Cannabis Zoning Amendments

Planning Commission Work Session

November 18, 2026



Discussion and direction, not a vote

Board Resolution No. 2026-014, adopted October 13, 2026, directs review of the Zoning Ordinance for retail cannabis.

Review is limited to zoning: definitions, districts, buffers of no more than 1,000 linear feet, and hours of sale.

No formal recommendation requested tonight.

Cannabis Laws

- 2026 Special Session – established a legal, adult-use retail cannabis market in Virginia.
- Virginia Cannabis Control Authority – power to regulate, tax, and license retail sales.
- Cannabis Control Act Title 4.1

Va. Code § 4.1-629(A): State Preemption

> “No county, city or town shall, except as provided in §4.1-630, adopt any ordinance or resolution that regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation, consumption, use, advertising, or dispensing of marijuana or marijuana products.”

Implementation Timeline

Virginia Cannabis Control Authority — Licensing & Enforcement Milestones

FEB 1, 2027

Deadline for board to adopt implementing regulations; VCCA may begin accepting license applications

MAY 1, 2027

Board can begin issuing licenses

JUL 1, 2027

Majority of licensing and enforcement provisions take effect

JUL 1, 2029

State tax increase from 6% to 8%

License Types

Va. Code § 4.1-800 — Defined Facility Categories

Retail Cannabis Store

A licensed establishment where cannabis and cannabis products are sold directly to consumers.

Cannabis Cultivation Facility

A licensed facility for growing and harvesting cannabis plants.

Cannabis Mfg. Facility

A licensed facility for processing raw cannabis into finished cannabis products.

Cannabis Wholesaler

A licensed entity that purchases cannabis from cultivators or manufacturers for resale to retail stores.

Cannabis Testing Laboratory

A licensed independent lab that tests cannabis and cannabis products for quality, potency, and safety.

Localities May NOT

- Ban or “opt-out” of retail sales
- Impose a moratorium on cannabis sales
- Regulate the advertising of cannabis sales
- Regulate the product or packaging
- Cap the number of licenses within their boundaries
- Increase the VCCA buffer requirements

Localities May

- Adopt an ordinance that prohibits public consumption of cannabis.
- Use Zoning as a way to regulate
- State code allows for buffers between retail establishments and schools, parks, daycare, etc.
- Localities can reduce the buffers, but not increase
- Establish hours of sales for retail establishments

Zoning Ordinance Amendments

- The County may amend its Zoning Ordinance:
  - Include definition section to incorporate definitions from VA Code § 4.1-600.
  - Establish zoning districts where retail sales will be allowed.
  - Adopt ordinance to set minimum distances between retail stores and schools, daycare, hospitals, etc. (The buffer cannot be greater than 1,000 linear feet – Va. Code § 15.2-912.4)
  - Adopt an ordinance that fixes the hours during which marijuana may be sold.

Risks to Regulation

- Overly restrictive zoning ordinances may be considered a de facto ban
- CUP/SUP process *can* be used but could be seen as a de facto ban.

The draft goes beyond retail

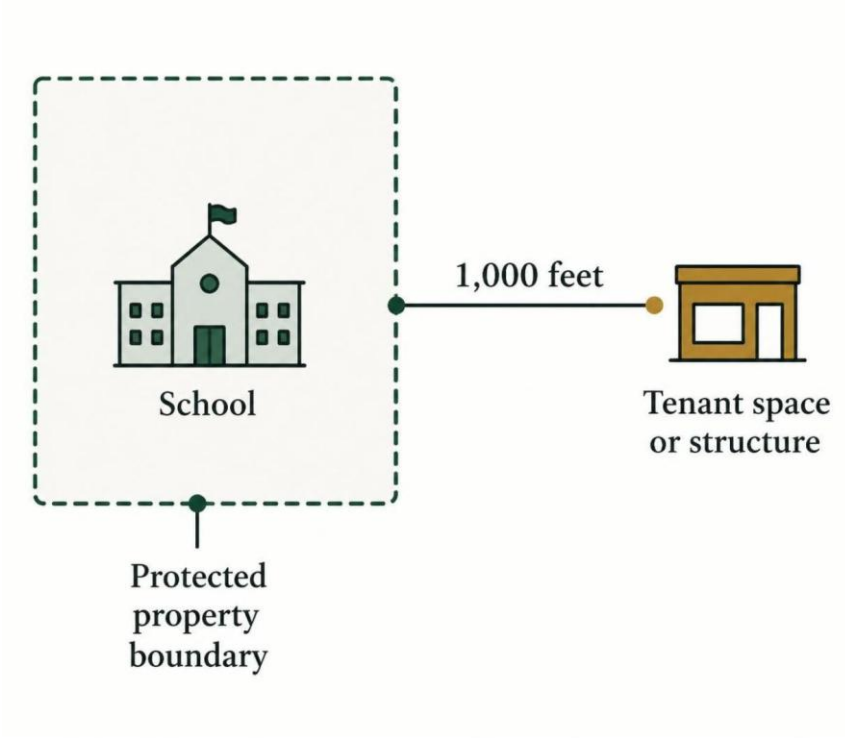
Uses	By-right districts
Retail stores and dispensing facilities	B-1, B-2, B-3, and Planned Unit Development shopping centers
Cultivation, microbusiness, delivery, testing, processing, transport, pharmaceutical processor	M-1 and M-2

Article 22 adds definitions drawn from state law.

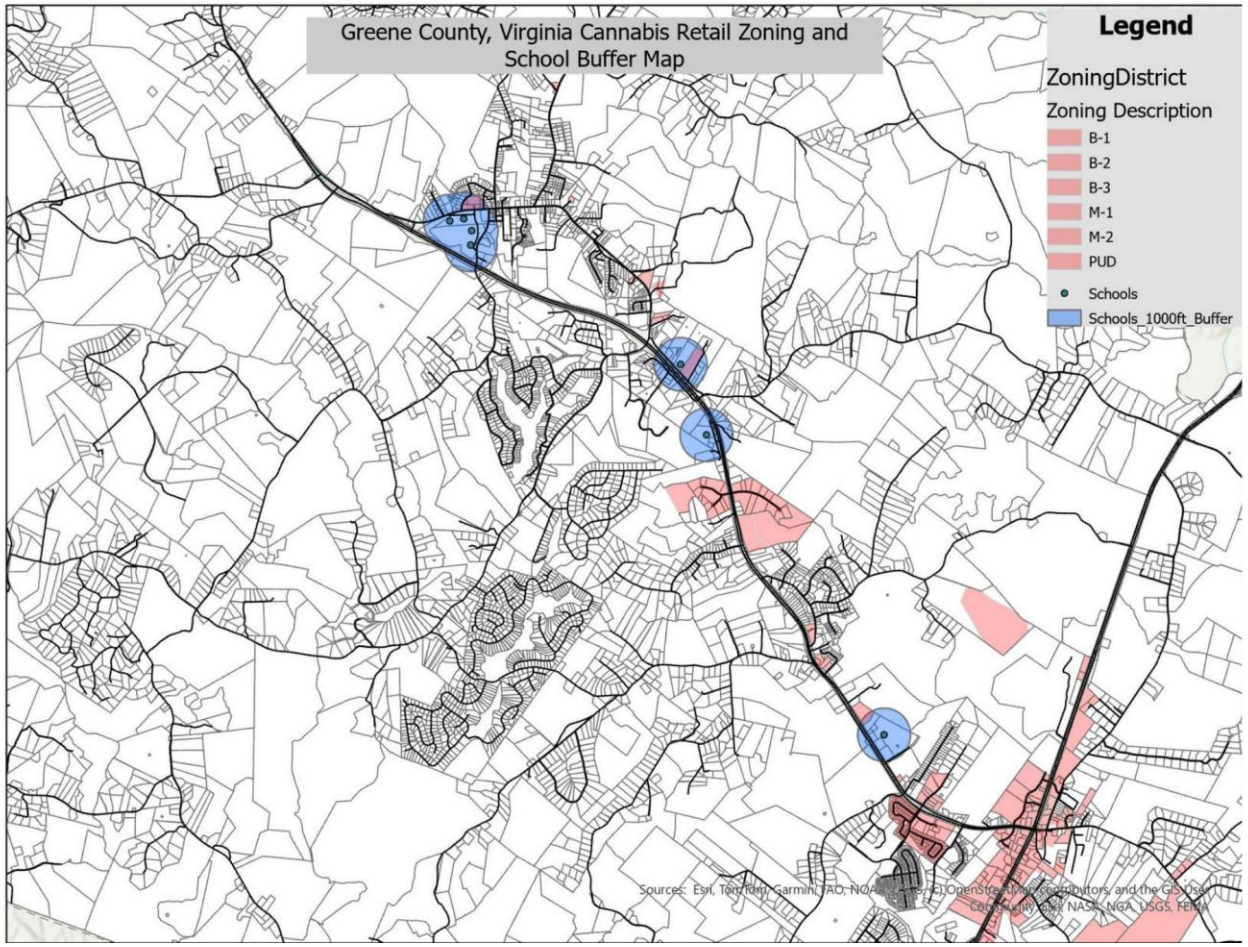
1,000 feet

1,000 ft

- Between stores, dispensaries, and microbusinesses
- From hospitals, schools, higher education, child day programs, and parks
- Industrial cannabis uses carry the same 1,000 feet from sensitive uses
- Measured in a straight line from tenant space or structure to protected property boundary



Where the buffers fall



B-1, B-2, B-3, M-1, M-2, and PUD districts with 1,000-foot school buffers

Frontage, signs, lighting, and hours

- Street frontage of at least **30 feet** for stores, dispensaries, and microbusinesses
- No window, electronic, animated, or temporary signs; no rope or string lighting on buildings
- Sales **9 AM to 9 PM Monday to Saturday**, **9 AM to 6 PM Sunday**

Questions for the Commission

1. Which districts, and should every listed use be by right?
2. Is each 1,000-foot buffer right, and should affected properties be mapped before a hearing?
3. How does spacing between establishments work: measurement endpoint, multi-tenant buildings?
4. Do frontage, signage, and lighting standards fit existing County provisions and state authority?
5. How should microbusinesses with retail activity be treated, given by-right industrial placement?

After tonight

01

Direction

Direction on districts, buffers, and hours shapes the revision.

02

Revision

Staff revises the draft and coordinates legal review.

03

Return

Ordinance returns to the Commission for consideration of a public hearing.