

Item #5A
Date: 10/28/2024

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

AGENDA ITEM:

Chapter 106 Code Changes

Consider ordinance on second reading enacting Chapter 106, Zoning, Article III, Use and design standards, section 106-310.25 and amending Chapter 106, Zoning, Article II, District Regulations, Section 106-214.2(B)(5) Commercial use Types, Article VI. Definitions and use types, Section 106-602.9 Commercial use types and adopting Section 106-310.25 pertaining to retail sales, Smoke Shop of the CODE OF THE CITY OF SALEM, VIRGINIA (Approved on first reading at the October 7, 2024, meeting.)

SUBMITTED BY:

Max Dillon, Planner

SUMMARY OF INFORMATION:

In July of 2024, the Virginia General Assembly adopted legislation allowing localities to regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center of a public, private, or parochial school.

As a result, staff proposes creating a use type, "Retail Sales, smoke shop," which distinguishes general retail sales from the retail sale of tobacco, nicotine, or hemp products. That new use type will be permitted in the HBD Highway Business District zoning designation by Special Exception Permit, and would be subject to the following use and design standards:

- No retail sale location of tobacco products, nicotine vapor products, alternative nicotine products, or hemp shall be located within 1000 feet of a child day care center or a public, private, or parochial school.
- All windows and doors facing the street right of way shall be maintained as transparent and shall not be tinted or obscured. Smoking, vaping or other related products and paraphernalia shall not be displayed as to be seen from adjacent properties.

Existing businesses that fall into this new use type can remain in a legal nonconforming status until they cease to operate for a period of two years or longer.

RECOMMENDATION:

1. Recommend approval of the proposed code in conjunction with Section 15.2 912.4 of the Code of Virginia.