



# Proposal to modify UDC for Natural Medicine Uses

City Council

Work Session – November 12, 2024



# Proposed Ordinance to respond to State Licensing of Natural Medicine Uses



The voters of the State of Colorado passed an Initiative in 2022 creating an industry that can use Natural Medicine products, in this case psilocybin from mushrooms.

The State has codified and established rules for the licensing of cultivation, manufacture, testing and clinical use of these products starting January 1, 2025

The licensing requires that the licensee meet local zoning standards for the uses

The Attorney's office and Planning Department have drafted an ordinance which we will introduce to you today for discussion only.

# Addition to UDC regarding definitions and use restrictions pertaining to Natural Medicine



## Applicant

City of Colorado Springs

## Proposed language addition

AN ORDINANCE AMENDING SECTIONS OF PART 2 (ALLOWED USE AND TABLES) AND PART 3 (USE-SPECIFIC STANDARDS) OF ARTICLE 3 (USE AND REGULATIONS) AND SECTION 1003 (PARKING SPACE REQUIREMENT BY USE) OF PART 10 (PARKING AND LOADING) OF ARTICLE 4 (DEVELOPMENT STANDARDS AND INCENTIVES) AND PART 3 (DEFINITIONS) OF ARTICLE 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO NATURAL MEDICINE

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## History

### Statewide Initiative Proposition 50

- **Adopted in 2022, Statutes codified since then**
- **Regulated use of psilocybin (extracted from mushrooms)**
  - Decriminalized use
  - Established regulations regarding cultivation, manufacture, testing, clinical use
  - Established State as the primary regulator of this industry
    - State will license all four use categories – Start date 1/1/2025
    - Allowed local government to regulate “time place and manner” of uses
    - Requires license applicants to verify that they meet local zoning and use requirements

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## Issues for drafting of local regulation

- Uses allowed by statute (local government must allow the use)
  - Without local ordinances regulating use, would be allowed anywhere in the City
  - With only state regulations to restrict time place and manner
- Psilocybin remains a Class 1 substance regulated by Federal Government
  - Only one other state (Oregon) has decriminalized and allowed for clinical use

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## Issues for drafting of local regulation

- Local jurisdictions are not uniform in local regulatory framework
  - All are working on local regulation to meet the start of licensing in 2025
  - Some are proposing moratorium (Parker)
  - Some are proposing no additional distance requirements beyond State (>1,000' from schools and day care center)

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## Issues for drafting of local regulation

- Similar land use impacts as medical and recreational marijuana uses
  - Decriminalize personal use in the State
  - Cultivation and manufacture of products similar to marijuana industry
  - Testing is a different use from marijuana
  - State requires 1,000' separation from “. . . a child care center; preschool; elementary, middle, junior, or high school; or a residential child care facility.”

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## Issues for drafting of local regulation

- Impacts and uses that are NOT similar land use impacts as medical and recreational marijuana uses
  - Natural Healing Centers are places where the consumption of the product is allowed in a clinical setting under the care of a licensed clinician
  - There is variability as to the impacts on users in that setting and the time that it takes for them to be released
  - Uncertain regulatory scrutiny from the State of Colorado
  - There is a history of local regulations and political support unlike when marijuana uses were new
  - There is no history of other local government regulatory impacts

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## Issues for drafting of local regulation

### Summary

- January 2025 is the beginning of state licensing uses
- Colorado Springs has a history prudent regulation
  - Zoning is designed to protect the community from negative impacts of uses on the public and other land uses
  - This use has unknown impacts for local land uses and no history of regulation anywhere
  - This ordinance is conservative with this experimental industry until there is better data and historical references

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## Proposed ordinance highlights

- Use definitions mirror state regulations at this time
  - Adopted licensure rules are over 100 pages of regulations
  - No local licensing
- Cultivation, manufacture and testing meet state regulatory minimums 1,000' walkable distance from any Elementary or Secondary School, Residential Childcare Facility, and
  - Additional local restrictions Drug or Alcohol Treatment Facility, or any other Natural Medicine Business



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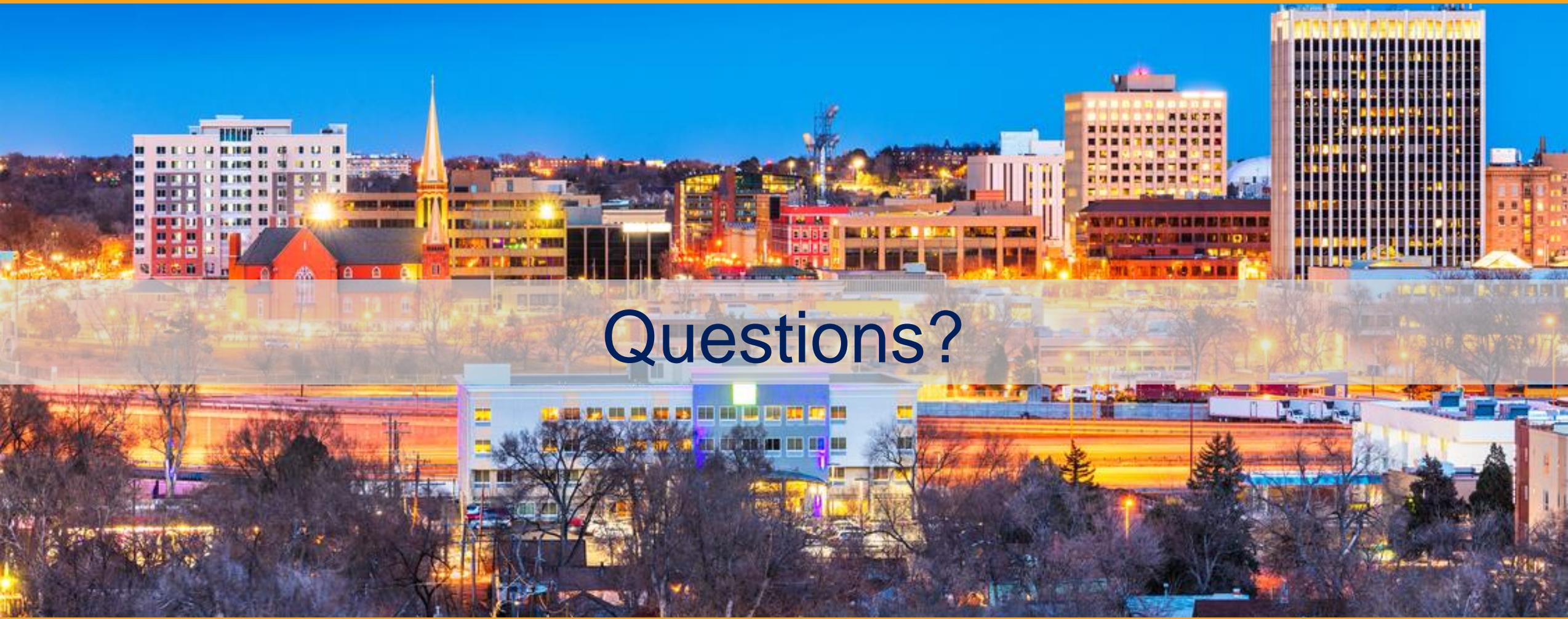


## Proposed ordinance highlights

Healing Centers allowed in zones where medical offices are allowed, with the additional restrictions of 1 mile from the identified uses.

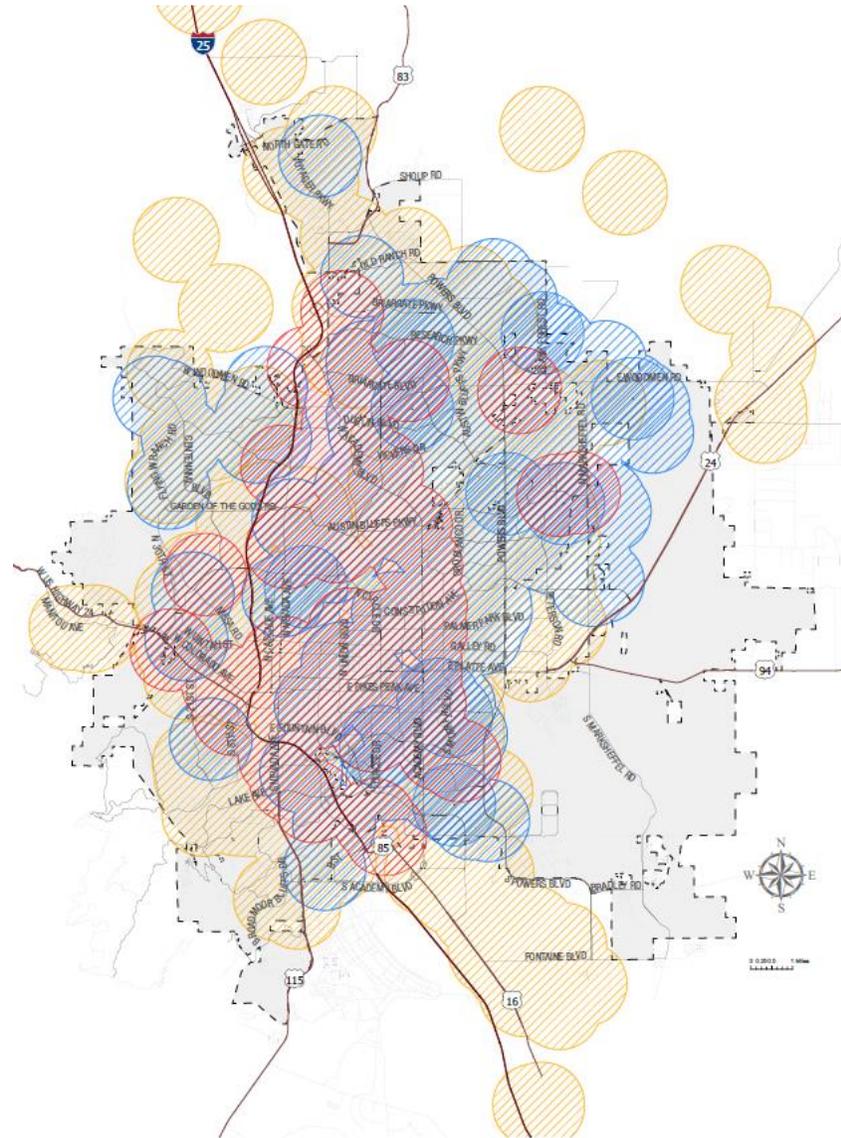
**Table 7.3.2-A** P = Permitted A = Accessory to primary use  
 Base and NNA-O District C = Conditional use T = Temporary use  
 Use Table R = Allowed pursuant to regulating plan

Zone District →	Residential									Mixed-Use					Indus.			Special P.			NNA-O			Use-Specific Standards			
	A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI	GI	APD	PF	PK		South	Central	North
Office																											
Medical Office											P	P	P	P	P	P	P	P	P	P	P			P	P	P	7.3.303K



Questions?

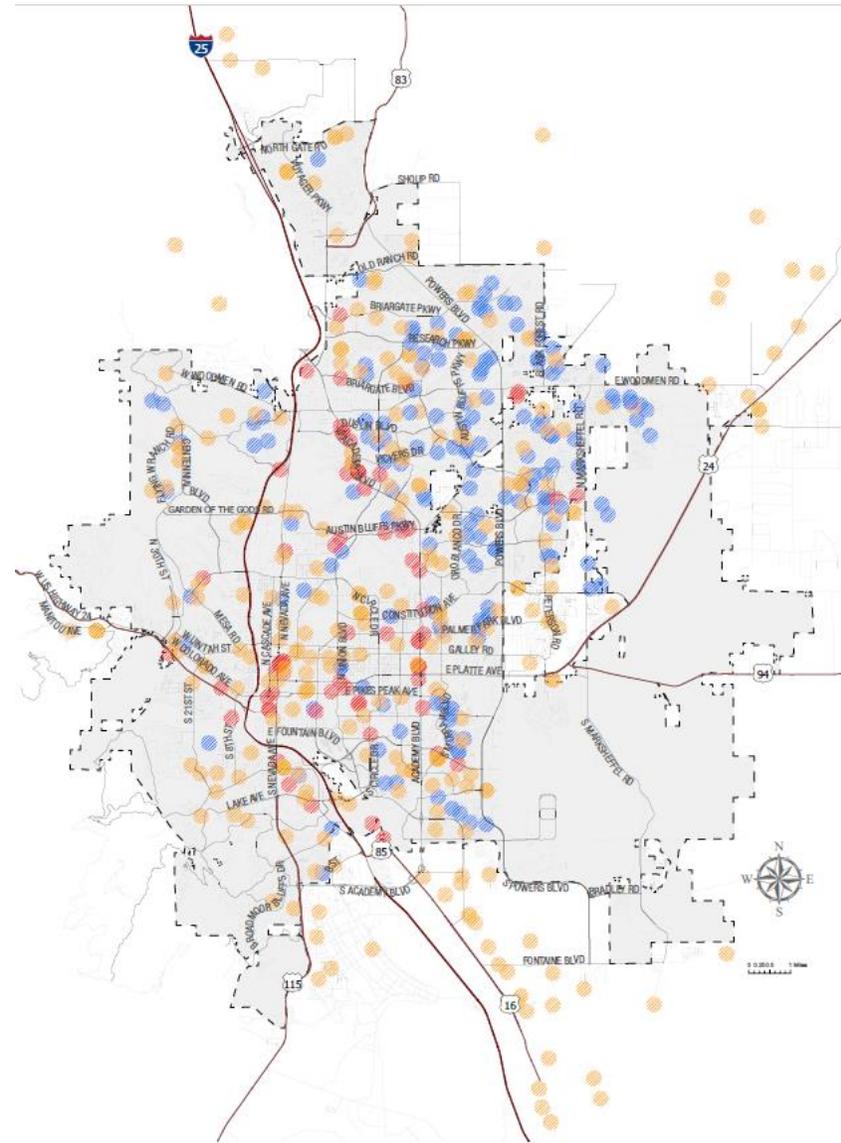




**NATURAL MEDICINE  
CENTERS SEPERATION  
AT 1 MILE**

- K - 12 Schools - One Mile Separation
- Home Day Care Facilities - One Mile Separation
- Alcohol / Drug Treatment Facilities - One Mile Separation

City Boundary



**NATURAL MEDICINE CENTERS SEPERATION AT 1000 FEET**

- K - 12 Schools - 1 Thousand Foot Separation
- Home Day Care Facilities - 1 Thousand Foot Separation
- Alcohol / Drug Treatment Facilities - 1 Thousand Foot Separation
- City Boundary