

BILL NO. 2023-66

ORDINANCE NO. 11784

**AN ORDINANCE AMENDING THE ZONING CODE TO INCLUDE SECTIONS FOR THE PROVISION OF SERVICES RELATED TO REDUCING HOMELESSNESS.**

**WHEREAS**, the City Council of the City of Sedalia, Missouri (the “City Council”) finds it is in the best interest of the public to establish ordinances and procedures allowing for the provision of shelter, housing, and services to those members of the public experiencing homelessness, or are in danger of becoming homeless; and

**WHEREAS**, if a city’s ordinance lists land uses that are permitted, then those uses not listed are not permitted; and

**WHEREAS**, because the City’s current zoning code does not list any uses related to the primary purpose of serving those experiencing homelessness, or in danger of becoming homeless, any such uses are currently prohibited; and

**WHEREAS**, there are people in the community experiencing homelessness; and

**WHEREAS**, scholarship produced by the federal government, academic institutions, and not-for-profit research centers support a concern for the severity of physical and mental health problems associated with homelessness, and indicates that efforts to mitigate the effects of homelessness can range in duration and intensity; and

**WHEREAS**, these many services intended to mitigate and alleviate the effects of homeless constitute specific land uses of varying intensity and impact on the surrounding community; and

**WHEREAS**, the City Council desires the City’s zoning code to clearly permit land uses related to the provision of services related to homelessness while maintaining the intent and character of the current zoning districts within the city.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEDALIA, MISSOURI** as follows:

**Section 1.** That Section 64-1, Definitions, of Article I – In General, of Chapter 64 –Zoning, of the Code of Ordinances of the City of Sedalia is hereby amended to include the following definitions:

**Sec. 64-1. Definitions**

**At Risk of Becoming Homeless** means an individual or family who are likely to imminently lose access to a Residence, provided that:

1. Residence will likely be lost within 14 days of the date of application for Homeless assistance; No subsequent Residence has been identified; and
2. The individual or family lacks the resources or support networks needed to obtain other housing.

**Community Residential Facility (CRF)** Publicly or privately operated facilities, limited to group homes for children, for those with disabilities, or for the elderly; homes for recovery for substance misuse; or shelters for domestic violence victims. Community residential facilities do not include halfway houses, Emergency Shelters, or Emergency Housing.

**Day Shelter** means a Shelter utilized for anytime period between the hours of 6am and 9pm. The provision of Day Shelter is subject to special use permit provisions of sec. 64-124.

**Emergency Housing** means temporary indoor overnight accommodations for individuals or families who are Homeless or At Risk of Becoming Homeless. May be intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families and which may or may not require occupants to enter into a lease or an occupancy agreement.

**Emergency Shelter** means any facility, the primary purpose of which is to provide a temporary overnight Shelter for Homeless populations.

**Homeless** means an individual or family who lacks access to a fixed, regular, and adequate Residence.

**Homelessness** means the state of being Homeless.

**Managing Agency** means an organization that organizes and coordinates a Transitional Housing facility. A Managing Agency may be the same entity as the Sponsor.

**Permanent Supportive Housing** means subsidized, residential facilities that prioritizes people who need comprehensive Support Services to retain tenancy. Permanent Supportive Housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was At Risk of Becoming Homeless prior to moving into housing.

**Primary Purpose** means the most prevalent reason for which a facility is operating or exists, or for which a building or structure is being used.

**Residence** means a structure that meets the current code of ordinances for the City of Sedalia as a place that is intended for human habitation for an individual and their family that is not offered for hire to transient guests, and is not a publicly or privately operated Shelter designed to provide temporary living arrangements (including congregate shelters, Transitional Housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs).

**Residential Facilities** for purposes of this section shall include Community Residential Facilities, Emergency Housing, Permanent Supportive Housing, and Transitional Housing. Residential Facilities are intended to provide services that involve overnight stays at the facility.

**Shelter**, for the purposes of this chapter, means a place that provides protection to those without a Residence to avoid the elements, including those places further defined herein as, Day Shelters, Temporary Cooling Shelters, Temporary Warming Shelters, and Emergency Shelters.

**Sponsor** means an organization that has an agreement with the Managing Agency to provide basic services and support for the residents of a Transitional Housing facility. A “Sponsor” may be the same entity as the Managing Agency.

**Support Services** on-site or off-site assistance to individuals or families at the Primary Purpose of which is reducing or mitigating the effects of Homelessness which may include, but is not limited to educational, social, legal, advocacy, childcare, employment, financial, health care, or information and referral services to meet these needs. Support Services shall not include the provision of meals, bathing, laundry, and overnight shelter.

**Temporary Cooling Shelter** means a Shelter operating any time periods between the hours of 6am and 9pm when the outside temperature is predicted to be ninety-five degrees or above. The provision of Temporary Cooling Shelter is subject to special use permit provisions of sec. 64-124.

**Temporary Warming Shelter** means a Shelter operating any time periods between the hours of 7pm and 7am when the outside temperature is predicted to be 33 degrees or below. The provision of Temporary Warming Shelter is subject to special use permit provisions of sec. 64-124.

**Transitional Housing** means residential facilities, the purpose of which is to facilitate the movement of individuals and families experiencing Homelessness to a permanent Residence within 24 months. May require a lease or occupation agreement, and use may include Support Service providers.

**Transit Services** shall include but not limited to: (i) fixed route; (ii) shuttle/circulator service; (iii) ancillary and related services and amenities, including transfer centers, bus shelters, signage, etc.; and (iv) other services including but not limited to charters, contracted social services, express buses; park and ride, light rail.

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**Section 2.** That Section 64-37. -District R-1, single-family residential, (b) use regulations, is here by amended to include the following uses in the appropriate alphabetical order: Community Residential Facility; Emergency Housing; Permanent Supportive Housing; and Transitional Housing.

**Section 3.** That Section 64-37. -District R-1, single-family residential, (b) use regulations, is hereby amended to include the following use in the appropriate alphabetical order: Residential Facilities with the Primary Purpose of serving Homeless individuals or families; provided, the Director of Community Development may recommend to the Planning and Zoning Commission and City Council a limit for the number of service providers (including volunteers and paid employees and including both live-in managers and day workers) and require mitigation measures for Emergency Housing facilities and Transitional Housing facilities that use service providers to avoid impacts on the neighborhood and ensure that the facility is consistent with the intent of the zoning district in which it is located and the character of the neighborhood. Any human services or training provided on the premises shall be for the benefit of residents only.

**Section 4.** That Section 64-37. -District R-1, single-family residential, (b) use regulations, is hereby amended to include an unenumerated paragraph at the end of subsection (2) which reads as follows: Churches and publicly owned and operated community buildings, public museums, public administrative buildings, public libraries, police stations and fire stations (in any district where they are allowed), as their Primary Purposes, which also shall be permitted to be used as Temporary Cooling Shelters and Temporary Warming Shelters, provided that such use is an accessory use for the structure.

**Section 5.** That Section 64-38. -District R-2, two-family residential, (b) use regulations, is hereby amended to include the following use in the appropriate alphabetical order: Community Residential Facility.

**Section 6.** That Section 64-40, -District R-3, apartment house, (b) use regulations, is hereby amended to include the following uses in the appropriate alphabetical order: Community Center; Support Services, with a special use permit.

**Section 7.** That Section 64-41, District C-O, nonretail, (b) use regulations, is hereby amended to include the following uses in the appropriate alphabetical order: Community Center; Day Shelter, with a special use permit; Emergency Shelter, with a special use permit; Emergency Housing; Support Services; Temporary Cooling Shelter, with a special use permit; and Temporary Warming Shelter, with a special use permit.

**Section 8.** That Section 64-41, District C-O, nonretail, (b) (1) is hereby amended to read as follows: Any use permitted in district R-3, except that Permanent Supportive Housing and Transitional Housing shall not be permitted without a special use permit.

**Section 9.** That Section 64-43, District C-2, general business, (b)(1) use regulations is hereby amended to read as follows: Any use permitted in district C-1, except Day Shelter; Emergency Shelter; Emergency Housing; Support Services; Temporary Cooling Shelter; Temporary Warming Shelter; and transient dwelling houses.

**Section 10.** That Section 64-44, District C-3, commercial, (b) use regulations is hereby amended to include the following uses in the appropriate alphabetical order: Day Shelter with a special use permit; Emergency Shelter with a special use permit; Emergency Housing; Support Services; Temporary Cooling Shelter with a special use permit; and Temporary Warming Shelter with a special use permit.

**Section 11.** That Section 64-45, District M-1, light industrial, (b) Use regulations is hereby amended to include the following uses in the appropriate alphabetical order: Day Shelter with a special use permit; Emergency Shelter with a special use permit; Emergency Housing with a special use permit; Support Services with a special use permit; Temporary Cooling Shelter with a special use permit; Temporary Warming Shelter with a special use permit.

**Section 12.** That Section 64-46, District M-2, heavy industrial, (b) Use regulations is hereby amended to include the following uses in the appropriate alphabetical order: Day Shelter with a special use permit; Emergency Shelter with a special use permit; Emergency Housing with a special use permit; Support Services with a special use permit; Temporary Cooling Shelter with a special use permit; Temporary Warming Shelter with a special use permit.

**Section 13.** That Section 64-124, -Uses; public hearing required, of Article V – Special Use Permits, of Chapter 64 –Zoning, of the Code of Ordinances of the City of Sedalia is hereby amended to require a special use permit.

- (1) Day Shelter
- (2) Emergency Shelter
- (3) Support Services in an R-3 District
- (4) Temporary Cooling Shelter, except as allowed in Section 64-37(b)(2)
- (5) Temporary Warming Shelter, except as allowed in Section 64-37(b)(2)

**SECTION 14.** That Chapter 64 -ZONING, of the Code of Ordinances of the City of Sedalia is hereby amended to include the addition of sections **64-127- -Provisions Related to Homelessness** as follows:

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#### **Sec. 64-127 Provisions Related to Homelessness**

**a) Purpose and intent.**

The city recognizes the need for and the benefit of services and temporary or permanent housing for persons and families that are Homeless or At Risk of Becoming Homeless. Thus, the goal of this section is to address acute needs of individuals and families by providing basic residential facilities and may include programs which help individuals and families find available social services. This section is intended to allow for the development of facilities to provide services relating to the prevention and reduction

Homelessness in the city through creation of specified uses and identification of appropriate zoning districts, subject to development and operational standards that minimize potential adverse impacts on nearby properties and the surrounding community. An additional purpose of this section is to provide for the safety, health, and general welfare of persons receiving and providing transitional services.

**b) Minimum standards**

1. No facility subject to this section shall be located within 1,500 feet of a public or private school or Licensed Daycare. Such distance shall be measured by a straight line from the nearest edges of the property lines.
2. All facilities in this article must comply with underlying zoning districts.
3. A business license is required for all Community Residential Facilities and Shelters.
4. For all facilities in this section, the Director of Community Development shall, upon receipt of a special use permit application, report to the Planning and Zoning Commission and the City Council the neighborhood characteristics related to land use compatibility and physical character of the neighborhood in which the special use permit is sought.
5. Space Requirements:
  - a) Residential Facilities must comply with all applicable standards, including International Building Code (IBC) and International Residential Code (IRC) standards. Confirmation by the building official that the residence complies with applicable IBC and IRC provisions, based on the number of people who may occupy the premises, is required prior to approval of any permit subject to this section.
  - b) Shelters must provide at least fifty square feet of space per person occupying the Shelter.
6. Safety and Maintenance: All Residential Facilities and Shelters must continuously comply with applicable property maintenance codes established for residential and commercial structures within the City
7. Code of conduct. All facilities must provide and enforce a written code of conduct, which not only provides for the health, safety, and welfare of the temporary residents, but also mitigates negative impacts to neighbors and the community.
8. Site Access:
  - a) All facilities subject to this section, except Permanent Supportive Housing and Transitional Housing, must maintain a designated member to serve as a point of

contact for the Sedalia police department. At least one member must be always on duty at such facility during hours of operation. The names of the currently on-duty members shall be posted in a conspicuous manner at all times during operations.

b) All facilities subject to this section, except Permanent Supportive Housing and Transitional Housing, must maintain a registry of all individuals being sheltered on that date and such registry shall be made available to public safety officials upon request.

9. Traffic. Traffic mitigation measures shall be established for dwellings that are permitted as Emergency Housing or Transitional Housing for fifteen or more residents (adults and children) plus managers and other service providers.

10. Managers and Other Service Providers. Any Residential Facility or Shelter must have an on-premises manager or Sponsor at all times during operations.

11. Drugs and Alcohol. Use of alcohol, recreational marijuana, and controlled substances, except by prescription, is strictly prohibited on facility premises.

12. Dispersal of Like Facilities. For all Emergency Housing facilities and Transitional Housing facilities permitted subject to the provisions of this chapter, the Director of Community Development shall upon receipt of an application, report to the Planning and Zoning Commission and the City Council the existence and locations of like facilities to avoid approval of permits for like facilities within a single neighborhood.

### **c) Shelters**

In addition to the provisions of 64-127(b), all facilities permitted to operate as Shelters are subject to the following provisions of this section.

1. The facility shall have on-site supervision during all hours when the Shelter is open.
2. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
3. Facilities shall provide secure areas for personal property.
4. Shelters shall not exceed thirty beds; provided that such Shelters must also otherwise comply with the underlying zoning districts.
5. The Shelter shall provide on-site parking at a rate of two spaces per staff member employed or volunteer working plus one space per six occupants allowed at the maximum capacity.

6. A management plan is required for all Shelters upon submission of an application for a special use permit pursuant to this article to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and reviewed by the Community Development department and a recommendation made to Planning and Zoning Commission and City Council prior to the approval of such special use permit. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. Such operations plan shall become a part of any approved special use permit, and the special use permit shall stipulate that continued compliance with the operations plan and this section is required for continued operations of the special use. The Community Development Department shall inspect at least annually each Shelter to ensure compliance with this section. The city council may establish a fee by resolution to cover the administrative cost of review of the required management plan.

**d) Notice and hearing:** The Community Development Department may recommend the suspension or revocation of a special use permit issued pursuant to this Section. Prior to making such recommendation, the Community Development Department shall, in writing, provide notice of the reasons for such recommendation. A special use permit holder shall be allowed ten (10) business days to comply with the deficiencies listed in the notice. If after the expiration of ten (10) business days the deficiencies still exist, the Community Development Department may place a public hearing on the agenda for a regularly scheduled City Council meeting or a special City Council meeting, which allows for at least 10 days' written and published notice of the hearing. At the hearing the City Council shall hear evidence presented by the Community Development Department, the special use permit holder, and the public. After the close of the public hearing, the City Council shall render a decision on whether the special use permit should be suspended or revoked. If a special use permit is revoked pursuant to this section, no application for a new special use permit by the same property owner, or at the same location, may be filed for a period of one (1) year after the date of revocation.

**e) Emergency Powers Unaffected:** Nothing in this section shall be construed to limit the Emergency Powers of the Mayor or City Council as provided by City Code of Ordinances Chapter 20. In the case there is a conflict between these provisions related to Homelessness and the Emergency Powers, the Emergency Powers shall supersede.

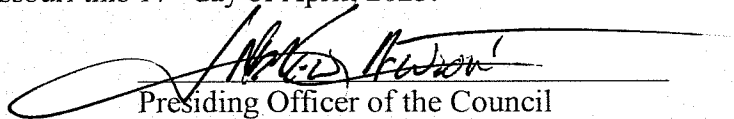
**SECTION 15.** That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 16.** This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and City Council.

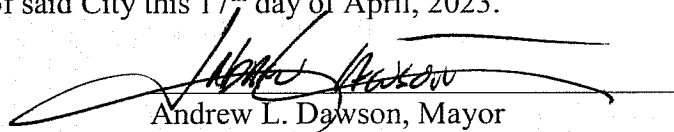


**SECTION 17.** That if any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Read two times by title, copies of the proposed ordinance having been made available for public inspection prior to the time the bill is under consideration by the Council and passed by the Council of the City of Sedalia, Missouri this 17<sup>th</sup> day of April, 2023.

  
Presiding Officer of the Council

Approved by the Mayor of said City this 17<sup>th</sup> day of April, 2023.

  
Andrew L. Dawson, Mayor

ATTEST:

  
Jason S. Myers  
City Clerk