

CITY OF SPRINGFIELD, FLORIDA

ORDINANCE 523

AN ORDINANCE OF THE CITY OF SPRINGFIELD, FLORIDA, REGULATE AND CONTROL THE APPLICATION, REVIEW PERMITTING PROCESSES AS WELL AS THE REGULATION AN ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR ENFORCEMENT; ADOPTING HEARING PROCEDURE, PROVIDING FINES AND PENALTIES FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Springfield, Florida ("Commission"), finds and determines that the City of Springfield (hereinafter "City") Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the City; and

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

WHEREAS, the Commission finds and determines that the City has adopted its Land Development Regulations in order to implement its Comprehensive Plan, and 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 Statute and the purposes of the City's Land Development Regulations, the Commission determines that the City's Land Development Regulations should regulate the use of homeless shelters, including by designating restricted or prohibited uses, as well as the procedures for application, review, permitting, location and financial support of homeless shelters; and

WHEREAS, the Commission has determined following public hearing and the evaluation of both the research and experience of neighboring communities that the approach and process for enabling those in need of such homeless shelter, and the services should be provided when the conditions for suitability and the faci-

contrary nor inconsistent with one or more of the purposes of the Land Development Regulations, and by prescribing the proper process, application, review, permitting, location and funding of such facility; and

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

WHEREAS, the predominant concern in establishing homeless shelters for the development and use of land is with any adverse secondary effects, and the intent nor mission of such a homeless shelter; and

WHEREAS, the Commission desires to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such a facility in a Florida community can create atypical and extraordinary obligations and add to the demand for City services and support; and

WHEREAS, the purpose of this ordinance is to authorize the operation of a facility for homeless persons within the City under circumstances which assure the public health and safety while also securing and enhancing the health, safety and welfare of all City residents and facility participants consistent with the Land Development Regulations; and

WHEREAS, the Commission finds and determines that the City's Comprehensive Land Use Plan intent and goal is to seek a well planned community that can attract and accommodate all kinds of residence, business and industry that it desires and can avoid any deterioration that cause depreciation of property values and to that end the Commission has sought to ensure adequate protection for residents within the City in which a homeless shelter is specifically located; and

WHEREAS, the Commission finds and determines that the following ordinance is consistent with all applicable policies of the City, including its Comprehensive Land Development Regulations, and is not in conflict with the public interest, and will not result in incompatible land uses;

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

Section 1. Definitions

A. "Homeless shelter" or "shelter" means a facility intended temporary housing to people in need and without homes (please note "Exc disaster response and relief below).

B. "Person" means an individual (eighteen (18) years or older), a bus or organization, or a governmental entity.

C. "Participant" means an individual that has qualified for admiss shelter for temporary relief and assistance with basic necessities of life such as clothing. A participant under the definition and terms of this ordinance howev provide residency nor "intent to reside" status to an individual participating. P an individual that receives the benefit of the shelter services however, may residency of the shelter as a home, domicile, residence or "intent to reside".

D. "Protected Corridor" includes those parcels mapped and design City located within 1000 feet of the rights of way of the following corridors of the

- 15th Street
- Tyndall Parkway
- Tram Road
- 11th Street
- 7th Street
- 3rd Street
- State Road 22
- Cherry Street
- Everitt Avenue
- School Avenue
- Transmitter Road
- Bob Little Road (State Road 22A)

As well as those parcels mapped and designated in the city located within 2000 residence, church, public or private school, or any public park or recreational faci

Section 2. Permit required

No person may establish or operate a homeless shelter in the City without a perm

Section 3. Application

A person who wishes to establish and operate a homeless shelter shall file an app

permit with the City Clerk or his or her designee. The application shall specify the shelter's proposed location and the number of anticipated participants, and any other information considered necessary by the City to process the application. The application should include a statement by the applicant addressing each element of the burden of proof required for the issuance of a permit as described in Section 4 below. When filing the application, the applicant shall pay the processing fee established by the City Commission through this ordinance of Two Thousand Five Hundred Dollars (\$2,500.00) to offset the extraordinary City staff time for review and preparation of this unique and specific permit approval process.

Section 4. Burden of proof

An applicant for a permit under this chapter has the burden of demonstrating each of the following elements:

- A. The proposed facility is appropriate for the shelter under consideration;
- B. The proposed location for the shelter is appropriate, given proximity to Protected Corridors;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing; inclusive with this provision shall be the facilities required compliance with any and all State and local regulations for food preparation, distribution and delivery to its participants (analogous to state public school requirements and/or state correctional facilities food requirements);
- D. The shelter's participants will receive any necessary medical treatment as provided by the facility's trained and licensed staff, and have adequate access to social services and other support services such as counseling for employment and permanent housing opportunities;
- E. The shelter will provide transportation for shelter participants as may be needed to implement the shelter's program, particularly to any off-site location where services are provided;
- F. The shelter will provide adequate on-site supervision and security; inclusive with this supervision shall be all participants provided a temporary participant card qualifying and identifying their participation in the facility's services during their stay;
- G. The shelter's operating rules provide for immediate termination of participant's services and provide an immediate plan for transportation out of the City of any participant who engages in criminal activity;
- H. The shelter will provide adequate coordination with the law enforcement department for the provision of screening and security functions;
- I. The shelter will provide a community liaison to ensure sufficient avenues of communication with the neighborhood and effective response to complaints from citizens;
- J. Adequate law enforcement services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the City's building and

Land Development Regulations; inclusive with this compliance shall be the City's ability for random unscheduled inspections for continued compliance and safety precautions;

L. The applicant and its staff possess the requisite experience to properly manage the shelter; inclusive of the necessary and required medical staff to handle needs of participants;

M. The facility and its professionals submit sufficient plans demonstrating structured discharge planning, including the rehabilitation, training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;

N. The facility and its professionals submit self-sufficient plans demonstrating structured emergency evacuation (inclement weather, natural disaster, emergency) planning and including Section 8 "Revocation" below providing for a documented plans for relocation in lieu of permit revocation;

O. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance;

P. The permittee must identify the agent of record for purposes of contact, communication and individual enforcement;

Q. The permit shall comply with all State and Federal guidelines in addition the foregoing permitting review and conditions; and subject to City revocation power under Section 8 below for any and all violations issued by State and or Federal guidelines and agencies.

Section 5. Public hearing - Decision – Term

Upon receipt of a complete application, the City Clerk shall set the matter for a public hearings, evaluation and consideration before the City Planning Board. The City Clerk shall give notice of the hearing by (1) publishing a notice of time and place of hearing once in a newspaper of general circulation at least 10 days before the hearing, and (2) posting the notice of public hearing at City Hall. The City Clerk may give notice in such other manner considered appropriate under the circumstances, including posting on the City website. Upon a recommendation from the Planning Board, the City Commission shall thereafter conduct a public hearing with like notice and may approve the application if the applicant demonstrates that each element of the burden of proof described in Section 4 is met. If it approves the application, the Commission may specify the term of the permit. The term of the permit may not exceed 12 months.

Section 6. Permit Fee

If the City Commission approves the application, it shall as a part of the approval process fix the amount of the permit fee. The permit fee is in addition to the processing fee referred to in Section 3 as well as the standard building, planning and City administrative permitting fees. Once an application is approved by the City Commission, the applicant shall pay the permit

fee fixed by the Commission. The permit fee shall be based upon the City's anticipated increased costs in providing police, emergency medical, administrative fees for City, additional code enforcement and oversight, additional health department inspections and oversight and all other related support services for a projected annual term as a result of the shelter's operation. The annual renewable permit fee shall be established by vote of the City Commission following the research, review and final recommendation of City staff.

Section 7. Location

No homeless shelter may be located within any Protected Corridor within the City as defined by Section 1(D) above.

Section 8. Revocation

The City Commission may revoke a permit at any time issued under this Section if it determines that the shelter is not operating in accordance with the terms of the permit. Before it considers revocation of the permit, the City Commission shall first conduct a noticed public hearing giving the permittee an opportunity to respond to grounds in support of revocation. Notice of the revocation hearing shall be mailed postage prepaid by certified (return receipt requested) mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing. If necessary and upon revocation of permit, the shelter administration shall be responsible for the immediate transportation within twenty four (24) hours for the relocation of any and all participants to another qualified facility identified by the shelter administration at the time of its permit application process.

Section 9. Exception

This Ordinance does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the City Commission. A temporary emergency homeless shelter may operate for a maximum of 45 days, unless extended by the City Commission additional periods not to exceed 45 days.

Section 10. Violation – Penalty

The City Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by City code enforcement officials:

A. Violation of any provision of this ordinance shall be subject to the following penalties:

- (i) First violation: \$500.00 fine; \$ 100.00 per day thereafter
- (ii) Second violation: \$1,000.00; \$500.00 per day thereafter
- (iii) Third violation: Fine not to exceed \$5,000.00 and/or imprisonment
City jail not to exceed sixty (60) days.

B. Each violation of this Ordinance shall constitute a separate offense. In the stages and implementation of this Ordinance, code enforcement officials may cite violators with no more than one (1) written warning.

C. The City shall also have available such civil and criminal remedies of equity as may be necessary to ensure compliance with the provisions of the ordinance in addition to the violations set forth above, including but not limited to injunctive relief to rejoin and restrain any person from violating the provisions of this section of the Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

Section 11. Applicability

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

Section 12. Severability

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

Section 13. Alternative Method

This Ordinance shall be deemed to provide an additional and alternative method of doing the things authorized hereby and shall be regarded as supplemental to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be construed to effect the purposes hereof.

Section 14. Repealer

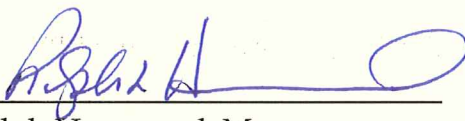
All ordinances, resolutions or parts thereof, including but not limited to Chapter

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 15. Effective Date

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

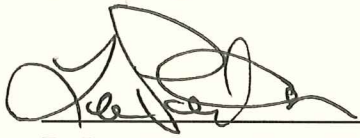
CITY COMMISSION OF THE CITY
OF SPRINGFIELD, FLORIDA



Ralph Hammond, Mayor

(SEAL)

ATTEST:




D. Lee Penton, City Clerk

PASSED on First Reading: _____

NOTICE Published on _____

Passed on Second and Final Reading: 11-3-14

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



Kevin Obos, City Attorney