



Legislation Text

File #: 18-0284, **Version:** 1

Ordinance to Amend And Re-Enact Chapter 2 Of The Zoning Ordinance Of The City Of Hampton, Virginia Entitled "Definitions" By Amending Section 2-2 Pertaining to Pharmaceutical Processors

Background Statement:

Over the last few years, the Virginia General Assembly has passed several bills related to pharmaceutical processors. Section 54.1-3442.5 of the Code of Virginia defines a pharmaceutical processor as "a facility that (i) has obtained a permit from the Board of Pharmacy pursuant to § 54.1-3408.3 of the Code of Virginia and (ii) cultivates cannabis plants intended only for the production of cannabidiol oil or THC-A oil, produces cannabidiol oil or THC-A oil, and dispenses cannabidiol oil or THC-A oil to a registered patient or, if such patient is minor or an incapacitated adult as defined in § 18.2-369 Code of Virginia, such patient's parent or legal guardian." During the 2018 General Assembly session, the Commonwealth of Virginia expanded the types of conditions that may be treated with cannabis oil to include any diagnosed disease or condition determined by a physician to benefit from such use. Previously, cannabis oil could only be used to treat intractable epilepsy. Physicians are now authorized to issue written certifications to patients who meet that criteria, who may then use the oil.

In April of 2018, the Virginia Board of Pharmacy issued a Request for Applications (RFA) to operate one pharmaceutical processor in each of the five (5) health districts in the state. Hampton is included in a health district with twenty-four other localities in the region. There are many criteria that applicants will be scored on through the RFA, including confirmation the proposed site is at least 1,000 ft. from a school or day care, security and disposal plans, and employee and attending physician requirements.

After several inquiries as to where pharmaceutical processors could legally be located in Hampton, the Zoning Administrator made a determination that - based upon the component parts of the use - four (4) existing zoning districts permitted pharmaceutical processors with a use permit. These districts included Langley Flight Approach Mixed Business and Manufacturing (LFA-2), Langley Flight Approach Limited Business I (LFA-4), Langley Flight Approach Limited Business II (LFA-6), and Ft. Monroe North Gate (FM-3). During a City Council staff briefing on this subject, the Council directed staff to look at expanding/analyzing further where this use could potentially be located.

In order to align with the definition in the Code of Virginia, staff has recommended adding this proposed definition in Chapter 2 of the Zoning Ordinance Amendment as well as adding it to the Use Table as a permitted use with a use permit in all of the zones described above as well as the Light Manufacturing (M-2) district and the Hampton Roads Center North (HRC-2) district. A use permit, as opposed to a by-right use, will allow staff to evaluate the proposal, public hearings at the Planning Commission and City Council, and the ability to impose conditions based upon a pharmaceutical processor's on-site characteristics, such as security, traffic flow, as well as the character of the surrounding neighborhood.

In addition to complying with the City's zoning regulations, the Virginia Board of Pharmacy has issued state-level regulations governing pharmaceutical processors.

This item is proposed in conjunction with Zoning Ordinance Amendment No. 18-00006 to add pharmaceutical processor in the use table.

Recommendations:

Staff Recommendation:

Approve ZOA 18-00005

Planning Commission Recommendation:

Approve ZOA 18-00005

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 Chapter 2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

Section 2-2. - Definitions

. . . .

Pharmaceutical Processor. A facility that (i) has obtained a permit from the Board of Pharmacy pursuant to § 54.1-3408.3 of the Code of Virginia and (ii) cultivates cannabis plants intended only for the production of cannabidiol oil or THC-A oil, produces cannabidiol oil or THC-A oil, and dispenses cannabidiol oil or THC-A oil to a registered patient or, if such patient is minor or an incapacitated adult as defined in § 18.2-369 Code of Virginia, such patient's parent or legal guardian.

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