

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 23<sup>rd</sup> day of May, 2017, the following Ordinance:

**ORDINANCE NO. 2903**

**AN ORDINANCE ADOPTING ZONING PROVISIONS GOVERNING AND REGULATING REHABILITATION HEALTH CLINICS AND PLASMA CENTERS IN THE CITY OF GULFPORT, MISSISSIPPI**

**WHEREAS**, the Gulfport City Council has determined it necessary to enact a comprehensive ordinance regulating and governing Rehabilitation Health Clinics and Plasma Centers in the City of Gulfport; and

**WHEREAS**, the Gulfport City Council has made certain and various findings pertaining to Rehabilitation Health Clinics and Plasma Centers which findings are incorporated into the Zoning Ordinance Provisions Governing and Regulating Rehabilitation Health Clinics and Plasma Centers Ordinance which is attached hereto as Exhibit "A"; and

**WHEREAS**, a new section shall be added to Appendix A of the Code of Ordinances of the City of Gulfport concerning Rehabilitation Health Clinics and Plasma Centers. The Case File Number is 1704PC042.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:**

**SECTION 1.** That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

**SECTION 2.** That Appendix A of the Code of Ordinances of the City of Gulfport, Mississippi, should be amended by adding a new Section XII (Rehabilitation Health Clinics and Plasma Centers) to read as found in Exhibit "A" hereto.

**SECTION 3.** All provisions of the Code of Ordinances of the City of Gulfport, Mississippi, not in conflict herewith shall remain in full force and effect as heretofore provided.

**SECTION 4.** This ordinance shall be in full force and effect thirty (30) days after the date of passage except in those instances where it passes unanimously, in which case this ordinance shall be in full force and effect immediately. It shall be published according to law and shall be spread on the minutes of the Gulfport City Council.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Flowers, seconded by Councilmember Sharp, and was adopted by the following roll call vote:

**YEAS:**

Casey

Holmes-Hines

Walker

Sharp

Flowers

**ABSENCES:**

Dombrowski

Pucheu

**NAYS:**

None

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 23<sup>rd</sup> day of May, 2017.



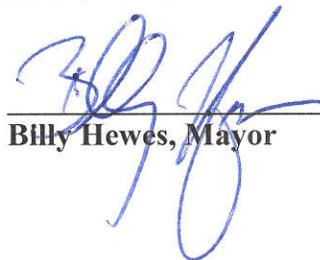
**ADOPT:**

  
\_\_\_\_\_  
Ronda S. Cole, Clerk of Council

  
\_\_\_\_\_  
F.B. "Rusty" Walker, IV, President

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the 24<sup>th</sup> day of May, 2017.

**APPROVED:**

  
\_\_\_\_\_  
Billy Hewes, Mayor

## ARTICLE II. DEFINITIONS.

*Misdemeanor* means that upon conviction a fine not more than one thousand dollars (\$1000.00) and/or imprisonment for a term not exceeding ninety (90) days shall be imposed at the discretion of the municipal court.

*Opioid* means substances that act on opioid receptors to produce morphine-like effects

*Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.

*Plasma* means the fluid portion of the blood in which the formed elements (blood cells) are suspended.

*Plasma donation center* means any business, operation, or activity that has as its primary function the acceptance of donations of human plasma.

*Premises* means the real property upon which the rehabilitation health clinic or plasma center is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the rehabilitation health clinic or plasma center, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license.

*Rehabilitation health clinic* means any business, operation, or activity that has as its primary function the sale, delivery or provision of opioid medication as a means of rehabilitation from drug addiction. Hereinafter, rehabilitation health clinics and plasma centers are referred to collectively as “clinic” or “center”.

## ARTICLE III. ZONING REGULATIONS

**Section A. Nonconforming uses.** Any rehabilitation health clinic or plasma center lawfully operating on the effective date of this Ordinance that is in violation of the location or other requirements of this Ordinance shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more clinics are within one thousand (1,000) feet of one another and otherwise in a permissible location, the clinic that was first established and continually operated at a particular location is the conforming use and the later-established business/es is/are nonconforming.

### **Section B. Location restrictions.**

Rehabilitation health clinics and plasma centers, as defined herein, shall be permitted in I-1 and I-2 by special exception approval provided that:

- A. Clinics may not be operated within 1,000 feet of
  1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities, to include funeral homes.
  2. A public or private educational facility, including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private

schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, alternative schools, junior colleges and universities; school includes the school ground, but does not include the facilities used primarily for another purpose and only incidentally as a school.

3. A liquor store, free-standing lounge or tavern, or other same or similar establishment or use as a night club and/or dance hall.
  4. A public park or recreational area which is used for park or recreational activities, including, but not limited to, a park, playground nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, skating rink, pedestrian/bicycle paths, wilderness areas or other similar land.
  5. The property line of a lot zoned for residential use as defined in the zoning code.
  6. The property line of a lot used for a private or public hospital, adult day care, nursing home, assisted living facility or any business that legally dispenses medications.
  7. Another rehabilitation health clinic or plasma center.
- B. A clinic may not be operated within 500 feet of a Mississippi Scenic Byway as such term is described and defined in Miss. Code Ann. § 65-41-1 (as amended) *et seq.*
- C. A clinic may not be operated in the same building, structure, or portion thereof, containing another clinic as defined herein.
- D. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the closest point on structure to closest point on structure or closest point on parking lot or space to closest point on parking lot or space, whichever is closer. The applicant must provide written certification that the proposed clinic meets the distance requirements set forth herein.