

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 4th day of November 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 59
INTRODUCED BY
COUNCIL MEMBER NUNNENKAMP**

A BILL FOR AN ORDINANCE
AMENDING TITLE 16 OF THE
ENGLEWOOD UNIFIED
DEVELOPMENT CODE PERTAINING
TO HOME OCCUPATIONS TABLE 2-1:
SUMMARY OF APPLICATIONS AND
PROCEDURES, SECTION 16-2-15
SPECIAL EXCEPTIONS FOR HOME
OCCUPATIONS, TABLE 4-2
PERMITTED USES, SECTION 16-4-
3.B.9 MEDICAL MARIJUANA,
SECTION 16-4-4.C HOME
OCCUPATION, SECTION 16-13-1.C.6
MARIJUANA USES, SECTION 16-13-2
DEFINED TERMS AND TO ADD
NATURAL MEDICINE IN TITLE 16 OF
THE ENGLEWOOD MUNICIPAL CODE

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: NOVEMBER 6, 2024
Official Website of the City of
Englewood, Colorado

ORDINANCE
NO. _____
SERIES OF 2024

COUNCIL BILL NO. 59
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 16 OF THE ENGLEWOOD UNIFIED DEVELOPMENT CODE PERTAINING TO HOME OCCUPATIONS TABLE 2-1: SUMMARY OF APPLICATIONS AND PROCEDURES, SECTION 16-2-15 SPECIAL EXCEPTIONS FOR HOME OCCUPATIONS, TABLE 4-2 PERMITTED USES, SECTION 16-4-3.B.9 MEDICAL MARIJUANA, SECTION 16-4-4.C HOME OCCUPATION, SECTION 16-13-1.C.6 MARIJUANA USES, SECTION 16-13-2 DEFINED TERMS AND TO ADD NATURAL MEDICINE IN TITLE 16 OF THE ENGLEWOOD MUNICIPAL CODE

WHEREAS, in 2023 the City of Englewood adopted a new Title 16 of the Englewood Municipal Code (Unified Development Code) to deliver a code that provides a comprehensive framework for development, is a user-friendly document, reflects best practices in zoning regulations, provides for flexibility and certainty, reflects the needs and market conditions of the City, produces a straightforward administrative process, minimizes nonconformities, and provides precise enforcement tools; and

WHEREAS, the new Unified Development Code, establishes the parameters for implementation of the City’s comprehensive plan, land uses, and regulations; and

WHEREAS, at the May 13, 2024, study session City Council requested that staff pursue revisions to the home occupation regulations within the Unified Development Code; and

WHEREAS, at outreach events presented by the City residents have expressed an interest in operating small scale businesses from their homes; and

WHEREAS, revising the Unified Development Code to allow for home occupations would establish clear guidelines to make sure that home businesses are conducted in a manner compatible with the Unified Development Code and ensure that health and safety are maintained within the City; and

WHEREAS, in 2022 the voters of the State of Colorado approved by citizen initiative Proposition 122 the Colorado Natural Medicine Health Act decriminalizing psilocybin and psilocin substances and allowing for State of Colorado licensed and regulated natural medicine businesses where psilocybin and psilocin substances can be consumed under the supervision of a facilitator; and

WHEREAS, in 2023 the Governor signed Senate Bill 23-290 which created a regulatory structure for the operation and implementation of natural medicine businesses within the State of Colorado; and

WHEREAS, in 2024 the State of Colorado promulgated rules and regulations regarding the licensing requirements for the use, cultivation, services, and manufacture of psilocybin and psilocin substances; and

WHEREAS, the City of Englewood is prohibited from banning natural medicine businesses that are licensed by the State of Colorado within the City; and

WHEREAS, the City of Englewood may regulate natural medicine businesses with restrictions on the time, place, and manner of operations; and

WHEREAS, the Englewood Planning and Zoning Commission held a Public Hearing on the proposed revisions to the Unified Development Code on September 17, 2024; and

WHEREAS, the Planning and Zoning Commission voted to recommend approval of the revised Unified Development Code to the City Council by a vote of 7-0, with amendments, that have been incorporated into the revised Unified Development Code; and

WHEREAS, the Unified Development code needs to be amended to revise home occupation use and to add natural medicine to Title 16 of the Englewood Municipal Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16 and adopts the revisions to the Unified Development Code, attached as Attachment 01.

Section 2. Fee Amount Established

The fee for review of special exceptions for home occupations created by this Ordinance shall be included in the City of Englewood Comprehensive Schedule of Fees and Rates and shall initially be set as follows:

2024 Rate
Review of Special Exception for Home Occupations Fee: \$250.00

City Council may revise the initial review fee by any official action, including by motion, resolution, or ordinance.

Section 3. General Provisions

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City

of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.