

## ORDINANCE 483

**AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA TO REGULATE AND CONTROL THE APPLICATION, REVIEW, PERMITTING PROCESSES, AS WELL AS THE REGULATION AND ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS; PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of City Commissioners of the City of Port St. Joe, Florida (hereinafter "Commissioners"), find and determine that the City of Port St. Joe (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 Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of the City, and

**WHEREAS**, the Commissioners find and determine 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 of Port St. Joe 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 Commissioners find and determine that the City's Land Development Regulations should regulate homeless shelters, including by designating restricted or prohibited uses, as well as the proper procedures for application, review, location, permitting and financial public support for such homeless shelters; and

**WHEREAS**, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

**WHEREAS**, the Commissioners have determined following public hearings, careful evaluation of both the research and experience of neighboring communities and their approach and process for enabling those in need of such homeless shelter, that such services should be provided with the condition that the facility is not contrary nor inconsistent with one or more of the purposes of the Comprehensive Plan and the Land Development Regulations, and by prescribing the proper process, application, review, evaluation, permitting and funding of such facility; and

**WHEREAS**, the Commissioners have 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**, the Commissioners find and determine that the Comprehensive Plan requires the City to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of the City of Port St. Joe is ensured; and

**WHEREAS**, the predominant concern in establishing homeless shelter regulations for the development and use of land is with any adverse secondary effects, and not with the intent nor mission of such a homeless shelter; and

**WHEREAS**, the Commissioners wish to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such facilities in a Florida community can create atypical and extraordinary obligations and additional burdens on the demand for City services and support; and

**WHEREAS**, the Commissioners find, based on information presented at public hearings, staff review of both established regional and national studies as well as the review of expert testimony regarding the issue of homelessness in surrounding communities that the operation of a homeless shelter has consistently resulted in significant increased police activities, increased activity of emergency management personnel, staff and resources and ultimately a demand on the social services and structure of those municipalities and communities directly providing and supporting the users of a homeless shelter; and

**WHEREAS**, the purpose of this ordinance is to authorize the operation of shelters for homeless persons within the City of Port St. Joe under circumstances which assure the public protection while also securing and enhancing the health, safety and welfare of all city residents along with Participants, consistent with the Comprehensive plan; and

**WHEREAS**, the Commissioners strive to balance the Comprehensive Plan mandate to maintain and improve the quality of life for all citizens while also providing an outlet and ability to offer adequate support services for shelter occupants with proper regulation and oversight; and

**WHEREAS**, the Commissioners find and determine that a major deterrent to a decline is a healthy civic pride, and further note the importance of an interest in maintaining a civic pride, public health and safety and strong internal community support and therefore seek to provide the ability to provide homeless individuals shelter in an orderly, structured and responsible community based approach that recognizes the need for both the homeless assistance while maintaining the City of Port St. Joe's civic pride; and

**WHEREAS**, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid any blight and deterioration that cause depreciation of property values and to that end the Commissioners have

#### **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, for example, to schools, churches etc. and complies with the requirements of Section 7 of this ordinance;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing;
- D. The shelter's participants will receive any necessary medical treatment, 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 residents as may be needed to implement the shelter's program, particularly to any off-site location where services are proposed provided;
- F. The shelter will provide adequate on-site supervision and security;
- 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 police 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 police services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the City's building and zoning ordinances;
- L. The applicant and its staff possess the requisite education and experience to properly manage the shelter;
- M. The facility and its professionals submit sufficient plans demonstrating the rehabilitation, training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;
- N. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance.

#### **Section 5. Public hearing – Decision – Term**

Because of the potential for additional law enforcement, emergency management services and other public services required by this land use, a homeless Shelter is hereby designated as a Level 2 Major Development and shall be reviewed as such according to the requirements of Section 2.03 of the Land Development Regulations. The term of the permit shall not exceed twelve (12) months.

sought to ensure adequate protection for residents within the City in which a shelter is specifically located; and

**WHEREAS**, The Commissioners find and determine that tourism is a significant and important economic activity within the community and that a homeless shelter land use is incompatible with tourist related land use and economic activities; and

**WHEREAS**, the Commissioners find and determine that the following ordinance is consistent with all applicable policies of the City, including its Comprehensive Plan and 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 Port St. Joe, as follows:

**Section 1. Definitions**

- A. "Homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes.
- B. "Person" means an individual, a business entity or organization, or a governmental entity.
- C. "Participant" means an individual that has qualified for admission into the shelter for temporary relief and assistance with basic necessities of life such as food and clothing. A participant under the definition and terms of this ordinance, however, does not provide residency nor "intent to reside" status to an individual participating. Participant is an individual that receives the benefit of the shelter services, however, may not claim residency of the shelter as a home, domicile, residence or intent to reside.
- D. "Tourist Corridor" means U.S. Highway 98, State Road 71 and Garrison Avenue within the City limits of the City of Port St. Joe.

**Section 2. Permit required**

No person may establish or operate a homeless shelter in the City of Port St. Joe without a permit.

**Section 3. Application**

A person who wishes to establish and operate a homeless shelter shall file an application for a permit with the City of Port St. Joe. The application shall specify the shelter's proposed location and the number of anticipated residents, 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 Fifteen Hundred Dollars (\$1,500.00) to offset the extraordinary city staff time for review and preparation of this unique and specific permit approval process.

**Section 6. Permit fee**

If the Board of City Commissioners of Port St. Joe 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.

Once an application is approved by the Board of City Commissioners of Port St. Joe, the applicant shall pay the permit fee fixed by the Commission. The permit fee shall be the amount required to cover the City's anticipated increased costs in providing police, emergency medical and 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 Board of City Commissioners of Port St. Joe following the research, review and final recommendation of City staff. The Commissioners, by resolution, may modify the payment schedule of the permit fee by allowing quarterly or semi-annual payments. Subsequent to the first year of operation the fee shall be based on the City's documented increased costs plus any additional expected increased cost occasioned by foreseeable events such as the expansion of the shelter.

**Section 7. Location**

No homeless shelter may be located within one half mile of any Tourist Corridor

**Section 8. Revocation**

The Board of City Commissioners of Port St. Joe may revoke a permit 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 Board of City Commissioners of Port St. Joe 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 first class mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing.

**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 Board of City Commissioners of Port St. Joe. A temporary emergency homeless shelter may operate for a maximum of 45 days. The City Clerk may extend that period for additional periods of 45 days, upon approval of the Board of City Commissioners of Port St. Joe.

**Section 10. Violation – Penalty**

- A. A person who violates a provision of this chapter is guilty of a first degree misdemeanor.

- B. Each violation of this ordinance shall constitute a separate offense.
- C. The City shall have recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions hereof, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions hereof and to recover such damages as may be incurred by the implementation of corrective actions.

**Section 11. Repeal**

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.


**Section 12. Effective Date**

This ordinance shall take effect upon final adoption and publication in accordance with the law.

THE CITY OF PORT ST. JOE

By:   
Mel C. Magidson, Jr.  
Mayor-Commissioner

ATTEST:

  
Charlotte M. Pierce  
City Clerk

The following commissioners voted yea: Magidson, Buzzett, Kennedy, McCroan, Patterson  
The following commissioners voted nay: 0

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