

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 public hearing for the consideration of the request on January 24, 2023, and rendered a report to the City Council recommending the text amendment to the UDO be approved by a vote of 5-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on March 6, 2023, 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 Section 14-200-02 of Chapter 14, Unified Development Ordinance, are hereby amended to read as follows:

14-200-02 Residential use group

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: group living and household living.

14-200-02-A. Group Living. Residential occupancy of a dwelling by other than a "family," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, and the following specific use types:

1. **Group Home, Custodial.** A home for nine or more unrelated persons with mental and/or physical handicaps. Such homes may also be occupied by paid staff and caregivers.
2. **Group Home, Residential.** In accordance with RSMo 89.020.2. A single-family residence in which eight or fewer unrelated mentally or physically handicapped persons reside, along with up to two additional persons acting as houseparent's or guardians who need not be related to each other or to any of the mentally or physically handicapped persons, residing in the dwelling.
3. **Domestic Violence Residence.** A residential building in which temporary housing is provided for up to eight persons who are victims of domestic violence. Any children or support staff using sleeping accommodations at a domestic violence residence will be counted in determining maximum occupancy.
4. **Domestic Violence Shelter.** A building in which temporary housing is provided for more than eight persons who are victims of domestic violence.
5. **Substance Abuse Treatment House.** A residential building in which temporary housing is provided for up to 12 persons who are undergoing treatment for alcohol or other substance abuse. Any support staff using sleeping accommodations will be counted in determining maximum occupancy.

6. **Penal Halfway House.** A residential building in which temporary housing is provided for up to 12 persons who are on probation, on parole, or are participating in a penal institute's pre-release program. Any support staff using sleeping accommodations will be counted in determining maximum occupancy.
7. **Recovery Center.** A residential building in which temporary housing is provided for 13 to 50 persons who are either:
 - (a) undergoing treatment for alcohol or drug dependence
 - (b) on probation, on parole, or are participating in a penal institute's pre-release programAny support staff using sleeping accommodations will be counted in determining maximum occupancy. Facilities with more than 50 persons are considered detention/correction facilities, see Sections 14-200-04-C and 14-302-03 for further information.
8. **Nursing Home.** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. This term shall also include assisted living facilities.
9. **Homeless Shelter.** A facility or building where overnight accommodation services are provided on a limited, short-term basis (not to exceed 180 consecutive days) for individuals and families impacted by temporary or chronic homelessness. A facility providing temporary personal assistance on a nonprofit basis to individuals of an indigent status. Such assistance may include food, ~~and/or~~ shelter, necessary medical and clothing needs, ~~and may, in addition, include~~ religious instruction, counseling, and other incidental services.
10. **Soup Kitchen.** An establishment where meals are provided to a person or persons unrelated to the provider at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals is the principal service of the establishment, whether or not additional services are provided; however, lodging is prohibited. A soup kitchen is not a restaurant.
11. **Transitional Housing.** A building that provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. Transitional housing projects can cover housing costs and accompanying supportive services for program participants for up to 24 months.

SECTION 2. That Section 14-300-03-G, Residential Group Living, of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-300-03-G. Use Standards. The "use standards" column of Table 300-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

[illegible]

Homeless Shelter	—	—	—	—	—	—	S	S	14-404
Soup Kitchen	—	—	—	—	—	—	S	S	14-404
Nursing Home	—	—	—	—	—	—	S	S	
Transitional Housing	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>14-404</u>

SECTION 3. That Section 14-301-03-G, Residential Group Living, of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-301-03-G. Use Standards. The "use standards" column of Table 301-1 identifies use-specific standards that apply to some uses. Compliance with such standards is required. Variances to use standards are prohibited.

Table 301-1 Office and Commercial Districts Use Table						
P: Permitted		S: Special Use Permit Required		C: Conditional Uses		—: Not Allowed
Use Category Specific use type	Zoning District					Use Standards
	O-1	O-2	C-1	C-2	C-3	
RESIDENTIAL						
Group Living						
Group Home, Custodial	S	S	S	S	—	14-404
Group Home, Residential	S-C	S-C	S-C	S-C	—	14-404
Domestic Violence Residence/Shelter		S	S	S		14-404
Substance Abuse Treatment House		S	S	S		14-404
Penal Halfway House		S				14-404
Recovery Center				S	S	14-404
Nursing Home	P	P	P	P	P	
Homeless Shelter		S	S	S		14-404
Soup Kitchen		S	S	S		14-404
Transitional Housing	S	S	S	S	-	14-404

SECTION 4. That a Section 14-404 of Chapter 14, Unified Development Ordinance, is hereby amended to read as follows:

14-404 -GROUP LIVING FACILITY

14-404-01 Purpose

It is the intent of these standards to ensure that all group living facilities conform to the general character of the neighborhood in which they are located. To this end, standards pertaining to exterior appearance of the structure and lot are prescribed, as well as standards pertaining to the occupancy/density of group living facilities in any given neighborhood.

14-420-02 Minimum standards for group home, custodial and residential; and foster care home domestic violence residence and shelter

14-404-02-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.~~

14-404-02-BA. 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.

14-404-02-CB. 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.

14-404-03 Minimum standards for group home, custodial; transitional housing and domestic violence residence and shelter

14-404-03-A. Siting/Separation. A group living facility may not be located within 500 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.

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 and HUD standards.

14-404-03 04 Minimum standards for substance abuse treatment house, penal halfway house, recovery center, homeless shelter and soup kitchen

14-404-03 04-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 04-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 04-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.

14-404-05 Minimum standards for homeless shelters

14-404-05-A. Maximum Size. The area of the building housing the overnight sleeping accommodation shall not exceed 15,000 square feet in size.

14-404-05-B. Maximum Number of People. The shelter shall serve a maximum of thirty (30) individuals with adequate space for sleeping per occupant in accordance with currently adopted building codes. 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:

- 1. The operational characteristics of the proposed shelter as outlined in the Management Plan.**
- 2. The size of the building housing the homeless shelter.**
- 3. The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.**

14-404-05-C. Location. 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.

14-404-05-D. Number of Employees. 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.

14-404-05-E. Occupancy. 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.

14-404-05-F. Serving Food. Any provision of food or feeding operations shall comply with Chapter 11 of the City Code.

14-404-05-G. Donation Bins. A facility operating a donation bin(s) or donation center shall comply with the requirements of Section 14-422.

14-404-05-H. Exterior Appearance. 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.

14-404-05-I. No Loitering. There shall be no loitering immediately around or on the grounds of the facility.

14-404-05-J. Prohibiting Alcohol and Illegal Drugs. The operator must enforce a policy of prohibiting alcohol and/or illegal drug use on the property.

14-404-05-K. Parking. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements. Bicycle parking shall be provided based on anticipated need.

14-404-05-L. Lighting. Any lighting provided shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.

14-404-05-M. Management Plan. 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.

1. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided. The narrative shall address the sections above and include, but not limited to, any outdoor gathering space and/or smoking areas, the safe storage of belongings, the length of stay allowed, any laundry facilities provided, and any other description/characteristic of the use.

2. A transportation plan describing how guests will be transported to and from the site.

3. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.

4. 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.

5. An outline of the "Rules of Conduct" for guests.

6. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.

7. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours.

14-404-05-N. Special Use Permit. A homeless shelter shall require approval of a special use permit in accordance with Section 14-704. The special use permit for the operation of a homeless shelter may be amended, suspended or revoked in accordance with Section 14-704.

14-404-04 06 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 5. 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 6. That correction of any scriveners' errors identified within these articles are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2023, 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 are being removed by this ordinance and words underscored and bolded are being added by this ordinance.