

# STAFF EVALUATION

---

<b>Prepared By:</b>	Allison Jackura, Deputy Zoning Administrator	(757) 728-5233
<b>Reviewed By:</b>	Mike Hayes, Planning Division Manager	(757) 728-5244
	Bonnie Brown, Deputy City Attorney	

---

**Case No.:** Zoning Ordinance Amendment, ZOA22-00008

**Planning Commission Date:** November 17, 2022      **City Council Date:** December 14, 2022

---

## General Information

<i>Description of Proposal</i>	The amendment proposes to allow the “mental health/substance abuse treatment facility” use within the Coliseum Central Overlay district only on a property within the C-2 base district with a use permit and additional standards. The additional standards would clarify that only the Community Services Board or a licensed hospital would be allowed.
<i>Relevant Existing Zoning Definitions</i>	<p><i>Hospital.</i> A facility licensed by the Commonwealth of Virginia which provides medical care, testing, or treatment primarily on an inpatient basis for stays in excess of twenty-four (24) hours, but which may also provide outpatient treatment.</p> <p><i>Mental health/substance abuse treatment facility.</i> A facility licensed by the Commonwealth of Virginia which primarily provides treatment for mental health issues on an inpatient basis for stays in excess of twenty-four (24) hours or treatment for substance abuse issues on an inpatient or outpatient basis through the dispensation of controlled substances.</p>
<i>Current Regulations</i>	The current ordinance only permits the “mental health/substance abuse treatment facility” within the General Commercial (C-3) zoning district. It is expressly prohibited within the Coliseum Central Overlay district.

---

## Analysis

This amendment, if approved, would update the prohibited and permitted uses within the Coliseum Central Overlay district to allow the “mental health/substance abuse treatment facility” use only when it is within the Limited Commercial (C-2) zoning district with additional standards and the approval of a Use Permit. The use will be permitted only when it is operated by a hospital or community services board.

In June 2015, the City amended the zoning ordinance to define several medical-related uses and prohibit some of those uses in districts where it was determined they were incompatible. The “mental health/substance abuse treatment facility” use was defined, added to the “Table of Uses Permitted” only within the General Commercial (C-3) base zoning district, and prohibited within the Coliseum Central Overlay district. That amendment caused the Community Services Board and the Riverside Behavioral Health Center to become legally non-conforming uses, as they are located within the Coliseum Central Overlay district and not in the appropriate base zoning district.

The Community Services Board, a State-mandated public health organization, needs to expand their operations which is prohibited by the zoning ordinance due to their legal non-conforming status and the current prohibition within the overlay district. The COVID-19 pandemic has led to increases in individuals of all ages requiring mental health services. Currently, access to these services is at a critical level with insufficient resources for

**ZONING ORDINANCE AMENDMENT ZOA22-00008****STAFF EVALUATION**

individuals to receive timely treatment. This has also resulted in significant dedication of the Hampton Police division staff time, as a police officer is required to be present in the Emergency Room of the hospital until an appropriate facility has a bed available for individuals in active crisis.

Due to these needs, staff is proposing this amendment to allow the establishment or expansion of mental health facilities only within the Coliseum Central Overlay district and the Limited Commercial (C-2) zoning districts by the Community Services Board or a licensed hospital and with the approval of a Use Permit by City Council. City Council could impose conditions on the Use Permit related to their requested operations as appropriate for the location and proposal.

***Staff recommends approval of ZOA 22-00008.***