

## **DRAFT AMENDMENT**

### **CHAPTER 86 - LAND DEVELOPMENT REGULATIONS** **(Retail Sales of Controlled Substances)**

The purpose of the proposed amendment is to provide zoning and regulatory tools that balance public health and safety, economic opportunity, and community well-being while ensuring compliance with state and federal laws. It is essential to evaluate zoning and regulatory tools to responsibly manage the establishment of retail locations selling these products. Currently, local ordinances do not explicitly define or regulate these businesses, creating a need for clarity to ensure appropriate land-use planning and community compatibility. The draft amendment includes a proposed definition and zoning strategies for regulating the retail sale of controlled substances, including nicotine vapor products, hemp products intended for smoking, and other legally authorized substances. **THESE PROPOSED AMENDMENTS RELATE TO THE RETAIL SALES OF CONTROLLED SUBSTANCES APPLY THROUGHOUT ALL OF LOUISA COUNTY;** and are proposed pursuant to Va. Code §§ 15.2-2285 and 15.2-2286.

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#### ARTICLE I. – GENERAL PROVISIONS

##### 86-13 Definitions.

*Clinic.* A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

*Hospital.* A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

*Licensed Medical Facility* - A healthcare establishment providing patient services under the supervision of licensed healthcare professionals. This category includes, but is not limited to, pharmacies, urgent care centers, hospitals, and medical clinics engaged in the diagnosis, treatment, or prevention of illness or injury. The facility may provide overnight care, serve as a base for ambulance services, or offer emergency treatment. Facilities dispensing or administering controlled substances must operate under a valid and active registration with the United States Drug Enforcement Administration (DEA) in accordance with federal law.

*Medical office.* Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the commonwealth. Emergency treatment is not the dominant type of care provided at this facility.

*Medical Office* - A facility that provides diagnostic services, minor surgical care, counseling,

**and outpatient treatment on a routine basis. The facility does not provide overnight care, serve as a base for ambulance services, or primarily offer emergency treatment. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. Medical offices that dispense or administer controlled substances must also meet the requirements of a Licensed Medical Facility.**

***Retail Sales of Controlled Substances*** - The sale or transaction of legally authorized controlled substances directly to consumers, including but not limited to prescription medications, hemp products intended for consumption, substances containing any percentage of controlled substances, and other regulated substances. This category excludes alcohol, tobacco, agricultural activity passive, and facilities lawfully operating under a valid and active registration with the United States Drug Enforcement Administration (DEA) as licensed medical providers.

## ARTICLE II. ZONING ORDINANCE AND MAPS

86-109 Matrix table.

| Proposed Amendments to <u>Section 86-109 Use Matrix</u> to coordinate code sections based on the zoning district classification and whether the use is proposed as a permitted use, generally; or a permitted use with the issuance of a conditional use permit. |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
|--|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|-----|-------------|----|-----|
| Defined Use  | A-1 | A-1<br>GAOD | A-2 | A-2<br>GAOD | R-1 | R-1<br>GAOD | R-2 | R-2<br>GAOD | C-1 | C-1<br>GAOD | C-2 | C-2<br>GAOD | IND | IND<br>GAOD | I-1 | I-1<br>GAOD | I-2 | I-2<br>GAOD | RD | PUD |
| <b>COMMERCIAL</b>  |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
| <i>Clinic</i>  | X   | X           | C   | C           | X   | X           | X   | X           | B   | B           | B   | B           | C   | B           | C   | B           | X   | X           | X  |     |
| <i>Hospital</i>  | X   | C           | X   | C           | C   | C           | C   | C           | C   | B           | B   | B           | C   | B           | C   | B           | X   | X           | X  |     |
| <i>Licensed Medical Facility</i>   | X   | X           | X   | X           | X   | X           | X   | X           | B   | B           | B   | B           | B   | B           | B   | B           | B   | B           | X  |     |
| <i>Medical Office</i>  | X   | X           | X   | X           | X   | X           | X   | X           | B   | B           | B   | B           | B   | B           | B   | B           | B   | B           | X  |     |
| <i>Retail sales of controlled substances.</i>  |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
|  | X   | X           | X   | X           | X   | X           | X   | X           | C   | C           | C   | C           | X   | X           | X   | X           | X   | C           | C  |     |
| <b>**The proposed amendments affect only those uses listed above to be amended; and makes no changes to any other listed uses in Section 86-109**</b>  |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
| B = Allowable by-right   |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
| B(R) = Allowable by-right (with restrictions)  |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
| C = Conditional use permit   |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |
| X = Not allowable  |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |     |             |    |     |

- 86-154 Permitted uses with a conditional use permit (A-2)

COMMERCIAL

*Clinic*

- 86-171 Permitted uses with a conditional use permit (R-1)

COMMERCIAL

*Hospital*

- 86-189 Permitted uses with a conditional use permit (R-2)

COMMERCIAL

*Hospital*

- 86-204 Permitted uses, generally (C-1)

COMMERCIAL

~~Clinic~~

**Licensed Medical Facility**

- 86-206 Permitted uses with a conditional use permit (C-1)

COMMERCIAL

~~Hospital~~

**Retail sales of controlled substances**

- 86-222 Permitted uses, generally (C-2)

COMMERCIAL

~~Clinic~~

~~Hospital~~

**Licensed Medical Facility**

- 86-224 Permitted uses with a conditional use permit (C-2)

COMMERCIAL

**Retail sales of controlled substances**

- 86-240 Permitted uses, generally (IND)

COMMERCIAL

**Licensed Medical Facility**

- 86-242 Permitted uses with a conditional use permit (IND)

COMMERCIAL

~~Clinic~~

~~Hospital~~

- 86-259 Permitted uses, generally (I-1)

COMMERCIAL

**Licensed Medical Facility**

**Medical Office**

- 86-261 Permitted uses with a conditional use permit (I-1)

COMMERCIAL

~~Clinic~~

~~Hospital~~

- 86-277 Permitted uses, generally (I-2)

**COMMERCIAL**  
**Licensed Medical Facility**  
**Medical Office**

- 86-295 Permitted uses, generally (RD)

**COMMERCIAL**  
**Licensed Medical Facility**

- 86-296 Permitted uses with a conditional use permit (RD)

**COMMERCIAL**  
**Retail sales of controlled substances**

- 86-312 Permitted uses with a conditional use permit (PUD)

**COMMERCIAL**  
**Retail sales of controlled substances**

- 86-339 Permitted uses with a conditional use permit (A-1 GAOD)

**COMMERCIAL**  
**Hospital**  
**Medical Office**

- 86-359 Permitted uses with a conditional use permit (A-2 GAOD)

**COMMERCIAL**  
**Clinic**  
**Hospital**  
**Medical Office**

- 86-378 Permitted uses with a conditional use permit (R-1 GAOD)

**COMMERCIAL**  
**Hospital**

- 86-394 Permitted uses with a conditional use permit (R-2 GAOD)

**COMMERCIAL**  
**Hospital**

- 86-410 Permitted uses, generally (C-1 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-412 Permitted uses with a conditional use permit (C-1 GAOD)

COMMERCIAL  
**Retail sales of controlled substances**

- 86-429 Permitted uses, generally (C-2 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-431 Permitted uses with a conditional use permit (C-2 GAOD)

COMMERCIAL  
**Retail sales of controlled substances**

- 86-447 Permitted uses, generally (IND GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-465 Permitted uses, generally (I-1 GAOD)

COMMERCIAL  
~~Clinic~~  
~~Hospital~~  
**Licensed Medical Facility**

- 86-482 Permitted uses, generally (I-2 GAOD)

COMMERCIAL  
**Licensed Medical Facility**  
**Medical Office**

TEXT LEGEND

**Bolded Text** = To Be Added

Regular Text = To Remain

~~Strikethrough~~ = To Be Removed