



TOWN OF OCCOQUAN

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PLANNING COMMISSION MEETING

January 20, 2026 | 6:30 PM

1. **Call to Order**
2. **Public Hearing** pg. 2
 - a. Planning Commission Public Hearing on Zoning Text Amendment for Special Use Permits for Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishments
3. **Action Items** pg. 11
 - a. Request to Make Recommendation to Town Council on Ordinance to add a new section in Chapter 157 of the Town Code to establish special use permit (SUP) requirements and standards for Tobacco, Vape, Cannabis, or psychoactive establishments in the Town of Occoquan
4. **Adjournment**

Eliot Perkins
Chair, Planning Commission



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

2. Public Hearing	Meeting Date: January 20, 2026
2A: Public Hearing on Zoning Text Amendment for Special Use Permits for Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishments	

Attachments: a. Draft Ordinance
b. Public Hearing Advertisement

Submitted by: Adam C. Linn
Town Manager

This is a public hearing on a zoning text amendment to make changes to Chapter 157 of the Town Code. The proposed changes are intended to add a Section 157.248 on Special Use Permits for Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment. The substantive change involves

1. Adding a new section to more clearly define, classify, and regulate § 157.240 et seq. focused on Special Use Permits for tobacco, vape, cannabis, and other psychoactive specialty establishments.

The draft ordinance is attached.

This public hearing is intended to provide the public with the opportunity to comment on the proposed zoning text amendment. This public hearing was advertised in The Washington Times on January 8, 2026, and January 15, 2026, as well as on the Town website and at locations around the town.

Town Staff's Recommendation: Recommend closing the public hearing.

Cost and Financing: N/A

Account Number: N/A

Proposed/Suggested Motion:

"I move to close the public hearing."

OR

Other action Planning Commission deems appropriate.

TOWN OF OCCOQUAN, VIRGINIA

ORDINANCE #O-2026-_____

AN ORDINANCE TO ESTABLISH SPECIAL USE PERMIT REQUIREMENTS AND STANDARDS FOR TOBACCO, VAPE, CANNABIS, OR PSYCHOACTIVE SPECIALTY ESTABLISHMENTS IN THE TOWN OF OCCOQUAN

WHEREAS, pursuant to Virginia Code §§ 15.2-2280, 15.2-2283, and 15.2-2286(A)(3), the Town of Occoquan is authorized to regulate land uses through zoning and to require Special Use Permits for uses that pose heightened impacts on neighboring properties; and

WHEREAS, the Town’s Historic District contains many older buildings constructed as mixed-use structures with commercial spaces and residences within the same building or on immediately adjoining lots, and these buildings typically lack the modern fire separation, insulation, and ventilation systems found in contemporary construction, making compatibility between uses essential to preserving both resident quality of life and the historic character of the area; and

WHEREAS, retail establishments primarily engaged in the sale of tobacco products, vaping devices, e-liquids, hemp- or cannabinoid-derived substances, kratom, and other psychoactive goods present distinct land-use considerations, including ventilation, odor control, lighting, storage of lithium-ion batteries, and patterns of customer activity; and

WHEREAS, in an environment where homes and businesses frequently share walls, courtyards, or adjacent lot lines, these establishments may create impacts that warrant individualized review and conditions to mitigate effects on nearby residences and pedestrian areas; and

WHEREAS, the Town’s zoning ordinance does not currently define or classify “tobacco, vape, cannabis, or psychoactive specialty establishments,” resulting in their treatment as general retail uses permitted by right and limiting the Town’s ability to address their unique operational characteristics; and

WHEREAS, the Town Council further finds that regulating these specialty establishments is necessary to maintain consistency with the Town’s Comprehensive Plan, which emphasizes preserving the Historic District’s character, protecting adjacent residential uses, and ensuring that new commercial activity is compatible with the Town’s scale, form, and mixed-use pattern; and

WHEREAS, the Town Council finds that defining these uses and subjecting them to Special Use Permit review is necessary to protect the public health, safety, and welfare, and ensure that new commercial activity remains compatible with adjacent residential properties and the Town’s historic district; and

WHEREAS, the Council further finds that establishing clear operational and design performance standards is essential to preventing land-use conflicts and supporting consistent, predictable zoning administration; and

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Occoquan, Virginia, meeting in regular session this ____ day of _____, 2026, that:

1. That the Town Council hereby amends Chapters 157 of the Town Code by adding Section 157.248 as presented below:

§ 157.248 Special Use Permits for Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment

(A) Definitions.

For purposes of this ordinance, the following definitions shall apply:

“Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment” means a commercial establishment in which ten percent (10%) or more of the floor area, inventory value, or gross sales is devoted to the display, sale, exchange, or delivery of any combination of the following items intended for human consumption, inhalation, or ingestion:

- 1) Tobacco, cigarettes, cigars, pipes, rolling papers, or other tobacco-related products;
- 2) Electronic cigarettes, vaping devices, e-liquids, or similar vapor-producing products;
- 3) Cannabidiol (CBD), tetrahydrocannabinol (THC), Delta-8, Delta-9, Delta-10, or any other cannabinoid-containing product, whether derived from hemp or marijuana, that is intended to be consumed, ingested, or inhaled;
- 4) Any paraphernalia or accessory items used for the consumption of such products, including but not limited to pipes, hookahs, grinders, or similar devices; and

- 5) Any herbal, synthetic, or natural psychoactive substance, including kratom (*Mitragyna speciosa*) and any products containing its active alkaloids (mitragynine or 7-hydroxymitragynine), whether in raw, extract, or derivative form, intended for ingestion, inhalation, or other human consumption.

For purposes of this definition, the sale of paraphernalia or accessories used for the consumption of such products shall be considered part of the same use category, regardless of whether the consumable products themselves are sold on the premises.

This definition also includes any business that holds itself out by signage, advertising, or trade name as primarily engaged in such sales, regardless of the actual percentage of merchandise.

This definition shall not include:

- a) Topical or cosmetic products, such as creams, lotions, or balms, that are not marketed or intended for ingestion, inhalation, transdermal psychoactive absorption, or other forms of human consumption; and
- b) Pharmacies or licensed medical dispensaries operating under state law.

This definition is intended solely for zoning and land-use classification purposes and does not regulate or prohibit any product authorized for sale under federal or state law.

“On-Premises Consumption Establishment” means any establishment, whether public or private, membership-based or otherwise, that allows the use, sampling, or consumption of tobacco, vape, hemp, cannabinoid, kratom, or other psychoactive products on the premises.

Such use shall be considered a “Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment” for zoning purposes, regardless of whether products are sold or whether the business is designated as a private club or social venue.

(B) Applicability.

The use category “Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment” shall be permitted only by Special Use Permit within the B-1, Business District, and shall be prohibited in all other zoning districts.

(C) Separation Requirements.

No such use shall be located within a building containing a residential use, nor within 450 feet of any child day care center, park, or place of worship. No two such uses shall be located within four hundred and fifty feet of one another.

(D) Conditions of Approval.

In addition to any other conditions deemed necessary by the Town Council to mitigate the potential zoning impacts of a Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishment, the following standards are established pursuant to Virginia Code § 15.2-2286(A)(3) as reasonable conditions to ensure the compatibility of such uses with surrounding properties and the public welfare and shall apply to all Tobacco, Vape, Cannabis, or Psychoactive Specialty Establishments approved by Special Use Permit:

(1) Operational & Public Safety Standards

- i. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
- ii. Adequate exterior lighting and security cameras shall be provided and maintained in accordance with a lighting and security plan approved by the Town Council and made a condition of the Special Use Permit.
- iii. The business will register and maintain an active alarm system and after-hours emergency contact with the Town throughout the life of the Special Use Permit.
- iv. No exterior seating, tables, benches, vending equipment, or other fixtures designed for customer congregation shall be installed or allowed to remain outside the building.
- v. Compliance with all Fire Marshal and building code standards for storage of lithium-ion batteries or other flammable materials is required.

(2) Residential Compatibility Standards

- i. Ventilation and exhaust systems shall be designed, operated, and maintained to prevent the escape of odors noticeable to a person of ordinary sensitivity to adjacent residential dwellings or pedestrian areas. If the business involves storage, handling, or packaging of aromatic or powdered products (including hemp flower, kratom, or flavored e-liquids), additional filtration or odor control measures may be required based on generally accepted industry standards such as

ASHRAE Standard 62.1 (Ventilation for Acceptable Indoor Air Quality) or equivalent, as verified by a licensed mechanical engineer.

- ii. On-premises consumption, sampling, or product use is prohibited.

(3) Design & Aesthetic Standards

- i. Windows shall remain visually open; physical obstructions, opaque films and heavily tinted glass are prohibited.
- ii. No display racks, product shelving, or promotional merchandise shall be placed outside the building.
- iii. Products, packaging, or advertising visible from the public right-of-way shall not depict or simulate drug paraphernalia.
- iv. Interior window displays shall be limited to professionally printed signage or merchandise typical of a retail storefront and shall be arranged to maintain visibility into the sales area from the public right-of-way.
- v. Lighting shall be designed to minimize glare onto sidewalks and adjacent buildings and shall not include flashing or color-changing effects visible from the public right-of-way.

All improvements or equipment necessary to comply with these standards shall be installed and maintained by the business operator at their expense.

(E) Duration and Recertification.

Special Use Permits issued for such establishments shall be valid for a period of five (5) years from the date of approval, unless otherwise specified by the Town Council. Each permit holder shall submit an annual certification of compliance confirming adherence to all conditions of approval. Failure to file certification or violation of any condition may constitute grounds for revocation pursuant to Sections 15.2-2208 or 15.2-2286 of the Code of Virginia.

(F) Enforcement, Reporting, and Revocation.

- (1) The Zoning Administrator shall have a right of entry during all hours of operation to inspect any establishment operating under this ordinance for compliance with all Special Use Permit conditions.
- (2) Each permit holder shall file an annual report with the Town as part of its recertification process. The report shall include:
 - i. The percentage of floor area and display space devoted to products listed in Section 2 of this ordinance;

- ii. The percentage of annual gross sales derived from such products;
and
- iii. A certification, signed by the business owner or manager, attesting that these figures are true and that the establishment remains in compliance with all conditions of approval.

(3) Information submitted under this section shall be treated as confidential to the extent permitted by Virginia law and used solely for zoning and business-license compliance purposes.

(4) The Town reserves the right to audit the information contained in the annual report at reasonable times and upon reasonable notice. Such audits may include inspection of premises, review of sales records, or verification through the Town's business-license reporting process. Businesses found to have under-reported the percentage of specialty sales may be deemed in violation of this ordinance and subject to enforcement under Section 15.2-2208 of the Code of Virginia.

Information demonstrating a violation of the Special Use Permit may include, but is not limited to, discrepancies between reported and observed floor area devoted to such products, inconsistencies in sales figures disclosed to the Town under business license reporting, or failure to provide requested documentation during an audit.

(5) Failure to submit the annual report or to cooperate with an audit shall constitute a violation of this ordinance and may result in suspension or revocation of the Special Use Permit following notice and hearing before the Town Council.

(6) Upon finding a violation, the Zoning Administrator shall issue a written notice of violation specifying the corrective action required and the time period for compliance before referral for enforcement or revocation.

(7) Each day a violation continues shall constitute a separate offense. Nothing herein limits the authority of the Town to pursue civil penalties, injunctive relief, or any other remedy authorized by Virginia law.

(8) Nothing in this section limits the authority of law enforcement to enforce any state or federal law relating to controlled substances or public nuisance.

The Town Manager or designee may establish forms and procedures necessary to implement this section.

2. This ordinance shall take effect immediately upon adoption.

DRAFT

TOWN OF OCCOQUAN, VIRGINIA

**NOTICE OF PUBLIC HEARINGS
FOR ZONING TEXT AMENDMENT FOR SPECIAL USE PERMIT**

January 20, 2026 @ 6:30 PM and 7:00 p.m.

Notice is hereby given in accordance with the Code of Virginia §§ 15.2-2204 of the Code of Virginia, as amended, that the Occoquan Town Planning Commission and Town Council will conduct concurrent Public Hearings on proposed amendments to the Zoning Ordinance. The proposed amendment is intended:

1. To more clearly define, classify, and regulate § 157.240 et seq. by adding a new section focused on Special Use Permits for tobacco, vape, cannabis, and other psychoactive specialty establishments.

The proposed amendment is available for review in Town Hall, 314 Mill Street, Occoquan, VA 22125 and online at www.occoquanva.gov.

The hearing is being held on January 20, 2026, at 6:30 p.m. at the Occoquan Town Hall, located at 314 Mill Street Occoquan, VA 22125 by the Occoquan Planning Commission and then at 7:00 p.m. by the Town Council.

The Occoquan Town Hall is an accessible building. If a member of the public wishes to obtain an accommodation for a disability in order to participate in the public hearing, please contact the Town Hall Office Staff at 703-491-1918 to arrange for the accommodation as far in advance as possible.

**The Planning Commission and Town Council
of the Town of Occoquan, Virginia**

Run Dates: January 8th, 2026
January 15th, 2026

AD#99131



TOWN OF OCCOQUAN PLANNING COMMISSION

Agenda Communication

3. Action Items	Meeting Date: January 20, 2026
3A: Request to Make Recommendation to Town Council on Ordinance to Add a New Section in Chapter 157 of the Town Code to Establish Special Use Permit requirements and standards for Tobacco, Vape, Cannabis, or Psychoactive Establishments in the Town of Occoquan	

Attachments: a. See public hearing attachment

Submitted by: Adam C. Linn
Town Manager

Explanation and Summary:

This is a request to make a recommendation to Town Council on the attached ordinance adding a new section in Chapter 157 of the Town Code to establish special use permit (SUP) requirements and standards for tobacco, vape, cannabis, or psychoactive establishments in the Town of Occoquan. The draft ordinance is attached. A public hearing was held on the proposed zoning text amendment earlier on the agenda.

The objective of the amendment is to add a new section to more clearly define, classify, and regulate § 157.240 et seq. focused on Special Use Permits for tobacco, vape, cannabis, and other psychoactive specialty establishments

Background

Over the past two years, the Town Council has discussed concerns regarding the potential impacts of businesses selling tobacco, nicotine, vapes, and cannabis products on public health, safety, and welfare. The possible proliferation of such shops, particularly in inappropriate locations, was identified as a threat to the community.

At the September 16, 2025, Town Council meeting, the Council discussed Special Use Permits (SUPs) as a zoning tool authorized under §15.2-2286 of the Code of Virginia. SUPs are used to provide a process for reviewing proposed uses in terms of context, public safety, and compatibility. They allow the Town to evaluate potential impacts on nearby residents and businesses, consider consistency with the Town's historic fabric, and apply reasonable conditions to ensure mutual benefit while protecting public health, safety, and welfare.

At the October 7, 2025, Town Council meeting, the Council discussed and passed Resolution R-2025-14 which referred the matter of creating a Zoning Text Amendment to require SUPs for

shops selling tobacco, nicotine, vapes, cannabis, and/or related items for recommendation to the Planning Commission.

At the October 28, 2025, Planning Commission meeting, the Planning Commission discussed and received presentations on SUPs and establishing SUPs related to businesses selling tobacco, vape, cannabis, or psychoactive products. The Planning Commission directed staff to draft an ordinance for their review and discussion. At the December 16th Planning Commission Meeting, the planning commission reviewed, discussed, and edited the draft ordinance and voted to hold a public hearing on the draft ordinance on January 20, 2026, at 6:30pm.

At the January 6, 2026, Town Council meeting, the Town Council moved to set a public hearing on January 20, 2026, regarding the proposed ordinance.

Town Staff’s Recommendation: Recommend approval of the draft ordinance.

Proposed/Suggested Motion:

“I move to recommend approval of the attached draft ordinance, as presented.”

OR

“I move to recommend approval of the attached draft ordinances with the following changes:_____.”

OR

“I move to recommend disapproval of the attached draft ordinances because _____.”

OR

Other action the Planning Commission deems appropriate.