

INTRODUCED: June 23, 2025

AN ORDINANCE No. 2025-157

To amend City Code §§ 30-433.3, 30-433.11.1, 30-436.2, 30-438.2, 30-440.2, 30-442.1:1, 30-444.2:1, 30-447.2:1, 30-447.11:1, 30-448.3, 30-449.4, 30-451.2:1, 30-452.1:1, all concerning principal uses permitted by conditional use permit, 30-454.1 concerning permitted principal and accessory uses, 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning definitions, for the purpose of establishing “retail sales of tobacco and hemp” as a defined use in the City’s zoning ordinance and regulating where such uses can occur.

Patron – Mayor Avula, Ms. Lynch, Ms. Trammell, Ms. Robertson, President Newbille, Vice President Jordan and Ms. Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 28 2025 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 30-433.3, 30-433.11.1, 30-436.2, 30-438.2, 30-440.2, 30-442.1:1, 30-444.2:1, 30-447.2:1, 30-447.11:1, 30-448.3, 30-449.4, 30-451.2:1, 30-452.1:1, 30-454.1, 30-1045.6, and 30-1220 of the Code of the City of Richmond (2020) are hereby **amended** as follows:

Sec. 30-433.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB district by conditional use permit as set forth in Article X of this chapter:

AYES: 9 NOES: 0 ABSTAIN:

ADOPTED: JUL 28 2025 REJECTED: STRICKEN:

- (1) Retail sales of liquor[-];
- (2) Retail sales of tobacco and hemp.

Sec. 30-433.11.1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the UB-2 district by conditional use permit as set forth in Article X of this chapter:

- (1) Retail sales of liquor[-];
- (2) Retail sales of tobacco and hemp.

Sec. 30-436.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-2 district by conditional use permit as set forth in Article X of this chapter:

- (1) Retail sales of liquor[-];
- (2) Retail sales of tobacco and hemp.

Sec. 30-438.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-3 district by conditional use permit as set forth in article X of this chapter:

- (1) Lodginghouses;
- (2) Nightclubs;
- (3) Retail sales of liquor[.];
- (4) Retail sales of tobacco and hemp.

Sec. 30-440.2. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-4 district by conditional use permit as set forth in article X of this chapter:

- (1) Lodginghouses;

- (2) Nightclubs;
- (3) Retail sales of liquor[-];
- (4) Retail sales of tobacco and hemp.

Sec. 30-442.1:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-5 district by conditional use permit as set forth in article X of this chapter:

- (1) Nightclubs;
- (2) Parking areas and parking lots;
- (3) Retail sales of liquor[-];
- (4) Retail sales of tobacco and hemp.

Sec. 30-444.2:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the B-6 district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-447.2:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RF-1 district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-447.11:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the RF-2 district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-448.3. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the CM district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-449.4. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the DCC district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-451.2:1. Principal uses permitted by conditional use permit.

- (a) Lodginghouses;
- (b) Nightclubs;
- (c) Retail sales of liquor[-];
- (d) Retail sales of tobacco and hemp.

Sec. 30-452.1:1. Principal uses permitted by conditional use permit.

The following uses of buildings and premises may be permitted in the M-1 district by conditional use permit as set forth in Article X of this chapter:

- (1) Nightclubs;
- (2) Retail sales of liquor[-];
- (3) Retail sales of tobacco and hemp.

Sec. 30-454.1. Permitted principal and accessory uses.

The following uses of buildings and structures shall be permitted in the M-2 district:

- (1) Any use permitted in the M-1 district as set forth in Section 30-452.1.
- (2) Any use or structure not permitted in any other district, including accessory buildings; provided that no building or premises shall be used for any of the following purposes unless specifically authorized or permitted by the City Council; provided that for purposes of this subsection (2), a use listed in any other district as permitted by conditional use permit or permitted only when lawfully existing on the effective date of a particular provision shall not be construed to be a permitted use:

- a. Curing, smoking, packing or storing of fish.
- b. Incinerating, reducing, dumping or storing, including transfer facilities, of offal, dead animals, garbage or refuse for compensation and not as a governmental function.
- c. Manufacturing or refining of ammonia, bleaching powder, chlorine, celluloid, pyroxylin and explosive or flammable products made therefrom; dyestuffs, explosives and pyrotechnics, gypsum, lime, cement, plaster of Paris, matches, turpentine, paint, varnish and fertilizer from organic materials or bone distillation

d. Manufacturing or storage of sulphurous, sulphuric, nitric, picric, hydrochloric or other corrosive acid, exclusive of the use or storage thereof in connection with other permitted uses of buildings or premises.

e. Medical waste management facilities as regulated by and for which a permit is required by the State of Virginia Department of Environmental Quality, excluding however, any facility subject to an on-site permit by rule.

f. Flea markets.

g. Nightclubs.

h. Outdoor shooting ranges.

i. Private penal institutions.

j. Public and private alternative incarceration domiciliary facilities and institutions.

k. Refining of tallow, grease or lard.

l. Refining of petroleum products.

m. Rendering of fat.

n. Retail sales of liquor.

o. Sales, storage or disposal of used tires in bulk.

p. Storage of dyestuffs, explosives and pyrotechnics.

q. Storage of petroleum products in bulk for distribution in areas beyond the metropolitan area.

r. Retail sales of tobacco and hemp.

Sec. 30-1045.6. Specific conditions applicable to particular uses.

The conditions set forth in this section shall be applicable to all the following uses as indicated when authorized by conditional use permit, provided that the city council may impose such additional or more stringent conditions as deemed necessary to ensure the use will comply with the standards set forth in this article and elsewhere in this chapter:

(1) *Emergency housing, transitional housing, or permanent supportive housing.* A property with an emergency housing, transitional housing, or permanent supportive housing use shall comply, at minimum, with the provisions of article VI of this chapter.

(2) *Social service delivery uses.* A property with a social service delivery use shall, at minimum, submit a [~~plan of development~~] site plan in accordance with Section 30-698.3(d).

(3) *Nondwelling uses occupying the ground floor of existing buildings in the R-8 district.* The following conditions shall be applicable to nondwelling uses occupying the ground floor of existing buildings in the R-8 district:

a. Before approving a conditional use permit for any such use, the city council shall make a finding that the location of the property, the type of use and the scale and operational characteristics of the use are such that, if approved, the use can reasonably be expected to primarily serve the adjacent neighborhood and be sustainable as a neighborhood convenience use, and will avoid traffic, parking congestion, noise and other impacts that more typically result from uses that draw patrons from outside a neighborhood.

b. For any nondwelling use operating with an ABC license, such use shall not be operated between the hours of 10:00 p.m. and 6:00 a.m.

c. Alterations to the exterior of the building, including facade treatment, fenestration, signage and lighting shall be designed to maximize compatibility with the

residential character of the surrounding area. Elevation drawings of the building shall be submitted as part of the conditional use permit application.

d. No music or public address system shall be operated in such a manner that sound produced therefrom is audible beyond the portion of the building devoted to the use.

e. An operations plan, addressing not less than the following elements and providing such information as necessary to enable the city council to make the finding described in paragraph "a" of this subsection, shall be submitted as part of the conditional use permit application:

1. Operational characteristics and features of the use, including: staffing levels; hours of operation; type of ABC license and related restrictions, if applicable; floor plan showing general arrangement of the use and seating capacity of tables and other facilities for patrons, if applicable; description of intended use of the upper floor(s) of the building, including floor plans and plans for ingress and egress; provisions for containing trash and refuse generated by the use, including screening of containers, and means of preventing trash from blowing onto adjacent properties or streets; and provisions for off-street parking, if applicable.

2. Provisions for security, including procedures, features, arrangements and staffing levels for such for both the interior and exterior of the premises, and a plan and procedures for mitigating potential adverse impacts on nearby dwelling uses. The planning commission may recommend and the city council may include as conditions, such elements of the operations plan as it deems necessary to satisfy the standards set forth in this section or in section 30-1045.5 of this chapter.

(4) *Retail sales of liquor.* The following conditions shall be applicable to retail sales of liquor:

a. Except as provided in subdivision (b) of this subsection (5), such use shall be located within a retail establishment having a total floor area greater than 5,00 square feet, and in which not greater than 50 percent of the total floor area is devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia;

b. In the case of a retail establishment existing on the effective date of this subsection and having on such date a total floor area of 5,000 square feet or less and greater than 50 percent of the total floor area devoted to the sale and storage of alcoholic beverages as defined by the Code of Virginia, the city council may waive the conditions of subdivision (a) of this subsection (5) when the city council is satisfied that the other applicable provisions of this subsection are met, and provided that in no case shall the existing total floor area of the establishment and the existing percentage of floor devoted to the sale and storage of alcoholic beverages be increased;

c. Such use shall not take place at any time between the hours of 10:00 p.m. and 10:00 a.m.;

d. Drive-up facilities shall not be permitted in conjunction with such use, and retail sales of liquor shall take place only within the interior of the building;

e. The exterior features, including façade treatment, fenestration, signage and lighting, of the building in which such use is located shall be designed to maximize compatibility with the predominant character of surrounding commercial and residential areas, and elevation drawings of the buildings showing such features shall be submitted as part of the conditional use permit application, except that such drawings shall not be

required in a case where no changes are to be made to the exterior of an existing building;
and

f. The conditional use permit shall be approved by the city council only if the applicant satisfies the council that the size and location of the user are reasonably related to the trade area that such use is intended to serve, and will not result in a disproportionate concentration of such uses within any particular area of neighborhood of the city or have a detrimental impact on the surrounding area due to close proximity to residential area or public, religious or child care facilities.

(5) *Nightclubs.* A management program shall be submitted as part of the conditional use permit application. The planning commission may recommend and the city council may include as conditions such elements of the management program as it deems necessary to satisfy the standards set forth in section 30-1045.5. If a particular element listed is not applicable to a specific nightclub because of the characteristics of the nightclub, the management program shall include a statement of why the element is not applicable. The minimum required elements of the management program are as follows:

a. Operational characteristics and features of the nightclub, including the following:

1. Staffing levels;
2. Hours of operation, and days of the week on which the establishment will be operated as a nightclub;
3. Type of Virginia Alcoholic Beverage Control license and related restrictions;

4. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor and standing room areas and capacity, which floor plan shall be posted on the premises in a prominent location viewable by the patrons;

5. Total occupant load; and,

6. General type, frequency and hours of entertainment to be provided;

a. Provisions for off-street parking; and

b. Provisions for security and crowd management, including the following:

1. Provisions for a level of security and crowd management sufficient to comply with the requirements of chapter 6, article V of this code, whether or not the nightclub is required to obtain a public dance hall permit;

2. Procedures, features, arrangements and staffing levels for security and crowd management for both the interior and exterior of the premises; and

3. A plan and the procedures for mitigating potential adverse impacts on nearby dwelling and business uses.

(6) *Parking areas and parking lots in the B-4 and B-5 district.* The following conditions shall be applicable for parking areas and parking lots in the B-4 or B-5 district:

a. The access, landscaping, screening, and arrangement of the parking area or parking lot shall be reviewed by the Urban Design Committee prior to the review of the application for the conditional use permit by the Planning Commission. The Urban Design Committee may recommend to the Planning Commission that the Planning Commission recommend that the City Council approve the conditional use permit or may recommend that the Planning Commission recommend that the City Council impose additional

conditions. In making its recommendation, the Urban Design Committee shall consider at least the standards set forth in section 30-1045.5 and the parking improvement requirements and landscaping standards set forth in section 30-710.10 through 30-710.16.

(7) *Lodginghouses.* A property with a lodginghouse use shall, at minimum, submit a ~~[plan of development]~~ site plan in accordance with Section 30-698.3(d).

(8) *Retail sales of tobacco and hemp.* The following conditions shall be applicable to retail sales of tobacco and hemp:

a. Any lot containing such use

1. Shall be located no less than one thousand (1,000) feet from any lot in a R or RO zoning district; and

2. Shall be located no less than one thousand (1,000) feet from any lot containing a child day center; public or private pre-, elementary, middle, or high school; park; public library; or church or other place of worship; and

3. Shall be located no less than one thousand (1,000) feet from any other lot containing such use; and

b. Drive-up facilities shall not be permitted in conjunction with such use; and

c. Any sale, offering, or distribution of electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 Code of Virginia, or of hemp products or hemp products intended for smoking as such terms are defined in § 3.2-4112 Code of Virginia, shall only take place within the interior of a building or structure; and

d. Such use shall not take place at any time between the hours of 9:00 p.m. and 9:00 a.m.

Sec. 30-1220. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.93:1 Retail sales of tobacco and hemp means any use of a building or premises that involves the sale, offering, or distribution of either or both of the following materials: (i) electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 Code of Virginia, (ii) hemp products or hemp products intended for smoking as such terms are defined in § 3.2-4112 Code of Virginia, where one or more of the following apply:

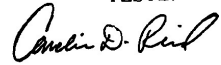
- (1) ten percent or more of the usable floor area is dedicated to the sale, offering, or distribution of such materials;
- (2) ten percent or more of the total area used to display merchandise, or ten percent or more of the total area used to otherwise promote merchandise, is dedicated to the sale, offering, or distribution of such materials;
- (3) ten percent or more of the total permitted sign area on the lot refers to such materials;
- (4) ten percent or more of inventory is comprised of such materials; or
- (5) in any one month, ten percent or more of gross revenue is derived from the sale, offering, or distribution of such materials.

.94 Retail stores and shops means establishments wherein the principal activity is the sale of merchandise at retail to the general public, including incidental storage of goods to be sold at retail on the premises and including incidental fabrication or processing of goods to be sold principally at retail on the premises, but not including the following: retail sales of liquor; retail sales of tobacco and hemp; establishments for the sale in bulk of fuels, building materials and

lumber ~~[, or]~~ ; and establishments for the sale of motor vehicles, boats, trailers, machinery, heavy equipment, tires or similar items.

§ 2. This ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: 27 March 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor

THROUGH: Sharon L. Ebert, Interim Chief Administrative Officer

FROM: Kevin J. Vonck, Director, Planning and Development Review

RE: Zoning text amendment to establish and regulate “retail sales of tobacco and hemp” use.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain City Code §§ 30-433.3, 30-433.11.1, 30-436.2, 30-438.2, 30-440.2, 30-442.1:1, 30-444.2:1, 30-447.2:1, 30-447.11:1, 30-448.3, 30-449.4, 30-451.2:1, 30-452.1:1, all concerning principal uses permitted by conditional use permit, 30-454.1 concerning permitted principal and accessory uses, 30-1045.6 concerning specific conditions applicable to particular uses, and 30-1220 concerning definitions, for the purpose of establishing “retail sales of tobacco and hemp” as a defined use in the City’s zoning ordinance and regulating where such uses can occur.

BACKGROUND: The ordinance defines “retail sales of tobacco and hemp” to mean any business, establishment, or use that sells, offers, or distributes electronic smoking devices and retail tobacco products, as such terms are defined in § 18.2-371.2 Code of Virginia; or hemp products and hemp products intended for smoking, as such terms are defined in § 3.2-4112 Code of Virginia; and where one (1) or more of the following apply:

- 1) ten percent or more of the usable floor area is dedicated to the sale, offering, or distribution of such materials;
- 2) ten percent or more of the total area used to display merchandise, or ten percent or more of the total area used to otherwise promote merchandise, is dedicated to the sale, offering, or distribution of such materials;
- 3) ten percent or more of the total permitted sign area on the lot refers to such materials;

- 4) ten percent or more of inventory is comprised of such materials; or
- 5) in any one month, ten percent or more of gross revenue is derived from the sale, offering, or distribution of such materials.

The ordinance allows such uses through a conditional use permit in the UB, UB-2, B-2, B-3, B-4, B-5, B-6, RF-1, RF-2, CM, DCC, RP, M-1, and M-2 zoning districts, upon conditions that they:

- 1) Shall be located no less than one thousand (1,000) feet from any lot in a R or RO zoning district; and
- 2) Shall be located no less than one thousand (1,000) feet from any lot containing a child day center; public or private pre-, elementary, middle, or high school; park; public library; or church or other place of worship; and
- 3) Shall be located no less than one thousand (1,000) feet from any other lot containing such use; and
- 4) Drive-up facilities shall not be permitted in conjunction with such use; and
- 5) Any sale, offering, or distribution of electronic smoking devices or retail tobacco products as such terms are defined in § 18.2-371.2 Code of Virginia, or of hemp products or hemp products intended for smoking as such terms are defined in § 3.2-4112 Code of Virginia, shall only take place within the interior of a building or structure; and
- 6) Such use shall not take place at any time between the hours of 9:00 p.m. and 9:00 a.m.

This ordinance aligns with zoning ordinance provisions that strictly regulate uses for health, safety, and welfare purposes, including adult uses, lodginghouses, nightclubs, and retail sales of liquor.

A core function of the zoning ordinance is to regulate the use of land in a manner that promotes health, safety, and general welfare. A wide body of research shows that the number and density of tobacco, nicotine, and hemp product retailers in a community correlates with negative public health outcomes, including higher rates of smoking among youth, higher rates of cigarettes smoked per day, and lower rates of successful cessation ([Lange, Hoefges, and Ribisl 2017](#), [Ackerman et al. 2016](#)).

Digging deeper, the research finds that among adults who become daily smokers, nearly all first use of cigarettes occurs by eighteen years of age. Adolescents who smoke are at high risk for long-term addiction because their brains are still developing. This long-term addiction results in tremendous personal, social, and financial costs of tobacco-related illnesses.

Children are especially vulnerable to advertising; the more they are exposed to it, the more likely they are to be influenced by it. Given that manufacturers allocate 90% of cigarette advertising and 70% of smokeless tobacco advertising to point-of-sale, regulating the location of retail sales of tobacco regarding locations where youth may be present is warranted.

Why the 10% threshold to define this use? The Pareto Principle often applies to commercial uses, in which 80% of the revenue of such use is derived from the sales of just 20% of the total products or services offered. If we seek to regulate establishments that are commercially viable because of retail sales of tobacco and hemp, then we should set a threshold for the usable floor area, area used to display or promote merchandise, permitted sign area on the lot, inventory, or gross revenue related to retail sales of tobacco and hemp below 20%. A threshold of 10% does this.

COMMUNITY ENGAGEMENT: Written requests (e-mail) from residents; staff discussions at civic association meetings; presentations to Planning Commission on 18 March 2025, 21 January 2025, 19 November 2024, 1 October 2024, and 20 August 2024

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: This legislation helps implement *Richmond 300* (2020), particularly the vision for High-Quality Places. This legislation aligns with Mayor Avula's priorities for thriving neighborhoods, thriving families, and thriving and inclusive communities.

FISCAL IMPACT: none

DESIRED EFFECTIVE DATE: upon adoption

REQUESTED INTRODUCTION DATE: Monday, 23 June 2025

CITY COUNCIL PUBLIC HEARING DATE: Monday, 28 July 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission: Tuesday, 15 July 2025

AFFECTED AGENCIES: Planning and Development Review; City Attorney

RELATIONSHIP TO EXISTING ORD. OR RES.: CPC.R.2024.021 RESOLUTION OF THE CITY OF RICHMOND PLANNING COMMISSION TO DECLARE AN INTENT TO AMEND ZONING REGULATIONS SET FORTH IN CHAPTER 30 OF THE RICHMOND CITY CODE REGARDING TOBACCO, NICOTINE, AND HEMP PRODUCT RETAIL SALE LOCATIONS

ATTACHMENTS: Draft ordinance

STAFF: Kevin J. Vonck, Director, Planning and Development Review (p) 804-646-3741 (e) kevin.vonck@rva.gov



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**CITY PLANNING
COMMISSION**

Tuesday, 20 August 2024

CPCR.2024.021

**RESOLUTION OF THE CITY OF RICHMOND PLANNING COMMISSION
TO DECLARE AN INTENT TO AMEND ZONING REGULATIONS SET FORTH IN
CHAPTER 30 OF THE RICHMOND CITY CODE REGARDING
TOBACCO, NICOTINE, AND HEMP PRODUCT RETAIL SALE LOCATIONS.**

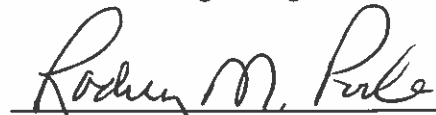
WHEREAS, in accordance with §15.2-2286 Code of Virginia, an amendment to the zoning regulations may be initiated by motion of the City of Richmond Planning Commission provided any such motion or resolution of the Commission proposing an amendment to the regulations shall state the public purposes therefor; and

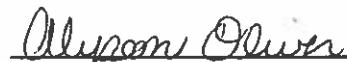
WHEREAS, in accordance with the general purposes of the Zoning Ordinance, the City Planning Commission specifically seeks to further promote health, sanitation and general welfare; facilitate the creation of a convenient, attractive and harmonious community; protect against destruction of or encroachment upon historic areas; and encourage economic development activities that provide desirable employment and enlarge the tax base; and

WHEREAS, the number, density, and proximity to schools (and other places frequented by youth) of tobacco, nicotine, and hemp product retailers are associated with negative public health outcomes, including higher rates of smoking among youth, higher rates of cigarettes smoked per day, and lower rates of successful cessation; and

WHEREAS, in accordance with § 15.2-912.4 Code of Virginia, the City may regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, as such terms are defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § 3.2-4112, for any such retail sale location.

NOW, THEREFORE BE IT RESOLVED THAT, for the purposes of public necessity, convenience, general welfare, and good zoning practices, the City of Richmond Planning Commission hereby adopts a resolution of intent to amend the Zoning Ordinance regarding tobacco, nicotine, and hemp product retail sale locations.


Rodney Poole
Chair, Planning Commission


Alyson Oliver
Secretary, Planning Commission

