ORDINANCE – To Amend and Reordain Section 24-3403 Titled "CMU Community Mixed-Use District," Section 24-3502 Titled "General Provisions for All Planned Development Districts," Section 24-3803 Titled "Subdistricts Established," Section 24-3805 Titled "Organization of FBA-O District Standards," Section 24-3816 Titled "Streets and Sidewalks: Typical Street Types," Section 24-3825 Titled "Frontage Standards," Section 24-3826 Titled "Mixed-Use Corridor Frontage Standards," Section 24-3827 Titled "Mixed-Use Core Frontage Standards," Section 24-3831 Titled "Connected Edge Frontage Standards," Section 24-3849 Titled "Signs," Section 24-3874 Titled "Virginia Center Commons (VCC) Area Subdistrict: Regulating and Street Hierarchy Plan," Section 24-4205 Titled "Principal Use Table," Section 24-4306 Titled "Residential Uses: Household Living," Section 24-4323 Titled "Commercial Uses: Retail Sales and Services," Section 24-4328 Titled "Industrial Uses: Services Uses," Section 24-4329 Titled "Industrial Uses: Manufacturing and Production," Section 24-4330 Titled "Industrial Uses: Warehouse and Freight Management," Section 24-4402 Titled "Accessory Use or Structure Table," Section 24-4420 Titled "Accessory Keeping of Animals Outside a Dwelling (as accessory to a dwelling)," Section 24-4423 Titled "Accessory Outdoor Seating and Food Preparation (as accessory to an Eating Establishments use)," Section 24-4435 Titled "Accessory Bulk Storage of Flammable Liquids," Section 24-5105 Titled "Off-Street Parking Surfacing and Marking," Section 24-5110 Titled "Minimum Number of Off-Street Parking Spaces," Section 24-5508 Titled "Crime Prevention Through Environmental Design," Section 24-8302 Titled "Measurement of Area, Width, Depth, and Coverage of Lots," Section 24-8405 Titled "Commercial Use Classification," Section 24-8406 Titled "Industrial Use Classification," and Section 24-8501 Titled "Accessory Uses, Temporary Uses, and Other Terms" of the Code of the County of Henrico to Implement Recent Changes in State Law Regarding Marijuana Distribution, Processing, and Retail Sales; Increase Height Limitations in the Form-Based Alternative Overlay District; and Update, Modify, and Clarify Certain Provisions

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 24-3403 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3403. CMU Community Mixed-Use District

. . . .

E. Other District Standards

1. Minimum Area for Rezoning

The minimum contiguous area for lands to be classified to the CMU District is four acres in the IR-O, Innsbrook Redevelopment Overlay District, and 12 acres in all other areas. An area containing less than 12 acres may be reclassified to the CMU District in accordance with Sec. 24-2303, Map Amendment (Rezoning), or Sec. 24-2304, Conditional Zoning, if it abuts lands already classified in the CMU District **that is owned by the applicant or its successors in interest and will be governed by the same or updated master plan documents as the land already classified in the CMU District**.

• • • •

• • • •

2. That Section 24-3502 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3502. General Provisions for All Planned Development Districts

• • • •

B. Classification of Land into a Planned Development Zoning District

Land will be classified into a planned development zoning district only in accordance with the procedures and standards set forth in Sec. 24-2305, Planned Development. Where this ordinance requires a minimum area for a specific type of planned development district, a smaller area may be reclassified to that district if it abuts land **already classified to such district that is owned by the applicant or its successors in interest and will be governed by the same or updated master plan documents as the land** already classified ~~in the same type of~~ **to such** planned development district**,** or **it abuts** land that was zoned UMU, Urban Mixed Use, on September 1, 2021**, if such land is owned by the applicant or its successors in interest and will be governed by the same or updated master plan documents**.

• • • •

3. That Section 24-3803 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3803. Subdistricts Established

The FBA-O District is hereby established and composed of FBA-O subdistricts established in this section.

• • • •

E. The Short Pump Town Center Subdistrict (see Sec. 24-3876)~~.~~**;**

F. **The Best Products Reimagined Subdistrict (see Sec. 24-3880);**

G. **The Brook Road North Subdistrict (see Sec. 24-3884).**

4. That Section 24-3805 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3805. Organization of FBA-O District Standards

The FBA-O District standards are organized as follows:

• • • •

G. *Subdistrict Standards*. These sections establish additional standards that apply to individual subdistricts within the FBA-O District and provide an illustrative plan for development in each subdistrict:

1. Brookfield Area Subdistrict Standards (Sec. 24-3861 through Sec. 24-3864);
2. Parham/Broad Area Subdistrict Standards (Sec. 24-3865 through Sec. 24-3868);
3. Williamsburg Road Area Subdistrict Standards (Sec. 24-3869 through Sec. 24-3871);
4. Virginia Center Commons (VCC) Area Subdistrict Standards (Sec. 24-3872 through Sec. 24-3875); ~~and~~
5. Short Pump Town Center Subdistrict Standards (Sec. 24-3876 through Sec. 24-3879)~~.~~**;**
6. **Best Products Reimagined Subdistrict Standards (Sec. 24-3880 through Sec. 24-3883); and**
7. **Brook Road North Subdistrict Standards (Sec. 24-3384 through Sec. 24-3887).**

5. That Section 24-3816 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3816. Streets and Sidewalks: Typical Street Types

The following typical street sections may be used to create new streets or modify existing streets within the FBA-O District: typical primary street sections as shown in Sec. 24-3817, typical secondary street sections as shown in Sec. 24-3818, typical tertiary street sections as shown in Sec. 24-3819, ~~and~~ typical one-way street sections as shown in Sec. 24-3820**, and typical green street sections as shown in Sec. 24-3821**. The Planning Director may modify the dimensions of a street section where such modification is necessary due to topographic features, environmental constraints, or existing conditions, provided the modification is consistent with the purpose and intent of the FBA-O, Form-Based Alternative Overlay District, and any applicable subdistrict regulating plans or standards.

6. That Section 24-3825 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3825. Frontage Standards

. . . .

Table 3825: Summary of Frontage Standards

Frontage Standards	Development Area						
	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood General	Connected Edge	Highway Edge
Heights [1]							
Primary Street [1]	~~75'~~**110'** max [1,2]	~~75'~~**110'** max [1,2]	60' max [1,2]	60' max [1,2]	55' max [1,2]	~~40'~~**50'** max [1,2]	165' max [1,2]
Secondary Street [1]	~~65'~~**75'** max [1,2]	~~65'~~**75'** max [1,2]	60' max [1,2]	60' max [1,2]	55' max [1,2]	~~35'~~**40'** max [1,2]	165' max [1,2]
Tertiary Street [1]	~~60'~~**65'** max [1,2]	~~60'~~**65'** max [1,2]	55' max [1,2]	55' max [1,2]	50' max [1,2]	~~35'~~**40'** max [1,2]	110' max [1,2]

. . . .

Table 3825: Summary of Frontage Standards							
Frontage Standards	Development Area						
	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood General	Connected Edge	Highway Edge

NOTES:

1. Allowable building height determined based on street designation where front of building is located. **One-way streets and green streets are treated as tertiary streets. Heights up to 200 feet may be approved by provisional use permit.**

. . . .

General Table NOTES**:**

. . . .

- **Standards may be modified by the Planning Director where such modification is necessary due to topographic features, environmental constraints, or existing conditions.**

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7. That Section 24-3826 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3826. Mixed-use Corridor Frontage Standards

	Building Heights	
A	Primary Street Building Height [1]	~~75'~~**110'** max [1,2]
A	Secondary Street Building Height [1]	~~65'~~**75'** max [1,2]
A	Tertiary Street Building Height [1]	~~60'~~**65'** max [1,2]
	. . . .	

. . . .

1. Allowable building height determined based on street designation where front of building is located. **One-way streets and green streets are treated as tertiary streets. Heights up to 200 feet may be approved by provisional use permit.**

. . . .

- **Standards may be modified by the Planning Director as provided in Sec. 24-3825.**

8. That Section 24-3827 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3827. Mixed-use Core Frontage Standards

Building Heights

A	Primary Street Building Height [1]	~~75'~~**110'** max [1,2]
A	Secondary Street Building Height [1]	~~65'~~**75'** max [1,2]
A	Tertiary Street Building Height [1]	~~60'~~**65'** max [1,2]
	• • • •	

1. Allowable building height determined based on street designation where front of building is located. **One-way streets and green streets are treated as tertiary streets. Heights up to 200 feet may be approved by provisional use permit.**

• • • •

- Standards may be modified by the Planning Director as provided in Sec. 24-3825.

9. That Section 24-3831 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3831. Connected Edge Frontage Standards

	Building Heights	
A	Primary Street Building Height [1]	~~40'~~**50'** max [1,2]
A	Secondary Street Building Height [1]	~~35'~~**40'** max [1,2]
A	Tertiary Street Building Height [1]	~~35'~~**40'** max [1,2]
	• • • •	

1. Allowable building height determined based on street designation where front of building is located. **One-way streets and green streets are treated as tertiary streets. Heights up to 200 feet may be approved by provisional use permit.**

• • • •

General Table NOTES:

• • • •

- Standards may be modified by the Planning Director as provided in Sec. 24-3825.

10. That Section 24-3849 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3849. Signs

Signage in the FBA-O District must comply with the following standards in addition to the standards in Article 5, Division 7, Signs.

• • • •

D. Detached signs are prohibited, except as provided in **the following sections:**

1. Sec. 24-3864, Brookfield Area Subdistrict: Additional Brookfield Area Standards~~.~~**;**

2. Sec. 24-3883, Best Products Reimagined Subdistrict: Additional Standards;

3. Sec. 24-3887, Brook Road North Subdistrict: Additional Standards; and

4. A comprehensive sign program as allowed by Sec. 24-2311.C.2(b) may allow detached signs that do not exceed the provisions of Sec. 24-5707 for the base zoning district.

. . . .

11. That Section 24-3874 of the Code of the County of Henrico be amended and reordained as follows, and that Figure 3874 be replaced with the designated figure as follows:

Sec. 24-3874. Virginia Center Commons (VCC) Area Subdistrict: Regulating and Street Hierarchy Plan

The regulating and street hierarchy plan for the Virginia Center Commons Area Subdistrict is set out **in** Figure 3874: Virginia Center Commons Area Regulating and Street Hierarchy Plan.

Figure 3874: Virginia Center Commons Area Regulating and Street Hierarchy Plan

12. That Section 24-4205 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4205. Principal Use Table

Principal uses are allowed in each of the zoning districts in accordance with 4205: Principal Use Table. The cross-references in the "Use Specific Standards" column are provided for ease of reference and are not exhaustive.

Table 4205: Principal Use Table

R=Permitted by Right | C=Allowed subject to Conditional Use Permit | P= Allowed subject to Provisional Use Permit
A=Allowed subject to PD Master Plan and PD Terms and Conditions | - = Prohibited

Use Category Click on category to jump to definitions	Use Type	C, A		Residential						Nonresidential & Mixed										PD				FBA-O Dev. Area							Use Specific Standards Click on section number to jump to regulations
		C-1	A-1	R-0, R-0A, R-1, R-1A R-2, R-2A, R-3, R-3A R-4, R-4A	R-5A	R-5B	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
Commercial Use Classification																															
Retail Sales and Services																															
	Automated teller machine (ATM)																														
	Cannabis dispensing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.B**
	Cigar retail store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.C**
	Convenience store																														
	Drive-through ice machine																														Sec. 24-4323.~~B~~**D**
	Farmers market																														Sec. 24-4323.~~C~~**E**
	Laundromat																														Sec. 24-4323.~~D~~**F**

Table 4205: Principal Use Table

R=Permitted by Right | C=Allowed subject to Conditional Use Permit | P= Allowed subject to Provisional Use Permit
A=Allowed subject to PD Master Plan and PD Terms and Conditions | - = Prohibited

Use Category Click on category to jump to definitions	Use Type	C, A		Residential						Nonresidential & Mixed										PD				FBA-O Dev. Area							UseSpecific Standards Click on section number to jump to regulations
		C-1	A-1	R-0, R-0A, R-1, R-1A R-2, R-2A, R-3, R-3A R-4, R-4A	R-5A	R-5B	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
	Marijuana microbusiness	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.G**
	Marijuana retail store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.H**
	Personal services establishment	• • • •																													
	Recreational substances retail store	• • • •																													Sec. 24-4323.~~H~~**I**
	Regulated hemp product retail store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.J**
	Repair establishment																														Sec. 4323.~~F~~**K**
		• • • •																													
	Sign printing and painting	• • • •																													
	Tobacco retail store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	A	A	P	P	P	P	-	-	P	**Sec. 24-4323.L**
Vehicle Sales and Services	Car wash or auto detailing	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	~~R~~ **P**	~~R~~ **P**	~~R~~ **P**	~~R~~ **P**	A	-	-	A	-	-	-	-	-	-	~~R~~ **P**	Sec. 24-4324.E
		• • • •																													
Industrial Use Classification																															
		• • • •																													
Industrial Services																															
		• • • •																													
	Manufactured home and prefabricated building sales	• • • •																													
	Marijuana cultivation facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	A	-	-	-	-	-	-	-	**Sec. 24-4328.E**

Table 4205: Principal Use Table

R=Permitted by Right | C=Allowed subject to Conditional Use Permit | P= Allowed subject to Provisional Use Permit
A=Allowed subject to PD Master Plan and PD Terms and Conditions | - = Prohibited

Use Category Click on category to jump to definitions	Use Type	C, A		Residential						Nonresidential & Mixed										PD				FBA-O Dev. Area							UseSpecific Standards Click on section number to jump to regulations
		C-1	A-1	R-0, R-0A, R-1, R-1A R-2, R-2A, R-3, R-3A R-4, R-4A	R-5A	R-5B	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
	Marijuana testing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	A	-	-	-	-	-	-	-	**Sec. 24-4328.F**
	Research and development facility	• • • •																													Sec. 24-4328.~~F~~**H**
Manufacturing and Production		• • • •																													
	Manufacturing, light	• • • •																													
	Marijuana processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	A	-	-	-	-	-	-	-	**Sec. 24-4329.C**
	Pharmaceut-ical cannabis processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	A	-	-	-	-	-	-	-	**Sec. 24-4328.G**
Warehouse and Freight Movement	Cold storage plant	• • • •																													
	Marijuana transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	A	-	-	-	-	-	-	-	**Sec. 24-4330.B**
	Mini-warehouse	• • • •																													Sec. 24-4330.~~B~~**C**
	Outdoor storage (as a principal use)	• • • •																													Sec. 24-4330.~~C~~**D**
	Self-service storage facility	• • • •																													Sec. 24-4330.~~D~~**E**
	Truck or freight terminal	• • • •																													Sec. 24-4330.~~E~~**F**
	Warehouse (distribution)	• • • •																													Sec. 24-4330.~~E~~**F**
	Warehouse (storage)	• • • •																													Sec. 24-4330.~~E~~**F**
• • • •																															

13. That Section 24-4306 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4306. Residential Uses: Household Living

. . . .

B. Dwelling, Manufactured Home

In addition to the requirements in subsection E of this section, a manufactured home dwelling must meet the following requirements:

. . . .

C. Dwelling, Multifamily

. . . .

6. ~~Apartment buildings~~ **Renter-occupied multifamily dwellings** must provide centralized collection of trash and recyclable materials adequate to serve the number of dwelling units and meeting the requirements of Sec. 24-4428, Accessory Recycling and Refuse Collection Area, Outdoor, and Sec. 24-5103.G, Access to Shared Facilities.

. . . .

14. That Section 24-4323 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4323. Commercial Uses: Retail Sales and Services

. . . .

B. Cannabis Dispensing Facility

A cannabis dispensing facility must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park. This location restriction does not apply to any cannabis dispensing facility authorized by the Board of Directors of the Virginia Cannabis Control Authority to exercise dual-use privileges and operating on December 1, 2026.

C. Cigar Retail Store

A cigar retail store must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park.

D. Drive-through Ice Machine

. . . .

~~C~~E. Farmers' Market

. . . .

~~D~~F. Laundromat

. . . .

G. Marijuana Microbusiness

1. **A marijuana microbusiness must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park.**
2. **Any outdoor cultivation area must be enclosed by an opaque fence or wall not less than six feet in height, screened from view of any adjoining lot and public right-of-way, and set back not less than 25 feet from any lot line.**

H. Marijuana Retail Store

A marijuana retail store must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park.

~~E~~I. Recreational Substances Retail Store

1. A recreational substances retail store must not be located within ~~1,000~~ **2,000** feet of a school**,** ~~or within 2,000 feet of a~~ religious institution, childcare center, **playground, public library,** public park, or an existing recreational substances retail store**, cannabis dispensing facility, marijuana microbusiness, or marijuana retail store**.
2. **A recreational substances retail store must not include a drive-through window.**

J. Regulated Hemp Product Retail Store

A regulated hemp product retail store must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park.

K. Repair Establishment

. . . .

L. Tobacco Retail Store

1. **A tobacco retail store must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, public park, or an existing tobacco retail store.**
2. **A tobacco retail store must not include a drive-through window.**

15. That Section 24-4328 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4328. Industrial Uses: Services Uses

. . . .

E. Marijuana Cultivation Facility

1. **A marijuana cultivation facility must not be located within 1,000 feet of a Residential district.**

2. **Any outdoor cultivation area must be enclosed by an opaque fence or wall not less than six feet in height, screened from view of any adjoining lot and public right-of-way, and set back not less than 25 feet from any lot line.**
3. **Loading, unloading, and outdoor storage areas must be screened from view of any Residential district and any public right-of-way.**

F. Marijuana Testing Facility

A marijuana testing facility must not be located within 1,000 feet of a Residential district.

G. Pharmaceutical Cannabis Processing Facility

A pharmaceutical cannabis processing facility must not be located within 1,000 feet of a school, religious institution, childcare center, playground, public library, or public park. This location restriction does not apply to any pharmaceutical cannabis processing facility authorized by the Board of Directors of the Virginia Cannabis Control Authority to exercise dual-use privileges and operating on December 1, 2026.

H. Research and Development Facility

. . . .

16. That Section 24-4329 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4329. Industrial Uses: Manufacturing and Production

. . . .

C. Marijuana Processing Facility

A marijuana processing facility must not be located within 1,000 feet of a Residential district.

17. That Section 24-4330 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4330. Industrial Uses: Warehouse and Freight Management

. . . .

B. Marijuana Transporter

1. **A marijuana transporter facility must not be located within 1,000 feet of a Residential district.**
2. **Loading and unloading areas must be located within an enclosed building or screened from view of any public right-of-way and any Residential district.**

C. Mini-warehouse

. . . .

~~C~~D. Outdoor Storage (as a Principal Use)

. . . .

~~D~~E. Self-Service Storage Facility

. . . .

~~E~~F. Truck or Freight Terminal, Warehouse (Distribution), or Warehouse (Storage)

. . . .

18. That Section 24-4402 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4402. Accessory Use or Structure Table

. . . .

E. Accessory Use or Structure Table

Accessory uses and structures are allowed in each of the zoning districts in accordance with Table 4402: Accessory Use or Structure Table.

Table 4402: Accessory Use or Structure Table

R=Permitted by Right | C=Allowed subject to Conditional Use Permit | P= Allowed subject to Provisional Use Permit
A=Allowed subject to PD Master Plan and PD Terms and Conditions | - = Prohibited

Accessory Use or Structure	C, A		Residential						Nonresidential, Mixed-Use											PD				FBA-O Dev. Area							Specific Standards for Use or Structure
	C-1	A-1	R-0, R-0A, R-1, R-1A R-2, R-2A, R-3, R-3A R-4, R-4A	R-5A	R-5B	R-5	R-6	RTH	CMU	O-1	O-2	O-3	O/S	B-1	B-2	B-3	M-1	M-2	M-3	SMX-PD	TND-PD	UMU-PD	LI-PD	Mixed-use Corridor	Mixed-use Core	Walkable Corridor	Walkable Center	Neighborhood Gen.	Connected Edge	Highway Edge	
. . . .																															
Home-based childcare, large (accessory to a dwelling)	-	C	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	A	A	A	A	~~R~~ **C**	~~R~~ **C**	~~R~~ **C**	~~R~~ **C**	~~R~~ **C**	~~R~~ **C**	~~R~~ **C**	Sec. 24-4404
Home-based childcare, small (accessory to a dwelling)	-	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-	-	-	-	A	A	A	A	R	R	R	R	R	R	R	Sec. 24-4404
. . . .																															

19. That Section 24-4420 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4420. Accessory Keeping of Animals Outside a Dwelling (as accessory to a dwelling)

. . . .

C. Dogs, Cats, ~~Pigeons,~~ and Similar Animals as Pets

The keeping of dogs, cats, ~~pigeons,~~ and similar animals as pets outside of a dwelling must comply with the following requirements:

. . . .

. . . .

20. That Section 24-4423 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4423. Accessory Outdoor Seating and Food Preparation (as accessory to an Eating Establishments use)

Outdoor seating is allowed as an accessory use to any Eating Establishments use, subject to the following standards:

. . . .

F. Outdoor food preparation must not cause detrimental impacts to nearby uses or property due to noise, glare, light, smoke, odor, grease, or similar effects. In the R-6, ~~O-1, O-2,~~ O-3, O/S, ~~B-1,~~ and B-2 districts, outdoor seating is allowed by right but outdoor food preparation may only be allowed upon approval of a Provisional Use Permit by the Board of Supervisors in accordance with Sec. 24-2306, Provisional Use Permit.

21. That Section 24-4435 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4435. Accessory Bulk Storage of Flammable Liquids

Bulk storage of flammable liquids as an accessory use to any use other than an automobile filling station (fuel only) or for emergency generators at a hospital or similar facility must comply with the standards in ~~Sec. 24-4330.E.5~~ **Sec. 24-4330.F**, Bulk Storage of Flammable Liquids.

22. That Section 24-5105 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5105. Off-Street Parking Surfacing and Marking

. . . .

D. Dwellings on Private Roads in ~~R-5A, R-5B, R-5, R-6, and RTH Districts~~ Multifamily, Townhouse, and R-5A and R-5B Developments

1. Private roads, drives, and parking areas for multifamily, townhouse, and R-5A and R-5B developments must be designed and constructed in accordance with the pavement design standards and specifications of the department of public works.

. . . .

23. That Section 24-5110 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5110. Minimum Number of Off-Street Parking Spaces

. . . .

Table 5110: Minimum Number of Off-Street Parking Spaces

Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces [1, 2]
	. . . .	
Retail Sales and Services	. . . .	
	Automated teller machine (ATM as a principal use)	1.0 total
	Cannabis dispensing facility	**3.5 per 1,000 sf**
	Cigar retail store	**3.5 per 1,000 sf**
	Convenience store	3.5 per 1,000 sf
	. . . .	
	Laundromat	2.5 per 1,000 sf
	Marijuana microbusiness	**3.5 per 1,000 sf**
	Marijuana retail store	**3.5 per 1,000 sf**
	Personal services establishment	2.5 per 1,000 sf
	. . . .	
	Regulated hemp product retail store	**3.5 per 1,000 sf**
	. . . .	
	Sign printing and painting	2.5 per 1,000 sf
	Tobacco retail store	**3.5 per 1,000 sf**

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	**Principal Use Type**	**Minimum Off-Street Parking Spaces [1, 2]**
	• • • •	
Industrial Services Industrial Services	• • • •	
	Manufactured home and prefabricated building sales	2.5 per 1,000 sf office or administrative space
	Marijuana cultivation facility	**2.0 per 1,000 sf**
	Marijuana testing facility	**2.0 per 1,000 sf**
	Research and development facility	2.0 per 1,000 sf
Manufacturing and Production	• • • •	
	Manufacturing, light	2.0 per 1,000 sf
	Marijuana processing facility	**2.0 per 1,000 sf**
	Pharmaceutical cannabis processor	**2.0 per 1,000 sf**
Warehouse and Freight Movement	Cold storage plant	2.0 per 1,000 sf
	Marijuana transporter	**2.0 per 1,000 sf**
	Mini-warehouse	0.5 per 1,000 sf rentable storage area
	• • • •	
	• • • •	

24. That Section 24-5508 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5508. Crime Prevention Through Environmental Design

• • • •

B. Specific Uses Requiring a CPTED Plan

A CPTED Plan must be reviewed and approved by the Planning Director, in accordance with subsection C, for the following uses:

1. Any business open to the public between 12:00 midnight and 6:00 am;
2. Automatic teller machines (ATMs);
3. Billiard parlors;
4. Gambling-related uses, including charitable gaming, historical horse racing, off-track betting, and skill games;
5. Gun shops;
6. **Marijuana related businesses, including cannabis dispensing facilities, marijuana cultivation facilities, marijuana microbusinesses, marijuana retail stores, marijuana processing facilities, marijuana testing facilities, marijuana transporters, and pharmaceutical cannabis processors;**

7. Pawn shops;
~~7~~**8.** Recreational substances retail stores;
9. Regulated hemp product retail stores;
10. Tobacco and cigar retail stores;
~~8~~**11.** Video game rooms; and
~~9~~**12.** Visitor Accommodations uses.

. . . .

25. That Section 24-8302 of the Code of the County of Henrico be amended and reordained as follows, and that Figure 8302B be replaced with the designated figure as follows:

Sec. 24-8302. Measurement of Area, Width, Depth, and Coverage of Lots

. . . .

B. Lot Width

. . . .

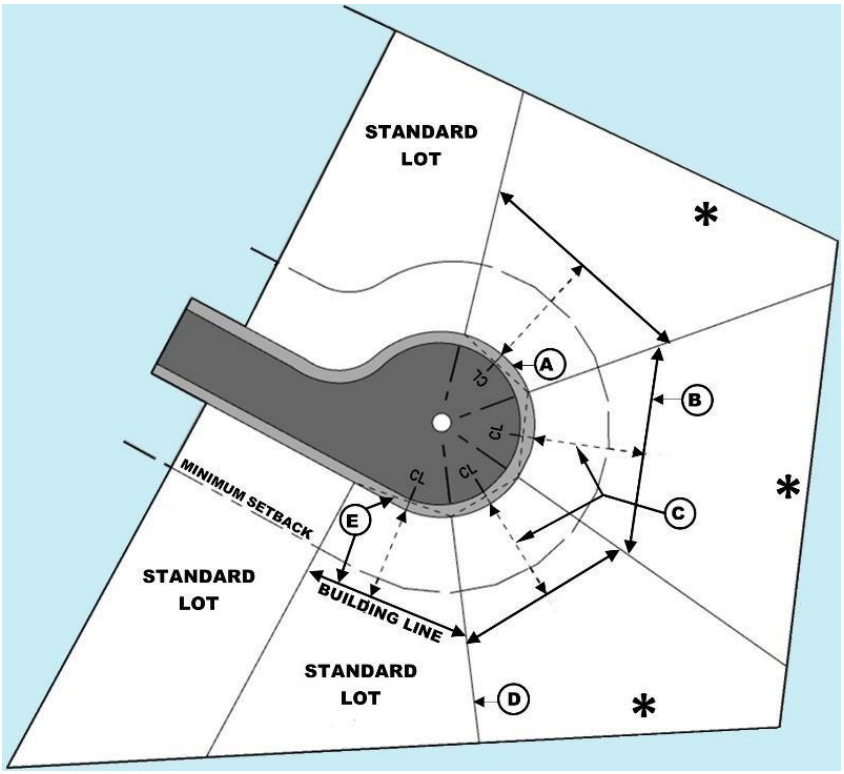

Figure 8302B: Lot width on cul-de-sac lots

. . . .

26. That Section 24-8405 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8405. Commercial Use Classification

. . . .

H. Retail Sales and Services

. . . .

Auction house

A place where the property of others, such as objects of art, furniture, and other goods (except livestock) are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales.

Cannabis dispensing facility

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

Cigar retail store

A retail establishment that sells cigars and pipe tobacco, as those terms are defined in Code of Virginia § 58.1-1021.01, to the general public but does not sell any other retail tobacco products or recreational substances.

Convenience store

A small retail establishment, typically having less than 5,000 square feet of floor area, that sells a limited range of merchandise oriented to daily convenience and travelers' shopping needs, such as groceries, toiletries, soft drinks, tobacco products, ready-to-eat food products (which may be prepared to order), and newspapers. **This definition excludes any establishment that meets the definition of a recreational substances retail store.**

Drug store or pharmacy

A retail store **other than a cannabis dispensing facility** engaged in the filling and sale of prescription drugs and the sale of medical supplies, nonprescription medicines, and related goods and services. It may also sell nonmedical goods such as cosmetics, cards, drinks, candy, and the like. Accessory uses may include automated teller machines (ATMs), soda fountains, minute-clinics, and facilities providing drive-through service.

. . . .

Grocery store

An establishment that offers a diverse variety of food and non-food commodities, such as dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, paper goods, and beverages, including beer and wine, and markets the majority of its merchandise at retail. A grocery store may include accessory uses such as a pharmacy, delicatessen, bakery, or restaurant. **This definition excludes any establishment that meets the definition of a recreational substances retail store.**

Laundromat

A retail-scale facility for self-service laundry or drop off and pick up of laundry or dry cleaning. This use does not include industrial facilities where laundry or dry cleaning is performed in bulk, which are categorized as an Industrial Services use.

Marijuana microbusiness

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.

Marijuana retail store

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.

Personal services establishment

An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include: barbershops and beauty parlors, tattoo establishments, nail salons, aestheticians, licensed massage therapists, packaging stores, mailing services, printing, engraving, photocopying, picture framing, tailoring, drapery making, taxidermy, employment agencies, travel agents, and fortunetelling.

Recreational substances retail store

A retail establishment **other than a cannabis dispensing facility, cigar retail store, marijuana microbusiness, marijuana retail store, regulated hemp product retail store, or tobacco retail store**, **but** including a portable or mobile establishment or display, that sells, offers, or gives out ~~any combination of~~ recreational substances as its primary business. The following are examples of recreational substances retail stores:
(i) a retail establishment that sells, offers, or gives out recreational substances, unless it can affirmatively demonstrate that (1) less than five percent of its display space is dedicated to recreational substances and the establishment does not sell, offer, or give out any recreational substances that are not otherwise available from a display in the establishment (for example, the establishment does not offer recreational substances through a menu, list, or other mode of presentation that are retrieved from a non-display location upon request from a customer), (2) less than 25 percent of the establishment's average monthly transactions involve the sale, offering, or giving of recreational

substances, and (3) less than 25 percent of the establishment's average monthly gross sales by dollar value derive from the sale, offering, or giving of recreational substances; or (ii) a retail establishment that sells recreational substances and allows **inhalation, ingestion, or topical application of such recreational substances** on-premises ~~smoking or vaping~~.

Regulated hemp product retail store

A facility registered with the Board of Directors of the Virginia Cannabis Control Authority to offer for sale or sell at retail regulated hemp products and substances intended for human consumption, orally or by inhalation, that are advertised or labeled as containing an industrial hemp-derived cannabinoid.

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Sign printing and painting

An establishment that offers the art of painting lettering on buildings, billboards, or signs by sign writers for profit, for the purposes of announcing or advertising products, services, and events.

Tobacco retail store

Any place of business owned by a retail tobacco permittee or tobacco retailer, as those terms are defined in Code of Virginia § 4.1-100, to sell retail tobacco products to the general public, including any retail tobacco product shop or kiosk, where retail tobacco products are available for sale to the general public. This term includes any facility from which cigarette delivery sales, as that term is defined in Code of Virginia § 18.2-246.6, are made. This term does not include grocery stores, convenience stores, gasoline service stations, bars, or restaurants, or establishments that do not sell retail tobacco products other than cigars and pipe tobacco as those terms are defined in Code of Virginia § 58.1-1021.01.

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27. That Section 24-8406 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8406. Industrial Use Classification

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B. Industrial Services

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Manufactured home and prefabricated building sales

An establishment engaged in the construction and sale of manufactured homes or prefabricated buildings, which may be displayed on-site.

Marijuana cultivation facility

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 testing facility

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. In this context, "test" means the research and analysis of marijuana, marijuana products, or other substances for contaminants, safety, or potency.

Research and development facility

A facility for research, synthesis, analysis, development, and testing in a laboratory setting, which may include incidental fabrication, assembly, mixing, and preparation of equipment and components.

C. Manufacturing and Production

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Manufacturing, light

An establishment **other than a marijuana processing facility or pharmaceutical cannabis processing facility** primarily engaged in printing, production, processing, assembly, manufacturing, compounding, or preparation of goods or products for sale to the wholesale or retail markets or directly to consumers, that does not meet the definition of artisan manufacturing or heavy manufacturing. This use is wholly confined within an enclosed building, does not include processing of hazardous gases and chemicals, and does not generate off-site noise, odor, vibration, dust, or hazard. Examples include assembly of prefabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and drugs; breweries and wineries when not classified as Agricultural; manufacturing and mixing of paints, and manufacturing of components, jewelry, clothing, trimming decorations, and similar items.

Marijuana processing facility

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.

Pharmaceutical cannabis processing facility

A dual-use facility that (i) has obtained a permit from the Board of Directors of the Virginia Cannabis Control Authority pursuant to Code of Virginia § 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 Code of Virginia § 18.2-369, such patient's parent or legal guardian; and (iii) has been verified by the Board of Directors of the Virginia Cannabis Control Authority pursuant to Code of Virginia § 4.1-1602.1 to hold and exercise all privileges to operate as a marijuana cultivation facility pursuant to Code of Virginia § 4.1-800, marijuana processing facility pursuant to Code of Virginia § 4.1-801, and retail marijuana store pursuant to Code of Virginia § 4.1-802.

D. Warehouse and Freight Movement

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Cold storage plant

A facility primarily engaged in the cold processing and storage of chilled or frozen food products.

Marijuana transporter

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 marijuana establishment to another.

Mini-warehouse

A building or group of buildings, located in a controlled-access area, containing partitioned spaces designed to be leased to tenants for the storage of unused or seldom used personal property. Each space is accessible to the tenant directly from the exterior of the building, unlike a self-service storage facility.

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28. That Section 24-8501 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8501. Accessory Uses, Temporary Uses, and Other Terms

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Recreational substance

1. Any product made of or containing tobacco, including cigarettes, cigars, loose tobacco, smokeless tobacco, and pipe tobacco;
2. Any product containing nicotine or a vaping substance, including any noncombustible product containing nicotine or a vaping substance that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce aerosol or vapor from a substance;
3. Cannabis, and any product intended for inhalation, ingestion, or topical application that contains raw materials from cannabis or isomers or derivatives of chemicals extracted or synthesized from cannabis;
4. Kratom, and any product intended for inhalation, ingestion, or topical application that contains raw materials from kratom or isomers or derivatives of chemicals extracted or synthesized from kratom;
5. Any product intended for inhalation, ingestion, or topical application that contains **dissociative or** hallucinogenic compounds or their isomers or derivatives, such as those derived from mushrooms or cacti;
6. Any product intended for inhalation, ingestion, or topical application that contains tianeptine or phenibut; and
7. Any pipe, vaporizer, and any other type of device, wrappings, or accessories associated with the consumption or inhalation of the abovementioned substances and materials.

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29. That this ordinance will be effective immediately upon adoption as provided by law.

30. If any provision of this ordinance is determined by a court to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.