



Legislation Text

File #: 22-0321, **Version:** 1

Ordinance to Amend and Re-Enact The Zoning Ordinance of The City of Hampton, Virginia by Amending Article III, Sections 9-23 Entitled “O-CC District - Coliseum Central Overlay” to Update the List of Prohibited and Permitted Uses to Permit “Mental Health/Substance Abuse Treatment Facility” Use with Additional Standards

Background Statement:

This amendment 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 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 Council of the City of Hampton, Virginia that Article III, Sections 9-23 of the Zoning Ordinance of the City of Hampton, Virginia, be amended to read as follows:

CHAPTER 9 - Overlay Districts

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ARTICLE III. - O-CC District - Coliseum Central Overlay

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Sec. 9-23. - Modifications to permitted uses.

(1) Permitted uses shall be defined by the base zoning of the individual properties with the following modifications:

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(b) Permitted uses:

...

(iii) Mental Health/Substance Abuse Treatment Facility only within the C-2 base zoning district and in conformance with the additional standards for the use referenced within Section 3-3.

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