



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

Ordinance No. 2021-008: To amend City Code § 30-1220.21, concerning the definition of the term “clinic,” to include certain opioid treatment facilities in such definition.

To: City Planning Commission
From: Department of Planning and Development Review
Date: February 1, 2021

PETITIONER

City of Richmond
900 East Broad Street
Richmond, VA 23219

LOCATION

These amendments will apply to various zoning districts throughout Richmond City.

PURPOSE

To amend the Zoning Ordinance for the purposes of removing barriers to the establishment of licensed outpatient opioid treatment facilities.

SUMMARY & RECOMMENDATION

The Zoning Ordinance does not define “opioid treatment facilities.” The Zoning Administrator has determined they are not covered by the definition of medical “clinic.” Thus, the only path to operate in the City is through a Special Use Permit. The proposed text amendment updates the clinic definition to explicitly include opioid treatment facilities.

This amendment was initiated by City Council Resolution 2020-R028, which declared a public necessity to amend ch. 30 of the City Code and to initiate an amendment to the City's zoning ordinance to make such lawful changes as may be necessary to classify licensed outpatient opioid treatment facilities as medical clinics or to otherwise permit licensed outpatient opioid treatment facilities in such additional zoning districts as the Director of Planning and Development Review may deem appropriate by requesting that the Chief Administrative Officer cause to be conducted a study to determine whether and, if so, how the City's zoning ordinance lawfully may be amended, to the extent permitted by law, to classify licensed outpatient opioid treatment facilities as medical clinics or to otherwise permit licensed outpatient opioid treatment facilities in such additional zoning districts as the Director of Planning and Development Review may deem appropriate.

Staff recommends approval of this ordinance.

FINDINGS OF FACT

Background

An average of one hundred and twenty-eight (128) people die from an opioid overdose every day in the United States. According to the Centers for Disease Control and Prevention, nearly 450,000 people died from an overdose involving an opioid between 1999 and 2018 (both prescription and illicit). National trends are reflected in Virginia, with high concentrations in Richmond. In 2016, the Commonwealth declared a public health emergency; in 2018 and 2019, there were record numbers of opioid overdoses in the City.

Additional opioid treatment facilities are needed in the City to address the growing need. Opioid treatment services are an intervention strategy, led by a physician and team of professionals in a licensed facility, that combines outpatient treatment with the administering or dispensing of synthetic narcotics, such as methadone or buprenorphine, approved by the federal Food and Drug Administration (FDA) for the purpose of replacing the use of and reducing the craving for opioid substances, such as heroin or other narcotic drugs, which is combined with outpatient services and counseling sessions.

Before operating, an opioid treatment facility must obtain a license from the Virginia Department of Behavioral Health and Developmental Services in accordance with Chapter 105 of the Administrative Code of the Commonwealth of Virginia. It is a rigorous process that requires registration or certification with the federal Drug Enforcement Agency (DEA), the federal Department of Health and Human Services (HHS), and the Virginia Board of Pharmacy. More information on licensure may be found here: <https://law.lis.virginia.gov/admincode/title12/agency35/chapter105/>.

Given the high level of regulation and oversight by the Commonwealth, it would be appropriate to view opioid treatment facilities much like a medical clinic. Thus, the proposed text amendment updates the clinic definition to explicitly include opioid treatment facilities in order to make them permitted by right in all zoning districts where clinics are currently permitted.

Master Plan

While the recently adopted *Richmond 300* Master Plan does not directly address opioid treatment facilities, it does provide a vision for creating high-quality places that promotes sustainable and healthy lifestyles.

Existing and Proposed Zoning

The Zoning Ordinance does not define “opioid treatment facilities.” The Zoning Administrator has determined they are not covered by the definition of medical “clinic.” This Zoning Ordinance Amendment would add “such facilities licensed to provide an outpatient opioid treatment program under the laws, rules and regulations of the

Commonwealth of Virginia” to the definition of “clinic” in Section 30-1200. Consequently, opioid treatment facilities will be permitted by right in the following zoning districts where clinics are currently permitted:

- R-73 Multifamily Residential District
- RO-1 Residential-Office District
- RO-2 Residential-Office District
- RO-3 Residential-Office District
- HO Hotel-Office District
- I Institutional District
- UB Urban Business District
- UB-2 Urban Business District
- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 General Business District
- B-4 Central Business District
- B-5 Central Business District
- B-6 Mixed-Use Business District
- B-7 Mixed-Use Business District
- RF-1 Riverfront District
- RF-2 Riverfront District
- CM Coliseum Mall District
- DCC Downtown Civic and Cultural District
- OS Office-Service District
- RP Research Park District

Public Engagement

The amendments were posted according to general law for two successive weeks in both the Richmond Times Dispatch and the Richmond Free Press.

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