



Proposed Zoning Ordinance Amendments for Amusement Centers, Gaming Devices, & Physical Recreational Facilities No. 26-0146

*Chapters 2 and 3
Modifications to define and redefine uses, amend and add additional
standards related to amusement centers, amusement or skill-based
devices, and physical recreational facilities*

City Council

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Purpose

- **Modernize the Zoning Ordinance** to reflect current entertainment trends and emerging business models
- **Clarify and define uses** related to amusement, arcade-style activities
- **Establish clear regulatory thresholds** (floor area) to distinguish between accessory and primary uses
- **Improve enforceability** through objective, measurable standards
- **Provide a flexible framework** that allows low-intensity uses by-right while requiring additional review for higher-intensity operations



Solutions

- Replace “Coin-operated amusement” machines with new definition “Amusement devices”
- Amend the floor area % of Amusement devices, accessory
- Amend “Amusement centers” definition
- Add “Off-track horse race betting facility” definition
- Amend “Physical recreation facility” definition



Current Ordinance Language

Coin-operated amusement machines:

Any machine, activated by insertion of a coin, providing active or passive recreation, amusement, or entertainment, access to which is not legally restricted on the basis of age; except that this term shall not include jukeboxes, vending machines or coin-operated pool tables in a pool hall.

Coin-operated Amusement Machines



Issues / concerns:

- Definition is vague
- “Coin-operation” has become outdated
- Does not distinguish between different types of skill-based or other forms of arcade games
- Easy to exploit, and overly restrictive for businesses that want more than six (6) arcade-style games

Solution: Replace Coin-operated amusement machines
With New “amusement devices”



Amusement Devices Definition

A mechanical or electronic device, activated by the insertion or use of coins, currency, cards, tokens, mobile payment, or other electronic means, operated for entertainment purposes in which the outcome is predominantly determined by the skill, dexterity, coordination, or reaction time of the player. Such devices shall not provide cash, cash equivalents, or prizes exceeding the limits permitted under Virginia law, and may only award non-cash merchandise prizes or tickets redeemable for prizes of nominal value as permitted by state law. Examples include, but are not limited to: arcade video games, pinball machines, crane or claw machines, and redemption games.

*This term shall not include any gaming device, equipment, or supplies lawfully authorized and regulated by the Commonwealth of Virginia, including casino gaming, sports betting, historical horse racing, or charitable gaming. **This does not include any games that are restricted based on age.***

Amusement Devices, Accessory



Location

C-1, C-2, C-3, PH-1, PH-2, PH-3, RT-1, DT-1, and DT-2

% of floor area (max)

Twenty (20) percent

Amusement Centers Current Definition



Any establishment whose principal source of income is derived from access to coin-operated amusement machines.



Amusement Centers Current Definition

Issues / concerns:

- Definition is vague
- Need to connect new definition to new term/use

Solutions:

- Amended definition provides clarity and provides the term that would capture establishments such as “barcades” or family-type amusement centers
- Recommend allowing in additional zoning districts: DT-1, DT-2, BB-3, BB-4

Amusement Centers Amended Definition



Any establishment whose **principal** *use* ~~source~~ of ~~income~~ is the operation of ~~coin-operated amusement machines~~ *amusement devices*.

Amusement Centers Where Permitted



District(s)	C-2, C-3, M-2, BB-3, BB-4, DT-1, DT-2 , PH-1, PH-2, PH-3, and PO-1
Permitting	Requires a Use Permit in some districts

Off-Track Horse Race Betting Facility



Issues/Concerns

- With the proposed amend language, off-track betting uses would become legal, non-conforming

Solution

- New definition
- Use table and additional standards

Off-Track Horse Race Betting Facility Definition



Off-track horse race betting facility. Any establishment duly licensed by the Virginia Racing Commission to conduct pari-mutuel wagering on “historical horse racing” or “simulcast horse racing” as those terms are defined in the Virginia Horse Racing and Pari-Mutuel Wagering Act, Va. Code § 59.1-364 et seq., as the same may be amended from time to time. “Off-track horse race betting facility” excludes, without limitation, (i) any indoor or outdoor racetrack or other facility where horse racing physically occurs, and (ii) any establishment which conducts or permits casino gaming, sports betting, or any other form of gaming or gambling that is not authorized under the Virginia Horse Racing and Pari-Mutuel Wagering Act.

Off-Track Horse Race Betting Facility Where Permitted



District(s)	C-2/O-CC
Permitting	Use Permit Required

Physical Recreation Facility Current Definition



An establishment that operates as a business or membership organization in a building or portion of a building containing space designed and equipped for the conduct of sports, exercise, recreational, or athletic activities, whether or not under instruction, including but not limited to gymnastics, weight lifting, dancing, martial arts, and yoga. This term shall exclude other uses contained within Section 3-2 entitled, "Table of Uses Permitted."

Physical Recreation Facility Current Definition



Issues / concerns:

- Definition may exclude predominately outdoor-based recreational (such as mini golf, pickleball, or basketball courts)
- Need to refine the definition to be more inclusive

Physical Recreation Facility Amended Definition



An establishment that ~~operates as a business or membership organization in a building or portion of a building containing~~ *providing* space designed and equipped for the conduct of sports, exercise, recreational, or athletic activities, whether or not under instruction, including but not limited to *fitness centers*, gymnastics *facilities*, ~~weight lifting, dancing~~ *studios*, martial arts *studios*, and ~~yoga~~ *indoor or outdoor courts or fields, climbing facilities, or miniature golf facilities.* This term shall exclude other uses contained within Section 3-2 entitled, "Table of Uses Permitted."

Physical Recreation Facility



District(s)	Adding PO-1 to the list of permitted districts
Other changes	<i>none</i>



Research summary slide

- Newport News, Norfolk, Williamsburg, Richmond, Charlottesville, & Blacksburg
- Varying definitions: Amusement arcade, Amusement device, Amusement center
- Varying standards: permitted by-right, accessory only, limited to certain districts, use permit required



Analysis

- Eliminates reliance on outdated “coin-operated machine” terminology
- New & amended definitions and use standards effectively create an arcade use and appropriate use standards, depending on the zoning districts
- Distinguishes between accessory amusement devices and full amusement centers
- Facilitates the future inclusion of “barcade” uses
- Reduces ambiguity in enforcement and interpretation
- Offers greater flexibility on permitting Physical Recreational Facilities, especially within Hampton’s “Special” Districts



Conclusion

- Public Hearing
- Action:
 - Staff and Planning Commission recommend **APPROVAL** of ZOA No. 26-0146