

ORDINANCE NO. 24-_____

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Part 2 (Allowed Use And Tables) of Article 3 (Use And Regulations) of Chapter 7(Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.201: BASE AND NNA-O DISTRICT USE TABLE:

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use										R = Allowed pursuant to regulating plan							
		Residential										Mixed-Use						Indus.		Special P.		NNA-O		Use-Specific Standards					
Zone District →	Land Use ↓	A	R-E	R-1 9	R-1 6	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	
* * *																													
COMMERCIAL AND INDUSTRIAL USES																													
Natural Medicine																													
Natural Medicine Cultivation Facility															C	C		R	C	P	P							7.3.303L	
Natural Medicine Products Manufacturer															C	C		R	C	P	P								
Natural Medicine Testing Facility															C	C		R	C	P	P								
* * *																													
Office																													
Medical Office													P	P	P	P	P	P	P	P	P	P				P	P	P	7.3.303K

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7.3.202: ADDITIONAL OVERLAY DISTRICT USE TABLE:

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Table 7.3.2-B Additional Overlay District Use Table		P = Permitted use if by-right in base zone district C = Conditional use if permitted by-right in base district A = Accessory T = Temporary Use				
Overlay District →	SS-O	AP-O [1]				
Land Use ↓		ADNL	RPZ	APZ-1	APZ-2	ANAV
RESIDENTIAL USES						
		* * *				
Natural Medicine						
Natural Medicine Cultivation Facility	P	C		P	P	P
Natural Medicine Products Manufacturer - Nonhazardous	C	C		P	P	P
Natural Medicine Testing Facility	C	C		P	P	P
		* * *				

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Section 2. Section 303 (Commercial and Industrial Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use And Regulations) of Chapter 7(Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.303: COMMERCIAL AND INDUSTRIAL USES:

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K. Natural Medicine:

1. Prohibition of Other Natural Medicine Uses:

a. Except as expressly permitted in this UDC, the following uses are prohibited on all property within the City:

- i. Administration to, possession or consumption of Natural Medicine by a person under the age of 21.
- ii. Operating a retail Natural Medicine establishment.
- ii. Growing Natural Medicine in an outdoor facility.

iii. Transferring or permitting the transfer of Natural Medicine or Natural Medicine product at no cost to a person if the transfer is in any way related to remuneration for any other service or product.

iii. Growing, cultivating, or processing Natural Medicine except in compliance with the requirements of this UDC.

L. Natural Medicine Healing Center:

This use shall comply with the following standards:

1. A Natural Medicine Healing Center is prohibited within a residential zone district or dwelling unit.
2. A Natural Medicine Healing Center shall be considered a Medical Office use for purposes of this UDC and adhere to applicable requirements in Tables 7.3.2-A, 7.3.2-B, and 7.4.10-A.
3. A Natural Medicine Healing Center shall hold a valid State license and local and state Sales Tax licenses, as applicable.
4. Natural Medicine Services shall only be performed within a licensed Natural Medicine Healing Center facility.
5. A Natural Medicine Healing Center shall not collocate with any establishment that sells or serves alcohol or Marijuana-related Services.
6. This use shall be located at least one (1) mile from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Natural Medicine Healing Center. This minimum distance shall be measured from the nearest portion of the building used for the Natural Medicine Healing Center to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Natural Medicine Healing Center using a route of direct pedestrian access.
7. A Natural Medicine Healing Center shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

M. Natural Medicine Cultivation Facility:

This use shall comply with the following standards:

1. Natural Medicine or Natural Medicine products shall not be consumed on cultivation facility premises unless collocated with a licensed Natural Medicine Healing Center.
2. Natural Medicine or Natural Medicine products shall not be tested at a cultivation facility.

3. The cultivation of Natural Medicine is only permitted in zone districts indicated in Tables 7.3.2-A and 7.3.2-B.
4. Natural Medicine shall not be cultivated outdoors.
5. Home cultivation of Natural Medicine is not permitted.
6. A Natural Medicine Cultivation Facility shall not collocate with any establishment that sells or serves alcohol or Marijuana-related Services.
7. A Natural Medicine Cultivation Facility shall hold a valid State license.
8. This use shall be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Natural Medicine Business. This minimum distance shall be measured from the nearest portion of the building used for the Natural Medicine Cultivation Facility to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Natural Medicine Business using a route of direct pedestrian access.
9. The Natural Medicine Cultivation Facility shall have a ventilation and filtration system that ensures odors from the cultivation activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
10. The use shall comply with applicable standards in the City of Colorado Springs Fire Prevention Code and Standards.

N. Natural Medicine Product Manufacturer:

This use shall comply with the following standards:

1. Natural Medicine or Natural Medicine products shall not be consumed, cultivated, or sold at a manufacturing facility or on manufacturing facility premises.
2. A Natural Medicine Manufacturer is only permitted in zone districts indicated in Tables 7.3.2-A and 7.3.2-B.
3. Home manufacture of Natural Medicine is not permitted.
4. A Natural Medicine Manufacturer shall not collocate with any establishment that sells or serves alcohol or Marijuana-related Services.
5. This use shall be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Natural Medicine Business. This minimum distance shall be measured from the nearest portion of the building used for Natural Medicine Manufacturing to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Natural Medicine Business using a route of direct pedestrian access.

6. The Natural Medicine Product Manufacturer shall have a ventilation and filtration system that ensures odors from the manufacturing activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
7. A Natural Medicine Product Manufacturer shall hold a valid State license.
8. The use shall comply with applicable standards in the City of Colorado Springs Fire Prevention Code and Standards.

O. Natural Medicine Testing Facility:

1. Natural Medicine or Natural Medicine products shall not be consumed, cultivated, manufactured or sold at a testing facility or on testing facility premises.
2. A Natural Medicine Testing Facility is only permitted in zone districts indicated in Tables 7.3.2-A and 7.3.2-B.
3. Home testing of Natural Medicine is not permitted.
4. A Natural Medicine Testing Facility may collocate with a licensed and regulated Marijuana Testing Facility, but not an establishment that sells or serves alcohol or provides any other Marijuana-related Services.
5. This use shall be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Natural Medicine Business. This minimum distance shall be measured from the nearest portion of the building used for the Natural Medicine Healing Center to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Natural Medicine Business using a route of direct pedestrian access.
6. The Natural Medicine Testing Facility shall have a ventilation and filtration system that ensures odors from the manufacturing activities are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.
7. A Natural Medicine Cultivation Facility shall hold a valid State license.
8. The use shall comply with applicable standards in the City of Colorado Springs Fire Prevention Code and Standards.

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Section 3. Section 1003 (Parking Space Requirement By Use) of Part 10 (Parking And Loading) of Article 4 (Development Standards And Incentives) of Chapter 7 (Unified

Development Code) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.1003: PARKING SPACE REQUIREMENTS BY USE:

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Table Error! Reference source not found. -A Minimum and Maximum Off-Street Parking Requirements DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
RESIDENTIAL USES	
* * *	
Natural Medicine	
Natural Medicine Cultivation Facility	Gross and Process: 1 per 5,000 sf
Natural Medicine Products Manufacturer	1 per 1,000 sf of GFA
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Section 4. Section 301 (Definitions) of 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, is amended to read as follows:

7.6.301: DEFINITIONS:

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MEDICAL OFFICE: Use of a site for facilities which provide medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. Available uses include substance treatment facilities, including but not limited to methadone clinics ~~and~~, opioid treatment facilities, **and Natural Medicine Healing Centers**. Medical offices are operated by doctors, dentists, or other physical or mental healthcare practitioners licensed for practice by the State of Colorado and are characterized by a high proportion of vehicle trips attributable to visitors or clients in relation to employees.

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NATURAL MEDICINE: The naturally occurring hallucinogenic compounds found in certain species of fungi, also known as psilocybin or psilocyn, that for purposes of this UDC are

intended for personal consumption in the presence of a State-licensed facilitator. "Natural medicine" does not mean a synthetic or synthetic analog of the substances listed, including a derivative of a naturally occurring compound of natural medicine that is produced using chemical synthesis, chemical modification, or chemical conversion.

Extraction, Natural Medicine-Related: For purposes of Natural Medicine-related uses, extraction is the removal of Natural Medicine product from any substance or material, unless otherwise defined in Colorado law, in which case the definition in Colorado law shall apply.

Natural Medicine Healing Center: a facility licensed by the state licensing authority pursuant to C.R.S. Title 44, Section 50, that permits a facilitator to provide and supervise natural medicine services for a participant.

Natural Medicine Business: any of the following entities licensed pursuant to the Natural Medicine Code:

- i. A Healing Center;
- ii. A Natural Medicine Cultivation Facility;
- iii. A Natural Medicine Products Manufacturer;
- iv. A Natural Medicine Testing Facility.

Natural Medicine Cultivation Facility: a location where Regulated Natural Medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Healing Center, Facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

"Natural medicine product" means a product infused with natural medicine that is intended for consumption.

Natural Medicine Products Manufacturer: An entity or person who manufactures Regulated Natural Medicine Products for storage or transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

"Natural Medicine Testing Facility" means a public or private laboratory licensed, or approved by the Division, to perform testing and research on Regulated Natural Medicine and Regulated Natural Medicine Product.

"Natural Medicine Services" means a preparation session, administration session, and integration session as provided pursuant to C.R.S. Title 12, Article 170.

"Remuneration" means anything of value, including money, real property, tangible and intangible personal property, a contract right, a chose in action, a service, and any right of use or employment or promise or agreement connected therewith, a business promotion, or commercial activity.

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URBAN AGRICULTURE: The use of a parcel of land not exceeding five (5) acres in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, hydroponics, and animals limited to fowl, ducks, and hoofed pets. This use may include the production or sale of food products from food grown on the premises and accessory keeping of bees subject to City regulations, but does not include cultivation of marijuana **or Natural Medicine.**

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Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2024.

Finally passed: _____

Randy Helms, Council President

Mayor's Action:

- ☐ Approved on _____.
- ☐ Disapproved on _____, based on the following objections:

Blessing A. Mobolade, Mayor

Council Action After Disapproval:

- ☐ Council did not act to override the Mayor's veto.
- ☐ Finally adopted on a vote of _____, on _____.
- ☐ Council action on _____ failed to override the Mayor's veto.

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk