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TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: December 2, 2024

SUBJECT: Public Hearing – Zoning Case No. MISC24-0005, Zoning Text Amendment for Natural Medicine Businesses

ACTION PROPOSED: Consideration Of Ordinance 2024-263, Adding Section 17-10-4 to the Town of Johnstown Land Use and Development Code Concerning Natural Medicine Businesses

ATTACHMENTS:

1. Planning & Zoning Commission Staff Report
2. Ordinance 2024-263
3. Staff Presentation

PRESENTED BY: Jeremy Gleim, AICP, Planning and Development Director

AGENDA ITEM DESCRIPTION

The purpose of Ordinance 2024-263 is to update the Land Use & Development Code (LUDC) to introduce regulations related to Natural Medicine businesses. As defined by the State, “Natural Medicine” refers to psilocybin and psilocin, which are the agents in certain types of mushrooms that cause mind-altering or psychedelic effects. A full description of the subject, along with the major provisions of the proposed ordinance are included in the Planning & Zoning Commission staff report (Attachment 1).

PLANNING & ZONING COMMISSION SUMMARY

On November 13, 2024, the Planning & Zoning Commission (Commission) convened a regular meeting and held a public hearing to consider the proposed ordinance. Staff presented the project to the Commission and the Chair opened the public hearing. No members of the public spoke for or against the proposed ordinance. The public hearing was closed, and the Commission held a discussion.

The Commissioners identified a potential conflict in the ordinance regarding language that would prohibit certain processing methods that are otherwise permitted in industrial zoning districts. The language in question is included below:

“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.”

The Community that Cares

After due consideration of the staff report, presentation, and discussion, a motion was made to recommend that the Town Council approve Ordinance 2024-263, provided that staff review the aforementioned language for conflict with the Land Use & Development Code. The motion was approved unanimously on a 6/0 vote.

Subsequent to the Planning and Zoning Commission meeting, staff reviewed the LUDC for prohibitions related to processing methods that may use hazardous materials. No such prohibitions exist; therefore, the addition of these prohibitions would create limitations and/or restrictions on Natural Medicine businesses that would not otherwise be imposed upon other businesses in the I-1 or I-2 zoning districts. As a result, that language was omitted from the proposed ordinance.

PUBLIC NOTICE

Notice for the Town Council public hearing was published in the Johnstown Breeze, on Thursday, November 21, 2024.

STRATEGIC PLAN ALIGNMENT

- Safe & Welcoming Community
 - *Provide and maintain public safety services and awareness in our community.*

LEGAL ADVICE:

The Town Attorney prepared Ordinance 2024-263.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: The Planning & Zoning Commission recommends that the Town Council approve Ordinance 2024-263, to add Section 17-10-4 to the Land Use & Development Code concerning Natural Medicine businesses.

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2024-263, to add Section 17-10-4 to the Land Use & Development Code Concerning Natural Medicine Businesses

For Denial: I move to deny Ordinance No. 2024-263

Reviewed and Approved for Presentation,



Town Manager