

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE, CHAPTER 14, OF THE INDEPENDENCE CITY CODE PERTAINING TO GROUP LIVING FACILITIES.

WHEREAS, the Unified Development Ordinance was approved by the City Council on June 15, 2009, by Ordinance No. 17339 and became effective on July 1, 2009; and,

WHEREAS, after its adoption, policy issues to be addressed were discovered, and it was decided to revise these items; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on August 10, 2021, and rendered a report to the City Council recommending the rezoning be approved by a vote of 6-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on September 20th, 2021, and rendered a decision to approve the changes to the Unified Development Ordinance; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request is consistent with the review criteria in Section 14-701-01-F.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Sections 14-404-03 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-404-03 Minimum standards for substance abuse treatment house, penal halfway house, recovery center, ~~homeless shelter~~ and soup kitchen

14-404-03-A.Siting/Separation. A group living facility may not be located (nor an existing one expanded) within 2,640 feet of another group living facility, measured as the shortest distance between any portion of the lot on which the group living facility is situated, and 2,640 feet from any church, school, day care facility, public building, or public park.

14-404-03-B.Design/Appearance. All buildings and properties must maintain an exterior appearance that reasonably conforms to the neighborhood within which they are proposed to be located.

14-404-03-C.Occupancy. The number of occupants of a group living facility may not exceed the number of occupants permitted for the subject building by the Building Code or Fire Code, as applicable.

(Ord. No. 18636)

**14-404-04 Minimum standards for Homeless Shelter**

**14-404-04-A. Special Use Permit: A homeless shelter shall require approval of a special use permit in accordance with Section 14-704. The homeless shelter shall be subject to the following standards:**

- 1. The building housing the homeless shelter must be at least 30,000 square feet in size.**

2. The homeless shelter shall serve a maximum of thirty (30) homeless individuals with adequate space for sleeping per occupant in accordance with currently adopted building codes.
3. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop or the homeless shelter must have reliable access to transportation.
4. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof. An alternative staffing plan may be approved as part of the special use permit where the applicant demonstrates adequate supervision of the guests.
5. Prior to establishing a homeless shelter, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
6. Any provision of food or feeding operations shall comply with Chapter 11 of the City Code.
7. A facility operating a donation bin(s) or donation center shall comply with the requirements of Section 14-422.
8. The exterior appearance of the building and property on which a homeless shelter is located shall be maintained in accordance with applicable property maintenance, building and zoning requirements.
9. There shall be no loitering immediately around or on the grounds of the facility.
10. A management plan that contains/addresses the following items shall be submitted with any application to establish the homeless shelter use and be approved prior to commencing the use. The management plan shall be integral to the operation of the facility and binding on the operator. Failure of the operator to comply with the approved management plan shall be considered a violation of this code.
  - a. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided.
  - b. A transportation plan describing how guests will be transported to and from the site.
  - c. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.
  - d. An emergency / security plan that addresses security for staff, volunteers and guests as well as how responses to medical and other emergencies will be handled.
  - e. An outline of the "Rules of Conduct" for guests.
  - f. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.
  - g. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours.
11. When establishing the maximum number of homeless individuals served under the special use permit the City Council shall consider various factors, including but not limited to:
  - a. The operational characteristics of the proposed shelter as outlined in the Management Plan.
  - b. The size of the building housing the homeless shelter.

- c. **The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.**
- 12. **The special use permit for the operation of a homeless shelter may be amended, suspended or revoked in accordance with Section 14-704.** “

SECTION 2. That Sections 14-404-04 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

“14-404-~~04~~ **05** Use

Each group living facility is unique in the services offered by it. Therefore, it will be permitted only for the exact use of the permitted group living facility. No other group living facility use may be permitted in that location, unless the subsequent group living facility obtains a special use permit. Upon cessation of the particular group living facility use for a period of six months or greater, the special use permit will be deemed abandoned and will require obtaining a new special use permit. Such application will be considered in the same manner as any new application and must conform to all then existing standards, conditions and City codes.”

SECTION 3. That all other parts and provisions of the City Code shall be in full force and effect unless previously or subsequently amended or repealed.

SECTION 4. That correction of any scrivener’s errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

**NOTE: Words struck through and bolded are being removed by this ordinance and words underscored and bolded are being added by this ordinance.**