

2024 Land Use Code Amendment for Natural Medicine Businesses

Chapter 2. ZONING DISTRICTS AND LAND USE

Section 2. Land Use by Zoning District

B. Land Use by Zoning District

Land Use Category / Land Use	Zoning District					
	A35	A20	A5	RI/C	A2.5	RES1
COMMERCIAL LAND USE CATEGORY						
Retail Sales and Services (includes banks, real estate, etc.) ⁴	L	L	L	A	L	L
Office	L	L	L	A	L	L
Restaurant ⁴	L	L	L	A	L ⁿ	L ⁿ
Automobile Fueling or Service Station	C	C	C	L	C	C
Storage Facility (Indoor/Outdoor)	L	L	L	L	L	L
Home Business ³	A	A	A	A	A	A
Home Business, impact to neighboring property ³	L ⁿ	L ⁿ	L ⁿ	L ⁿ	L ⁿ	L ⁿ
Sexually-Oriented Business ¹	—	—	—	C	—	—
Natural Medicine Business: Healing Center	C	C	C	C	—	—
Natural Medicine Business: Cultivation, Manufacturing, or Testing Facilities	C	C	C	C	—	—

Section 4. Use Specific Standards

D. Commercial Uses

2. Natural Medicine Businesses. Natural medicine businesses are regulated under the authority of C.R.S. 44-50-101 through 904. Natural Medicine Businesses shall be licensed according to 1 CCR 213-1 (Code of Colorado Regulations). No Natural Medicine Business involving remuneration as defined by §44-50-103 without a license from The Natural Medicine Division of the Department of Revenue (NMD-DOR) will be permitted in any Zoning District of Delta County. “Remuneration” means anything of value, including money, real property, tangible and intangible personal property, contract right, chose in action, service, and any right of use or employment or promise of agreement connected therewith, business promotion, or commercial activity.

In addition to all other applicable standards of this Land Use Code, Natural Medicine Businesses shall meet the following standards:

- a. No Natural Medicine Business shall be located within one thousand feet of a day care, or school, measured by the setbacks as outlined in C.R.S.44-50-302. Setbacks related to Natural Medicine Businesses shall not be modified from the State regulations and are not eligible for a variance to the Code.
- b. All Natural Medicine Businesses shall provide a Transportation Management Plan that ensures safe access for patients and emergency services and safe operation on adjacent roads. This includes, but is not limited to:
 - 1) Proof of adequate proximity to emergency services.
 - 2) Unobstructed access for emergency services.
 - 3) Healing Centers shall ensure that patients have a discharge plan and safe post-treatment transportation plan that ensures their safe transport from the facility to their destination.
- c. No Natural Medicine Business (Cultivation, Manufacturing, or Testing Facilities or Healing Center) shall be operated as a home business.
- d. All Natural Medicine Businesses shall have a hardwired communication system for phone and Internet access.
 - 1) Emergency contact numbers must be obviously and visibly posted for facilitators and participants.
- e. Manufacturing of Natural Medicine
 - 1) The manufacture 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 from residential buildings;
 - 2) Hazardous and nonhazardous materials used to manufacture natural medicine shall be stored in a manner so as 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 manufacture of natural medicine shall meet the requirements of all State life/safety codes.

Chapter 14. MEASUREMENTS, CALCULATIONS, RULES OF CONSTRUCTION, ACRONYMS AND DEFINITIONS

Section 2. Definitions

ADD

Healing Center- means a facility where an entity is licensed by the State Licensing Authority pursuant to article 50 of title 44 that permits a Facilitator to provide and supervise Natural Medicine Services for a Participant.

Natural Medicine Business- means any of the following entities licensed pursuant to the Natural Medicine Code: A Healing Center; A Natural Medicine Cultivation Facility; A Natural Medicine Products Manufacturer; A Natural Medicine Testing Facility. For further definitions refer to the Code of Colorado Regulations for Natural Medicine (1 CCR 213-1).

Natural Medicine Cultivation Facility- means 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 Products Manufacturer- means a person who manufactures Regulated Natural Medicine Products for transfer to a Healing Center, Facilitator, or to another Natural Medicine Products Manufacturer.

Natural Medicine Services- means a preparation session, administration session, and integration session as provided pursuant to article 170 of title 12.

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.