



**TOWN OF ABINGDON, VIRGINIA
TOWN COUNCIL MEETING
THURSDAY, SEPTEMBER 21, 2023 – 2:30 pm
TOWN HALL – COUNCIL CHAMBERS**

DRAFT AGENDA

Please note there will be an opportunity during the meeting for citizens to address the Town Council when the Mayor declares public comments open. We request that anyone addressing the Council sign up, approach the podium when called, state your first and last name, and provide your complete mailing address.

- A. WELCOME** – Mayor Pillion
- B. ROLL CALL** – Kim Kingsley, Clerk
- C. PLEDGE OF ALLEGIANCE** – Councilmember Donna Quetsch
- D. APPROVAL OF AGENDA** – Mayor Pillion
- E. PUBLIC COMMENTS** – Please place your name on the sign-up sheet provided; comments are limited to three (3) minutes per person.
 - Town of Abingdon residents
 - Other public comments (e.g. property owners, organizations)
- F. PROCLAMATIONS**
- G. PUBLIC HEARING** - Please place your name on the sign-up sheet provided; comments are limited to five (5) minutes per person.
- H. RESOLUTIONS**
 - 1. Proposed special use permit for a comprehensive sign program located at 370 E. Main St. Abingdon, VA, Tax Map 013-1-82. Comprehensive sign at the property of 370 E. Main St. advertising the entryway to the shared parking area of Sweet Bay Brewing Company, a bike shop, an adventure retail store, and The Girl & The Raven.
- I. FIRST READING OF ORDINANCES**
- J. SECOND READING OF ORDINANCES**

1. Consideration of proposed zoning test amendment to Chapter 44. Article 6. Section 6-1-1 through 6-1-5 - *Mayana Rice, Asst. Town Manager and Director of Community Development*

Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:

Recreational Substances, Retail. Recreational Substances uses (both Retail, Off-Site and Retail, On-Site) shall be subject to the following limitations and requirements:

- a. Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12);
- b. Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site);
- c. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday;
- d. Are not allowed in the Old & Historic District or Entrance Corridor;
- f. May be permitted as a special use in parcels zoned B-2 unless visible from the Entrance Corridor road segments of Main Street and Cummings;
- g. Are permitted by right in M-1 (Limited Industrial) zones; and
- h. This does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.

Recreational Substances: Recreational Substances includes the following:

- Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.
- Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
- Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

K. CONSIDERATION OF BIDS

L. NEW BUSINESS

M. OLD BUSINESS

N. MISCELLANEOUS BUSINESS AND COMMUNICATIONS FROM TOWN MANAGER

O. COUNCIL MEMBER REPORTS

P. APPOINTMENTS TO BOARDS AND COMMITTEES

If Council so desires, Closed Session pursuant to the Code of Virginia, 1950, as amended, Section 2.2-3711(A)(1) for the purpose of considering applications for appointment for position on various boards.

Q. CLOSED SESSION
R. ADJOURNMENT



MEMO

TO: ABINGDON TOWN COUNCIL

FROM: MAYANA RICE, ASSISTANT TOWN MANAGER

SUBJECT: REQUEST FOR A SPECIAL USE PERMIT FOR A COMPREHENSIVE SIGN PLAN.

PUBLICATION DATE: SEPTEMBER 13, 2023

MEETING DATE: SEPTEMBER 21, 2023

LOCATION: COUNCIL CHAMBERS, TOWN HALL
133 WEST MAIN STREET, ABINGDON, VA

On 8/28/2023 the Planning Commission was presented with the following request:

*Special Use Permit – Cillian James Hegarty, 370 E. Main Street, Abingdon, VA 24210.
Special Use Permit for Signage. Located at 370 E. Main Street, Abingdon, VA 24210. (Tax Map 013-1-82)*

On a motion by Mr. Johnson, seconded by Mr. Wilson, the board voted to unanimously approve the application as presented with the following condition(s):

1. Submit for review to the Community Development Department and Applicant record a permanent 15 ft. wide easement that links parcels (prior to the approval of the sign permit) :
 - 013-1-82
 - 014-1-9
 - 014-1-24
 - 014-1-25
 - 014-1-24C
 - 013-1-143
2. Submit for review to the Community Development Department and record a permanent easement located between the existing engineering building and the existing brewery building exiting onto Deadmore Street.

- 3.** The permanent easement must identify that this area is for vehicular and pedestrian movement (not only on the recorded document but also on the physical site).
- 4.** The permanent easement must consist of a pavement, concrete or gravel surface and be maintained in perpetuity by the owners.
- 5.** The permanent easement documentation must be signed by all property owners and recorded with each parcel.
- 6.** The permanent easement documentation will identify the maintenance plan for easement and the responsible parties for each parcel.
- 7.** Submit internal directional signage for traffic flow that includes design, materials, and dimensions to be added to the comprehensive sign package and site plan with the submittal of the Sign Permit Application.
- 8.** Remove The Girl & The Raven Open sign and the Breakfast, Lunch, and Pastries signs on 380 E. Main Street to eliminate sign clutter on E. Main Street prior to approval of the Sign Permit.
- 9.** Remove the previous sign post located at 370 E Main Street prior to the approval of the Sign Permit.
- 10.** Submit a parking plan for spaces for all businesses located in the East Village prior to approval of the Sign Permit.
- 11.** The driveway for 370 E. Main Street shall have angled parking which will distinguish this route as a one-way entrance.
- 12.** Dumpster(s) either existing or new for all businesses must be fully enclosed and relocated if found obstructing an easement prior to approval of the Sign Permit.
- 13.** A final lighting plan be submitted into the Community Development Department prior to the approval of a Sign Permit Application.
- 14.** An additional easement must be established across the parcels:
 - 014-1-25
 - 014-1-24B

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

Please reference the attached staff report for further details concerning the request.

On 9/5/2023 the Town Council was presented with the following request:

*Special Use Permit – Cillian James Hegarty, 370 E. Main Street, Abingdon, VA 24210.
Special Use Permit for Signage. Located at 370 E. Main Street, Abingdon, VA 24210. (Tax
Map 013-1-82)*

On a motion by Mr. Austin, seconded by Mr. Anderson, the Council voted to unanimously table the item till the Town Council's next meeting to occur on September 21, 2023

REQUIRED ACTIONS OF THE TOWN COUNCIL:

- A. **Sample Motions.** The role of the Town Council in this instance is to decide on the Special Use Permit for a Comprehensive Sign Plan request. The following sample motions have been provided by Staff for consideration by the Town Council:
- **Sample Motion for Approval:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 44-8-4-2C of the Town of Abingdon Zoning Ordinance, I move to approve the Special Use Permit.
 - **Sample Motion for Denial:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 44-8-4-2C of the Town of Abingdon Zoning Ordinance, I move to deny the Special Use Permit.

1. There is concern that residents on Park St. might be negatively impacted by individuals using the East Village parking lot as an illegal cut-through from Deadmore to Park St. and/or Park St. to Deadmore. We propose the following measures to alleviate these concerns:

From the Deadmore side a “No Thru Traffic” sign will be placed at the entrance. Individuals entering from Deadmore will enter onto Sweetbay’s open gravel parking lot. There will be no marked or paved path leading them to Park St. Furthermore, planters will be placed on either side of the Sweetbay parking lot delineating the Sweetbay Property from the Ice House property. In order to find the exit onto Park St. individuals would need to leave through the planters, enter the Ice House parking lot and then finally make their way onto Park St.

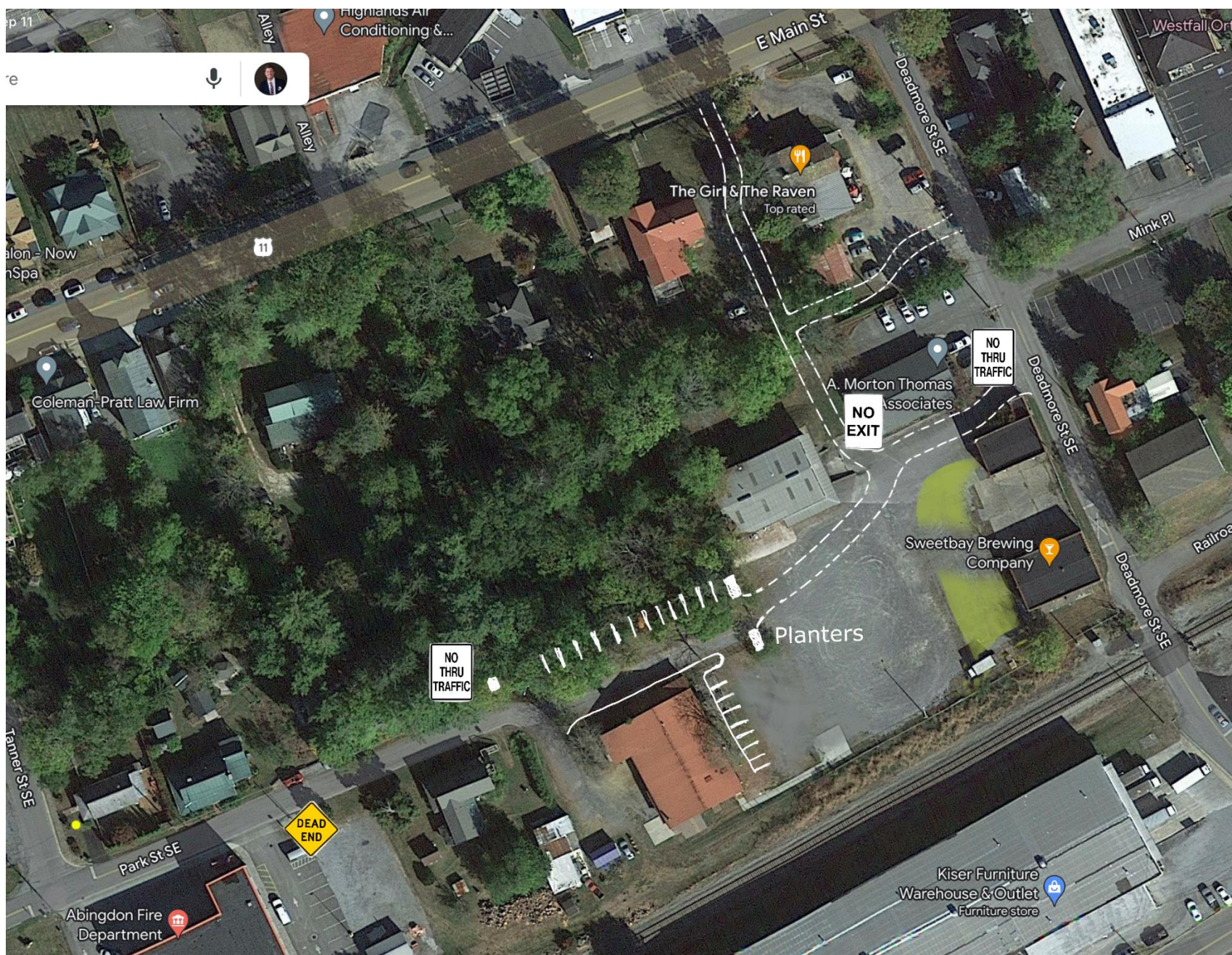
Similarly, from Park St. there will be a Main Entrance sign signifying the entrance of the development. This entrance creates a sense of coming into a defined space which is not a thoroughfare. A prominent “No Through Traffic” sign will be placed at this entrance as well as a “Dead End” sign which is existing. Vehicles will first enter into the Ice House parking lot. Then to find the Deadmore exit vehicles must pass between two planters, enter the open gravel parking lot of Sweetbay and then exit onto Deadmore. There will be no visual markers indicating this path as a cut-through or thoroughfare.

While these measures might not prevent a determined individual from illegally using our parking lot as a cut-through, it will create physical and visual barriers requiring them to slow down and discourage most individuals from cutting through.

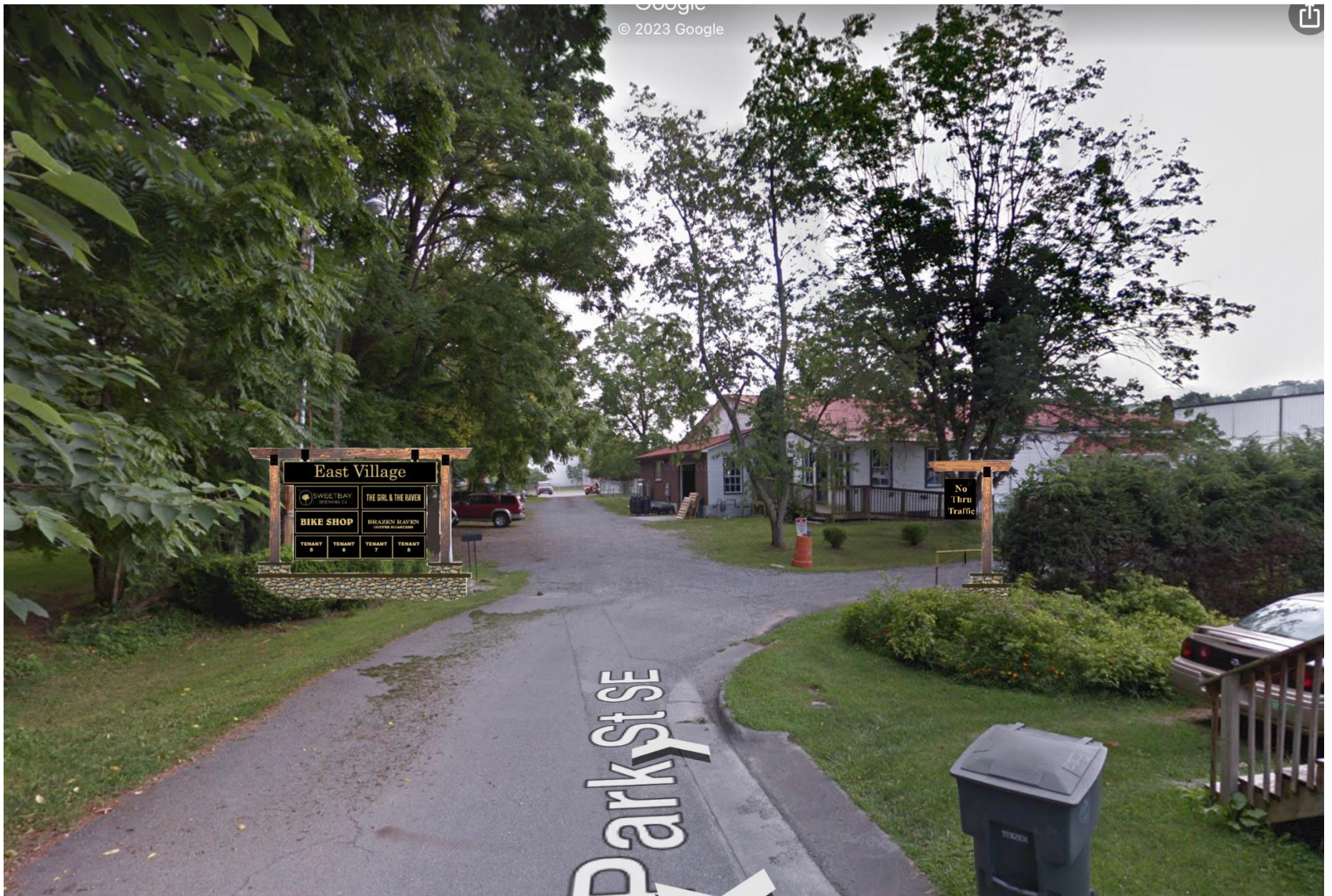
2. Previously all traffic coming to the Ice House building (Formerly Wolf Hills Brewery) was forced to enter and exit on Park St. Our proposed plan will now divert a large portion of that traffic onto Main St. and Deadmore. Currently the Ice House building is vacant and therefore creates zero traffic. However, this vacancy is only temporary. By allowing this development the residents of Park St. ensure any future traffic generated by the Ice House will now primarily be coming from Main St. and leaving on Deadmore.

Data from Placer.ai supports this conclusion. These data indicate most traffic will be coming from Main St. and leaving on Deadmore.

3. The property owners are willing to increase their easements from 12’ to 15’ per the staff’s request.









**A RESOLUTION APPROVING SPECIAL USE PERMIT PURSUANT TO
SECTION 8-4-2-C SPECIAL EXCEPTIONS OF THE TOWN OF ABINGDON ZONING
ORDINANCE, PROPOSED COMPREHENSIVE SIGN PLAN, CURRENTLY B-2 GENERAL
BUSINESS DISTRICT, LOCATED AT 370 E. MAIN ST., 380 E. MAIN ST., 127 DEADMORE ST.,
143 DEADMORE ST., 149 DEADMORE ST., AND 350 PARK ST.
TAX MAP NUMBERS: 013-1-82, 013-1-143, 014-1-9, 014-1-24, 014-1-24C, 014-1-25.**

WHEREAS, §15.2-2200 of the Code of Virginia 1950, as amended, established that the governing body of any town may enact and enforce ordinances for the general purpose of promoting the public health, safety, convenience and welfare of its general public; and

WHEREAS, the Town adopted an Ordinance on January 2, 2023, pursuant to Section 8-4-2-C Special Exceptions of the Town's Zoning Ordinance, for all uses, activities, and development to apply for a comprehensive sign plan; and

WHEREAS, the Planning Department of the Town reviewed the application requesting a special use permit and made a report of its findings and recommendations to the Planning Commission on August 28, 2023; and

WHEREAS, the Planning Commission reviewed and made a recommendation of 5 to 0 in favor of approval to the Town Council concerning the application of a special use permit on August 28, 2023; and

NOW THEREFORE, BE IT RESOLVED, the Town Council has determined that the development has provided an adequate comprehensive plan a result of approving special use permit, pursuant to Section 8-4-2-C Special Exceptions of the Town's Zoning Ordinance, for development, currently zoned B-2 General Business District, located at 370 E. Main St., 380 E. Main St., 127 Deadmore St., 143 Deadmore St., 149 Deadmore St., and 350 Park St., Tax Map Numbers 013-1-82, 013-1-143, 014-1-9, 014-1-24, 014-1-24C, 014-1-25 justifying issuance of said special use permit and the Community Development Department shall issue a Special Use Permit reflecting the approval of this Ordinance.

Amanda Pillion, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on September 5, 2023. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Amanda Pillion, Mayor		
Dwyane Anderson, Vice Mayor		
Derek Webb		
Donna Quetsch		
Wayne Austin		

WITNESS MY HAND and the seal of the Town of Abingdon as of September 5, 2023.

Kimberly Kingsley, Clerk



MEMO

TO: ABINGDON TOWN COUNCIL

FROM: MAYANA RICE, ASSISTANT TOWN MANAGER

SUBJECT: REQUEST FOR A ZONE TEXT AMENDMENT RECREATIONAL
SUBSTANCE BUSINESSES

**PUBLICATION
DATE:** AUGUST 29, 2023

**MEETING
DATE:** SEPTEMBER 5, 2023

LOCATION: COUNCIL CHAMBERS, TOWN HALL
133 WEST MAIN STREET, ABINGDON, VA

On 8/28/2023 the Planning Commission was presented with the following request:

Zoning Text Amendment – Recreational Substance Businesses.

On a motion by Mr. Pennington, seconded by Mr. Johnson, the board voted to unanimously approve the application as presented.

The roll call vote was as follows:

Mr. Jeff Johnson	Aye
Mr. Chad Pennington	Aye
Mr. Kirk Sproles	Aye
Mr. Scott Wilson	Aye
Mr. Kenny Shuman	Aye

Please reference the attached staff report for further details concerning the request.

REQUIRED ACTIONS OF THE TOWN COUNCIL:

A. **Sample Motions.** The role of the Town Council in this instance is to decide on the Zone Text Amendment request. The following sample motions have been provided by Staff for consideration by the Town Council:

- **Sample Motion for Approval:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 44-3-2 of the Town of Abingdon Zoning Ordinance, I move to approve the Zone Text Amendment.
- **Sample Motion for Denial:** Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 44-3-2 of the Town of Abingdon Zoning Ordinance, I move to deny the Zone Text Amendment.



STAFF REPORT

TO: ABINGDON PLANNING COMMISSION

FROM: MAYANA RICE, ASSISTANT TOWN MANAGER

SUBJECT: REQUEST FOR A ZONE TEXT AMENDMENT RECREATIONAL
SUBSTANCE BUSINESSES

**PUBLICATION
DATE:** AUGUST 17, 2023

**MEETING
DATE:** AUGUST 28, 2023

LOCATION: COUNCIL CHAMBERS, TOWN HALL
133 WEST MAIN STREET, ABINGDON, VA

ZONE TEXT AMENDMENT REQUEST:

As Virginia's laws have continued to shift there has been a proliferation of "weed / hemp / cbd / delta 8/ marijuana / cannabis / vape" shops. While the regulation governing these facilities lie in the Code of Virginia allowing for a variety of recreational substances to be sold, so does the regulation governing Zoning (Chapter 22 Article 7). As such the Planning Commission can and does recommend amendments to Town Council of the Town's Ordinance governing Zoning.

Currently we have not specifically permitted a single cannabis shop. The selling / gifting of cannabis on a commercial platform is illegal. However we have had a variety of stores which have opened under the guise of other types of businesses.

In order to ensure that our Entrance Corridor is protected from these uses as well (as the visual look and feel of these shops) we are proposing a Zoning Text Amendment that limits their locations.

PROPOSED ZONING TEXT AMENDMENT

A. Chapter 44. Article 6. Section 6-1-1 – 6-1-5

B. Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:

C. Recreational Substances, Retail. Recreational Substances uses (both Retail, Off-Site and Retail, On-Site) shall be subject to the following limitations and requirements:

1. Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12);
2. Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site);
3. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday;
4. Are not allowed in the Old & Historic District or Entrance Corridor;
5. May be permitted as a special use in parcels zoned B-2 unless visible from the Entrance Corridor road segments of Main Street and Cummings;
6. Are permitted by right in M-1 (Limited Industrial) zones; and
7. This does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.

D. Recreational Substances includes the following:

1. Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
2. Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
3. Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.

4. Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
5. Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

E. Prohibited:

1. No commercial retail sales of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
2. No adult sharing in a commercial retail space of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
3. No person shall advertise in or send any advertising material into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act. Advertisements regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle and Board regulations.

F. Business License Revocation

1. A business license is required for any business operating within the Town.
2. Revocation of a business license will occur if a business is found in conflict with the allowance of legally sold products in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.).

Article XI Definitions:

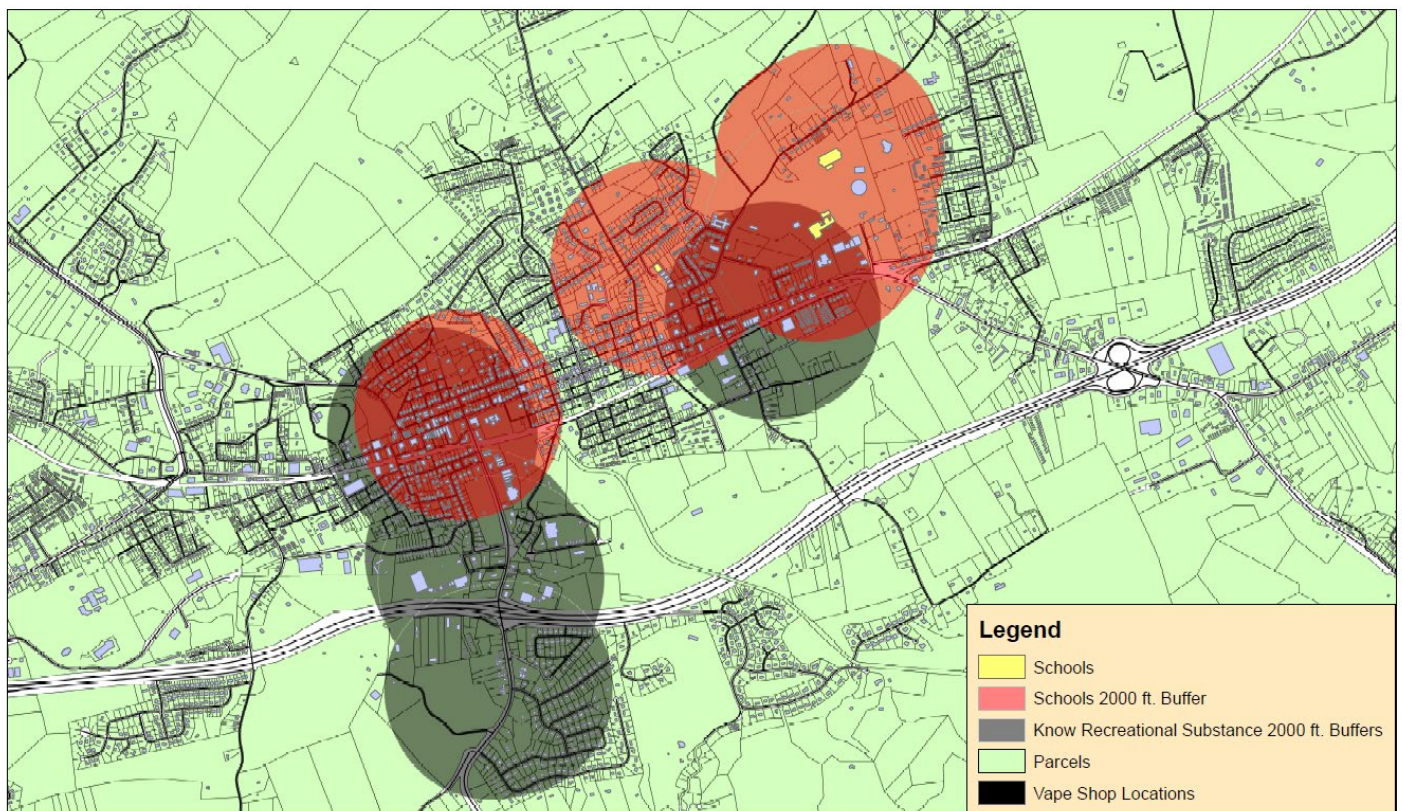
Adult sharing of marijuana: means transferring marijuana between persons who are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

Marijuana: means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. Delta-8 THC is illegal in the State of Virginia.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

FINDINGS:



Per Code of Virginia 15.2-2283 the purpose of zoning ordinance shall promote health, safety or general welfare of the public. Therefore, requiring that a zone text amendment be reviewed for several specific items.

- Whether and the extent to which the proposed amendment is consistent with the comprehensive plan and any other applicable and adopted long range planning documents;

Staff Findings: The Abingdon Comprehensive Plan was updated in 2020. There are specific references to the quality of life and the economy of Abingdon:

- “Abingdon will achieve well-planned, orderly growth by building on our assets, increasing walkability, and maintaining an exceptionally high quality of life.” (Pg. 7)
 - “Abingdon will grow its economy by helping a wide range of local and regional entrepreneurs and businesses prosper.” (Pg. 7)
 - “The Town’s standards for preservation will maintain the look and feel of its historic districts while allowing for economically viable reuse of the structures.” (Pg. 8)
 - “Abingdon will have a thriving tourism economy built upon three main pillars – the arts, history, and outdoor recreation.” (Pg. 8)
 - “The Town will have a wide variety of options, such as lodging, restaurants, experiences, retail, tours, and culinary events to meet the needs of visitors of all ages and interests.”
 - “Abingdon will invest in activities, amenities, and experiences to meet the changing needs for repeat and new travelers.” (Pg. 8)
- Whether the proposed amendment is in conflict with any provision of the Zoning Ordinance and any other regulations contained in the Town Code or other applicable regulations;

Staff Findings: There will continue to be allowed locations for these facilities by right. This is not limiting grocery stores, gas stations and other similar uses from selling recreational substances.

- Whether and the extent to which there are changed conditions that require an amendment;

Staff Findings: Yes. These are changed conditions. We are a border community of North Carolina, Tennessee, Kentucky and West Virginia and have an influx of residents crossing the border for purchasing and sharing products.

- Whether and the extent to which the proposed amendment addresses a demonstrated community need;

Staff Findings: The community is being inundated with shops that sell recreational substances. In order to protect the Entrance Corridor and the Old and Historic District, limited these businesses is a community need.

- Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;

Staff Findings: The M-1 District allows

- Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, floodplains, wetlands, and the natural functioning of the environment; and

Staff Findings: There will be no adverse impacts to the natural environment with the zone text amendment. Site plan review, permitting and construction review will allow for each project to be reviewed for specific impacts.

- Whether and the extent to which the proposed amendment will have a positive effect on the balance between residential and nonresidential uses.

Staff Findings: This request will be in keeping with the uses that are similar and allowed in the M-1 and B-2 (special use permit) district.

REQUIRED ACTIONS OF THE PLANNING COMMISSION:

- A. Sample Motions. The role of the Planning Commission in this instance is to decide to send a resolution initiating and recommending approval of this Zone Text Amendment to the Town Council.

Sample Motion Having reviewed and considered the application materials, staff report, and public comment, in accordance with the requirements of Section 15.2-2286(A)(7) of the Code of Virginia, I move to recommend the Town Council to Amend the Zoning Ordinance to add Recreational Substance Businesses as a use for the public necessity, convenience, general welfare, and good zoning practices;



TOWN OF ABINGDON

133 WEST MAIN STREET • P. O. BOX 789 • ABINGDON, VIRGINIA • 24212

Phone: 276-628-3167

Attention Businesses,

As of **July 1, 2023, State legislation has been enacted placing greater restrictions** on the advertising and selling of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol and continued to uphold NO COMMERCIAL RETAIL sales and NO COMMERCIAL SHARING of marijuana. To be clear, Virginia law does not allow businesses to sell, transact, gift, share, or sell marijuana.

If businesses are found to not be in compliance with these laws the Town of Abingdon has the authority to:

- Revoke the business license that allows the business to operate.
- Require public advertisement related to marijuana or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol to be removed.

The term "**marijuana**" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. **Delta-8 THC** is illegal in the State of Virginia.

Per the Virginia Cannabis Control Authority:

Illegal

- *With the exception of possession by a person in his residence or possession by a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place*
 1. *more than four ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and*
 2. *more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.*

- *It remains illegal for anyone under the age of 21 to consume, purchase, or possess marijuana, or to attempt to consume, purchase or possess any amount of marijuana.*
- *It remains illegal to distribute or sell marijuana, and/or to possess any amount of marijuana with the intent to distribute or sell it. **This prohibition applies equally to businesses, which will not be permitted to sell, “gift,” or in any other way distribute marijuana.***
- *Existing safety measures remain in place, including prohibiting use of marijuana while driving a motor vehicle or while being a passenger in a motor vehicle being driven; possessing marijuana on school grounds, while operating a school bus, in a motor vehicle transporting passengers for hire, or in a commercial vehicle.*
- *It remains illegal to consume marijuana or offer marijuana to another person in any public place.*

Virginia Code states the following:

§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or older lawful; penalties. (2023 updated section)

- A. *Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person 21 years of age or older may lawfully possess on his person or in any public place not more than one ounce of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board.*
- B. *Any person who possesses on his person or in any public place marijuana or marijuana products in excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as otherwise provided in this section. The penalty for any violations of this section by an adult shall be prepayable according to the procedures in § [16.1-69.40:2](#).*
- C. *With the exception of possession by a person in his residence or possession by a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.*
- D. *The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § [53.1-1](#), certified as handlers of dogs trained in the detection of*

controlled substances when possession of marijuana is necessary for the performance of their duties.

4.1-1101.1. Adult sharing of marijuana.

A. For the purposes of this section, "adult sharing" means transferring marijuana between persons who are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

§ 4.1-1116. Illegal advertising; penalties; exception. (2023 updated section)

- A. No person shall advertise in or send any advertising material into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth under this subtitle or Article 4.2 (§ [54.1-3442.5](#) et seq.) of the Drug Control Act. Advertisements regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle and Board regulations.*
- B. Except as provided in subsection C, any person who violates the provisions of subsection A is guilty of a Class 1 misdemeanor.*
- C. For violations of § [4.1-1402](#) relating to distance and zoning restrictions on outdoor advertising, the Board shall give the advertiser written notice to take corrective action to either bring the advertisement into compliance with this subtitle and Board regulations or to remove such advertisement. If corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor.*
- D. This section shall not apply to advertising conducted by pharmaceutical processors or cannabis dispensing facilities in accordance with Article 4.2 (§ [54.1-3442.5](#) et seq.) of the Drug Control Act and regulations of the Board of Pharmacy.*
- E. For the purposes of this section, "synthetic derivative" and "tetrahydrocannabinol" mean the same as those terms are defined in § [4.1-1400](#).*

§ 4.1-1402. Outdoor advertising restrictions; limitations; variances. (2023 updated section)

- A. No outdoor advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of*

tetrahydrocannabinol shall be placed within 500 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on the real property of (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use.

- B. However, (i) if there is no building or structure on a playground or similar recreational facility, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the property line of such playground or similar recreational facility and (ii) if a public or private school providing grades K through 12 education is located across the road from a sign, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on such real property across the road.*
- C. If, at the time the advertisement was displayed, the advertisement was more than 500 feet from (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use, but the circumstances change such that the advertiser would otherwise be in violation of subsection A, the Board shall permit the advertisement to remain as displayed for the remainder of the term of any written advertising contract, but in no event more than one year from the date of the change in circumstances.*
- D. The Board may grant a permit authorizing a variance from the distance requirements of this section upon a finding that the placement of the advertisement on a sign will not unduly expose children to advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.*
- E. The distance and zoning restrictions contained in this section shall not apply to any sign that is included in the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents.*
- F. Nothing in this section shall be construed to authorize billboard signs containing outdoor advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol on property zoned agricultural or residential, or on any unzoned property. Nor shall this section be construed to authorize the erection of new billboard signs containing outdoor advertising that would be prohibited under state law or local ordinance.*

- G. *All lawfully erected outdoor signs regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle, Board regulations, and Chapter 12 (§ [33.2-1200](#) et seq.) of Title 33.2 and regulations adopted pursuant thereto by the Commonwealth Transportation Board. Further, any outdoor directional sign regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol that is located or to be located on highway rights of way shall also be governed by and comply with the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents.*

The Town appreciates your continued cooperation with the changing landscape of cannabis laws and regulation. If you have questions about the application of the new rules, please contact the Community Development Department.



TOWN OF ABINGDON

133 WEST MAIN STREET · P. O. BOX 789 · ABINGDON, VIRGINIA · 24212
Phone: 276-628-3167

FOR YOUR INFORMATION

Greetings,

Recently State legislation has been enacted specifically limiting the type of products that are allowed on the shelves of retail establishments and the advertising of any substances containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol and continued to uphold NO COMMERCIAL RETAIL sales and NO COMMERCIAL SHARING of marijuana. Virginia law does not allow businesses to sell, transact, gift, share, or sell marijuana. As you are part of the community who helps new businesses come into the Town of Abingdon, we are wanting to inform you that we are doing two things:

1. We have sent a letter to each of the existing recreational substance retail establishments No retail selling or gifting of cannabis is allowed. No advertisement of any substances containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol
2. We are also updating our ordinance to limit the locations of these facilities to certain zoning districts.

As a courtesy we are providing you with both the letter and public notice we sent out for the upcoming hearing regarding the new zoning language.

If you have any additional questions regarding the State changes or the upcoming zoning regulations – please feel free to contact us.

Thank you,

Community Development Department



NOTICE OF PUBLIC HEARING

The Town of Abingdon will hold a public hearing before the members of the Planning Commission on August 28, 2023, at 5:30 pm, and before the members of the Town Council on September 5, 2023 in the Council Chambers of the Town Hall, 133 West Main Street, Abingdon, Virginia pursuant to Virginia Code Section § 15.2-2204 to consider the following:

PROPOSED ZONING TEXT AMENDMENT

Chapter 44. Article 6. Section 6-1-1 – 6-1-5

Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:

Recreational Substances, Retail. Recreational Substances uses (both Retail, Off-Site and Retail, On-Site) shall be subject to the following limitations and requirements:

- a. Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12);
- b. Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site);
- c. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday;
- d. Are not allowed in the Old & Historic District or Entrance Corridor;
- f. May be permitted as a special use in parcels zoned B-2 unless visible from the Entrance Corridor road segments of Main Street and Cummings;
- g. Are permitted by right in M-1 (Limited Industrial) zones; and
- h. This does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.

Recreational Substances: Recreational Substances includes the following:

- Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.

- Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.
- Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
- Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

A copy of this proposal and Planning Commission minutes is on file for review by the public in the Community Development Office, 133 West Main Street, Abingdon, VA 24210. All interested citizens are invited to attend.

Michael Cochran, Town Manager



NOTICE OF PUBLIC HEARING

The Town of Abingdon will hold a public hearing before the members of the Planning Commission on August 28, 2023, at 5:30 pm, and before the members of the Town Council on September 5, 2023 in the Council Chambers of the Town Hall, 133 West Main Street, Abingdon, Virginia pursuant to Virginia Code Section § 15.2-2204 to consider the following:

PROPOSED ZONING TEXT AMENDMENT

Chapter 44. Article 6. Section 6-1-1 – 6-1-5

Special Limitations for Specific Uses. The following uses shall be subject to the limitations as specified:

Recreational Substances, Retail. Recreational Substances uses (both Retail, Off-Site and Retail, On-Site) shall be subject to the following limitations and requirements:

- a. Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12);
- b. Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site);
- c. Hours of operation shall be limited to 8am to 8pm, Monday through Sunday;
- d. Are not allowed in the Old & Historic District or Entrance Corridor;
- f. May be permitted as a special use in parcels zoned B-2 unless visible from the Entrance Corridor road segments of Main Street and Cummings;
- g. Are permitted by right in M-1 (Limited Industrial) zones; and
- h. This does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.

Recreational Substances: Recreational Substances includes the following:

- Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.



TOWN OF ABINGDON

133 WEST MAIN STREET • P. O. BOX 789 • ABINGDON, VIRGINIA • 24212

Phone: 276-628-3167

Attention Businesses,

As of **July 1, 2023, State legislation has been enacted placing greater restrictions** on the advertising and selling of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol and continued to uphold NO COMMERCIAL RETAIL sales and NO COMMERCIAL SHARING of marijuana. To be clear, Virginia law does not allow businesses to sell, transact, gift, share, or sell marijuana.

If businesses are found to not be in compliance with these laws the Town of Abingdon has the authority to:

- Revoke the business license that allows the business to operate.
- Require public advertisement related to marijuana or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol to be removed.

The term "**marijuana**" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. **Delta-8 THC** is illegal in the State of Virginia.

Per the Virginia Cannabis Control Authority:

Illegal

- *With the exception of possession by a person in his residence or possession by a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place*
 1. *more than four ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and*
 2. *more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.*

- *It remains illegal for anyone under the age of 21 to consume, purchase, or possess marijuana, or to attempt to consume, purchase or possess any amount of marijuana.*
- *It remains illegal to distribute or sell marijuana, and/or to possess any amount of marijuana with the intent to distribute or sell it. **This prohibition applies equally to businesses, which will not be permitted to sell, “gift,” or in any other way distribute marijuana.***
- *Existing safety measures remain in place, including prohibiting use of marijuana while driving a motor vehicle or while being a passenger in a motor vehicle being driven; possessing marijuana on school grounds, while operating a school bus, in a motor vehicle transporting passengers for hire, or in a commercial vehicle.*
- *It remains illegal to consume marijuana or offer marijuana to another person in any public place.*

Virginia Code states the following:

§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or older lawful; penalties. (2023 updated section)

- A. *Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person 21 years of age or older may lawfully possess on his person or in any public place not more than one ounce of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board.*
- B. *Any person who possesses on his person or in any public place marijuana or marijuana products in excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as otherwise provided in this section. The penalty for any violations of this section by an adult shall be prepayable according to the procedures in § [16.1-69.40:2](#).*
- C. *With the exception of possession by a person in his residence or possession by a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.*
- D. *The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § [53.1-1](#), certified as handlers of dogs trained in the detection of*

controlled substances when possession of marijuana is necessary for the performance of their duties.

4.1-1101.1. Adult sharing of marijuana.

A. For the purposes of this section, "adult sharing" means transferring marijuana between persons who are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

§ 4.1-1116. Illegal advertising; penalties; exception. (2023 updated section)

- A. No person shall advertise in or send any advertising material into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth under this subtitle or Article 4.2 (§ [54.1-3442.5](#) et seq.) of the Drug Control Act. Advertisements regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle and Board regulations.*
- B. Except as provided in subsection C, any person who violates the provisions of subsection A is guilty of a Class 1 misdemeanor.*
- C. For violations of § [4.1-1402](#) relating to distance and zoning restrictions on outdoor advertising, the Board shall give the advertiser written notice to take corrective action to either bring the advertisement into compliance with this subtitle and Board regulations or to remove such advertisement. If corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor.*
- D. This section shall not apply to advertising conducted by pharmaceutical processors or cannabis dispensing facilities in accordance with Article 4.2 (§ [54.1-3442.5](#) et seq.) of the Drug Control Act and regulations of the Board of Pharmacy.*
- E. For the purposes of this section, "synthetic derivative" and "tetrahydrocannabinol" mean the same as those terms are defined in § [4.1-1400](#).*

§ 4.1-1402. Outdoor advertising restrictions; limitations; variances. (2023 updated section)

- A. No outdoor advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of*

tetrahydrocannabinol shall be placed within 500 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on the real property of (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use.

- B. However, (i) if there is no building or structure on a playground or similar recreational facility, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the property line of such playground or similar recreational facility and (ii) if a public or private school providing grades K through 12 education is located across the road from a sign, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on such real property across the road.*
- C. If, at the time the advertisement was displayed, the advertisement was more than 500 feet from (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use, but the circumstances change such that the advertiser would otherwise be in violation of subsection A, the Board shall permit the advertisement to remain as displayed for the remainder of the term of any written advertising contract, but in no event more than one year from the date of the change in circumstances.*
- D. The Board may grant a permit authorizing a variance from the distance requirements of this section upon a finding that the placement of the advertisement on a sign will not unduly expose children to advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.*
- E. The distance and zoning restrictions contained in this section shall not apply to any sign that is included in the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents.*
- F. Nothing in this section shall be construed to authorize billboard signs containing outdoor advertising regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol on property zoned agricultural or residential, or on any unzoned property. Nor shall this section be construed to authorize the erection of new billboard signs containing outdoor advertising that would be prohibited under state law or local ordinance.*

- G. *All lawfully erected outdoor signs regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle, Board regulations, and Chapter 12 (§ [33.2-1200](#) et seq.) of Title 33.2 and regulations adopted pursuant thereto by the Commonwealth Transportation Board. Further, any outdoor directional sign regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol that is located or to be located on highway rights of way shall also be governed by and comply with the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its agents.*

The Town appreciates your continued cooperation with the changing landscape of cannabis laws and regulation. If you have questions about the application of the new rules, please contact the Community Development Department.

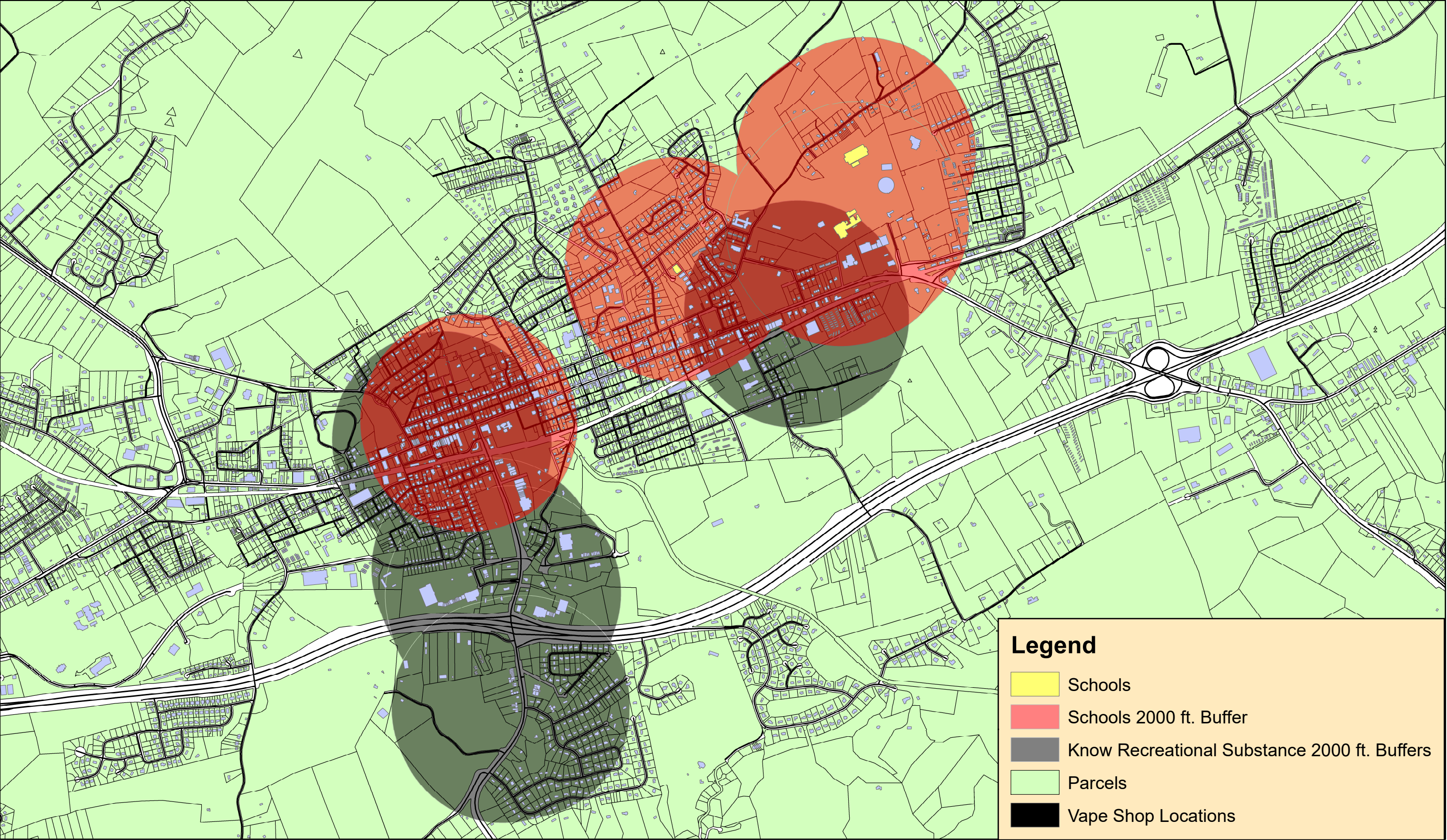
- Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.
- Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
- Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

A copy of this proposal and Planning Commission minutes is on file for review by the public in the Community Development Office, 133 West Main Street, Abingdon, VA 24210. All interested citizens are invited to attend.

Michael Cochran, Town Manager



**An Ordinance of the Council for the Town of Abingdon, Virginia amending
Chapter 44. Article 6, Article 7, and Article 11 adding language concerning
Adult Recreational Substance Businesses**

WHEREAS, pursuant to the Code of Virginia § 15.2-2283, zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of planning to facilitate the creation of a convenient, attractive, and harmonious community; and

WHEREAS, pursuant to the Code of Virginia § 15.2-2240, every locality shall adopt an ordinance to assure the orderly subdivision of land and its development; and

WHEREAS, the Town Council has determined to amend the Town's zoning ordinance, and subdivision ordinance to ensure compliance with state regulations, promote good economic development and zoning practices, and to streamline and reorganize for improved readability and understanding; and

WHEREAS, the Planning Commission held a public hearing on August 28, 2022, after notice in accordance with Section 15.2-2204 of the Code of Virginia, during which the public had the opportunity to speak regarding the proposed amendments to the Zoning and Subdivision Ordinance; and

WHEREAS, pursuant to the Code of Virginia § 15.2-2223, the Planning Commission finds that the proposed draft of the will promotes the health, safety, or general welfare of the public and assure the orderly subdivision of land and its development, and ***RECOMMENDED APPROVAL***; and

WHEREAS, the Town Council held a public hearing on September 5, 2022, after notice in accordance with Section 15.2-2204 of the Code of Virginia, during which the public had the opportunity to speak regarding the proposed amendments to the Zoning and Subdivision Ordinance; and

WHEREAS, the Town Council finds that the proposed amendment of the Town of Abingdon Zoning and Subdivision Ordinance will promote the health, safety, or general welfare of the public and assure the orderly subdivision of land and its development, in accordance with the Code of Virginia.

Chapter 44.

Article VI Use Permissions

Table 6.4 Primary Zoning Districts Use Matrix

Use Type B = By-Right Use SUP = Special Use Permit	Primary Zoning Districts													Use Performance Standard Reference
	<u>AFOS</u> Agricultural Forestral and Open Space	<u>R-1</u> Low Density Residential	<u>R-2</u> Medium Density Residential	<u>R-3</u> High Density Residential	<u>R-4</u> Mixed Residential	<u>R-5</u> Mixed High Density Residential	<u>OI</u> Office and Institutional	<u>B-1</u> Limited Business	<u>B-2</u> General Business	<u>B-3</u> Central Business	<u>M-1</u> Limited Industrial	<u>PUD</u> Planned Unit Development	<u>PTD</u> Planned Technology District	
Accessory building	B	B	B	B	B	B	B	B	B		B			Section 7-2-1
Accessory dwelling unit	B	SUP	SUP	B	B	B						B		Section 7-2-2
Accessory use	B	B	B	B	B	B	B	B	B	B	B	B		
Adult Recreational Substance									SUP		B			Section 7-2-45

Section 6-1. Old and Historic Zoning District Use Matrix

Table 6.5 Old and Historic Zoning District Use Matrix						
Use Type B = By-Right Use SUP = Special Use Permit	Old and Historic Zoning Subdistricts					Use Performance Standard Reference
	Civic/Business-Focused Subdistrict 1	Residential-Focused Subdistrict 2	Artisan-Focused Subdistrict 3	Sinking Spring Cemetery Subdistrict 4	Muster Grounds Subdistrict 5	
Accessory building	B	B	B		B	Section 7-2-1
Accessory dwelling unit	SUP	SUP				Section 7-2-2
Accessory use	SUP	SUP	SUP		SUP	
Adult Recreational Substance						Section 7-2-45

Article VII Use Performance Standards

Division 2 Standards for Specific Uses

Section 7-2-45 Recreational Substances, Retail.

- (a) Must be located at least 2,000 linear feet from the property line of any public or private school (pre-K through Grade 12); and
- (b) Must be located at least 2,000 linear feet from the property line of an existing Recreational Substances use (both Retail, Off-Site and Retail, On-Site); and
- (c) Hours of operation shall be limited to 8am to 8pm, Monday through Sunday; and
- (d) Are not allowed in the Old & Historic District or Historic Entrance Corridor Overlay District; and
- (e) May be permitted as a special use in parcels zoned B-2 unless visible from the Historic Entrance Corridor Overlay District road segments of Main Street and Cummings Street; and
- (f) Are permitted by right in M-1 (Limited Industrial) zones; and
- (g) This zoning restriction does not apply to grocery stores, gas stations or pharmacies where greater than 75% of sales are non-recreational substances.
- (h) Recreational Substances include the following:
 - (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and

pipe tobacco.

- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are used for or added to a food or beverage product, that contains hemp and has completed all stages of processing needed for the product.
- (4) Kratom, and any product including any raw materials from Kratom that are used for or added to a food or beverage product, that contains Kratom and has completed all stages of processing needed for the product.
- (5) Any pipe, vaporizer, other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

(i) Prohibited:

- (1) No commercial retail sales of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
- (2) No adult sharing in a commercial retail space of any substance containing marijuana, a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.
- (3) No person shall advertise in or send any advertising material into the Commonwealth regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol other than those that may be legally sold in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act. Advertisements regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with the provisions of this subtitle and Board regulations.

Article XI Definitions

Division 1

Section 11-1-2 General and use definitions.

Adult sharing of marijuana: means transferring marijuana between persons who are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i) marijuana is given away contemporaneously with another reciprocal transaction between the same parties; (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services; or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.

Marijuana: means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. Delta-8 THC is illegal in the State of Virginia.

Recreational Substances, Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances, Retail, On-Site Use: Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

BE IT FURTHER ORDAINED that should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

BE IT FURTHER ORDAINED that upon adoption by the Town Council, the amendments herein listed will be added to Chapter 44 Land Use; and

BE IT FURTHER ORDAINED that the Town Council authorizes Town staff to make non-substantive edits, including correction of punctuation, numbering, internal cross-references, citations to any statutes, and any related clerical-type changes to the text and exhibits as necessary to ensure internal consistency of the newly adopted Town of Abingdon Zoning and Subdivision Ordinance and, add language as may be necessary for clarification of information and correct any factual errors.

CERTIFICATE

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance amendment to update to Chapter 44, and find it to be in correct form, as set forth above, this first _____ day of September 2023.

Cameron Bell, Counsel

This ordinance was adopted on _____, 2023, to take effect on _____.

Mayor Amanda Pillion

The undersigned Clerk of the Town of Abingdon, Virginia (the "Town"), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on September 5, 2023. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Amanda Pillion, Mayor		
Dwyane Anderson, Vice Mayor		
Derek Webb		
Donna Quetsch		
Wayne Austin		

WITNESS MY HAND and the seal of the Town of Abingdon as of September 5, 2023.

(SEAL)

Kimberly Kingsley, Clerk