





# Zoning Ordinance Amendment

## Skill Games and Tobacco, Smoke, or Vape Shops

---

- Define:
  - Skill game
  - Skill game location
  - Tobacco, smoke, or vape shop
- Establish skill game locations and tobacco, smoke or vape shops as principal uses.
- Create off-street vehicle and bicycle parking for the uses.
- Prohibit skill game locations and tobacco, smoke, or vape shops on property within 1,000 feet of any property containing a public or private school or child day care center.

# Skill Games

- 2020 – VA General Assembly criminalized most playing and operating of skill games—effective date of July 1, 2021.
- December 2021 – VA Circuit Court issues injunction ceasing enforcement.
- October 2023 – VA Supreme Court vacates previous injunction.
- 2024 – VA General Assembly passed SB 212 – Small Business Economic Development Act.

## Tobacco, Smoke, or Vape Shops

- 2023 – Staff internally discussed the idea of restricting the location of tobacco, smoke, or vape shops.
- Considered 1,320 (quarter mile) or 2,640 (half mile) buffer.
- 2024 – VA General Assembly and the Governor approved HB 947 – localities cannot restrict the location to more than 1,000 feet.

## Amend the following Sections:

- 10-3-24 – Definitions.
- 10-3-25 – Off-street vehicle parking regulations.
- 10-3-25.1 – Off-street bicycle parking regulations.

### **B-1, Central Business District**

- 10-3-84 – Uses permitted by right. (B-1 district)
- 10-3-87 – Other regulations. (B-1 district)

### **B-2, General Business District**

- 10-3-90 – Uses permitted by right. (B-2 district)
- 10-3-93 – Other regulations. (B-2 district)

### **M-1, General Business District**

- 10-3-97 – Uses permitted by special use permit. (M-1 district)
- 10-3-99 – Other regulations. (M-1 district)

*Skill game (including skill game machine):* An electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by the predominant skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually.

*Skill game location:* Any establishment that provides for the use of any number of skill games or skill game machines.

*Tobacco, smoke, or vape shop:* A business involving the sale or sampling of tobacco products, nicotine vapor products, alternative nicotine products, and hemp products, as those terms are defined in the Code of Virginia §18.2-371.2, and any kratom products as regulated by the Code of Virginia §59.1-200, and where such products are 25% or more of the store's total inventory or 15% or more of the store's total display area.

**Article G. – OFF-STREET VEHICLE AND BICYCLE PARKING**

**Section 10-3-25. – Off-street vehicle parking regulations.**

- (17) Retail stores, sales rooms and similar mercantile establishments, [skill game locations, and tobacco, smoke, or vape shops](#) (applicable where no other specific retail standard is set forth): If ten thousand (10,000) square feet or less of gross floor area, one (1) parking space for each two hundred (200) square feet of gross floor area; if over ten thousand (10,000) square feet of gross floor area, one (1) parking space for each two hundred and fifty (250) square feet of gross floor area.

**Section 10-3-25.1. – Off-street bicycle parking regulations.**

- (3) Bicycle parking space requirements by use:

| Use                                                                                                                                                  | Parking Requirement                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Townhouses and multifamily dwellings                                                                                                                 | 1 space/6 dwelling units or 4 spaces minimum, whichever is greater                       |
| Hotels, motels, and similar transient housing                                                                                                        | 4 spaces minimum (Bed and breakfast facilities have no minimum requirement)              |
| Hospitals, nursing homes, and similar care facilities                                                                                                | 1 space/20,000 square feet of gross floor area or 4 spaces minimum, whichever is greater |
| Houses of worship, theaters, auditoriums, stadiums, amphitheaters, and similar uses                                                                  | 0.5% of maximum occupant load or 4 spaces minimum, whichever is greater                  |
| Community centers, community buildings, private clubs, museums, libraries, recreational and leisure-time activities, and similar uses                | 1 space/10,000 square feet of gross floor area or 4 spaces minimum, whichever is greater |
| Educational                                                                                                                                          | 1 space/20 vehicle spaces provided or 4 spaces minimum, whichever is greater             |
| Child day care centers                                                                                                                               | 4 spaces minimum                                                                         |
| Business or professional offices and financial institutions                                                                                          | 1 space/20,000 square feet of gross floor area or 4 spaces minimum, whichever is greater |
| General retail, restaurants, <del>and</del> personal service establishments, <a href="#">skill game locations, and tobacco, smoke, or vape shops</a> | 1 space/10,000 square feet of gross floor area or 4 spaces minimum, whichever is greater |
| Industrial uses, manufacturing, warehousing, auto service establishments, veterinarian offices, and animal hospitals and kennels                     | 2 spaces minimum                                                                         |

## B-1: Permitted by right use

- (1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores, skill game locations, and tobacco, smoke, or vape shops. Skill game locations and tobacco, smoke, or vape shops shall further comply with the location requirements as specified in Section 10-3-87 (c).

## B-2: Permitted by right use

- (1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants, skill game locations, tobacco, smoke, or vape shops, and other shops and stores customary to shopping centers and convenience outlets. Skill game locations and tobacco, smoke, and vape shops shall further comply with the location requirements as specified in Section 10-3-93 (e).

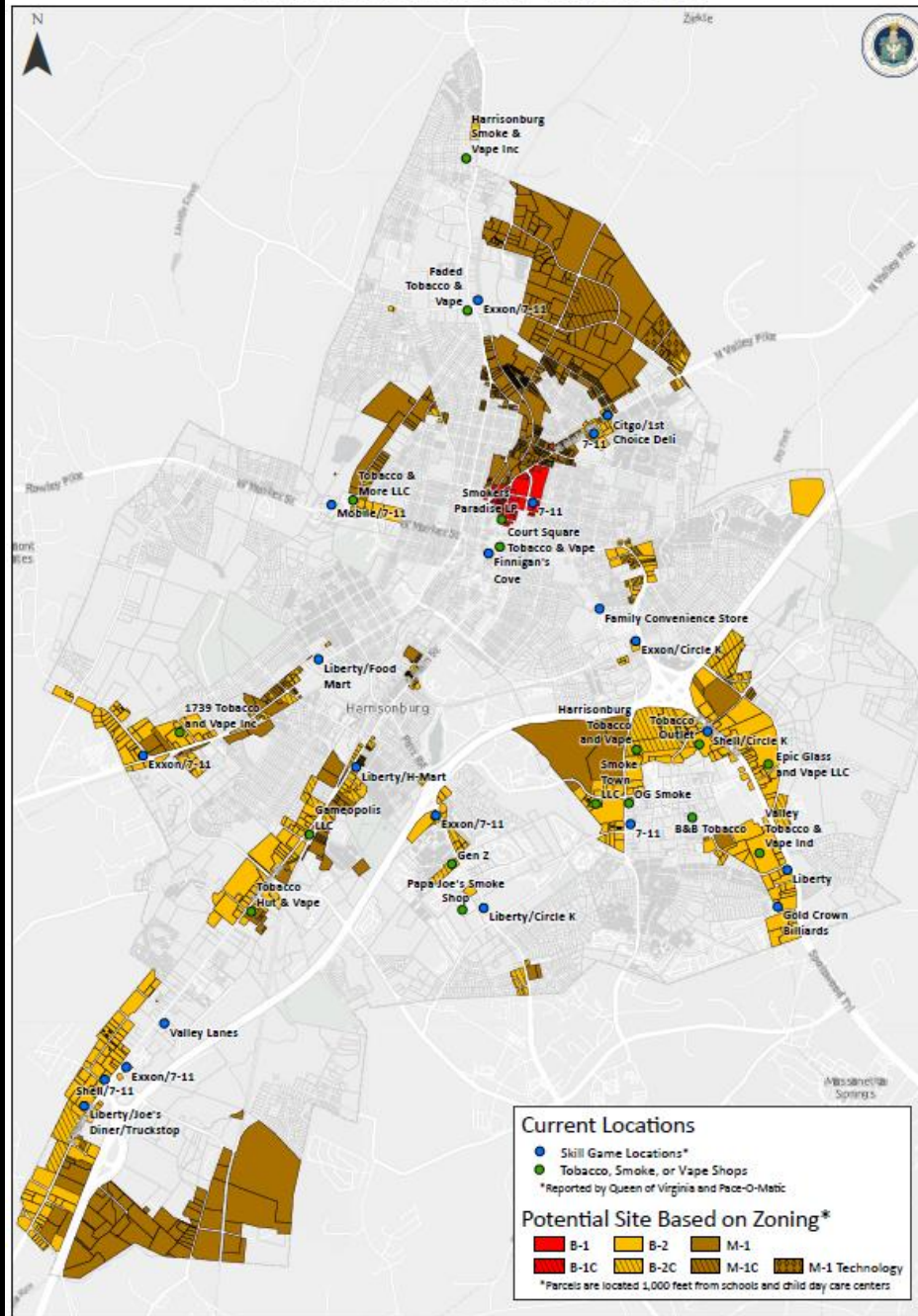
## M-1: Permitted by special use permit.

- (2) Convenience stores, skill game locations, and tobacco, smoke, or vape shops. Skill game locations and tobacco, smoke, or vape shops shall further comply with the location requirements as specified in Section 10-3-99 (d).

## Other regulations – Sections **10-3-87**, **10-3-93**, **10-3-99**

Neither skill game locations nor tobacco, smoke, or vape shops shall be located on or otherwise operate on any property within 1,000 feet of any property containing a public or private school or child day care center. Measurements made to verify compliance with this requirement shall be made in a straight line, without regard to intervening structures or objects, for 1,000 feet from the boundaries of the property on which a public or private school or child day care center operates.

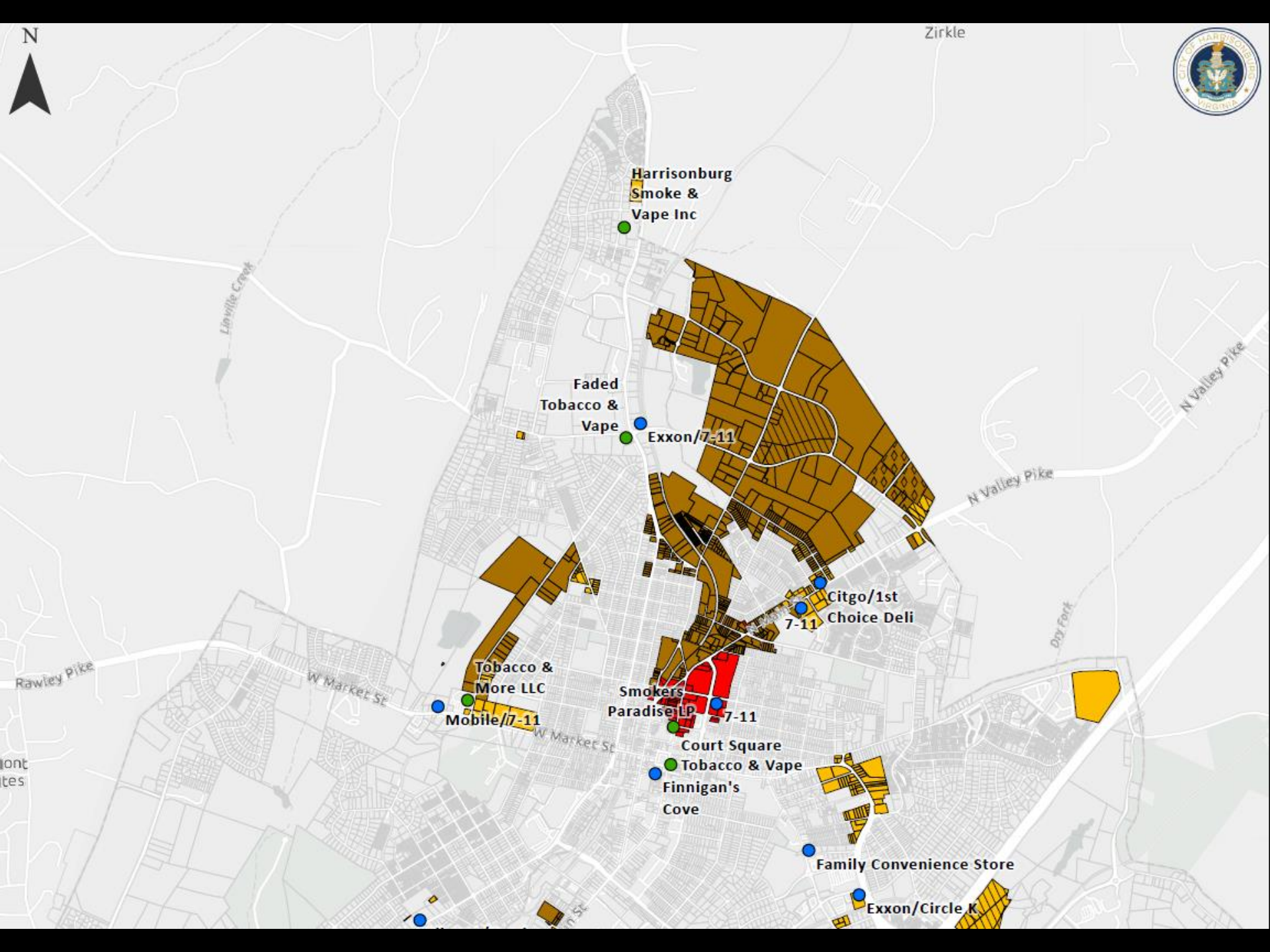
# Potential Skill Game Locations and Tobacco, Smoke, or Vape Shops







Zirkle



Harrisonburg  
Smoke &  
Vape Inc

Faded  
Tobacco &  
Vape

Exxon/7-11

Citgo/1st  
7-11 Choice Deli

Tobacco &  
More LLC

Mobile/7-11

Smokers  
Paradise LP

7-11

Court Square  
Tobacco & Vape  
Finnigan's  
Cove

Family Convenience Store

Exxon/Circle K

Rawley Pike

W Market St

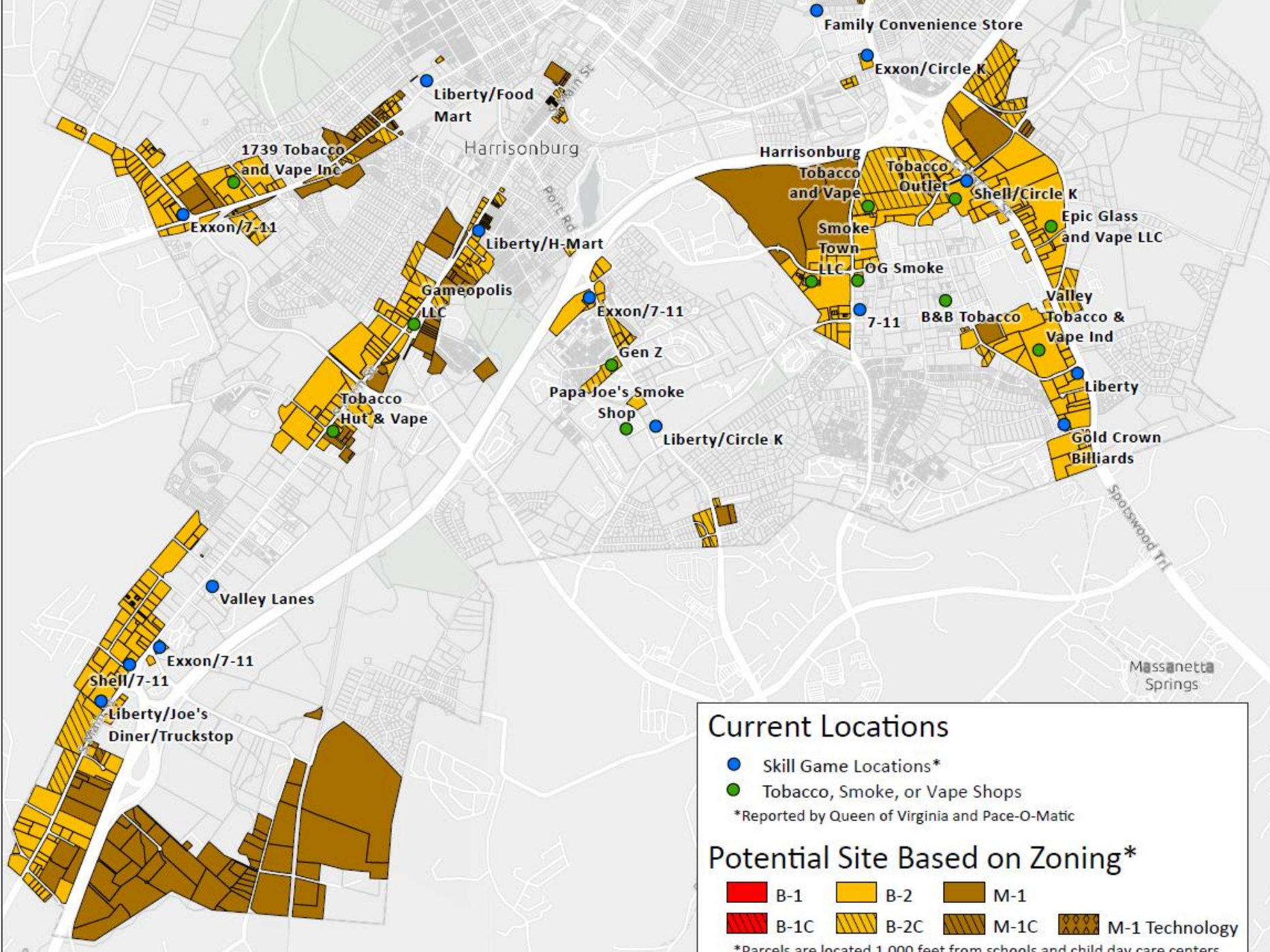
W Market St

N Valley Pike

N Valley Pike

Dry Fork

Mont  
ites



### Current Locations

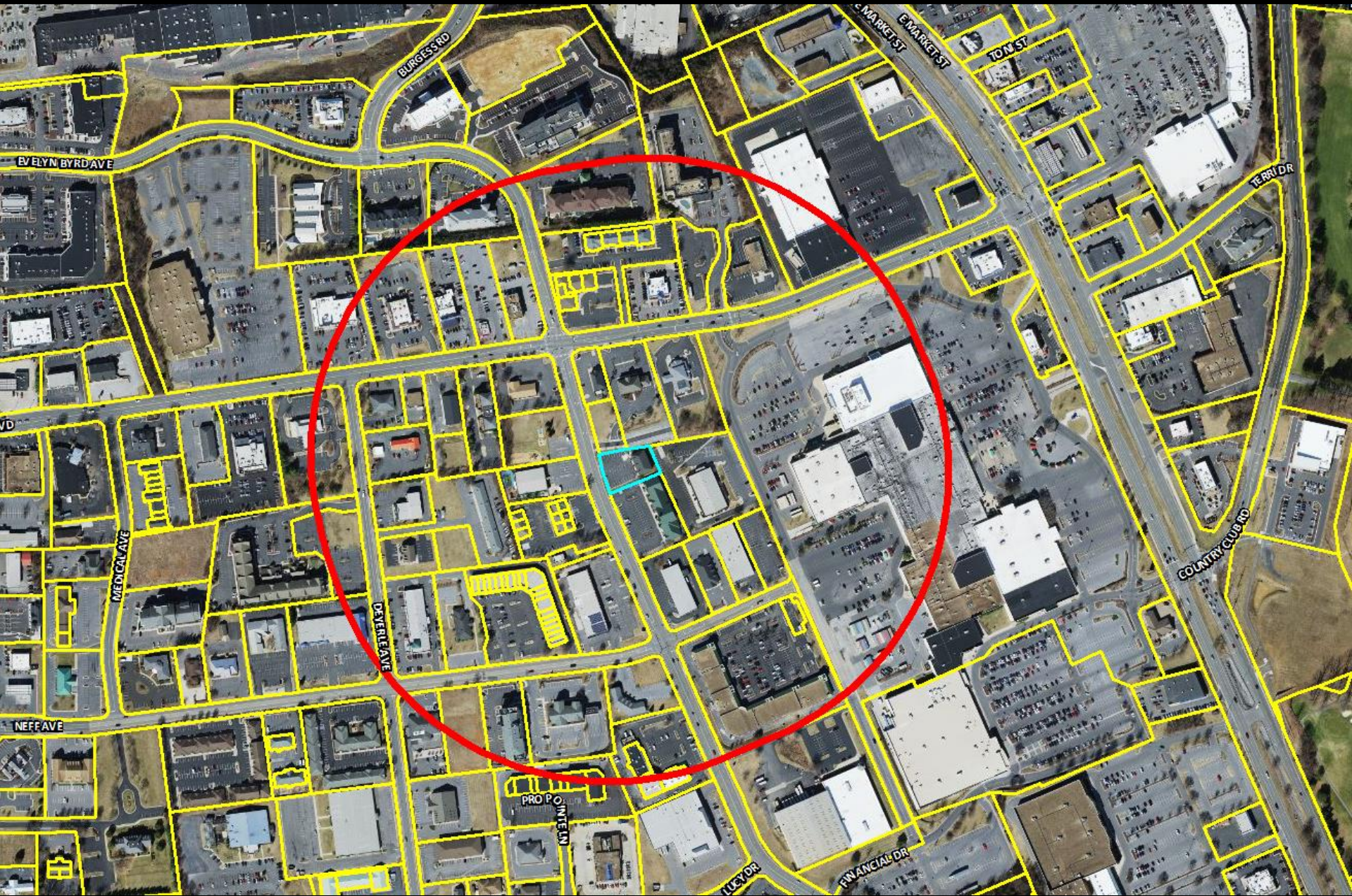
- Skill Game Locations\*
- Tobacco, Smoke, or Vape Shops

\*Reported by Queen of Virginia and Pace-O-Matic

### Potential Site Based on Zoning\*

|                                                                             |                                                                                |                                                                                                               |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <span style="color: red;">■</span> B-1                                      | <span style="background-color: yellow;">■</span> B-2                           | <span style="background-color: brown;">■</span> M-1                                                           |
| <span style="background-color: red; border: 1px solid black;">■</span> B-1C | <span style="background-color: yellow; border: 1px solid black;">■</span> B-2C | <span style="background-color: brown; border: 1px solid black;">■</span> M-1C                                 |
|                                                                             |                                                                                | <span style="background-color: brown; border: 1px solid black; border-style: dashed;">■</span> M-1 Technology |

\*Parcels are located 1,000 feet from schools and child day care centers



EVLYN BYRD AVE

BURGESS RD

E MARKET ST

TOM ST

TERRI DR

COUNTRY CLUB RD

MEDICAL AVE

DEVERLEAVE

NEFF AVE

PRO PO

ANTEN

LUCY DR

FINANCIAL DR

# Recommendation

Staff and Planning Commission (6-0) recommends approval of the Zoning Ordinance amendments.