



EXECUTIVE SUMMARY

To: Bogdan Vitas, City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Ginny Haller, Planner

Meeting Date: November 20, 2012

RE: Consideration of an ordinance of the City of Key West recommending the City Commission invoke the Zoning in Progress doctrine; declaring that the City is considering amendments to its Land Development Regulations to adopt criteria permitting and regulating the location of pain management clinics; directing Building and Planning Department staff to defer the acceptance and processing of applications requiring the issuance of permitting the location of pain management clinics; continuing this policy until new permit regulations or amended Land Development regulations are adopted by the City Commission or until the passage of 180 days from the date of this resolution, whichever occurs first; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT

Request: Approval of a Zoning in Progress to adopt criteria permitting and regulating the location of pain management clinics.

Location: Citywide

BACKGROUND

In a letter dated March 5, 2012, the Planning Director recommended the Planning Department initiate a Zoning in Progress (ZIP) to address the issue of pain management clinics to protect the health, safety and welfare of the citizens of Key West.

The Planning Board reviewed the ZIP doctrine for pain management clinics allowed within city limits as a resolution at the August 30, 2012 regular meeting; see Resolution No. 2012-38.

On October 18, 2012, the Planning Board amended Resolution 2012-38 recommending an ordinance to the City Commission invoking the zoning in progress doctrine, see Resolution No. 2012-46.

The city does not have a mechanism to regulate the use, location, design, operation, maintenance and number of pain management clinics. Many cities and counties throughout Florida have regulated pain management clinics to protect their communities against the epidemic of pain medication distribution and fraud. Other Florida cities and counties have in the last few years regulated the number and location of pain management clinics, such as: Deerfield Beach, Palm Beach County, Margate, Wellington Village, Coral Springs, Cooper City and Broward County.

The purpose of a ZIP is to give Planning staff 180 days to explore potential zoning designations for the location and regulation of the clinics such as Commercial General (CG) and Limited Commercial Districts (CL). Further, there are other determinations that need to be contemplated. Staff has identified the following issues that need to be addressed:

1. Establish a definition of Pain Management Clinic;
2. Limit Pain Management Clinics as Conditional Use limited to certain zoning Districts;
3. Regulate distance of clinics as 1,000 feet from schools;
4. Regulate distance from other Pain Management Clinics;
5. Regulate distance from pharmacies; and
6. Limitation of on-site dispensing of pain medication.

RECOMMENDATION

Options / Advantages / Disadvantages:

Option 1. To approve the proposed Zoning in Progress to adopt criteria permitting and regulating the location of pain management clinics:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan, Vision, and Mission does not address issues pertinent to this request.
2. **Financial Impact:** There is no direct financial impact to the City if the ZIP is approved.

Option 2. To deny the proposed Zoning in Progress to adopt criteria permitting and regulating the location of pain management clinics:

1. **Consistency with the City's Strategic Plan, Vision and Mission:** The City's Strategic Plan, Vision, and Mission does not directly address issues pertinent to this request.

2. **Financial Impact:** There is no direct financial impact to the City if the ZIP is approved.

Planning Staff recommends **Option 1**.