Ordinance granting amendment to the Zoning Ordinance (Town of Bowling Green Town Code Chapter 10), Articles 10.08, Article 10.18, Article 10.20, and Article 10.22 to add uses and structures related to Virginia's mandated regulated adult use cannabis marketplace permitted by special use permit (SUP) in the Agricultural (A-1), Business (B-1), Business (B-2) and Industrial M-1) Districts; add use standards to Article 10.30; and to define uses and related terms in Article 10.04.

1. **Sections 10.08.040 A-1 Special Uses, 10.18.040 B-1 Special Uses, 10.20.040 B-2 Special Uses, and 10.22.040 Special Uses are hereby amended to add uses as follows:**

	A-1 District	B-1 District	B-2 District	M-1
Cannabis Retail Store		SUP	SUP	
Cannabis Delivery Operator	SUP	SUP	SUP	SUP
Cannabis Cultivation Facility	SUP			SUP
Cannabis Microbusiness	SUP			SUP
Cannabis Processing Facility	SUP			SUP
Cannabis Testing Facility	P			P
Cannabis Transporter	P			P
Pharmaceutical Processor	SUP			P
Regulated Hemp Product Retail Facility	SUP	SUP	SUP	SUP

2. **Article 10.30 Special Provisions, is hereby amended to add Section 10.30.150 as follows:**

Section 10.30.150 Retail Marijuana Market.

(a) *Cannabis retail stores and regulated hemp product retail facilities*, in addition to complying with other regulations in this chapter, are not permitted to exceed the maximum retail floor space as determined by the Virginia Cannabis Control Authority (VCCA), and are subject to the following:

(1) <u>State license required.</u>

i. A valid license pursuant to Code of Virginia § 4.1-800 issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) Hours of Operation. These facilities will not be open before 10:00 a.m. or after 8:00 p.m., except that Town Council may modify the hours of operation as a condition of the Special Use Permit.

(3) Distance Between Uses. These establishments cannot be located within:

i. 1,000 feet of any public, private or parochial school, college or university, hospital, child day-care center, or facility for substance abuse treatment.

ii. 1,500 feet of another similar establishment or microbusinesses with a retail cannabis component, unless otherwise established by regulations of the VCCA.

iii. All distances specified in this Section will be measured from nearest property line to nearest property line of the establishments.

(4) General Standards.

i. All operations, sales, and displays must occur within a permanent, fully enclosed building.

ii. Outdoor storage of cannabis or hemp, cannabis-related or hemp-related products and/or by-products, or cannabis-related or hemp-related materials is prohibited.

iii. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

Iv. With the exception of pharmaceutical processors dispensing medical cannabis products or medical cannabis dispensing facilities allowed to operate a drive-thru in accordance with state code, the sale of marijuana or regulated hemp products through drive-thru windows, walk-up sales windows, curbside pickup, automated vending machines, temporary sales structures or pop-up tents is prohibited.

iv. A dedicated interior waiting area of not less than 200 square feet or 15% of the total gross retail floor area, whichever is greater, must be provided to accommodate customers. Outside waiting lines are prohibited.

v. These retail store operations must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing

system sufficient to prevent any detectable cannabis or hemp product odor at the property line or within adjacent tenant spaces in a multi-tenant building, as certified by a licensed professional engineer, is required.

vi. Blackout windows and doors are prohibited on any façade. Window signage, decals, or coverings must comply with Section 10.32.050(c)(6) which limits the aggregate area of all window signs on each window or door to not more than twenty-five (25) percent of the total area of the window or door.

vii. Refuse containing cannabis-related waste must be stored inside of the building and disposed of in enclosed containers.

viii. Off-street parking must be provided in accordance with Section 10.30.080(1)(h), plus one (1) space per employee on the maximum shift must be provided.

ix. Security lighting is required. The outside perimeter of the facility must be lit. Lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

x. Delivery of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA.

xi. These stores/facilities must be secured by measures to detect and prevent diversion, theft, or loss of cannabis, hemp and cannabis- or hemp-products must be implemented. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan or zoning permit as determined by the Zoning Administrator.

(b) *Cannabis cultivation facilities*, in addition to complying with other regulations in this chapter, are limited by tiers as defined by Virginia Code § 4.1-800, and are subject to the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia § 4.1-800 issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) Site Plan. In addition to the requirements of Article 10.28, the site plan must delineate:

i. All outdoor cultivation areas and all indoor cultivation facilities.

ii. Details of any proposed expansion(s) of outdoor cultivation areas and indoor cultivation facilities with a phasing plan.

(3) General Standards.

i. Harvested cannabis and cannabis products must be stored in an enclosed building in accordance with the applicable security and storage requirements established by the VCCA. All drying, curing, trimming, grading, packaging, and labeling must occur entirely within a permanent, fully enclosed building.

ii. Outdoor display and storage of cannabis, cannabis-related products and/or by-products, or cannabis-related materials is prohibited.

iii. Outdoor storage of non-cannabis related materials and equipment must comply with Section 10.22.050(a)(2).

iv. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

v. All organic plant waste must be rendered unusable and unrecognizable prior to removal from the site in accordance with Virginia Administrative Code 3VAC10-50-110 and other applicable VCCA sanitation regulations. Outdoor storage of raw plant waste is prohibited.

vi. These operations must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing system sufficient to prevent any detectable cannabis odor at the property line must be utilized, as certified by a licensed professional engineer.

vii. Refuse containing cannabis- or hemp-related waste must be stored inside of the building and disposed of in enclosed containers.

viii. One (1) off-street parking space must be provided per 1,000 square feet of gross floor area in accordance with Section 10.30.080.

ix. All loading, unloading and transfer of raw plant material or finished inventory by licensed cannabis transporters must occur within an off-street, secured loading area. One (1) loading dock is required for facilities less than 30,000 square feet, two (2) loading docks for facilities from 30,000 to less than 80,000 square feet plus one (1) additional dock for each additional 50,000 square feet portion thereafter.

x. For outdoor cultivation, only natural sunlight may be used for growing. The use of artificial or supplemental lighting, nighttime photoperiod extension lighting, or automated light-deprivation tarping and blackout structures is prohibited.

xi. Cultivation facilities must be secured by measures to detect and prevent diversion, theft, or loss of cannabis plants, seeds, extracts, or cannabis products. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan or zoning permit as determined by the Zoning Administrator.

xii. Security lighting is required. All security lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

xiii. Delivery of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA.

xiv. Retail sales or customer pickup of cannabis products at these licensed cultivation facilities is prohibited.

xv. A noise impact assessment meeting acceptable industry standard and prepared by a qualified, third-party professional must show that decibel levels from the exterior mechanical equipment (including chillers, air compressors, and exhaust scrubbers) as measured at the property line will not exceed 55 dBA.

(4) Setbacks. Cultivation buildings and outdoor cultivation areas must be at least.

i. 500 ft. from the property line of any parcel that is residentially zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. 1,000 feet of any public, private or parochial school, college or university, hospital, child day-care center, or facility for substance abuse treatment.

iii. 100 ft. from the property line of any parcel not described in subsections (4)(i) or (ii), above,

iv. Required setbacks will be measured from the nearest point of an indoor cultivation building or outdoor cultivation area to the nearest property line of the applicable parcel or use.

(5) Buffers. Vegetative buffers shall be required with vegetation as approved by the Zoning Administrator as follows:

i. A minimum of seventy-five (75) feet in width is required when the abutting parcel is residential zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. A minimum of fifty (50) feet in width is required along public rights-of-way and along any lot line of an abutting parcel not described in subsection (5)(i), above.

(c) *Cannabis delivery operator*, in addition to complying with other regulations in this chapter, are subject to the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia § 4.1-800 issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) General Standards.

i. All cannabis, hemp, and related cannabis or hemp products must be stored in an enclosed building in accordance with the applicable security and storage requirements established by the VCCA. All packaging, labeling, or other processing and/or preparation for deliveries must occur entirely within a permanent, fully enclosed building.

ii. Outdoor display and storage of cannabis, hemp or cannabis- or hemp-related products and/or by-products, or cannabis-related materials is prohibited.

iii. Outdoor storage of non-cannabis related materials and equipment must comply with Section 10.22.050(a)(2).

iv. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

v. Delivery of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA. Retail sales or customer pickup of any cannabis, hemp or related products at the licensed premises or from any delivery vehicle not in compliance with state code is prohibited.

vi. A cannabis delivery operator is not permitted as a home occupation.

vii. These facilities must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing system sufficient to prevent any detectable cannabis or hemp product odor at the property line or within adjacent tenant spaces in a multi-tenant building, as certified by a licensed professional engineer, is required.

viii. Refuse containing cannabis-related waste must be stored inside of the building and disposed of in enclosed containers.

ix. Security lighting is required. The outside perimeter of the facility must be lit. Lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

x. These establishments must be secured by measures to detect and prevent diversion, theft, or loss of cannabis, hemp and cannabis- or hemp-products. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan and/or zoning permit.

(d) *Cannabis processing facilities,* in addition to complying with other regulations in this chapter, are subject to the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) General Standards.

i. All processing, extracting, formulating, blending, infusing, labeling, packaging and product storage must occur in a permanent, fully enclosed building in accordance with the applicable security and storage requirements established by the VCCA.

ii. Outdoor display and storage of any cannabis, cannabis-related products and/or by-products, or cannabis-related materials is prohibited.

iii. Outdoor storage of non-cannabis related materials and equipment must comply with Section 10.22.050(a)(2).

iv. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

v. All organic plant waste must be rendered unusable and unrecognizable prior to removal from the site in accordance with Virginia Administrative Code 3VAC10-50-110 and other applicable VCCA sanitation regulations. Outdoor storage of raw plant waste is prohibited.

vi. These operations must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing system sufficient to prevent any detectable cannabis odor at the property line must be utilized, as certified by a licensed professional engineer.

vii. Refuse containing cannabis- or hemp-related waste must be stored inside of the building and disposed of in enclosed containers.

viii. One (1) off-street parking space must be provided per 1,000 square feet of gross floor area in accordance with Section 10.30.080.

ix. All loading, unloading and transfer of raw plant material or finished inventory by licensed cannabis transporters must occur within an off-street, secured loading area. One (1) loading dock is required for facilities less than 30,000 square feet, two (2) loading docks for facilities from 30,000 to less than 80,000 square feet plus one (1) additional dock for each additional 50,000 square feet portion thereafter.

x. These facilities must be secured by measures to detect and prevent diversion, theft, or loss of cannabis plants, seeds, extracts, or cannabis products. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan or zoning permit as determined by the Zoning Administrator.

xi. Security lighting is required. All security lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

xiii. Delivery of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA.

xiv. Retail sales or customer pickup of cannabis products at these licensed processing facilities is prohibited.

xv. A noise impact assessment meeting acceptable industry standards and prepared by a qualified, third-party professional must show that decibel levels from the exterior mechanical equipment (including chillers, air compressors, and exhaust scrubbers) as measured at the property line will not exceed 55 dBA.

(3) Setbacks. Processing buildings and any permitted outdoor storage areas must be at least.

i. 500 ft. from the property line of any parcel that is residentially zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. 1,000 feet of any public, private or parochial school, college or university, hospital, child day-care center, or facility for substance abuse treatment.

iii. 100 ft. from the property line of any parcel not described in subsections (4)(i) or (ii), above,

iv. Required setbacks will be measured from the nearest point of the processing facility or permitted outdoor storage area to the nearest property line of the applicable parcel or use.

(5) Buffers. Vegetative buffers shall be required with vegetation as approved by the Zoning Administrator as follows:

i. A minimum of seventy-five (75) feet in width is required when the abutting parcel is residential zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. A minimum of fifty (50) feet in width is required along public rights-of-way and along any lot line of an abutting parcel not described in subsection (5)(i), above.

(e) *Cannabis Testing Facilities,* in addition to complying with other regulations in this chapter, are subject to the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) General Standards.

i. All testing and related activities must occur in a permanent, fully enclosed building in accordance with the applicable security and storage requirements established by the VCCA. Outdoor testing setups, mobile testing units, or open-air storage of chemicals or samples is prohibited.

ii. Outdoor display and storage of any cannabis, cannabis-related products and/or by-products, or cannabis-related materials is prohibited.

iii. Outdoor storage of non-cannabis related materials and equipment must comply with Section 10.22.050(a)(2).

iv. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

v. All organic plant waste must be rendered unusable and unrecognizable prior to removal from the site in accordance with Virginia Administrative Code 3VAC10-50-110 and other applicable VCCA sanitation regulations. Outdoor storage of raw or processed plant or product waste is prohibited.

vi. These operations must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing system sufficient to prevent any detectable cannabis odor at the property line must be utilized, as certified by a licensed professional engineer.

vii. Refuse containing cannabis- or hemp-related waste must be stored inside of the building and disposed of in enclosed containers.

viii. One (1) off-street parking space must be provided per 400 square feet of gross floor area in accordance with Section 10.30.080.

ix. All loading, unloading and transfer of plant material or product inventory by licensed cannabis transporters must occur within an off-street, secured loading area. One (1) loading dock is required for facilities less than 30,000 square feet, two (2) loading docks for facilities from 30,000 to less than 80,000 square feet plus one (1) additional dock for each additional 50,000 square feet portion thereafter.

x. These facilities must be secured by measures to detect and prevent diversion, theft, or loss of cannabis plants, seeds, extracts, or cannabis products. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan or zoning permit as determined by the Zoning Administrator.

xi. Security lighting is required. All security lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

xiii. Delivery of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA.

xiv. Retail sales or customer pickup of cannabis products at these licensed processing facilities is prohibited.

xv. A noise impact assessment meeting acceptable industry standard and prepared by a qualified, third-party professional must show that decibel levels from the exterior mechanical equipment (including chillers, air compressors, and exhaust scrubbers) as measured at the property line will not exceed 55 dBA.

(3) Setbacks. Processing buildings and any permitted outdoor storage areas must be at least.

i. 500 ft. from the property line of any parcel that is residentially zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. 1,000 feet of any public, private or parochial school, college or university, hospital, child day-care center, or facility for substance abuse treatment.

iii. 100 ft. from the property line of any parcel not described in subsections (4)(i) or (ii), above,

iv. Required setbacks will be measured from the nearest point of a facility or permitted outdoor storage area to the nearest property line of the applicable parcel or use.

(5) Buffers. Vegetative buffers shall be required with vegetation as approved by the Zoning Administrator as follows:

i. A minimum of seventy-five (75) feet in width is required when the abutting parcel is residential zoned, designated residential in the Comprehensive Plan, or contains an existing dwelling.

ii. A minimum of fifty (50) feet in width is required along public rights-of-way and along any lot line of an abutting parcel not described in subsection (5)(i), above.

(f) *Cannabis microbusiness,* in addition to complying with the requirements of this chapter must also comply with the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) Site Plan. In addition to the requirements of Article 10.28, the site plan must delineate:

i. All outdoor cultivation areas and all indoor cultivation facilities.

ii. Buildings or portions of buildings dedicated to processing

iii. Buildings or portions of buildings dedicated to retail sales

ii. Details of any proposed expansion(s) of cultivation, processing or retail sales areas with a phasing plan.

(3) General Standards.

i. All cultivating, processing, and retail activities conducted by a microbusiness must comply with the applicable zoning, operational, dimensional, parking, loading, security, signage, and other requirements established for the corresponding use in district standards and use standards, except where expressly superseded by a requirement applicable specifically to a microbusiness in (3)ii.

ii. Canopies for microbusinesses engaged in cultivation must not exceed the maximum specified in Virginial Code § 4.1-803.

(g) *Cannabis transporters*, in addition to complying with other regulations in this chapter, are subject to the following:

(1) State license required.

i. A valid license pursuant to Code of Virginia § 4.1-800 issued by the VCCA must be obtained and maintained at all times. Evidence of the final state license must be provided to the Zoning Administrator within 10 calendar days after issuance by the VCCA.

ii. If the required VCCA license is suspended, expires, revoked, or otherwise becomes invalid, operation of the cannabis establishment must immediately cease until a valid state license is reinstated or reissued.

iii. If the required VCCA license is revoked or otherwise permanently terminated, zoning approval for the cannabis establishment will become void.

(2) General Standards.

i. All cannabis, hemp, and related cannabis or hemp products must be stored in an enclosed building in accordance with the applicable security and storage requirements established by the VCCA. All packaging, labeling, or other processing and/or preparation for transportation must occur entirely within a permanent, fully enclosed building.

ii. Outdoor display and storage of cannabis, hemp or cannabis- or hemp-related products and/or by-products, or cannabis-related materials is prohibited.

iii. Outdoor storage of non-cannabis related materials and equipment must comply with Section 10.22.050(a)(2).

iv. On-site consumption of any cannabis or hemp products in any form anywhere on the property, including inside the building, in designated parking areas, or within public rights of way adjacent to the parcel is prohibited.

v. Transportation of cannabis, hemp, cannabis- and hemp-products are only permitted in accordance with regulations adopted by the VCCA. Retail sales or customer pickup of any cannabis, hemp or related products at the licensed premises or from any delivery vehicle not in compliance with state code is prohibited.

vi. A cannabis transporter is not permitted as a home occupation.

vii. These facilities must not emit dust, fumes, vapors, smoke, glare, vibration, or odors that are detectable from adjacent properties or public rights of way. An activated carbon filtration system or equivalent mechanical HVAC air-scrubbing system sufficient to prevent any detectable cannabis or hemp product odor at the property line or within adjacent tenant spaces in a multi-tenant building, as certified by a licensed professional engineer, is required.

viii. Refuse containing cannabis-related waste must be stored inside of the building and disposed of in enclosed containers.

ix. Security lighting is required. The outside perimeter of the facility must be lit. Lighting must be in compliance with this chapter and must be the minimum necessary for security or onsite maintenance. Such lighting must be directed away from

neighboring properties, aimed downward from a fully shielded fixture. The maximum mounting height is twenty (20) feet measured from the ground at the bottom of the outdoor lighting fixture and light trespass cannot exceed ½ footcandle at the property line. Security lighting must be lit 30 minutes before sunset and end 30 minutes after sunrise each day.

x. These establishments must be secured by measures to detect and prevent diversion, theft, or loss of cannabis, hemp and cannabis- or hemp-products. Details of such security measures shall be provided to the Zoning Administrator in conjunction with the site plan and/or zoning permit.

Article 10.04 Definitions

The following terms will be added to this section:

Cannabis. 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. For the purposes of this Ordinance, “cannabis" 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 Code of Virginia § 3.2-4115.A 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 Board of Pharmacy into one of the schedules set forth in the Drug Control Act (Code of Virginia § 54.1-3400 et seq.) pursuant to Code of Virginia § 54.1-3443.

*Cannabis Canopy. T*he space used by a licensee to produce flowering cannabis plants, including areas between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth, access for watering, trimming, and other activities associated with cannabis cultivation. "Canopy" does not include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing, trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If flowering cannabis plants are cultivated using a shelving or other layered system, the surface area of each level shall be included for purposes of calculating canopy.

Cannabis Cultivation or Cultivate. The planting, propagation, growing, harvesting, drying, curing, grading, trimming, packaging, or other similar manufacturing of cannabis for use or sale. "Cultivation" or "cultivate" does not include processing or testing.

Cannabis Cultivation, Indoor. Cultivation conducted within a fully enclosed building that is not exposed open environmental conditions.

Cannabis Cultivation, Outdoor. Cultivation in an area exposed to natural sunlight and open to environmental conditions, including variable temperature, precipitation, and wind.

Cannabis Cultivation Area, Outdoor. The portion of a site where cannabis plants are cultivated outdoors, including planted growing areas and any areas used for propagation, cultivation, harvesting, accessory buildings, or temporary staging of cannabis plants prior to transfer to an enclosed building.

C*annabis Cultivation Facility*. A facility licensed by the Virginia Cannabis Control Authority (VCCA) to cultivate, label, and package cannabis; to purchase or take possession of cannabis plants and seeds from other cannabis cultivation facilities; to transfer possession of and sell cannabis, immature cannabis plants, and cannabis seeds to retail cannabis stores; to transfer possession of cannabis, immature cannabis plants, and cannabis seeds to cannabis transporters; to transfer possession of and sell cannabis, cannabis plants, and cannabis seeds to other cannabis cultivation facilities; to transfer possession of and sell cannabis to cannabis processing facilities; and to transport cannabis, immature cannabis plants, and cannabis seeds from the cannabis cultivation facility's licensed premises to another licensed cannabis establishment.

Cannabis Delivery Operator. An entity licensed by the Virginia Cannabis Control Authority (VCCA) to take possession of cannabis or cannabis products from a retail cannabis store, microbusiness, pharmaceutical processor, or cannabis dispensing facility and deliver such cannabis or cannabis products only in person to patients or consumers at their residence or business.

Cannabis Microbusiness. A facility licensed by the Virginia Cannabis Control Authority (VCCA) to conduct any activities authorized for cannabis cultivation facilities, cannabis processing facilities, and retail cannabis stores, as determined by the Board.

Cannabis Processing or Process. The production of cannabis products or the blending, infusing, compounding, or other preparation of cannabis or cannabis products, including cannabis extraction or preparation by means of chemical synthesis. "Processing" or "process" does not include cultivation or testing.

*Cannabis Processing Facility. A f*acility licensed by the Board to process, label, and package cannabis and cannabis products; to purchase or take possession of cannabis from a cannabis cultivation facility or another cannabis processing facility; to transfer possession of and sell cannabis and cannabis products to retail cannabis stores or other cannabis processing facilities; to transfer possession of cannabis and cannabis products to cannabis transporters; and to transport cannabis and cannabis products from the cannabis processing facility's licensed premises to another licensed cannabis establishment.

Cannabis Products. Products that are composed of cannabis and other ingredients and are intended for use or consumption, ointments, and tinctures or cannabis concentrate.

Cannabis Retail Store. A facility licensed by the Virginia Cannabis Control Authority (VCCA) to purchase or take possession of cannabis, cannabis products, immature cannabis plants, or cannabis seeds from a cannabis cultivation facility or cannabis processing facility; to take possession of cannabis, cannabis products, immature cannabis plants, or cannabis seeds from a cannabis transporter; to sell cannabis, cannabis products, cannabis paraphernalia, immature cannabis plants, or cannabis seeds to consumers on premises approved by the Board; to deliver cannabis, cannabis products, cannabis paraphernalia, immature cannabis plants, or cannabis seeds only in person to consumers; to transfer possession of cannabis, cannabis products, cannabis paraphernalia, immature cannabis plants, or cannabis seeds to cannabis delivery operators; and to transport cannabis, cannabis products, cannabis paraphernalia, immature cannabis plants, and cannabis seeds from the retail cannabis store's licensed premises to another retail cannabis store.

Cannabis Testing or Test. The research and analysis of cannabis, cannabis products, or other substances for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or processing.

Cannabis Testing Facility. A facility licensed by the VCCA to develop, research, transport, or test cannabis, cannabis products, or other substances.

*Cannabis Transporte*r. A facility licensed by the VCCA to take possession of cannabis, cannabis products, immature cannabis plants, and cannabis seeds from a cannabis cultivation facility, a

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