Conditional%20Use%20Permit%20Application_1.pdf. 2018.
- 49 ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.
- 50 Colo. Rev. Stat. §§ 31-23-301(1), -305 (2018).
- 51 Colo. Rev. Stat. § 31-23-309 (2018).
- 52 Colo. Rev. Stat. § 31-23-301(1) (2018).
- 53 ChangeLab Solutions. *Licensing & Zoning: Tools for Public Health*. changelabsolutions.org/product/licensing-zoning. 2012.

