

**ORDINANCE AMENDING AND RE-ENACTING
TITLE 10 – PLANNING AND DEVELOPMENT, CHAPTER 3. – ZONING
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-24 Definitions is amended as shown:

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.

That Section 10-3-25 is amended as shown:

- (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.

That Section 10-3-25.1. – Off-street bicycle parking regulations is amended as shown:

- (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, and personal service establishments, <u>skill game locations, and tobacco, smoke, or vape shops</u> | 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 |

That Section 10-3-84. – Uses permitted by right is amended as shown:

- (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).

That Section 10-3-87. – Other Regulations is amended as shown:

- (c) 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.

That Section 10-3-90. – Uses permitted by right is amended as shown:

- (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).

That Section 10-3-93. – Other Regulations is amended as shown:

(e) 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.

That Section 10-3-97. – Uses permitted by special use permit is amended as shown:

(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).

That Section 10-3-99. – Other Regulations is amended as shown:

(d) 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.

The remainder of the identified Sections are reaffirmed and reenacted in their entirety, except as hereby modified.

This ordinance shall be effective the ____ day of _____, 2024. Adopted and approved this ____ day of _____, 2024.

MAYOR

ATTESTE:

CITY CLERK