

PROPOSED ZONING ORDINANCE AMENDMENTS FOR SMOKE OR VAPE SHOPS NO.25-0337

*Chapters 2, 3, and 11
Modifications to define and permit Smoke and
Vape Shops*

Planning Commission

December 18, 2025

BACKGROUND

“Retail Sales, General” use category is an overarching classification that currently includes multiple uses, such as **smoke and vape shops**

BACKGROUND

Retail sales, general: uses of the same general character as antique shop, appliance store, art shop, bakery (retail), boating supply store, book store, clothing store, confectionery, convenience store, dairy products store, delicatessen, department store, drapery store, drug store, dry cleaning (collection or pick-up station), florist, furniture and floor coverings store, grocery store (including produce, meat, or seafood markets), hardware store, interior decorating store, internet cafe, jewelry store, newsstand, office supply/stationery store, pet shop, photography studio, shoe store and repair, or variety store.

WHY REGULATE SMOKE OR VAPE SHOPS AS A SPECIFIC USE?

- By defining smoke or vape shops as a specific use, a locality can impose tailored conditions or permitting requirements rather than relying on broad commercial regulations that may not address concerns;
- Limiting the number of smoke or vape shops in a given area or district can prevent clustering or oversaturation of neighborhoods or districts;
- Regulating them helps ensure compatibility with surrounding residential, commercial, or other mixed-use areas.

STATE ENABLING LEGISLATION

§ 15.2-912.4. Regulation of tobacco and hemp product retail sale locations

“Any locality may by ordinance regulate the retail sale locations of retail tobacco products, as such term is defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § 3.2-4112, 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 as defined in § 22.1-289.02 or a public, private, or parochial school.”

POLICY GOALS

1. Define smoke/vape shops
2. Establish development standards that address ongoing concerns
3. Require an approved use permit

RESEARCH

Locality	Newport News	Norfolk	Richmond	Hanover	Henrico
Permitted Zoning Districts	Only permitted in C-2 District	Multiple	Not Specified	Business and Industrial Districts	General Business and Light Industrial
Proximity from Special Uses	2,000 feet from any school or day care	<i>Regulated through UP process</i>	1,000 feet of daycares, schools, parks, libraries, churches, residential districts	1 mile from schools and ½ mile from parks	1,000 feet from any school or day care
Proximity from other Smoke or Vape Shops	Not Specified	<i>Regulated through UP process</i>	1,000 feet	2,000 feet	2,000 feet
Permit requirement (UP or ZAP)	Not Specified	Use Permit	Use Permit	Use Permit	Use Permit

PROPOSED AMENDMENTS

To amend Chapters 2 and 3 to define “smoke or vape shop” and to restrict the use to the General Commercial (C-3) District, subject to additional standards and requiring an approved Use Permit from Hampton City Council; and amend Chapter 11 (parking spaces required)

PROPOSED ORDINANCE

Chapter Two

CHAPTER 2 – Definitions.

Smoke or Vape Shop. A retail establishment engaged in the sale of retail tobacco products as defined in Va. Code § 18.2-371.2, hemp products intended for smoking as defined in Va. Code § 3.2-4112, and any other lawful product intended for smoking by humans. This includes, but is not limited to (i) any electronic smoking device and any substance which can be aerosolized or vaporized by such device, (ii) any tobacco product containing nicotine intended for human consumption, and (iii) any component, part, or accessory to the products herein described, whether or not such component, part, or accessory contains tobacco or nicotine. A Smoke or Vape Shop shall not include any establishment that holds a Virginia Alcoholic Beverage Control (VABC) license.

PROPOSED ORDINANCE

Chapter Two

- *In the event that the sale of retail marijuana or retail marijuana products becomes legal in the Commonwealth of Virginia, a Smoke or Vape Shop may sell retail marijuana or retail marijuana products only if the establishment obtains a use permit or an amended use permit specifically authorizing the sale of retail marijuana or retail marijuana products at the specific location, and if the establishment otherwise complies with all other applicable law, including (without limitation) the regulations of any agency of the Commonwealth authorized to issue permits for retail sales of marijuana or marijuana products. No legal non-conforming Smoke nor Vape Shop or any other existing establishment may sell retail marijuana or retail marijuana products unless they obtain a use permit or an amended use permit specifically authorizing the sale of such products.*

PROPOSED ORDINANCE

Chapter Three

Chapter 3 – Use Table

- Permit the “Smoke or Vape Shop” use in the General Commercial (C-3) District, subject to additional standards and an approved Use Permit from the Hampton City Council

PROPOSED ORDINANCE

Chapter Three

	R-LL	R-43	R-R	R-33	R-22	R-15	R-13	R-11	R-9	R-8	R-4	MD-1	MD-2	MD-3	MD-4	R-M	C-1	C-2	C-3	M-1	M-2	M-3	
office, general																P	P	P	P	P	P	P	
office, government																P	P	P	P	P	P	P	
office, laboratory or research																				P*	P*		Sec. 3-3(44)
office, medical																P	P	P	P	P	P	P	
office, taxicab																	P	P	P		P	P	
pawn shop																		UP	UP		UP		
print shop/private postal service, max. 500 sq. ft.																	P						
print shop/private postal service, max. 3000 sq. ft.																		P					
print shop/private postal service, no max.																			P	P	P	P	
restaurant 1																	P*	P*	P*	P*	P*		Sec. 3-3(12)
restaurant 2																	ZA*	ZA*	ZA*	ZA*	ZA*		Sec. 3-3(13)
restaurant 3																	UP*	UP*	UP*	UP*	UP*		Sec. 3-3(14)
retail sales, general ⁶																	P	P	P		P		
rummage sale, temporary																	P*	P*	P*		P*		Sec. 3-3(15)
second-hand store																		P*	P*		P*		Sec. 3-3(16)
short-term rental	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*	ZA*/IUP*				Sec. 3-3(29)
sign painting shop																		P	P		P		
smoke or vape shop																			UP*				Sec. 3-3(57)
storage facility 1																		P*	P*	UP*	P*	P*	Sec. 3-3(52)
storage facility 2																		UP*	UP*	UP*	P*	P*	Sec. 3-3(53)
storage facility 3																			UP		UP	UP	
tattoo parlor																		UP	UP		UP		
tire sales																		P*	P*		P*		Sec. 3-3(17)
tire repair																		P*	P*		P*	P	Sec. 3-3(17)
Turkish bath																	P	P	P		P		
upholstery shop																		P	P		P		
vehicle repair, heavy																			UP		UP	UP	
vehicle repair, light																	P	P	P		P	P	
vehicle sales, of new vehicles, to include sales of used vehicles as accessory to new sales																		P	P		P		
vehicle sales, new vehicle inventory lot																		UP	UP		UP	UP	
vehicle sales, of used vehicles																			UP		UP		
vehicle repair, accessory to new vehicle sales																		P	P		P		
vehicle repair, accessory to used vehicle sales																			UP		UP		
vehicle storage, indoor																			UP		P	P	Sec. 3-3(18)
vehicle storage, outdoor																			UP		UP	UP	Sec. 3-3(32)
vending stand, food																							
INSTITUTIONAL																							
[no changes]																							
RECREATIONAL																							
[no changes]																							
AGRICULTURAL & ANIMAL-RELATED																							
[no changes]																							
INDUSTRIAL																							

PROPOSED ORDINANCE

Chapter Three

Chapter 3 – Create additional standards and regulations for Smoke or Vape Shops

- Require smoke or vape shops to be a minimum distance from any school or day care
- Establish a minimum distance requirement between smoke or vape shops
- Regulate the hours of operation
- Regulate additional operational standards and characteristics

PROPOSED ORDINANCE

Chapter Three

Permitted hours of operation	9AM to 8PM
Distance from school and daycare uses	1,000 feet
Distance from other Smoke or Vape shops	One-half (0.5) mile
Other additional standards	• No smoke or vape shop may operate a drive-through • Restrict installation or use of any form of illumination visible from the public right-of-way which is not expressly permitted by this Ordinance or otherwise conditioned in the Use Permit • Exterior and interior of door/windows shall not be treated in a way that impedes visibility into the establishment

PROPOSED ORDINANCE

Chapter Eleven

Chapter 11 – Table of Parking Required

- Amend table of parking spaces required for “Retail Sales, General” uses
- Add specific parking requirements for the new “Smoke or Vape Shop” use

PROPOSED AMENDMENTS - SUMMARY

Define “Smoke or Vape Shop” (Chapter 2)

Permit Smoke or Vape Shops in the C-3 District with additional standards, and require a Use Permit (Chapter 3)

Add vape/smoke shops to parking standards to be consistent with general retail sales (Chapter 11)

CONCLUSION

- Public Hearing
- Action
 - Staff recommends **APPROVAL** of ZOA25-0337

EXISTING VAPE SHOPS WITH BUFFERS

