PLANNING COMMISSION REGULAR MEETING

September 17, 2025 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550
To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public Invited to be Heard

   Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Planning Commission.

   Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Town Clerk prior to the start of the meeting.

   The Planning Commission will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement. If requesting a response from the Town, please leave your contact information with the Town Clerk. The Town Manager or other appropriate staff member will reach out after the meeting to address specific questions or concerns when appropriate.

B. CONSENT CALENDAR

1. Approval of the August 6, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

C. BOARD ACTION

1. Public Hearing - An Ordinance Amending the Windsor Municipal Code by Adding Sections 16-4-40 and 16-5-70 to Address the Zoning of Natural Medicine Healing Centers and Natural Medicine Businesses in the Town of Windsor, Colorado

   • Legislative
   • Staff presentation: Kim Mihm, Deputy Town Attorney & Scott Ballstadt, Director of Planning

2. Recommendation to Town Board - An Ordinance Amending the Windsor Municipal Code by Adding Sections 16-4-40 and 16-5-70 to Address the Zoning of Natural Medicine Healing Centers and Natural Medicine Businesses in the Town of Windsor, Colorado

   • Legislative
   • Staff presentation: Kim Mihm, Deputy Town Attorney & Scott Ballstadt, Director of Planning

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison

3. Communications from Staff

E. ADJOURN

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MEMORANDUM

Date: September 17, 2025
To: Planning Commission
From:
Re: Approval of the August 6, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. 08.06.25 PC Draft Minutes

Planning Commission Regular Meeting

August 6, 2025 - 7:00 PM
Town Board Chambers, 301 Walnut Street, Windsor, CO 80550
To view Planning Commission meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Reddick called the meeting to order at 7:00 p.m.

1. Roll Call

Present:	Chairman Reddick Vice-Chair Nader Nathan Kinney David Hassard Nancy Frase
Absent:	Ben Kirch Jordan Spight John Neal
Also Present:	Town Board Liaison Hallett Scott Ballstadt, Planning Director Kim Mihm, Deputy Town Attorney Carlin Malone, Chief Planner Kelsey Robertson, Senior Planning Kyra Mckinley, Visual Media Coordinator Laura Richardson, Assistant Town Clerk

2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration

   Planning Commissioner Nader moved to approve the agenda as presented, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Maxwell Nader, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

3. Public Invited to be Heard

   Chairman Reddick opened the meeting up for public comment on any non-agenda item, to which there were none.

B. CONSENT CALENDAR

1. Approval of the June 18, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

   Planning Commissioner Nader moved to approve the consent calendar as presented, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Maxwell Nader, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

   Jason Hallett, Town Board Liaison, gave a statement to the Commission.

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"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission. Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

C. BOARD ACTION

1. Public Hearing- Final Major Subdivision, Greenspire Subdivision 7th Filing - John Hall, Lot Holding Investments LLC, Owner, and Abdul Barzak, Ripley Design, Inc., Applicant

   The applicant's representative, Mr. Abdul Barzak of Ripley Design Inc. has submitted an application on behalf of the property owner, Lot Holding Investments, LLC, represented by Mr. John Hall, for a final major subdivision plat for the Greenspire Subdivision 7th Filing, located north of Windsor Lake, and east of State Highway 257, in the Town of Windsor.

   The subject subdivision is zoned Residential Mixed Use (RMU-1) and is a 10.25-acre portion of the previously platted Greenspire Subdivision (1st Filing). The proposed subdivision reduces the number of single-family residential lots from 61 to 52, maintaining previously platted tracts for pedestrian access to the Windsor Lake Trail, open space, and a Town of Windsor dedicated park. The reduction in lots is to accommodate the desired product type and market demand.

   There have been no changes since the Planning Commission's approval of the preliminary major subdivision on April 16th, 2025.

   Kelsey Robertson, Senior Planner, presented to the Planning Commission. Mr. Abdul Barzak of Ripley Design, Inc. spoke on behalf of the applicant.

   Chairman Reddick opened the floor for public comment, but no members of the public requested to speak. The public hearing was then closed.

2. Recommendation to Town Board - Final Major Subdivision, Greenspire Subdivision 7th Filing - John Hall, Lot Holding Investments LLC, Owner, and Abdul Barzak, Ripley Design, Inc., Applicant

   Please refer to information included with the public hearing item.

   Chairman Reddick noted that the Planning Commission had previously approved this item as a preliminary subdivision in April and asked if there were any questions or concerns, to which there were none.

   Planning Commissioner Nader moved to forward to the Town Board a recommendation of approval of the Final Major Subdivision, Greenspire Subdivision 7th Filing, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Maxwell Nader, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

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D. COMMUNICATIONS

1. Communications from Planning Commission

   Commissioner Hassard stated that he would not be attending the next August meeting. Commissioner Kinney stated he had nothing to report but was happy to be in attendance.

   No other Commissioners had communications to share.

2. Communications from Town Board Liaison

   Town Board Liaison Hallett reported that the next Weld RE-4 meeting would be held on August 18th and provided an update on the new school schedules. He also shared that he had moved from the Windsor Downtown Alliance to the Historical Preservation Commission approximately one to two months ago. Town Board Liaison Hallett reported that at the Historical Preservation Commission's last meeting, they discussed reviewing the Master Plan, tracking progress for 2025 and the potential for designating Windsor Lake as a historical property. He noted that such a designation would not change the lake itself or restrict access.

3. Communications from Staff

   Scott Ballstadt, Director of Planning, reported that the Community Development building had opened to the public that week. He announced there would be a ribbon-cutting on September 18th after the Coffee with the Mayor event, at which time tours of the building would be given. He encouraged Commissioners to stop by the building at any time and expressed appreciation for the Town Board's investment in the facility. He mentioned that planning, engineering, water, and economic development departments were now located in the building.

   Additionally, Scott Ballstadt informed the Planning Commission about the August 18th Town Board work session, which would include a presentation from the Windsor Downtown Alliance regarding their proposal for improvements to the back lots.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:21 p.m.

_____

Laura Richardson, Assistant Town Clerk

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MEMORANDUM

Date: September 17, 2025
To: Planning Commission
From: Scott Ballstadt, Planning Director
Kim Mihm, Deputy Town Attorney
Re: Public Hearing - An Ordinance Amending the Windsor Municipal Code by Adding Sections 16-4-40 and 16-5-70 to Address the Zoning of Natural Medicine Healing Centers and Natural Medicine Businesses in the Town of Windsor, Colorado
Item #: C.1.

Background / Discussion:
Senate Bill 23-290 authorizes municipalities to develop their own regulations concerning Natural Medicine Healing Centers and Businesses regarding psychedelic mushrooms. Such local regulations must be limited to:

- Time, Place and Manner
- Locations (zoning restrictions)
- Distance restrictions

At their July 21, 2025 work session, Town Board discussed and gave staff the following direction:

- Natural Medicine Healing Centers are permitted in the General Commercial (GC) zone district.
- Natural Medicine Businesses are limited to Heavy Industrial (HI) zone district.
- Distance restrictions for Natural Medicine Healing Centers and Businesses are to be one thousand (1,000) feet from childcare centers, preschools, elementary, middle, junior high and high schools.
- Time restrictions for Natural Medicine Healing Centers and Businesses are set for 7:00 A.M. to 7:00 P.M. from Monday to Saturday.

Financial Impact:

Relationship to Strategic Plan:
The ordinance is consistent with the following Guiding Principle of the Strategic Plan:
Community Safety - Windsor ensures that safety of our community is at the forefront of every decision we make.

Recommendation:
Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of an Ordinance Amending the Windsor Municipal Code by Adding Sections 16-4-40 and 16-5-70 to Address the Zoning of Natural Medicine Healing Centers and Natural Medicine Businesses in the Town of Windsor, Colorado

CC:

Attachments:

1. 9.12.25 Draft Ordinance 2025-XXXX - Natural Medicine
2. Natural Medicine Ordinance Presentation

TOWN OF WINDSOR

ORDINANCE NO. 2025-XXXX

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE BY ADDING SECTIONS 16-4-40 AND 16-5-70 TO ADDRESS THE ZONING OF NATURAL MEDICINE HEALING CENTERS AND NATURAL MEDICINE BUSINESSES IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority vested in Colorado law; and

WHEREAS, the Natural Medicine Health Act of 2022, a citizen-initiated measure intended to decriminalize the use of certain plants or fungi for people twenty-one (21) years of age and older, was approved by Colorado voters in November 2022; and

WHEREAS, in May 2023, the Governor signed Senate Bill 23-290, entitled "Natural Medicine Regulation and Legalization", into law, in which the bill clarifies and sets the regulatory framework for a regulated natural medicine program in Colorado; and

WHEREAS, Senate Bill 23-290 authorizes the Town Board to enact an ordinance to: (i) regulate the time, place and manner of the operation of natural medicine business licenses issued by the Colorado Division of Professions and Occupations; (ii) limit the areas where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensing of natural medicine and natural medicine product may be permitted in the Town; and (iii) establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center, preschool, elementary, middle, junior or high school, residential child care facility, or residential dwelling; and

WHEREAS, the Town Board desires to permit natural medicine healing centers as a permitted use in General Commercial (GC) zone districts and permit natural medicine businesses as a permitted use in Heavy Industrial (HI) zone districts; and

WHEREAS, the Town Board desires to enact distance restrictions for natural medicine healing centers and businesses to be one thousand (1,000) feet from childcare centers, preschools, elementary, middle, junior high, and high schools; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 17, 2025 at 7:00 pm, where a recommendation for approval was forwarded to the Town Board; and

WHEREAS, a duly noticed public hearing was held by the Town Board on September 22, 2025 at 7:00 pm; and

WHEREAS, the Town Board finds that enacting proper zoning and distance restrictions for the use of natural medicine is in the best interest of public health, safety and welfare of the community.

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NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Windsor Municipal Code Chapter 14, Article V is hereby amended by the inclusion of additional definitions that are to be incorporated into the existing definitions in alphabetical order. The new definitions to be incorporated are:

ARTICLE V – Definitions

……

Colorado Natural Medicine Code **is codified in Colorado Revised Statutes Sections 44-50-101 through 904.**

Natural medicine **means psilocybin or psilocyn and other substances described as "natural medicine."**

Natural medicine business **means any of the following entities licensed by the state and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.**

Natural medicine healing center **means a facility where an entity is licensed by the state licensing authority that permits a facilitator, to provide and supervise natural medicine services for a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.**

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

Natural medicine services **means a preparation session, administrative session, and integration session.**

Participant **means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator.**

Regulated natural medicine **means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed.**

Regulated natural medicine product **means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed.**

State licensing authority **means the authority created by the state for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product.**

……

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Section 2. Windsor Municipal Code Chapter 16, Article IV is hereby amended by the addition of a new Section 16-4-40 to address the zoning requirements of natural medicine healing centers. This section shall read as follows:

Sec. 16-4-40. – Natural Medicine Healing Centers.

(a) Permitted locations.

Natural medicine healing center is a use permitted by right in General Commercial (GC) and Heavy Industrial (HI) zone districts, subject to site plan requirements, distance requirements and to the time, place and manner requirements contained in this Section. Natural medicine healing centers are prohibited in all other zoning districts in the Town, including the Planned Unit Development (PUD) District.

(b) Distance from schools and residential dwellings.

(1) No natural medicine healing center that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively "school").

(2) No natural medicine healing center that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for single-family dwellings, duplexes, or multiple-family dwellings (collectively "residential dwellings").

(3) The above-mentioned distance restrictions do not apply to a licensed facility located on land owned by the Town or the state of Colorado or apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

(c) Hours of operation — Natural medicine services.

Natural medicine healing centers that provide natural medicine services shall only operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(d) Public view.

All doorways, windows and other openings of natural medicine healing center buildings, where healing is occurring, shall be located, covered, or screened in such a manner to prevent seeing into the interior from any exterior public or semipublic area, subject to applicable Town design standards. Coverings or screenings are not required in lobby areas where no healing activities occur. All activities of natural medicine healing centers shall occur indoors.

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(e) Storage.

All storage of natural medicine and natural medicine products shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(f) Air filtration and ventilation requirements.

Natural medicine healing centers shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(g) Secure disposal.

Natural medicine healing centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

(h) Processing of natural medicine.

(1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(2) Nonhazardous materials used to process natural medicine shall be stored in a manner to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(3) The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes and site plan approval requirements.

(4) The processing of natural medicine shall meet all the requirements of all adopted water and sewer regulations promulgated by the Town and any applicable water or sanitary sewer district.

(i) Nuisance.

It is unlawful and deemed a nuisance under Chapter 7 of this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any

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adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 3. Windsor Municipal Code Chapter 16, Article V is hereby amended by the addition of a new section 16-5-70 to address the zoning requirements for natural medicine businesses. This section shall read as follows:

Sec. 16-5-70. – Natural Medicine Businesses.

(a) This section applies to all natural medicine businesses as defined in Chapter 14, except for natural medicine healing centers which are referenced in Sec. 16-4-40.

(b) Permitted locations.

Natural medicine business is a use permitted by right in Heavy Industrial (HI) zone districts only, subject to the distance requirements in addition to the time, place and manner requirements contained in this Section. Natural medicine businesses are prohibited in all other zoning districts in the Town, including the Planned Unit Development (PUD) District.

(c) Distance from schools and residential dwellings.

(1) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively "schools").

(2) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for single-family dwellings, duplexes, or multiple-family dwellings (collectively "residential dwellings").

(3) Subsections 1 and 2 above do not apply to a licensed facility located on land owned by the Town or the state of Colorado nor do they apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

(d) Hours of operation — Natural medicine services.

Natural medicine businesses that provide natural medicine services shall only operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(e) Public view.

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All doorways, windows and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to applicable Town design standards. All activities of natural medicine businesses shall occur indoors.

(f) Storage.

All storage of natural medicine and related products for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(g) Air filtration and ventilation requirements.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(h) Secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product, product remnants or by-products. Natural medicine and natural medicine product, product remnants or by-products shall not be placed within the facilities' exterior refuse container.

(i) Processing of natural medicine and natural medicine products.

(1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(2) Nonhazardous materials used to process natural medicine shall be stored in a manner to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(3) The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes and site plan approval requirements.

(4) The processing of natural medicine shall meet all the requirements of all adopted water and sewer regulations promulgated by the Town and any applicable water or sanitary sewer district.

(j) Nuisance.

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It is unlawful and deemed a nuisance under Chapter 7 of this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 4. Windsor Municipal Code Sec. 16-1-120(c)(1) concerning uses by right in General Commercial zone districts is hereby amended by the addition of subparagraph "o", and shall read as follows:

Sec. 16-1-120. – General commercial (GC) district.

……

(c) Use Regulations.

(1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.

a. Drive-in restaurants.

b. Grocery stores and supermarkets.

c. Gasoline service stations.

d. Commercial lodging.

e. Restaurants and bars.

f. Outdoor sales areas, such as garden shops.

g. Automobile sales and service establishments, including used car lots.

h. Lumber and building supply yards.

i. Public, private, commercial, and private group outdoor recreational facilities.

j. Bowling alleys.

k. Business and professional offices.

l. Places of assembly (small).

m. Places of assembly (large).

n. Other similar uses as defined in this Code.

o. Natural medicine healing centers, as defined in Chapter 14, Article V of this Code, and subject to site plan approval.

……

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Section 5. Windsor Municipal Code Sec. 16-1-140(c)(2) concerning uses by right in Heavy Industrial zone districts is hereby amended by the addition of subparagraph "n" and "o", and shall read as follows:

Sec. 16-1-140. – Heavy Industrial (HI) district.

……

Sec. 16-1-140 (c)

……

(2) Uses by right. Subject to the requirements set forth in Subsection (a) above, the following uses shall be permitted in the Heavy Industrial HI District:

a. Petrochemical industries.

b. Rubber refining industries.

c. Primary metal and related industries.

d. Trucking operations.

e. Slaughterhouses.

f. Foundries.

g. Automobile, farm equipment and machinery sales.

h. Places of assembly (small).

i. Places of assembly (large).

j. Any use otherwise permitted in a Limited Industrial LI Zoning District.

k. Any use otherwise permitted in a General Commercial GC Zoning District.

l. Other similar uses as defined in this Code.

m. Class VI wells, as defined in Section 16-5-60(a) of this Code.

n. Natural medicine healing centers, as defined in Chapter 14, Article V of this Code, and subject to site plan requirements.

o. Natural medicine businesses, as defined in Chapter 14, Article V of this Code, and subject to site plan requirements.

……..

Section 6. 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.

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Section 7. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance 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, passed on first reading, and ordered published this ____ day of _____ 2025.

TOWN OF WINDSOR, COLORADO

_____
Julie Cline, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

Introduced, passed on second reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

_____
Julie Cline, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

DRAFT

Natural Medicine Ordinance

By: Kim Mihm, Deputy Town Attorney
and Scott Ballstadt, Director of Planning

Natural Medicine Overview

Natural Medicine, pursuant to C.R.S. § 12-170-104(12)(a) addresses psilocybin/psilocyn, which is the active substance in psychedelic mushrooms.

Legislative Background

- Proposition 122 - Decriminalizes the cultivation, possession, consumption and sharing of Natural Medicine.
- Senate Bill 23-290 - Created to amend the framework of Proposition 122 to help both regulate and establish more detailed guidelines for the Natural Medicine program in the state of Colorado.

Natural Medicine Overview

Senate Bill 23-290 authorizes municipalities to develop their own regulations concerning Natural Medicine Healing Centers and Businesses, limited to:

- Time, Place and Manner
- Locations (zoning restrictions)
- Distance restrictions

Natural Medicine Overview

Natural medicine business includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Town of Windsor's Process

July 21, 2025 Town Board Work Session:

- Natural Medicine Healing Centers are permitted in the General Commercial (GC) zone district.
- Natural Medicine Businesses are limited to Heavy Industrial (HI) zone district.
- Distance restrictions for Natural Medicine Healing Centers and Businesses are to be one thousand (1,000) feet from childcare centers, preschools, elementary, middle, junior high and high schools.
- Time restrictions for Natural Medicine Healing Centers and Businesses are set for 7:00 A.M. to 7:00 P.M. from Monday to Saturday.

Thank You.

Legal and Planning Depts

MEMORANDUM

Date: September 17, 2025
To: Planning Commission
From: Scott Ballstadt, Planning Director
Kim Mihm, Deputy Town Attorney
Re: Recommendation to Town Board - An Ordinance Amending the Windsor Municipal Code by Adding Sections 16-4-40 and 16-5-70 to Address the Zoning of Natural Medicine Healing Centers and Natural Medicine Businesses in the Town of Windsor, Colorado
Item #: C.2.

Background / Discussion:
Please refer to public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. 9.12.25 Draft Ordinance 2025-XXXX - Natural Medicine

TOWN OF WINDSOR

ORDINANCE NO. 2025-XXXX

AN ORDINANCE AMENDING THE WINDSOR MUNICIPAL CODE BY ADDING SECTIONS 16-4-40 AND 16-5-70 TO ADDRESS THE ZONING OF NATURAL MEDICINE HEALING CENTERS AND NATURAL MEDICINE BUSINESSES IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority vested in Colorado law; and

WHEREAS, the Natural Medicine Health Act of 2022, a citizen-initiated measure intended to decriminalize the use of certain plants or fungi for people twenty-one (21) years of age and older, was approved by Colorado voters in November 2022; and

WHEREAS, in May 2023, the Governor signed Senate Bill 23-290, entitled "Natural Medicine Regulation and Legalization", into law, in which the bill clarifies and sets the regulatory framework for a regulated natural medicine program in Colorado; and

WHEREAS, Senate Bill 23-290 authorizes the Town Board to enact an ordinance to: (i) regulate the time, place and manner of the operation of natural medicine business licenses issued by the Colorado Division of Professions and Occupations; (ii) limit the areas where the cultivation, manufacturing, testing, storage, distribution, transfer and dispensing of natural medicine and natural medicine product may be permitted in the Town; and (iii) establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center, preschool, elementary, middle, junior or high school, residential child care facility, or residential dwelling; and

WHEREAS, the Town Board desires to permit natural medicine healing centers as a permitted use in General Commercial (GC) zone districts and permit natural medicine businesses as a permitted use in Heavy Industrial (HI) zone districts; and

WHEREAS, the Town Board desires to enact distance restrictions for natural medicine healing centers and businesses to be one thousand (1,000) feet from childcare centers, preschools, elementary, middle, junior high, and high schools; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 17, 2025 at 7:00 pm, where a recommendation for approval was forwarded to the Town Board; and

WHEREAS, a duly noticed public hearing was held by the Town Board on September 22, 2025 at 7:00 pm; and

WHEREAS, the Town Board finds that enacting proper zoning and distance restrictions for the use of natural medicine is in the best interest of public health, safety and welfare of the community.

DRAFT

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Windsor Municipal Code Chapter 14, Article V is hereby amended by the inclusion of additional definitions that are to be incorporated into the existing definitions in alphabetical order. The new definitions to be incorporated are:

ARTICLE V – Definitions

……

Colorado Natural Medicine Code **is codified in Colorado Revised Statutes Sections 44-50-101 through 904.**

Natural medicine **means psilocybin or psilocyn and other substances described as "natural medicine."**

Natural medicine business **means any of the following entities licensed by the state and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.**

Natural medicine healing center **means a facility where an entity is licensed by the state licensing authority that permits a facilitator, to provide and supervise natural medicine services for a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.**

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

Natural medicine services **means a preparation session, administrative session, and integration session.**

Participant **means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator.**

Regulated natural medicine **means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed.**

Regulated natural medicine product **means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed.**

State licensing authority **means the authority created by the state for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product.**

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Section 2. Windsor Municipal Code Chapter 16, Article IV is hereby amended by the addition of a new Section 16-4-40 to address the zoning requirements of natural medicine healing centers. This section shall read as follows:

Sec. 16-4-40. – Natural Medicine Healing Centers.

(a) Permitted locations.

Natural medicine healing center is a use permitted by right in General Commercial (GC) and Heavy Industrial (HI) zone districts, subject to site plan requirements, distance requirements and to the time, place and manner requirements contained in this Section. Natural medicine healing centers are prohibited in all other zoning districts in the Town, including the Planned Unit Development (PUD) District.

(b) Distance from schools and residential dwellings.

(1) No natural medicine healing center that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively "school").

(2) No natural medicine healing center that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for single-family dwellings, duplexes, or multiple-family dwellings (collectively "residential dwellings").

(3) The above-mentioned distance restrictions do not apply to a licensed facility located on land owned by the Town or the state of Colorado or apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

(c) Hours of operation — Natural medicine services.

Natural medicine healing centers that provide natural medicine services shall only operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(d) Public view.

All doorways, windows and other openings of natural medicine healing center buildings, where healing is occurring, shall be located, covered, or screened in such a manner to prevent seeing into the interior from any exterior public or semipublic area, subject to applicable Town design standards. Coverings or screenings are not required in lobby areas where no healing activities occur. All activities of natural medicine healing centers shall occur indoors.

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(e) Storage.

All storage of natural medicine and natural medicine products shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(f) Air filtration and ventilation requirements.

Natural medicine healing centers shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(g) Secure disposal.

Natural medicine healing centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

(h) Processing of natural medicine.

(1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(2) Nonhazardous materials used to process natural medicine shall be stored in a manner to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(3) The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes and site plan approval requirements.

(4) The processing of natural medicine shall meet all the requirements of all adopted water and sewer regulations promulgated by the Town and any applicable water or sanitary sewer district.

(i) Nuisance.

It is unlawful and deemed a nuisance under Chapter 7 of this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any

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adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 3. Windsor Municipal Code Chapter 16, Article V is hereby amended by the addition of a new section 16-5-70 to address the zoning requirements for natural medicine businesses. This section shall read as follows:

Sec. 16-5-70. – Natural Medicine Businesses.

(a) This section applies to all natural medicine businesses as defined in Chapter 14, except for natural medicine healing centers which are referenced in Sec. 16-4-40.

(b) Permitted locations.

Natural medicine business is a use permitted by right in Heavy Industrial (HI) zone districts only, subject to the distance requirements in addition to the time, place and manner requirements contained in this Section. Natural medicine businesses are prohibited in all other zoning districts in the Town, including the Planned Unit Development (PUD) District.

(c) Distance from schools and residential dwellings.

(1) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively "schools").

(2) No natural medicine business that provides natural medicine services shall operate out of a building that is within one thousand (1,000) feet of property used for single-family dwellings, duplexes, or multiple-family dwellings (collectively "residential dwellings").

(3) Subsections 1 and 2 above do not apply to a licensed facility located on land owned by the Town or the state of Colorado nor do they apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school or residential dwelling was constructed.

(d) Hours of operation — Natural medicine services.

Natural medicine businesses that provide natural medicine services shall only operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday.

(e) Public view.

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All doorways, windows and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to applicable Town design standards. All activities of natural medicine businesses shall occur indoors.

(f) Storage.

All storage of natural medicine and related products for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

(g) Air filtration and ventilation requirements.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(h) Secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product, product remnants or by-products. Natural medicine and natural medicine product, product remnants or by-products shall not be placed within the facilities' exterior refuse container.

(i) Processing of natural medicine and natural medicine products.

(1) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

(2) Nonhazardous materials used to process natural medicine shall be stored in a manner to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.

(3) The processing of natural medicine shall meet the requirements of all adopted Town building and life/safety codes and site plan approval requirements.

(4) The processing of natural medicine shall meet all the requirements of all adopted water and sewer regulations promulgated by the Town and any applicable water or sanitary sewer district.

(j) Nuisance.

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It is unlawful and deemed a nuisance under Chapter 7 of this Code to dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town.

Section 4. Windsor Municipal Code Sec. 16-1-120(c)(1) concerning uses by right in General Commercial zone districts is hereby amended by the addition of subparagraph "o", and shall read as follows:

Sec. 16-1-120. – General commercial (GC) district.

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(c) Use Regulations.

(1) Principal uses permitted by right. All uses by right as set forth in this Section shall be subject to the exercise of the Town's police powers as are otherwise set forth in this Code, including but not limited to site planning requirements and building code compliance.

a. Drive-in restaurants.

b. Grocery stores and supermarkets.

c. Gasoline service stations.

d. Commercial lodging.

e. Restaurants and bars.

f. Outdoor sales areas, such as garden shops.

g. Automobile sales and service establishments, including used car lots.

h. Lumber and building supply yards.

i. Public, private, commercial, and private group outdoor recreational facilities.

j. Bowling alleys.

k. Business and professional offices.

l. Places of assembly (small).

m. Places of assembly (large).

n. Other similar uses as defined in this Code.

o. Natural medicine healing centers, as defined in Chapter 14, Article V of this Code, and subject to site plan approval.

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Section 5. Windsor Municipal Code Sec. 16-1-140(c)(2) concerning uses by right in Heavy Industrial zone districts is hereby amended by the addition of subparagraph "n" and "o", and shall read as follows:

Sec. 16-1-140. – Heavy Industrial (HI) district.

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Sec. 16-1-140 (c)

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(2) Uses by right. Subject to the requirements set forth in Subsection (a) above, the following uses shall be permitted in the Heavy Industrial HI District:

a. Petrochemical industries.

b. Rubber refining industries.

c. Primary metal and related industries.

d. Trucking operations.

e. Slaughterhouses.

f. Foundries.

g. Automobile, farm equipment and machinery sales.

h. Places of assembly (small).

i. Places of assembly (large).

j. Any use otherwise permitted in a Limited Industrial LI Zoning District.

k. Any use otherwise permitted in a General Commercial GC Zoning District.

l. Other similar uses as defined in this Code.

m. Class VI wells, as defined in Section 16-5-60(a) of this Code.

n. Natural medicine healing centers, as defined in Chapter 14, Article V of this Code, and subject to site plan requirements.

o. Natural medicine businesses, as defined in Chapter 14, Article V of this Code, and subject to site plan requirements.

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Section 6. 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.

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Section 7. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance 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, passed on first reading, and ordered published this ____ day of _____ 2025.

TOWN OF WINDSOR, COLORADO

_____
Julie Cline, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

Introduced, passed on second reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

_____
Julie Cline, Mayor

ATTEST:

_____ [Seal]
Karen Frawley, Town Clerk

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