

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE 512

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, PERTAINING TO SHELTERS FOR HOMELESS PERSONS; ESTABLISHING A MORATORIUM ON THE PROCESSING OF PERMITS FOR THE OPERATION OF "HOMELESS SHELTERS" OR DEVELOPMENT OF STRUCTURES TO SERVE AS "HOMELESS SHELTERS" IN THE CORPORATE BOUNDARIES OF SPRINGFIELD FOR THE SHORTER OF (1) SIX MONTHS OR (2) THE ENACTMENT OF A REPLACEMENT ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, the City of Springfield, Florida (hereinafter "City") is authorized to protect the public health, safety, and welfare of its residents and has the power and the authority to enact ordinances and regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the City Commission seeks to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of the City; and

WHEREAS, the City Commission finds and determines that the City has adopted Land Development Regulations in order to implement its Comprehensive Plan, and to comply with the requirements of the laws of State of Florida, including the regulation of land use within the City for the purpose of establishing homeless shelters in conjunction with the development of land; and

WHEREAS, in order to carry out the purposes of the Florida Statutes and the purposes of the City's Land Development Regulations, the City Commission finds and determines that the City's Land Development Regulations should be modified to regulate homeless shelters, including designating restricted or prohibited uses, as well as the proper procedures for application, review, permitting, location and financial support for such homeless shelters; and

WHEREAS, the City Commission has determined the need to address the City's Land Development Regulations relative to homeless shelters, and wishes to ensure that the City's Land Development Regulations as they relate to a homeless shelter are in compliance with all constitutional and other legal requirements; and

WHEREAS, while staff is analyzing and preparing applicable ordinance amendments, in order to prevent the occurrence of uses which may be incompatible with the intent of this Ordinance during the evaluation period, the City Commission has determined that a temporary moratorium on the building or opening of homeless shelters will allow for a future process to permit the operation and use of homeless shelters that desire to be located in the City;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPRINGFIELD IN BAY CITY, FLORIDA:

**Section 1. Recitals.**

The recitals set forth above are incorporated herein and are found true and correct.

**Section 2. Definitions.**

For the purpose of this Ordinance, a "homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes. Shelters created for disaster response and relief are excluded from this Ordinance.

**Section 3. Temporary Moratorium Declared.**

The City of Springfield hereby imposes a moratorium, commencing on the effective date of this Ordinance, on any land development approvals for homeless shelters within all of the City for the shorter of (1) six months or (2) the enactment of a new ordinance by the city.

The City Commission may extend this moratorium by ordinance if it makes a legislative determination that it is in the best interest of the citizens of Springfield to do so.

**Section 4. Additional Regulations.**

During the temporary moratorium imposed, staff shall review, research and make recommendations to the Local Planning Agency and the City Commission regarding consideration for either a regulatory ordinance or for additional land development

regulations and operational use permits related to homeless shelters. Such recommendation shall consider, but not be limited to, the following considerations:

- A. Prohibiting of new homeless shelters in certain corridors of the City;
- B. Creation of supplementary regulations for homeless shelters in the Land Development Regulations;
- C. Creation of operational regulations and minimal operational standards for homeless shelters in the Springfield Code of Ordinances;
- D. Other issues relating to homeless shelters that become apparent during staff's analysis of the effects and potential effects of homeless shelters in the City of Springfield, Bay County or comparable communities.

**Section 5. Applicability.**

This Ordinance and the City's authority to regulate homeless shelters pursuant hereto shall be applicable throughout the City.

**Section 6. Severability.**

The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

**Section 7. Repealer.**

All ordinances, resolution or parts thereof, including but not limited to Chapter 27900, Laws of Florida (1951), as amended (which became a City ordinance pursuant to and upon enactment of Section 166.021(5), Florida Statutes), which are inconsistent or in conflict herewith are hereby repealed and of no further force and effect.

**Section 8. Effective Date.**

This Ordinance shall be in force and take effect immediately upon its passage and adoption by the City Commission.

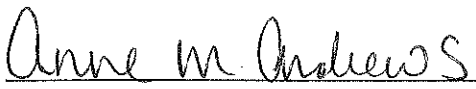
DULY PASSED AND ENACTED by the City Commission of the City of Springfield, Florida this 20<sup>th</sup> day of May, 2013.

CITY COMMISSION OF THE CITY  
OF SPRINGFIELD, FLORIDA

  
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Ralph Hammond, Mayor

(SEAL)

ATTEST:

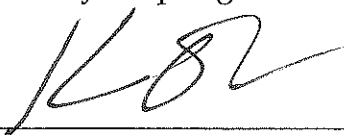
  
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Anne M. Andrews, City Clerk

PASSED on First Reading: May 6, 2013

NOTICE Published on May 9, 2013

Passed on Second and Final Reading: May 20, 2013

Approved as to form for the Reliance  
of the City of Springfield Only:

  
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Kevin Obos, City Attorney