ORDINANCE TO AMEND THE GREENE COUNTY ZONING ORDINANCE TO REGULATE CERTAIN LOCAL ASPECTS OF ADULT-USE CANNABIS BUSINESSES

Zoning Districts

Article 8 Business B-1
By Right Uses
The following uses and structures shall be permitted in the Business District, B-1, B-2, and B-3:
(l) Cannabis dispensing facility
(2) Retail marijuana store
(section to be re-lettered for uses to be in alphabetical order)

Article 11 Limited Industrial District M-1 and M-2
By Right Uses
(aq) Marijuana cultivation facility
(ar) Marijuana microbusiness
(as) Marijuana delivery operator
(at) Marijuana testing facility
(au) Marijuana processing facility
(av) Marijuana transporter
(ay) Pharmaceutical processor

Article 7 Planned Unit Developments
Section aaaa Use Regulations
Structures to be erected or land to be used shall be for the following uses permitted with a shopping center of two hundred thousand square feet or less. Shopping centers of greater than two hundred thousand square feet require a special use permit:

(d) Cannabis dispensing facility
(m) Retail marijuana store
(section to be re-lettered for uses to be in alphabetical order)

Article 16 General Provisions
Section xxxx Cannabis
(a) *Legislative findings.* The Greene County Board of Supervisors hereby finds and declares that:

(1) Authority and Police Power.
The Greene County Board of Supervisors is authorized under applicable law to regulate land use to protect and promote the public health, safety, morals, and general welfare.

(2) Unique Land Use Characteristics.

Marijuana establishments possess land use characteristics that distinguish them from other uses, including heightened security needs, potential impacts on youth access, odor generation, traffic patterns, and proximity-sensitive concerns.

(3) Community Impacts.
Without appropriate location standards and operational controls, marijuana-related uses may adversely affect nearby residential neighborhoods, schools, parks, childcare facilities, and other sensitive land uses, and may contribute to incompatible land use patterns.

(4) Public Health Considerations.
Reasonable zoning controls on the location and concentration of marijuana establishments help reduce unintended access by minors, mitigate exposure to secondhand emissions and odors, and support responsible, regulated access consistent with state law.

(5) Public Safety Considerations.
Marijuana establishments can attract increased vehicular traffic and require enhanced security measures. Location and siting standards are necessary to support effective law enforcement, emergency response, and safe circulation for pedestrians and motorists.

(6) Land Use Compatibility.
Proper zoning treatment of marijuana establishments promotes compatibility with surrounding uses, preserves neighborhood character, supports orderly development, and advances long-range planning goals set forth in the County's Comprehensive Plan.

(7) Economic and Regulatory Balance.
The regulation of marijuana establishments through zoning is not intended to prohibit lawful marijuana activity but rather to ensure that such activity occurs in appropriate locations and under conditions that minimize potential adverse impacts on the community.

(b) *Purpose and intent.* The purpose and intent of this section is to:

(1) Promote the health, safety, and general welfare of the public by establishing clear, reasonable, and enforceable zoning standards for marijuana-related uses.

(2) Ensure that marijuana establishments are located only in zoning districts where such uses are compatible with surrounding land uses and infrastructure capacity.

(3) Protect residential neighborhoods and sensitive land uses from potential adverse secondary effects associated with marijuana operations.

(4) Provide objective standards for siting, spacing, and operation to guide applicants, staff, and decision-makers and to reduce uncertainty in land use decision-making.

(5) Support the responsible implementation of state marijuana laws while preserving local land use authority.

(6) Advance the goals and policies of the County's Comprehensive Plan and zoning ordinance as a whole.

(c) *Minimum distance – Between cannabis dispensing facilities, retail marijuana stores and microbusinesses.* No cannabis dispensing facility, retail marijuana store, or microbusiness shall be located within 1,000 feet of any other cannabis dispensing facility, retail marijuana store or microbusiness.

Commented [KK1]: It cannot be greater than 1,000 feet, but it can be less. Or you do not have to have any buffers

(d) *Minimum distance – Between cannabis dispensing facilities, retail marijuana stores and microbusinesses and hospitals, schools, institutions of higher education, playgrounds, and child day programs.* No cannabis dispensing facility, retail marijuana store, or microbusiness shall be located within 1,000 feet of any hospital; public, private, or parochial school or institution of higher education; publicly designated parks with playgrounds, or child day program.

(e) *Minimum distance – Between cannabis dispensing facilities, retail marijuana stores, and microbusinesses and parks.* No cannabis dispensing facilities, retail marijuana store or microbusiness shall be located within 1,000 feet of any publicly designated park that does not include a playground.

(f) *Minimum distance – Between marijuana cultivation facilities, marijuana delivery operators, marijuana testing facilities, marijuana processing facilities, marijuana transporters, and pharmaceutical processors and hospitals, schools, institutions of higher education, playgrounds, and child day programs.* No marijuana cultivation facilities, marijuana delivery operators, marijuana testing facilities, marijuana processing facilities, marijuana transporters, and pharmaceutical processors shall be located within 1,000 feet of any hospital; public, private, or parochial school or institution of higher education; publicly designated parks, or child day program.

(g) Measurement of distances. Unless otherwise expressly provided, all measurements of separation distances required by this article shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the tenant space or structure occupied by the marijuana establishment to the closest point on a property boundary of land used of the land use(s) identified in subsections (c) through (f) of this section which exists on or before the date that a completed application for a license to operate the marijuana establishment is filed with the County.

(h) Street frontage required. Every retail marijuana store, cannabis dispensing facility, or microbusiness building hereafter erected shall be located on a lot with frontage on a public street having a minimum width of 30 feet as defined in this chapter.

(i) Special signage and lighting provisions.

(1) In addition to the sign regulations in County Code Section xxx Article xxx Signs, no marijuana establishment shall be permitted to have window signage, electronic signs, animated signs, or temporary signs.

(2) In addition to County Code Section xxxx General Lighting Standards, no marijuana establishment shall be permitted to utilize rope lighting outlining the establishments windows and doors or any other exterior permanent lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any architectural feature thereof.

(j) *Use of buildings and land.* No marijuana establishment building or structure shall be erected, reconstructed, structurally altered, enlarged or moved, and no marijuana establishment land or building shall be used or designed to be used for any purpose other than as may be herein permitted.

(k) *Minimum requirements.* The provisions of this section shall be held to be the minimum requirements adopted for the promotion of health, safety, convenience, morals, comfort, prosperity and general welfare of the public. It is not intended by this section to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, any easement, covenant or private agreement, or any rules, regulations, or permits other than zoning regulations.

(l) *Prohibited times.* No marijuana or marijuana products shall be sold except between 9 AM and 9 PM Monday through Saturday and 9 AM and 6 PM on Sunday.

ARTICLE 22 Definitions.

As used in this chapter and to define uses within the zoning ordinance, unless the context requires a different meaning:

"Cannabis dispensing facility" means a dual-use facility that (i) has obtained a permit from the Board of Directors of the Virginia Cannabis Control Authority pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; and (iv) has been verified by the Board pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a retail marijuana store pursuant to § 4.1-802 on the premises of the cannabis dispensing facility.

“Cultivation” or “cultivate” means the planting, propagation, growing, harvesting, drying, curing, grading, trimming, packaging, or other similar manufacturing of marijuana for use or sale. “Cultivation” or “cultivate” does not include processing or testing.

“Hemp product” means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains no more than two milligrams of total tetrahydrocannabinol per package.

“Immature plant” means a nonflowering marijuana plant that is no taller than eight inches and no wider than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

“Industrial hemp” means the same as that term is defined in Virginia Code § 3.2-4112.

“Industrial hemp extract” means the same as that term is defined in Virginia Code § 3.2-5145.1.

“Licensed” means the holding of a valid license or permit granted by the Virginia Cannabis Control Authority.

“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. “Marijuana” does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp that is possessed by a person registered pursuant to subsection A of Virginia Code § 3.2-4115 or his agent; (iii) industrial hemp that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product; (v) an industrial hemp extract; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Virginia Board of Pharmacy into one of the schedules set forth in the Drug Control Act (Virginia Code § 54.1-3400 et seq.) pursuant to Virginia Code § 54.1-3443.

“Marijuana concentrate” means marijuana that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant is a concentrate for purposes of this subtitle.

“Marijuana cultivation facility” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature marijuana

plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana, immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer possession of and sell marijuana to marijuana processing facilities; and to transport marijuana, immature marijuana plants, and marijuana seeds from the marijuana cultivation facility's licensed premises to another licensed marijuana establishment.

“Marijuana delivery operator” means an entity licensed by the Board of Directors of the Virginia Cannabis Control Authority to take possession of marijuana or marijuana products from a retail marijuana store, microbusiness, pharmaceutical processor, or cannabis dispensing facility and deliver such marijuana or marijuana products only in person to patients or consumers at their residence or business.

“Marijuana establishment” means a marijuana cultivation facility, marijuana microbusiness, marijuana delivery operator, marijuana testing facility, marijuana processing facility, marijuana transporter, retail marijuana store, or pharmaceutical processor or cannabis dispensing facility authorized to exercise dual-use privileges.

“Marijuana paraphernalia” means all equipment, products, and materials of any kind that are either designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body marijuana.

“Marijuana processing facility” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to process, label, and package marijuana and marijuana products; to purchase or take possession of marijuana from a marijuana cultivation facility or another marijuana processing facility; to transfer possession of and sell marijuana and marijuana products to retail marijuana stores or other marijuana processing facilities; to transfer possession of marijuana and marijuana products to marijuana transporters; and to transport marijuana and marijuana products from the marijuana processing facility's licensed premises to another licensed marijuana establishment.

“Marijuana products” means (i) products that are composed of marijuana and other ingredients and are intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

“Marijuana testing facility” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to develop, research, transport, or test marijuana, marijuana products, or other substances.

“Marijuana transporter” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to take possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds from a marijuana cultivation facility, a

marijuana processing facility, a retail marijuana store, a microbusiness, or another marijuana transporter; to transfer possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds to a marijuana cultivation facility, marijuana processing facility, retail marijuana store, microbusiness, or another marijuana transporter; and to transport marijuana, marijuana products, immature marijuana plants, and marijuana seeds from one licensed establishment to another.

“Microbusiness” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to conduct any activities authorized for marijuana cultivation facilities, marijuana processing facilities, and retail marijuana stores, as determined by the Board of Directors of the Virginia Cannabis Control Authority.

"Pharmaceutical processor" means a dual-use facility that (i) has obtained a permit from the Board of Directors of the Virginia Cannabis Control Authority pursuant to § 4.1-1602; (ii) cultivates Cannabis plants intended for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; and (iii) has been verified by the Board pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a marijuana cultivation facility pursuant to § 4.1-800, marijuana processing facility pursuant to § 4.1-801, and retail marijuana store pursuant to § 4.1-802.

“Processing” or “process” means the production of marijuana products or the blending, infusing, compounding, or other preparation of marijuana or marijuana products, including marijuana extraction or preparation by means of chemical synthesis. “Processing” or “process” does not include cultivation or testing.

“Publicly designated park” means any area that is predominantly open space, used principally for active or passive recreation, and not used for a profit-making purpose that is designated in the Greene County’s Comprehensive Plan as a park or open space.

“Residence” means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

“Retail marijuana store” means a facility licensed by the Board of Directors of the Virginia Cannabis Control Authority to purchase or take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a marijuana cultivation facility or marijuana processing facility; to take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a marijuana transporter; to sell marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to consumers on premises approved by the Board of Directors of the Virginia Cannabis Control Authority; to deliver marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds only in person to consumers; to transfer possession of marijuana, marijuana products, marijuana

paraphernalia, immature marijuana plants, or marijuana seeds to marijuana delivery operators; and to transport marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, and marijuana seeds from the retail marijuana store's licensed premises to another retail marijuana store.

“Sale” and “sell” includes soliciting or receiving an order; keeping, offering, or exposing for sale; peddling, exchanging, or bartering; or delivering other than gratuitously, by any means.

“Testing” or “test” means the research and analysis of marijuana, marijuana products, or other substances for contaminants, safety, or potency. “Testing” or “test” does not include cultivation or processing.

“Tetrahydrocannabinol” means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purpose of this definition, “isomer” means the optical, position, and geometric isomers.

“Total tetrahydrocannabinol” means the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.

Any term defined by reference to state law shall have the meaning assigned in Title 4.1 of the Code of Virginia, as amended.

This Ordinance is effective upon adoption unless specified otherwise.