

Resolution of Hampton City Council Initiating Amendments to the Hampton City Zoning Ordinance Concerning the Regulation of Retail Sale Locations for Certain Tobacco and Hemp Products.

WHEREAS, Section 15.2-912.4 of the Code of Virginia permits localities to regulate the retail sale locations of retail tobacco products and hemp products intended for smoking (as such terms are defined by Va. Code §§ 18.2-371.2 and 3.2-4112, respectively), and may specifically prohibit sales of such products within 1,000 linear feet of a school or child daycare; and

WHEREAS, the Hampton City Council has determined that it is necessary for the general welfare of the community and good zoning practice to regulate the use of land for establishments selling retail tobacco products and hemp products intended for smoking (each such establishment, a “vape shop”), along with the location thereof, pursuant to Section 15.2-912.4 of the Code of Virginia and the other powers conferred by the laws of the Commonwealth; and

WHEREAS, City Council has determined that initiation and consideration of an amendment to the Hampton City Zoning Ordinance regulating the location and other features of vape shops is required by the public necessity, convenience, general welfare, and good zoning practice, as more particularly described above.

NOW, THEREFORE, BE IT RESOLVED BY HAMPTON CITY COUNCIL AS FOLLOWS:

1. The foregoing recitals are incorporated by reference herein.
2. Pursuant to Virginia Code § 15.2-2286(A)(7), Hampton City Council formally initiates proposed amendments to the Hampton Zoning Ordinance, specifically an amendment regulating the location and other features of vape shops, as described above.
3. In accordance with Virginia Code § 15.2-912.4, the proposed amendment would not apply to any retail location that has a valid license issued by Virginia Alcoholic Beverage Control under Va. Code § 4.1-206.3.
4. Community Development Department and other appropriate staff are directed to prepare draft text for the proposed amendment and to take all steps necessary and proper to present the amendment for public hearing before the Planning Commission and City Council, in accordance with applicable law.