



Legislation Details (With Text)

File #: 22-0320 **Version:** 1 **Name:** Mental Health Ch 3 ZOA22-00007
Type: Zoning Ordinance - Text **Status:** Passed
File created: 11/7/2022 **In control:** City Council Legislative Session
On agenda: 12/14/2022 **Final action:** 12/14/2022
Title: Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to Expand Where "Mental Health/Substance Abuse Treatment Facility" Is Permitted with Additional Standards

Sponsors:

Indexes:

Code sections:

Attachments: 1. Clean Standard Table of Uses Permitted, 2. Clean Special Table of Uses Permitted, 3. Redline Standard Table of Uses Permitted, 4. Redline Special Table of Uses Permitted, 5. Redline Ordinance Language, 6. Staff report, 7. Presentation

Date	Ver.	Action By	Action	Result
12/14/2022	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Re-Enact the Zoning Ordinance of the City of Hampton, Virginia by Amending Sections 3-2 Entitled, "Table of Uses Permitted" and Section 3-3 Entitled, "Additional Standards On Uses," to Expand Where "Mental Health/Substance Abuse Treatment Facility" Is Permitted with Additional Standards

Background Statement:

This amendment, if approved, would update the permitted uses included within the "Table of Uses Permitted" to allow the "mental health/substance abuse treatment facility" use 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 and located within the Coliseum Central Overlay district.

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 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 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.

Recommendations:

Staff Recommendation:

Approve

Planning Commission Recommendation:

Approve

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED by the City Council of the City of Hampton, Virginia that Sections 3-2 and 3-3 of Chapter 3 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

Section 3-2. Table of uses permitted

(a) Table of Uses Permitted in Standard Zoning Districts.

[See attached use table for changes.]

(b) Table of Uses Permitted in Special Zoning Districts.

[See attached use table for changes.]

...
Section 3-3. - Additional standards on uses

...
(22) Mental health/substance abuse treatment facility in the C-2 district shall comply with the following additional standards:

(a) The facility shall only be permitted if it is located within the Coliseum Central Overlay District and is operated by a community services board established

pursuant to Section 37.2-501 of the Code of Virginia ; or

(b) The facility is located within the Coliseum Central Overlay District and is operated by a hospital, as defined in Chapter 2.

[The attached Tables, entitled, "Table of Uses Permitted in Standard Zoning Districts" and "Table of Uses Permitted in Special Zoning Districts" is hereby declared to be a part of this ordinance as if fully set forth herein.]