

1      **Ordinance To Amend And Re-Enact The Zoning Ordinance Of The City Of Hampton,**  
2      **Virginia By Amending Section 2-2 Entitled, "Definitions" To Add A Definition of "Smoke or**  
3      **Vape Shop".**

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5      **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so  
6      require;

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8      **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of the  
9      Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

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11      **CHAPTER 2 – DEFINITIONS**

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14      **Section 2-2. – Definitions.**

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17      *Smoke or Vape Shop. A retail establishment engaged in the sale of retail tobacco*  
18      *products as defined in Va. Code § 18.2-371.2, hemp products intended for smoking as defined*  
19      *in Va. Code § 3.2-4112, and any other lawful product intended for smoking by humans. This*  
20      *includes, but is not limited to (i) any electronic smoking device and any substance which can be*  
21      *aerosolized or vaporized by such device, (ii) any tobacco product containing nicotine intended*  
22      *for human consumption, and (iii) any component, part, or accessory to the products herein*  
23      *described, whether or not such component, part, or accessory contains tobacco or nicotine. A*  
24      *Smoke or Vape Shop shall not include any establishment that holds a Virginia Alcoholic*  
25      *Beverage Control (VABC) license. In the event that the sale of retail marijuana or retail*  
26      *marijuana products becomes legal in the Commonwealth of Virginia, a Smoke or Vape Shop*  
27      *may sell retail marijuana or retail marijuana products only if the establishment obtains a use*  
28      *permit or an amended use permit specifically authorizing the sale of retail marijuana or retail*  
29      *marijuana products at the specific location, and if the establishment otherwise complies with all*  
30      *other applicable law, including (without limitation) the regulations of any agency of the*  
31      *Commonwealth authorized to issue permits for retail sales of marijuana or marijuana products.*  
32      *No legal non-conforming Smoke or Vape Shop nor any other existing establishment may sell*  
33      *retail marijuana or retail marijuana products unless they obtain a use permit or an amended use*  
34      *permit specifically authorizing the sale of such products.*

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