



Legislation Text

File #: 18-0285, **Version:** 1

Ordinance to Amend And Re-Enact Chapter 3 Of The Zoning Ordinance Of The City Of Hampton, Virginia By Amending Section 3-2 Entitled "Uses Permitted" to Add a Category of Pharmaceutical Processor to the Table of Uses Permitted

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.

The Use Table is located in Chapter 3 of the Zoning ordinance; pharmaceutical processor is currently not a listed use. If approved, this amendment would add pharmaceutical processor as a category in the use table under industrial uses. Staff is recommending that this use be allowed with an approved use permit in the Light Manufacturing District (M-2) and Hampton Roads Center North District (HRC-2) in addition to where it is currently allowed with a use permit in 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). 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, and the character of the surrounding neighborhood.

The manufacturing of other pharmaceutical products will continue to fall under manufacturing/processing/treatment 4 and be treated as a distinctly different use. The purpose in creating the new category for pharmaceutical processor is to permit places that are appropriate for such uses to operate, while protecting neighborhoods from this additional layer of activity where it is not appropriate.

This item is proposed in conjunction with Zoning Ordinance Amendment No. 18-00005 to add and define pharmaceutical processor within the list of definitions in Chapter 2 of The Zoning Ordinance.

Recommendations:

Staff Recommendation:

Approve ZOA 18-00006

Planning Commission Recommendation:

Approve ZOA 18-00006

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 Section 3-2 of the Zoning Ordinance of the City of Hampton, Virginia, be amended and re-enacted as follows:

CHAPTER 3 - USES PERMITTED

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Sec. 3-2. Table of uses permitted.

[See attached use table for changes.]

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The attached Table entitled, "TABLE OF USES PERMITTED - CITY OF HAMPTON ZONING ORDINANCE" is hereby declared to be a part of this ordinance as if fully set forth herein.