

INTRODUCED: January 11, 2021

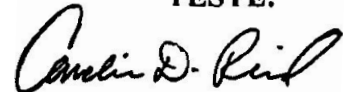
AN ORDINANCE No. 2021-008

To amend City Code § 30-1220.21, concerning the definition of the term “clinic,” to include certain opioid treatment facilities in such definition.

\_\_\_\_\_  
Patrons – Mayor Stoney (By Request) and Ms. Lynch

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

**A TRUE COPY:  
TESTE:**



**City Clerk**

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 30-1220 of the Code of the City of Richmond (2020), as amended, be and is hereby **amended** as follows:

**Sec. 30-1220. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

.21 *Clinic* means a facility providing health services for persons on an outpatient basis and where no patients are lodged overnight, including such facilities licensed to provide an outpatient opioid treatment program under the laws, rules, and regulations of the Commonwealth of Virginia.

§ 2. This ordinance shall be in force and effect upon adoption.

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: FEB 8 2021 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

# City of Richmond

900 East Broad  
Street  
2nd Floor of City  
Hall  
Richmond, VA

## Item Request

File Number: PRE.2020.422

### O & R Request

DATE:

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) 

THROUGH: J. E. Lincoln Saunders, Acting Chief Administrative Officer 

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

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

ORD. OR RES. No.

**PURPOSE:** To amend the Zoning Ordinance text for the purpose of removing barriers to the establishment of licensed outpatient opioid treatment facilities.

**REASON:** 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.

**RECOMMENDATION:** In accordance with requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. These items will be scheduled for consideration by the Commission at its January 18, 2021, meeting; then forwarded to the City Council following that meeting.

**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, including prescription and illicit opioids. National trends are reflected in Virginia, with high concentrations in

Richmond. In 2016, a public health emergency was declared in the Commonwealth, and 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* (Draft) 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

**FISCAL IMPACT/COST:** There is no cost associated with this amendment.

**FISCAL IMPLICATIONS:** The Department of Planning and Development Review does not anticipate any fiscal implications.

**BUDGET AMENDMENT NECESSARY:** No.

**REVENUE TO CITY:** N/A

**DESIRED EFFECTIVE DATE:** Upon Adoption.

**REQUESTED INTRODUCTION DATE:** January 11, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** January 25, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** N/A

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** City Planning Commission.

**AFFECTED AGENCIES:** City Attorney's Office (for review of ordinance) Department of Planning and Development Review.

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Zoning Ordinance, Council Resolution 2020-R028.

**REQUIRED CHANGES TO WORK PROGRAM(S):** N/A

**ATTACHMENTS:** Draft Ordinance, Draft Resolution of Intent.

**STAFF:** Kevin J. Vonck, Deputy Director, Department of Planning and Development Review, [kevin.vonck@richmondgov.com](mailto:kevin.vonck@richmondgov.com)