

**AGENDA**

**The City of Rolla  
Planning & Zoning Commission  
City Council Chambers, 1<sup>st</sup> Floor  
901 North Elm Street  
Tuesday, June 11, 2024 at 5:30 PM**

**Commission Members:**

**Chairman Russell Schmidt, Secretary/Vice-Chairman Monty Jordan,  
City Council Representative Nathan Chirban,  
Robert Anderson, Kevin Crider, Janece Martin, Monte Shields, Steve Davis, Don Morris**

- I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 14, 2024
- II. REPORT ON RECENT CITY COUNCIL ACTIONS:** NONE
- III. NEW BUSINESS:** NONE
- IV. PUBLIC HEARING:**
- 1. ZON24-01:** Rezoning 1320 Independence Drive from the C-2, General Commercial district to the R-3, Multi-family district
- V. OLD BUSINESS:**
- 1. TXT24-02:** Text Amendment to Sections 42.203 Zoning Use Definitions; 42.209 to establish Shelters, Soup Kitchens, and Transitional Housing; 42.211 – 42.215 Residential Districts; 42.221 – 42.224 Commercial Districts; removing 42.457 Overnight Shelter, Soup Kitchen, and Transitional Uses; and 42.710 amending Zoning Use Table as needed
- VI. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE, OR STAFF:** NONE
- VII. CITIZEN COMMENTS:**
- NEXT MEETING DATE:** Tuesday, July 9, 2024

**MINUTES  
ROLLA PLANNING AND ZONING COMMISSION MEETING  
ROLLA CITY HALL COUNCIL CHAMBERS  
TUESDAY, MAY 14, 2024**

**Presiding:** Russell Schmidt, Chairperson

**Commission Members Present:** Robert Anderson, Kevin Crider, Steve Davis, Monty Jordan, Janece Martin, Don Morris, Monte Shields

**Commission Members Absent:** Nathan Chirban

**I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, March 12, 2024. **Chairperson Russell Schmidt approved the minutes as printed and distributed.**

**II. REPORT ON RECENT CITY COUNCIL ACTIONS:**

1. **CUP24-01:** Conditional Use Permit to allow an industrial use in the C-C, Center City district for a proposed brewery at 600 N Rolla Street.
2. **Old Town Neighborhood Plan**

**III. NEW BUSINESS:** NONE

**IV. PUBLIC HEARING:**

1. **TXT24-02:** Text Amendment to Sections 42.203 Zoning Use Definitions; 42.209 to establish Shelters, Soup Kitchens, and Transitional Housing; 42.211 – 42.215 Residential Districts; 42.221 – 42.224 Commercial Districts; removing 42.457 Overnight Shelter, Soup Kitchen, and Transitional Uses; and 42.710 amending Zoning Use Table as needed.

**Coots** presents the staff report.

**Schmidt** asks **Coots** to define Transitional Housing more clearly. **Coots** responds that it means non-emergency temporary housing with supportive services for a length of stay of typically more than 6 months to individuals and families experiencing homelessness or transitioning into permanent housing from an overnight shelter, domestic violence shelter, drug/alcohol rehabilitation, or from incarceration with the goal of interim stability and support to successfully move to and maintain permanent housing. Transitional housing includes multi-family or dormitory-style housing arrangements and does not include housing that meets the definition of a single-family dwelling group home.

**Schmidt** opens the public hearing.

**Dale Wands**, residing in Rolla, Missouri. Would like to know what precipitated this decision since we just made changes 2 years ago. **Schmidt** responds that the lawyer for the City of Rolla has advised that it is hard to enforce in Section 42 and suggests it is moved

to Section 20. **Wands** asks if this meeting was advertised? **Schmidt** responds that the meeting was advertised in the newspaper. **Wands** would like more discussion on this and is also concerned that some items were changed from conditional use to permitted use.

**Schmidt** closes the public hearing.

**Coots** explains the proposed changes to the ordinance.

Following some discussion **Schmidt** entertains a motion for a roll call vote.

**A motion was made by Janece Martin, seconded by Monte Shields, to table this request until the June 11, 2024 meeting. A roll call vote on the motion showed the following: Ayes: Anderson, Crider, Davis, Jordan, Martin, Morris and Shields. Nays: None. Absent: Chirban. The motion passes.**

V. OLD BUSINESS: NONE

VIII. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, COMMITTEE OR STAFF: NONE

IX. CITIZEN COMMENTS: NONE

Meeting adjourned: 6:03 p.m.  
Minutes prepared by: Cindy Brown

NEXT MEETING: Tuesday, June 11, 2024



Report to:

**Planning and Zoning  
Commission**

Case No.: ZON24-01

**Meeting Date:** June 11, 2024

**Subject:** Map Amendment (rezoning): 1320 Independence Rd from the C-2, General Commercial district to the R-3, Multi-family district

**Background:** The applicant has purchased the subject with the intent of building a single-family dwelling on the property. Although the applicant only seeks to build a single-family dwelling, the request was advertised, with the applicants' permission, to allow for the R-3, Multi-family district to be considered. R-1, Suburban Residential zoning would be adequate for their plans, however, the location may not be appropriate for R-1 zoning.

The subject property is located between commercial properties, in an area of commercial zoning. However, there are large areas of multi-family developments and zoning in the vicinity. Although a single-family house may not be the most ideal use for the property, single-family uses are allowed in R-3 zoning.

**Application and Notice:**

Applicant/Owner - Ronald and Ainagul Durbin  
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>  
City Council Date - June 17, 2024

**Property Details:**

Current zoning - C-2, General Commercial; to be rezoned to R-3, Multi-family  
Current use - Undeveloped  
Proposed use - Residential  
Land area - 0.73 acres (~31,800 SF)

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Independence Rd, a local street.  
Sidewalks - There are no sidewalks located adjacent to the property or in the vicinity. A sidewalk would likely not be required to be constructed at this time.  
Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Neighborhood Commercial uses. The plan indicates that some housing can be appropriate for neighborhood commercial areas.

**Discussion:**

The subject property is located in a commercial area, however, with multi-family uses nearby. Multi-family uses can be appropriate within and adjacent to commercial areas. Although the applicant only plans to build a single-family dwelling that would generally require R-1 zoning, R-3 zoning may be more appropriate in this location.

R-1 zoning could be viewed as “spot zoning” in this case, being applied only to a single, smaller property in an area with very different zoning and being over 600 feet from the nearest R-1 lot (with a single-family use). However, R-3 zoning can be appropriate in this location, being near other R-3 areas, almost diagonally across the street.

The Commission has the option of recommending either R-3 zoning, or can recommend any lower residential zoning. R-1 would permit the applicant to build planned house.

**Rezoning Approval Criteria:**

A rezoning application must be reviewed to ensure that the following criteria are considered:

1. Whether the proposed zoning district classification is consistent with the intent of the Rolla Comprehensive Plan;
2. Whether there are any changed or changing conditions in the neighborhood affected that make the proposed rezoning necessary or desirable from an overall community development perspective;
3. Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity;
4. Whether a reasonably viable economic use of the subject property will be precluded if the proposed rezoning is denied creating an economic hardship; and
5. Relevant information submitted at the public hearing.

**Findings:**

1. The Comprehensive Plan does designate the subject property as being appropriate for Neighborhood Commercial uses. Some residential use can be appropriate.
2. The subject property is located adjacent to properties with commercial zoning and uses.
3. The subject property is also located near properties with multi-family zoning and uses.

**Alternatives:**

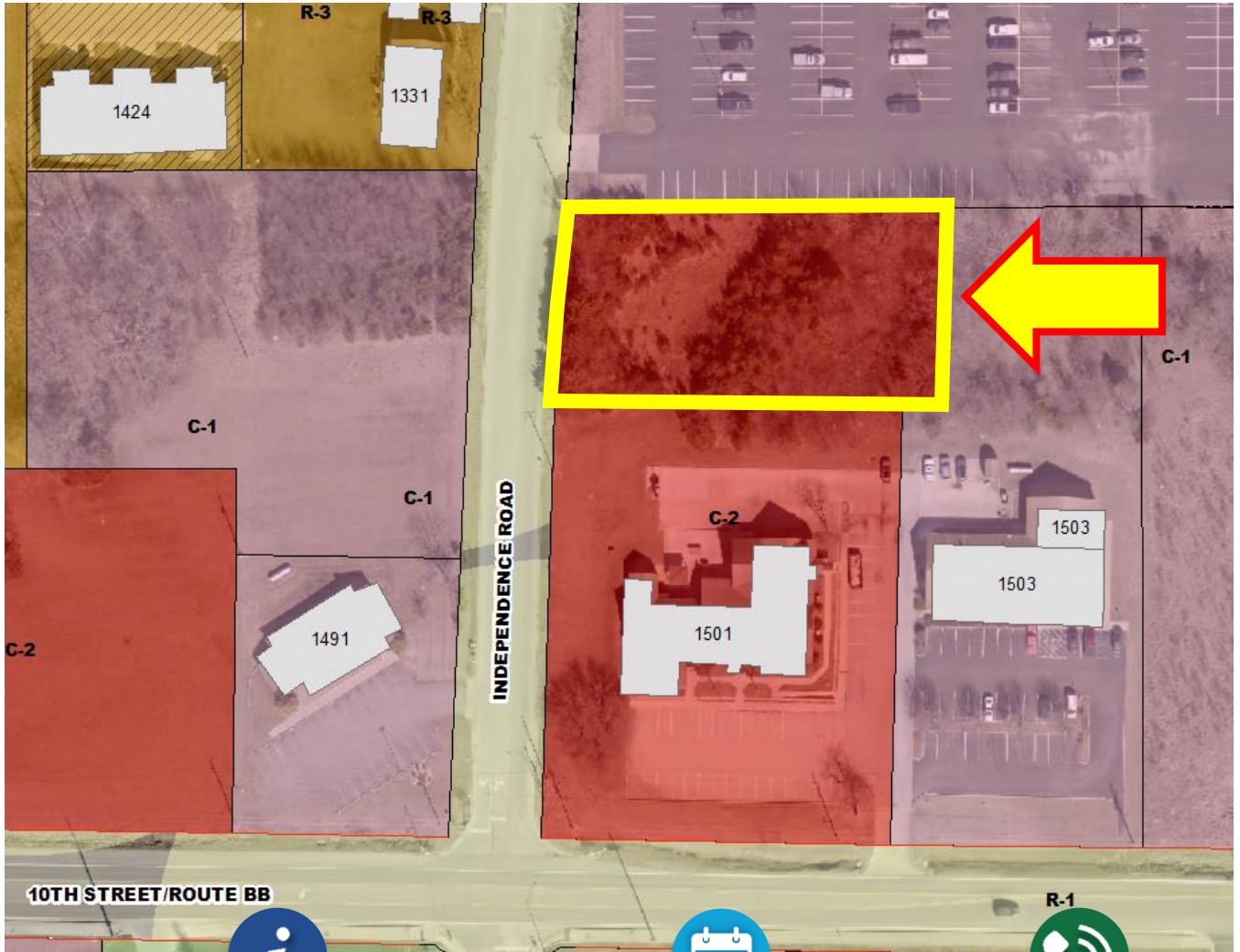
1. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property to the R-3, Multi-family district.
2. Find the request meets the criteria for approval and recommend the City Council approve the request for a map amendment (rezoning) of the subject property to the R-1, Suburban Residential district.
3. Find that the proposed map amendment (rezoning) is not an appropriate use for the property and recommend that the City Council deny the request.
4. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

**Prepared by:**

Tom Coots, City Planner

**Attachments:**

Public Notice Letter; Application



**Project Information:**

Case No: ZON24-01  
 Location: 1320 Independence Rd  
 Applicant: Ronald and Ainagul Durbin  
 Request:  
 Rezoning from C-2, General Commercial to  
 the R-3, Multi-family district



**Public Hearings:**

Planning and Zoning  
 Commission  
**June 11, 2024**  
**5:30 PM**  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
**June 17, 2024**  
**6:30 PM**  
 City Hall: 1<sup>st</sup> Floor



**For More Information Contact:**

Tom Coots, City Planner  
 tcoots@rollacity.org  
  
 (573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> Floor  
 8:00 – 5:00 P.M.  
 Monday - Friday



**Who and What is the Planning and Zoning Commission?**

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

**What is a Rezoning (Map Amendment)?**

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

**What is Zoning?**

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

**How Will This Impact My Property?**

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

**What If I Have Concerns About the Proposal?**

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

**What If I Cannot Attend the Meeting?**

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

**What If I Have More Questions?**

Please contact the Community Development Office if you have any additional questions.

**LEGAL DESCRIPTION**

Lot 1, Heritage Village,  
Rolla, Phelps County,  
Missouri



### LAND USE APPLICATION

#### Contact Information:

##### Property Owner:

Name(s) Ronald & Ainsgal Durbin

Mailing Address 800 Oxford Dr

City, State, Zip Rolla, Mo 65401

Phone 216 838 1074

Email champion1@yahoo.com

##### Agent/Applicant (If Different Than Property Owner):

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

#### Property/Request Information:

Request:  Rezoning  
 Planned Unit Development  
 Conditional Use Permit  
 Voluntary Annexation

Property Address/Location 1320 Independence

Property Zoning (Current and Proposed) (2 TO R)

Proposed Development/Project/Amendment \_\_\_\_\_

### APPLICATION CHECKLIST:

City Staff Verifies

Completed Application Form

N/A

Agent Letter (If Applicable)

Filing Fee - (\$375) (Rezoning); \$600 (PUD); \$450 (Conditional Use Permit); \$600 (Annexation)

N/A

Legal Description (Unplatted and Irregular Lots Only)

N/A

Site Plan (If Applicable)

N/A

Letter of Request/Project Report/Notarized Petition (Annexation) (If Applicable)

#### OFFICE USE ONLY:

Case No: ZOW 24-01

DRC Meeting Date: 5.21.24

PZ Hearing Date: 6.11.24

Submission Date: 5.3.24

Advertise By: 5.23.24

CC Hearing Dates: 6.17.24/7.1.24



## I N F O R M A T I O N :

**Rezoning (Map Amendments)** are reviewed to meet the following criteria:

1. Consistency with the intent of the Rolla Comprehensive Plan;
2. Changed or changing conditions that make the proposed rezoning necessary or desirable;
3. Compatibility of allowed uses with the uses permitted on other property in the immediate vicinity;
4. Reasonably viable economic use of the subject property; and
5. Relevant information submitted at the public hearing.

**PUD's (Planned Unit Developments)** are reviewed to meet the following criteria:

1. Criteria for rezoning (above);
2. Adequacy of existing utility services and facilities or ability to provide utilities and facilities;
3. Impact upon vehicular and pedestrian traffic safety;
4. Whether the intent and goals of the Planned Unit Development requirements are met (See 42.260); and
5. Relevant information submitted at the public hearing.

**CUP's (Conditional Use Permits)** are reviewed to meet the following standards:

1. Consistency with the intent of the Rolla Comprehensive Plan;
2. Compatibility of the proposed use, scale, and location with uses in the immediate vicinity;
3. Adequacy of existing utility services and facilities or ability to provide utilities and facilities;
4. Whether reasonable conditions may be imposed to mitigate any impacts to the immediate vicinity;
5. Impact upon vehicular and pedestrian traffic safety; and
6. Relevant information submitted at the public hearing.

**Annexation** are reviewed to meet the following criteria:

1. Conformity with the minimum statutory requirements;
2. Consistency with the Rolla Comprehensive Plan;
3. Adequacy of existing utility, city services, and facilities or ability to provide utilities, services, and facilities; and
4. Relevant information submitted at the public hearing.

### **Acknowledgement and Authorization:**

The owner(s) understand and agree that the application will be placed on hold until a complete application and all required items on the checklist are received. The owner(s) understand and agree to permitting employees of the City of Rolla to enter the subject property for purposes of posting a yard sign(s), retrieving the yard sign(s), taking photographs of the property/building(s), and investigating the property for pertinent information related to the request. Should ownership of the property change after the application is submitted, authorization is required from the new owner to continue with the review of the request, or the request will be withdrawn from consideration. The undersigned understands that a full refund may be issued if the request is withdrawn within three (3) business days after the application; a partial refund may be considered if the request is withdrawn prior to the hearing.

Property Owner(s):

Applicant/Agent (If Different From Owner)

Ronald Durbin      Ronald Durbin  
Sign                      Print

Ainagal Durbin      Ainagal Durbin  
Sign                      Print

\_\_\_\_\_  
Sign                      Print

\_\_\_\_\_  
Sign                      Print



Report to:

**Planning and Zoning  
Commission**

Case No.: TXT24-02

**Meeting Date:** June 11, 2024

**Subject:** Text Amendment to Sections 42.203 Zoning Use Definitions; 42.209 to establish Shelters, Soup Kitchens, and Transitional Housing; 42.211 – 42.215 Residential Districts; 42.221 – 42.224 Commercial Districts; removing 42.457 Overnight Shelter, Soup Kitchen, and Transitional Uses; and 42.710 amending Zoning Use Table as needed

**Background:** The City Council adopted revisions to the zoning code for Overnight Shelters and related uses in 2022. Although no applications have been received for new overnight shelters in that time, discussions regarding the uses have continued since the city hired a new City Attorney. The City Council has directed staff to work with the attorney to draft certain revisions to the zoning codes.

Revisions are proposed to Chapter 42, Planning and Zoning to make changes to the districts in which the uses are allowed, and to relocate the provisions for how they operate to Chapter 20, Housing.

**Application and Notice:**

Applicant - City of Rolla  
Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>  
City Council Date - May 20, 2024 – Postponed to June 17, 2024

**Discussion:** The proposed amendments to the city codes are recommended by the City Attorney. Staff has worked with the attorney to prepare the necessary revisions.

In Chapter 42 several changes are proposed to the districts in which the overnight shelters and related uses are allowed. The revisions are summarized:

1. The overnight shelters and related uses are to be removed from the definitions section and referred to Chapter 20.
2. Severe Weather Shelters are created as a land use and proposed to be allowed in all zoning districts.
3. Transitional Housing is proposed to be allowed in all residential districts. The codes previously allowed Transitional Housing only in the multi-family districts and the C-C, Center City District.
4. Soup Kitchens are proposed changed from a Conditional Use in the C-2, General Commercial district to be a permitted use. Soup Kitchens remain a Conditional Use in the C-C, Center City District; and are proposed as a Conditional Use in the M, Manufacturing District.

5. Overnight Shelters are proposed to be changed from a Conditional Use to a permitted use in the R-3, Multi-family and R-4, Urban Multi-family Districts.
6. Overnight Shelters are proposed to be permitted as a Conditional Use in the C-C, Center City District. Overnight Shelters would remain a Conditional Use in the M, Manufacturing District.
7. The section in the zoning code that contained the details about how the uses are allowed to operate are to be removed from Chapter 42 and revised language would be added to Chapter 20, Housing. The revised language will be reviewed by the City Council, as the Planning and Zoning Commission only reviews and makes recommendations on issues pertaining to Chapter 42.

The City Council will review the recommendations from the Planning and Zoning Commission for revisions to Chapter 42; and will also review revisions for Chapter 20, Housing. The proposed revisions to Chapter 42 are attached. In addition, the City Attorney prepared a report to discuss the changes and the necessity. The draft of the ordinance including the proposed changes to Chapter 20 is attached as well. The ordinance is for information only, as the Planning and Zoning Commission does not approve ordinances, not has purview over Chapter 20.

The proposed text has had one change since the last meeting. Staff has modified the proposed text and ordinance to permit Soup Kitchens as a Conditional Use in the M, Manufacturing district. The M district allows for all commercial uses, including restaurants. Soup Kitchens are very similar to a restaurant use. The change would allow for facilities with both Overnight Shelter facilities and Soup Kitchen facilities to be located at the same site in two zoning districts (C-C and M).

**Findings:**

1. The proposed text amendment is needed to better ensure the ability to enforce the city ordinances.
2. The text amendment does make changes to where Overnight Shelters and related uses are allowed.
3. The City Council will discuss the details regarding how the uses operate; the proposed revisions for the Planning and Zoning Commission to consider are only to Chapter 42 pertaining to where the uses may operate.

**Alternatives:**

1. Find the text amendment is needed and recommend the City Council approve the text amendment as presented or with modifications.
2. Find that the proposed text amendment is not needed and recommend that the City Council take no action.
3. Find that additional information and discussion is needed prior to making a recommendation and table the request to a certain date.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Proposed Text Amendment; Memo from City Attorney; Draft Ordinance



## LAUBER MUNICIPAL LAW

*Serving those who serve the public*

MEMO

**To:** Members of the Planning and Zoning Commission

**From:** Nathan Nickolaus, City Attorney

**Re:** Proposed Changes to Homeless Shelter Ordinance

### **Why the Change?**

The original homeless shelter ordinance was written as part of the zoning code. The purpose of a zoning code is to regulate where certain activities can take place (*F.W. Disposal S., LLC v. St. Louis Cty.*, 168 S.W.3d 607, 613 (Mo. App. E.D. 2005) holding that the primary purpose of zoning is to regulate the development of real estate.). Zoning ordinances can, and often do regulate how a particular activity takes place, but it is generally an awkward way to do that. Zoning is generally a one-time thing. Once a property is zoned, the owner does not need to regularly check in to see if his use of the property is still okay. Nor do zoning codes generally, including Rolla's, have a mechanism to monitor how some activity is being carried out. Finally, if a property owner violates the zoning code, the only remedy is to revoke the zoning (conditional use permit) which is a lengthy and difficult process that requires public hearings and city council approval.

The alternative is to regulate activity through a licensing process. For example, Rolla currently regulates massage therapists. These licensees have to follow certain rules, and if they violate the rules, their license is simply revoked. The person is entitled to a hearing, but it is much simpler than revoking a conditional use permit.

### **How the Ordinance Works.**

The ordinance creates four different kinds of homeless facilities, severe weather shelters, overnight shelters, soup kitchens, and transitional housing<sup>1</sup>. Dividing the term "homeless shelter" into these different groupings allows the city to more effectively target the needs of each.

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<sup>1</sup> A fifth class would be Domestic Violence Shelters, which are exempted from these rules because they have minimal impacts on the surrounding community.

### Severe Weather Shelters.

These are not permanent facilities. Rather they are stood up when weather conditions or other emergencies require them. Since they are not permanent and of short duration, they have the fewest requirements. Prior to coming into use, they have to pass an inspection showing that they meet the basic requirements and an adequate safety plan (see below). It is assumed that clients will stay in the shelter for the duration of the event. Severe Weather Shelters simply maintain a list of who is being sheltered. There is no limit as to where Severe Weather Shelters may be located in relation to other facilities. Staff recommends that they be permitted use in all zones.

### Overnight Shelters.

These are what are most commonly thought of as ‘homeless shelters.’ They are more or less permanent but require an annual license. Like Severe Weather Shelters, they must meet the basic requirements and have an adequate safety plan. Clients are not allowed to stay in the shelter for more than 14 hours at a time. This is to distinguish them from hotels or apartments and to give the staff a chance to clean and restock. In addition, if a person stays in the shelter for more than 30 days, the shelter must develop a plan for the person to transition from homelessness to some sort of permanent living arrangement. Overnight shelters must not only maintain a list of who is being sheltered but also additional specific information about the client. This information is available to the police.

Overnight Shelters cannot be located within 1000 feet of another overnight shelter. This is to spread them out and thereby minimize their impact at a particular location. Overnight shelters must be located a minimum of seven hundred-fifty (750) feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare. This rule doesn’t apply to Shelters providing facilities solely for women, children, and families.

Overnight Shelters must keep their property free of trash, litter, and cigarette butts. In addition, they must make efforts to clean up trash within one block of their facilities.

Overnight Shelters are required to have parking for their staff, but not their clients.

The City Staff is permitted to inspect Overnight Shelters at any reasonable time.

### Soup Kitchens.

Soup Kitchens present issues very different from Shelters because they do not have residents. This means that fire and safety concerns are less. Nevertheless, Soup Kitchens must have an annual permit and a safety plan. They must pass a health inspection. The City Administrator is authorized to impose additional requirements to minimize any impacts on the surrounding community.

### Transitional Housing

Clients in transitional housing are treated just like any other apartment dweller. Although they may have free or subsidized housing, there is no staff living with them.

### **What Are the Basic Requirements and Safety Plans?**

#### Basic Requirements.

The Basic Requirements apply to Severe Weather and Overnight Shelters. These requirements pertain to having adequate size to accommodate clients, basic sanitation such as restrooms, fire safety, and building codes. These are intended to make sure that the residents are safe.

#### Safety Plans.

Safety Plans are required for Severe Weather and Overnight Shelters as well as Soup Kitchens. The safety plan is worked out by agreement between the operator and the city staff, particularly fire, code enforcement, and police. The police portion is intended to reduce crime both inside and outside of the facility. Fire and building code provisions are obviously focused on life safety issues.

### **Zoning.**

A key component of this ordinance is that every type of shelter is allowed as a permitted use in at least one zone.

Severe Weather Shelters are permitted in all zones.

Overnight Shelters are permitted in the R-3, Multi-Family Residential District and the R-4, Urban Multi-Family District. They are also allowed as a conditional use in the C-C, Center-City Commercial District, and the M, Manufacturing District.

Soup Kitchens are a permitted use in the C-2 district and a conditional use in the C-C, Center-City Commercial District.

Transitional Housing is permitted wherever their particular type of housing is permitted. For example, if it is an apartment, then in multi-family zones.

### **Conclusion**

I am attaching an article on the impact of homeless shelters on the surrounding community that I would like to add to the record. Please feel free to contact me if you have any additional questions.

## **Sec 42.203 Zoning Use Definitions**

The following definitions apply for land uses in this section and chapter. The Community Development Director is empowered to determine how particular uses of land are classified. The Board of Adjustment may hear and decide Appeals to determine if a definition is intended to be applied to a particular use of property.

~~*Domestic Violence Shelter:* Temporary residential facility with the primary purpose of housing survivors of domestic violence and/or sexual violence and their families or household members at no cost or at a charge that is less than the full cost of providing services; and/or as defined by the Missouri Coalition Against Domestic and Sexual Violence. A domestic violence shelter is a form of an overnight shelter which is subject to different operational requirements due to the special nature of the use.~~

~~*Overnight Shelter:* A facility, building, or property where overnight housing services are provided temporarily to persons impacted by temporary or chronic homelessness, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. Such use shall not include any of the following:~~

- ~~(a) Residential group homes;~~
- ~~(b) Temporary lodging for families of patients, or patients themselves, of state licensed health facilities within Phelps County;~~
- ~~(c) University or educational institution residence halls;~~
- ~~(d) Fraternity or sorority houses;~~
- ~~(e) State and city licensed nursing homes and day care centers;~~
- ~~(f) Foster homes licensed under Chapter 210, RSMo;~~
- ~~(g) Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo.;~~
- ~~(h) Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;~~
- ~~(i) Food pantries and distribution~~
- ~~(j) Hotels, motels, boarding houses, and other similar forms of lodging~~

~~*Soup kitchen:* An establishment where meals are provided to a person or persons at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals and related services is the principal service of the establishment, whether or not additional services are provided. A soup kitchen is differentiated from a restaurant or food service establishment by providing services for no cost or for less than the cost of providing the services and provision of related social services. A soup kitchen does not include the provision of an overnight shelter, temporarily or otherwise.~~

~~*Transitional housing:* Non-emergency temporary housing with supportive services for a length of stay of typically more than six months to individuals and families experiencing homelessness or transitioning into permanent housing from an overnight shelter, domestic violence shelter, drug/alcohol rehabilitation, or from incarceration with the goal of interim stability and support to successfully move to and maintain permanent housing. Transitional housing includes multi-family or dormitory style housing arrangements and does not include housing which meets the definition of a single-family dwelling or group home.~~

**Sec 42.204 – 42.208 ~~42.209~~ Reserved**

**42.209 Shelters, Soup Kitchens, and Transitional Housing.**

- A. Definitions. The words in this Article shall have the same definitions as provided in Section 20.020 of this Code.
- B. Severe Weather Shelters. Severe Weather Shelters shall be permitted in all districts when properly permitted and operating within the rules of such a permit.
- C. Overnight Shelters.
  - 1. Overnight Shelters shall be permitted in the following districts when properly permitted and operating within the rules of such a permit:
    - a. R-3, Multi-Family Residential District
    - b. R-4, Urban Multi-Family District
  - 2. Overnight Shelters shall be allowed as a conditional use in the following districts:
    - a. C-C, Center-City Commercial District
    - b. M, Manufacturing District
- D. Soup Kitchens
  - 1. Soup Kitchens shall be a permitted use in the C-2, General Commercial District.
  - 2. Soup Kitchens shall be allowed as a conditional use in the following districts:
    - a. C-C, Center-City Commercial District
    - b. M, Manufacturing District
- E. Transitional Housing. Transitional Housing shall be allowed in any residential district provided that the housing otherwise conforms with the requirements of permitted uses in that district. To assure the aims of transitional housing are met, no transitional housing facility may be located within 450 feet of another transitional housing facility not located on the same lot.

**Sec 42.211 R-1, Suburban Residential District**

- 1. The following uses are permitted “by-right” in the R-1, Suburban Residential District:
  - a. Single-family detached dwellings
  - b. Churches and other places of worship on lots less than one acre in size
  - c. Residential group homes
  - d. Family child care homes
  - e. Adult day care home
  - f. Community Center
  - g. Transitional Housing
  - h. Severe Weather Shelter

**Sec 42.212 R-2, One and Two-family Residential District**

- 1. The following uses are permitted “by-right” in the R-2, One and Two-family Residential District:
  - a. Detached Single-family Dwellings
  - b. Two-family (Duplex) dwellings
  - c. Churches and other places of worship
  - d. Residential group homes
  - e. Family child care homes
  - f. Adult day care home
  - g. Community Center
  - h. Transitional Housing
  - i. Severe Weather Shelter



**Sec 42.213 U-R, Urban-Residential District**

1. The following uses are permitted “by-right” in the U-R, Urban-Residential District:
  - a. Detached Single-family Dwellings
  - b. Two-family (Duplex) dwellings
  - c. Townhouses
  - d. Multi-family dwelling, up to four (4) units per lot
  - e. Churches and other places of worship
  - f. Residential group homes
  - g. Family child care homes
  - h. Adult day care home
  - i. Community Center
  - j. Civic and Social Organizations (no on-site alcohol sales)
  - k. Transitional Housing
  - l. Severe Weather Shelter

**Sec 42.214 R-3, Multi-family Residential District**

1. The following uses are permitted “by-right” in the R-3, Multi-family Residential District:
  - a. Detached Single-family Dwellings
  - b. Two-family (Duplex) dwellings
  - c. Townhouses
  - d. Rooming/Boarding Houses
  - e. Multi-Family up to twenty-six (26) units per acre
  - f. Churches and other places of worship
  - g. Community Center
  - h. Residential group homes
  - i. Family child care homes
  - j. Adult day care home
  - k. Fraternity/sorority houses
  - l. Child care centers
  - m. Parking lots and Garages
  - n. Civic and Social Organizations (no on-site alcohol sales)
  - o. Nursing Homes
  - p. Overnight Shelters
  - q. Transitional Housing
  - r. Severe Weather Shelter
  
2. The following uses are permitted with approval of a Conditional Use Permit in the R-3, Multi-family Residential District:
  - a. Commercial Use if demonstrated to be compatible with the surrounding area
  - b. Mixed-residential Use
  - c. Civic and Social Organizations (with on-site alcohol sales)
  - d. Manufactured Home Park
  - e. ~~Transitional Housing~~
  - f. ~~Overnight Shelters~~

**Sec 42.215 R-4, Urban Multi-family District**

1. The following uses are permitted “by-right” in the R-4, Urban Multi-family District:
  - a. Detached Single-family Dwellings
  - b. Two-family (Duplex) dwellings
  - c. Townhouses
  - d. Rooming/Boarding Houses
  - e. Multi-Family (no maximum density)
  - f. Churches and other places of worship
  - g. Community Center
  - h. Residential group homes
  - i. Family child care homes
  - j. Adult day care home
  - k. Fraternity/sorority houses
  - l. Child care centers
  - m. Parking lots and Garages
  - n. Mixed-residential Use with up to 10,000 total square feet of Commercial Use
  - o. Civic and Social Organizations
  - p. Overnight Shelters
  - q. Transitional Housing
  - r. Severe Weather Shelter
  
2. The following uses are permitted with approval of a Conditional Use Permit in the R-4, Urban Multi-family District:
  - a. Commercial Use if demonstrated to be compatible with the surrounding area
  - b. Seasonal Sales
  - c. ~~Transitional Housing~~
  - d. ~~Overnight Shelters~~

**Sec 42.221 C-1, Neighborhood Commercial District**

1. The following uses are permitted “by-right” in the C-1, Neighborhood Commercial District:
  - a. Child care centers.
  - b. Churches and other places of worship.
  - c. Commercial Use up to 12,000 square feet
  - d. Mixed-residential Use up to two (2) units per lot
  - e. Severe Weather Shelter
  
2. The following uses are permitted with approval of a Conditional Use Permit in the C-1, Neighborhood Commercial District:
  - a. Commercial Uses over 12,000 square feet
  - b. Seasonal Sales
  - c. Temporary Use
  - d. Mixed-residential Use with more than two (2) units

### **Sec 42.222 C-2, General Commercial District**

1. The following uses are permitted “by-right” in the C-2, General Commercial District:
  - a. Commercial Use
  - b. Industrial Use up to 15,000 square feet and conducted within a building
  - c. Churches and other places of worship
  - d. Seasonal Sales
  - e. Temporary Use
  - f. Mixed-residential Use up to two units per lot
  - g. Marijuana Dispensary Facility
  - h. Parking Lots and Garages
  - i. Sexually-oriented Business as permitted by Section 42.423
  - j. Severe Weather Shelter
  - k. Soup Kitchens
  
2. The following uses are permitted with approval of a Conditional Use Permit in the C-2, General Commercial District:
  - a. All other Industrial Uses, if the scale and intensity can be demonstrated to be compatible with surrounding uses
  - b. Marijuana Testing Facility
  - c. Marijuana-Infused Products Facility
  - d. Multi-family up to twenty-six (26) units per acre
  - e. Mixed-residential Use (more than two (2) units per lot)
  - f. ~~Soup Kitchens~~
  - g. Amusement and Recreation Use
  - h. Any other use not listed in any district

### **Sec 42.223 C-C, Center-City Commercial District**

1. The following uses are permitted “by-right” in the C-C, Center-City Commercial District:
  - a. Commercial Use
  - b. Marijuana Dispensary Facility.
  - c. Churches and religious institutions
  - d. Townhouses
  - e. Detached Single-family Dwelling
  - f. Two-family (Duplex) Dwelling
  - g. Mixed-residential Use
  - h. Parking Lots and Garages
  - i. Severe Weather Shelter
  
2. The following uses are permitted with approval of a Conditional Use Permit in the C-C, Center-City Commercial District:
  - a. Industrial or Outdoor Use, if the scale and intensity can be demonstrated to be compatible with surrounding uses and conducted within a building
  - b. Multi-family
  - c. Fraternity/Sorority House
  - d. Temporary Use
  - e. Marijuana Testing Facility
  - f. Marijuana Infused Products Facility
  - g. ~~Transitional Housing~~
  - h. Overnight Shelters
  - i. Soup Kitchens

## **Sec 42.224 M, Manufacturing District**

1. The following uses are permitted “by-right” in the M, Manufacturing District:
  - a. Industrial Uses
  - b. Commercial Uses
  - c. Marijuana Cultivation Facility.
  - d. Marijuana-Infused Products Facility.
  - e. Marijuana Testing Facility
  - f. Temporary Use
  - g. Parking Lots and Garages
  - h. Sexually-oriented Business as permitted by Section 42.423
  - i. Severe Weather Shelter
  
2. The following uses are permitted with approval of a Conditional Use Permit in the M, Manufacturing District:
  - a. Overnight Shelters
  - b. Soup Kitchens

## **~~Sec. 42.457 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses~~**

~~The following requirements for overnight shelters, soup kitchens, and transitional housing uses are intended to help mitigate the impacts of such uses.~~

### **~~Sec. 42.457.1 Overnight Shelter Uses~~**

~~These Overnight Shelter requirements are intended to help mitigate the impacts of an overnight shelter use on public safety services and surrounding properties. Such facilities should generally be located such that clients will have access to jobs, counseling, and other resources for assistance. Any Overnight Shelter use, except shelters which meet the definition of a domestic violence shelter, must adhere to the following requirements:~~

- ~~1. No individual or family shall reside in an overnight shelter for more than thirty (30) days without entering into case management to obtain housing. Clients shall not reside on the premises for more than six (6) months unless extenuating circumstances are present and documented by the facility.~~
- ~~2. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures and tracking outcomes, and an outreach plan for surrounding property owners and residents.~~
- ~~3. A log of each person receiving temporary housing must be kept, including the person’s name, last place of residence, and a photo of the person and/or their government issued identification. Such logs are to be submitted to the Rolla Police Department upon request.~~
- ~~4. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property overnight.~~
- ~~5. Any facility providing overnight shelter services must be located a minimum of one thousand (1,000) feet from any other property operating an overnight shelter facility.~~
- ~~6. Overnight shelters must be located a minimum of seven hundred-fifty (750) feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare.~~
- ~~7. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.~~
- ~~8. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement if a crime is alleged or committed.~~

9. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
10. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide thirty (30) days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.
11. An initial inspection fee of \$300 must be submitted prior to commencing operations and an annual inspection fee of \$100 must be submitted annually thereafter.

#### **Sec. 42.457.2 Domestic Violence Shelter Uses**

These Domestic Violence Shelter requirements are intended to help mitigate the impacts of a domestic violence shelter use on public safety services and surrounding properties. Any overnight shelter which meets the definition of a domestic violence shelter use must adhere to the standards established by the Missouri Coalition Against Domestic and Sexual Violence and any other state or federal requirements, or must meet the following requirements:

1. No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Clients shall not reside on the premises for more than six (6) months unless extenuating circumstances are present and documented by the facility.
2. Prior to commencing operation, the operator must submit the following to the Chief of Police and Fire Chief: contact information for key staff, floorplan, and occupancy policies.
3. The operator must conduct a background check on the MO Sex Offender Registry and MO Casenet before any person may reside at the property overnight.
4. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
5. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
6. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide thirty (30) days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the Community Development Director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.
7. Such shelters are required to maintain confidentiality for their residents.
8. An initial inspection fee of \$300 must be submitted prior to commencing operations and an annual inspection fee of \$100 must be submitted annually thereafter.

### **Sec. 42.457.3 Soup Kitchen Uses**

These Soup Kitchen Use requirements are intended to help mitigate the impacts of a soup kitchen use. Such facilities should generally be located such that clients will have easy access by transit or walking. Any Soup Kitchen Use use must adhere to the following requirements:

1. A written operations plan must be submitted and approved by the Chief of Police and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, and outreach plan for surrounding property owners and residents.
2. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
3. Security cameras are required at a minimum to film any persons using the building entrances.
4. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
5. The operator of such facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

### **Sec. 42.457.4 Transitional Housing Uses**

Such facilities must be located a minimum of five hundred (500) feet from another transitional housing facility located on a separate property.

## Sec 42.710 Zoning Use Table

The following table is for reference only. Any errors, omission, or conflicts will be interpreted by deferring to the text of the zoning code.

P – Permitted C – Conditional Use X – Not Permitted \* - w/ restrictions  
 - (Commercial Use)

	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
<b>Residential Uses</b>									
Detached Single-family Dwelling	P	P	P	P	P	X	X	P	X
Residential Group Home	P	P	P	P	P	X	X	X	X
Modular Home	P	P	P	P	P	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X
Manufactured Home	X	X	X	X*	X	X	X	X	X
Residential-design Manufactured Home	P	P	P	P	P	X	X	P	X
Manufactured Home Park	X	X	X	C	X	X	X	X	X
Two-family (Duplex) Dwelling	X	P	P	P	P	X	X	P	X
Townhouse	X	C	P	P	P	X	X	P	X
Multi-family	X	X	P*	P*	P	X	C*	C	X
Overnight Shelter	X	X	X	P	P	X	X	C	C
Transitional Housing	P	P	P	P	P	X	X	X	X
Severe Weather Shelters	P	P	P	P	P	P	P	P	P
Fraternity/Sorority House	X	C	X	P	P	X	X	C	X
Rooming and Boarding Houses	X	X	X	P	P	X	X	X	X
Family Child Care Home	P	P	P	P	P	X	X	X	X
Adult Day Care Home	P	P	P	P	P	X	X	X	X
Community Center	P	P	P	P	P	-	-	-	-
Nursing Home	C	C	X	P	X	-	-	-	-
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
<b>Commercial Uses</b>									
Commercial Use	X	X	C*	C	C	P*	P	P	P
Industrial Use	X	X	X	X	X	X	P*	C	P
Agriculture Business Use	C	X	X	X	X	-	-	-	-
Amusement and Recreation Use	X	X	X	X	X	X	C	X	X
Civic and Social Organizations	X	X	P*	P*	P	-	-	-	-
Child Care Center	X	X	X	P	P	P	P	P	P
Churches and Places of Worship	P*	P	P	P	P	P	P	P	X
Marijuana Dispensary	X	X	X	X	X	X	P	P	X
Marijuana Testing Facility	X	X	X	X	X	X	C	C	P
Marijuana-infused Products Facility	X	X	X	X	X	X	X	C	P
Marijuana Cultivation Facility	X	X	X	X	X	X	X	X	P
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
Medical Use	C	C	C	C	C	-	-	-	-
Parking Lots and Garages	X	X	X	P	P	X	P	P	P
Seasonal Sales	X	X	X	X	C	C	P	P	P
Sexually-oriented Business	X	X	X	X	X	X	P*	P*	P*
Soup Kitchen	X	X	X	X	X	X	P	C	C
Temporary Use	C	X	X	X	X	C	P	C	P

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

AN ORDINANCE AMENDING CHAPTER 20, "HOUSING" OF THE ORDINANCES OF THE CITY OF ROLLA, MISSOURI TO ESTABLISH ARTICLE III, SHELTERS; AND AMENDING CHAPTER 42, "PLANNING AND ZONING", ARTICLE II, ZONING DISTRICTS; ARTICLE IV, SPECIAL REGULATIONS; AND ARTICLE VII, APPENDIX REGARDING OVERNIGHT SHELTER, SOUP KITCHENS, AND TRANSITIONAL HOUSING USES.

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing following the provision of public notice pursuant to Section 42-142 and applicable state statutes; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the information received, including comments from the public, reports from city staff, the Rolla City Council did find that the requested action is in the best interest of the city:

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

**SECTION 1:** Chapter 20, Housing, is hereby amended by adding Article III Shelters, to read as follows:

ARTICLE III SHELTERS

**Sec. 20.020 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses**

- A. Purpose. The following requirements for overnight shelters, soup kitchens, and transitional housing uses are intended to help mitigate the impacts of such uses.
- B. Definitions.
  1. "*Adequate Safety Plan*" means a written operations plan that has been submitted to and approved by the Chief of Police, Fire Chief, and Community Development Director. The plan must include the following information: contact information for key staff, floorplan, security and exterior lighting plan, health and safety protocols, occupancy policies, intake procedures, and tracking outcomes, and an outreach plan for surrounding property owners and residents.
  2. "*Basic Building Safety Standards*" means the below-listed conditions are met:
    - a. The property or building is of sufficient size to accommodate the proposed number of residents and the on-site facilities required by this section.
    - b. Adequate provision shall be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services. Adequate access to fire and emergency medical apparatus shall be provided.
    - c. Adequate means of exiting the facility shall be provided including safe and unobstructed travel distances from portions of the shelter's sleeping area to egress doors.
    - d. The facility meets all current fire code provisions.
    - e. The portions of the building used for the shelter's purposes, including employee and staff areas and kitchens, are in compliance with the building code.
    - f. Adequate heating system in compliance with current building, mechanical, and fire codes.
  3. "*Domestic Violence Shelter*": Temporary residential facility with the primary purpose of housing survivors of domestic violence and/or sexual violence and their families or household members at no cost or at a charge that is less than the full cost of providing services; and/or as defined by the Missouri Coalition Against Domestic and Sexual Violence.



Domestic Violence Shelters are not subject to the rules of this Section due to the special nature of their use.

4. *“Overnight Shelter”* means a Shelter operated to provide overnight lodging, primarily to persons experiencing homelessness, which operates year-round, and is not a Domestic Violence Shelter.
5. *“Shelter”* means a facility, building, or property where overnight housing services are provided temporarily to persons impacted by temporary or chronic homelessness, at no cost or at a charge that is less than the full cost of providing the services, whether or not other related services are provided at the location. The definition of the word ‘shelter’ includes Severe Weather Shelters, and Overnight Shelters, but does not include any of the following:
  - a. Residential group homes;
  - b. Temporary lodging for families of patients, or patients themselves, of state-licensed health facilities within Phelps County;
  - c. University or educational institution residence halls;
  - d. Fraternity or sorority houses;
  - e. State and city licensed nursing homes and day care centers;
  - f. Foster homes licensed under Chapter 210, RSMo;
  - g. Hospitals, mental institutions, residential care facility or institution that is licensed by the State of Missouri under Chapters 197, 198, and 630, RSMo;
  - h. Emergency shelters related to relocation and are available during or after a fire or natural disaster for a limited duration;
  - i. Food pantries and distribution
  - j. Hotels, motels, boarding houses, and other similar forms of lodging.
  - k. Domestic violence shelters.
6. *“Severe Weather Event”* means one or more of the following:
  - a. A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 10 degrees Fahrenheit or below. This also includes wind chill temperatures when the National Weather Service forecasts wind chill temperatures below 10 degrees Fahrenheit; and/or
  - b. Snow accumulation exceeding or expected to exceed three inches in depth; and/or
  - c. Other conditions deemed severe enough to present a substantial threat to life or health. This includes but is not limited to, excessive heat, tornado, lightning, heavy rain.
  - d. Severe weather alerts/ warnings by reputable weather services or emergency providers;  
or
  - e. Flooding or flood alerts or warnings by the National Weather Service involving waters located in the City; or
  - f. Any other event when designated by the Mayor.
7. *“Severe Weather Shelter”* means a Shelter owned and/or operated by a not-for-profit organization, public agency or other charitable entity that is only open during Severe Weather Events.
8. *“Transitional housing”* means non-emergency temporary housing with supportive services for a length of stay of typically more than six months to individuals and families experiencing homelessness or transitioning into permanent housing from an overnight shelter, domestic violence shelter, drug/alcohol rehabilitation, or from incarceration with the goal of interim stability and support to successfully move to and maintain permanent housing. Transitional

housing includes multi-family or dormitory-style housing arrangements and does not include housing that meets the definition of a single-family dwelling or group home.

9. “*Soup kitchen*” means an establishment where meals are provided to a person or persons at no cost or at a charge that is less than the full cost of providing same and that the provision of such meals and related services is the principal service of the establishment, whether or not additional services are provided. A soup kitchen is differentiated from a restaurant or food service establishment by providing services for no cost or for less than the cost of providing the services and provision of related social services. A soup kitchen does not include the provision of an overnight shelter, temporarily or otherwise, however, a Soup Kitchen and a Shelter may share common facilities.

#### **Sec 20.021 Rules for Severe Weather Shelters.**

- A. No person shall operate a Severe Weather Shelter without first obtaining a permit issued by the City.
  1. Such permit shall be issued at no cost to the applicant.
  2. The permit will be valid for one year.
- B. Prior to receiving a permit, the applicant shall:
  1. Pass an inspection showing that the facility meets Basic Building Standards as defined here.
  2. Demonstrate that the facility has an adequate safety plan.
- C. Each Severe Weather Shelter shall record the name of each guest each day.
- D. A Severe Weather Shelter shall only be open 24 hours prior to the forecasted beginning of a Severe Weather Event until 24 hours after the end of the Severe Weather Event. A Severe Weather Shelter may not be used as a Shelter at any other time without special written permission from the City Administrator based upon an urgent temporary need.
- E. Each Severe Weather Shelter shall have and enforce a policy prohibiting the use of alcohol or illegal drugs on the premises.

#### **Sec. 20.022 Rules for Overnight Shelters**

- A. No person shall operate an Overnight Shelter without first obtaining a permit issued by the City.
  - a. Such permit shall be issued at no cost to the applicant.
  - b. The permit will be valid for one year.
- B. Prior to receiving a permit, the applicant shall:
  - a. Pass an inspection showing that the facility meets Basic Building Standards as defined herein.
  - b. Demonstrate that the facility has an Adequate Safety Plan.
- C. Duration of Stays in Overnight Shelters.
  - a. An Overnight Shelter shall not allow clients to remain in the Overnight Shelter for more than 14 hours at a time, not including time spent in job training classes or other counseling or instruction designed to enable the client to move into transitional or permanent housing. This rule shall not apply during Severe Weather Events.
  - b. No individual or family shall reside in an Overnight Shelter for more than thirty (30) days in any 12-month period without entering into case management to obtain housing. Clients shall not reside on the premises for more than six (6) months in any 12-month period unless extenuating circumstances are present and documented by the facility.

- D. A log of each person receiving temporary housing must be kept, including the person's name, last place of residence, and a photo of the person and/or their government-issued identification. Such logs are to be submitted to the Rolla Police Department upon request.
- E. Any facility providing overnight shelter services must be located a minimum of one thousand (1,000) feet from any other property operating an overnight shelter facility.
- F. Overnight shelters must be located a minimum of seven hundred-fifty (750) feet from any school, playground, or daycare, as measured from the closest point of the shelter facility to the closest point of such school, playground, or daycare. This rule shall not apply to Shelters providing facilities solely for women, children, and families.
- G. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
- H. Security cameras are required at a minimum to film any persons using the building entrances, exits and outdoor assembly areas. Such recordings shall be maintained for at least 72 hours and made available for law enforcement.
- I. Each operator of an overnight shelter shall be required to keep the outside property of the shelter free of trash, bottles, cigarette butts, and other litter by cleaning the outside areas at least once each day that the shelter is open. In addition, the operator shall pick up any trash, bottles, cigarette butts, or other litter found within one block of the Shelter which may reasonably be assumed to have been dropped by customers of the Shelter.
- J. Adequate off-street parking for employees, volunteers, and any residents with vehicles must be provided or made available through written agreements.
- K. The operator of an Overnight Shelter must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide thirty (30) days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operator fails to correct the deficiencies, the City Administrator is authorized to terminate the Permit. The operator may appeal the termination to the Board of Adjustment.

#### **Sec. 20.023 Rules for Soup Kitchen Uses**

- A. No person shall operate a soup kitchen without first obtaining a permit from the City.
  - 1. Such permit shall be issued at no cost to the applicant.
  - 2. The permit will be valid for one year.
- B. Prior to receiving a permit, the applicant shall:
  - 1. Pass a health inspection from the local health department.
  - 2. Have an Adequate Safety Plan.
- C. The operator must enforce a policy of prohibiting alcohol or illegal drug use on the property.
- D. Security cameras are required at a minimum to film any persons using the building entrances.
- E. The operator must provide adequate off-street parking for employees and volunteers.
- F. The operator of such a facility must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and allow 30 days to bring the operation into compliance. If the operator fails to correct the deficiencies, the director is authorized to terminate the conditional use permit or occupancy permit. The operator may appeal the termination to the City Council.

**Sec. 20.024 Rules for Transitional Housing Uses**

1. Such facilities must be located a minimum of five hundred (500) feet from another transitional housing facility located on a separate property.

**Sec. 20.025 Penalties**

- A. The City Administrator may revoke the operating permit of any Severe Weather Shelter, Overnight Shelter, or Soup Kitchen for violation of any of the requirements of this Article. Any aggrieved operator may appeal this decision to the Board of Adjustment by filing a written request for a hearing within 10 business days following notice of the revocation.
- B. Any operator who has had a permit revoked under this Article may not reapply for a new permit within 6 months of the date of revocation.
- C. Any person operating a Severe Weather Shelter, Overnight Shelter, or Soup Kitchen, without a permit shall be guilty of an ordinance violation.
- D. The City Counselor is authorized to seek an injunction or other civil remedy to enforce the provisions of this Article.

**SECTION 2:** Chapter 42, Article II, Zoning Districts, Section 42-203, Zoning Use Definitions is hereby amended to remove the following definitions from the section:

Domestic Violence Shelter, Overnight Shelter, Soup Kitchen, Transitional Housing

**SECTION 3:** Chapter 42, Article II, Zoning Districts is hereby amended to add Section 42-209, Shelters, Soup Kitchens, and Transitional Housing and read as follows:

**42.209 Shelters, Soup Kitchens, and Transitional Housing.**

- A. Definitions. The words in this Article shall have the same definitions as provided in Section 20.020 of this Code.
- B. Severe Weather Shelters. Severe Weather Shelters shall be permitted in all districts when properly permitted and operating within the rules of such a permit.
- C. Overnight Shelters.
  1. Overnight Shelters shall be permitted in the following districts when properly permitted and operating within the rules of such a permit:
    - a. R-3, Multi-Family Residential District
    - b. R-4, Urban Multi-Family District
  2. Overnight Shelters shall be allowed as a conditional use in the following districts:
    - a. C-C, Center-City Commercial District
    - b. M, Manufacturing District
- D. Soup Kitchens
  1. Soup Kitchens shall be a permitted use in the C-2, General Commercial District.
  2. Soup Kitchens shall be allowed as a conditional use in the following districts:
    - a. C-C, Center-City Commercial District
    - b. M, Manufacturing District
- E. Transitional Housing. Transitional Housing shall be allowed in any residential district provided that the housing otherwise conforms with the requirements of permitted uses in that district. To assure the aims of transitional housing are met, no transitional housing facility may be located within 500 feet of another transitional housing facility not located on the same lot.

**SECTION 4:** Chapter 42, Article II, Zoning Districts, Section 42-211, R-1, Suburban Residential District; and Section 42-212, R-2, One and Two-family Residential District; and Section 42-213, U-R, Urban-Residential District are hereby amended to add Transitional Housing and Severe Weather Shelter as permitted “by right” uses.

**SECTION 5:** Chapter 42, Article II, Zoning Districts, Section 42-214, R-3, Multi-family Residential District; and Section 42-215, R-4, Urban Multi-family Residential District are hereby amended to add Overnight Shelters, Transitional Housing, and Severe Weather Shelter as permitted “by right” uses; and remove Transitional Housing and Overnight Shelters as uses permitted by Conditional Use Permit.

**SECTION 6:** Chapter 42, Article II, Zoning Districts, Section 42-221, C-1, Neighborhood Commercial District; and Section 42-224, Manufacturing District are hereby amended to add Severe Weather Shelter as a permitted “by right” use.

**SECTION 7:** Chapter 42, Article II, Zoning Districts, Section 42-222, C-2, General Commercial District is hereby amended to add Soup Kitchens and Severe Weather Shelter as permitted “by right” uses; and remove Soup Kitchens as a use permitted by Conditional Use Permit.

**SECTION 8:** Chapter 42, Article II, Zoning Districts, Section 42-223, C-C, Center-City Commercial District is hereby amended to add Severe Weather Shelter as permitted “by right” uses; and add Overnight Shelters as a use permitted by Conditional Use Permit; and remove Transitional Housing as a use permitted by Conditional Use Permit.

**SECTION 9:** Chapter 42, Article II, Zoning Districts, Section 42-224, M, Manufacturing District is hereby amended to add Severe Weather Shelter as permitted “by right” uses; and add Soup Kitchens as a use permitted by Conditional Use Permit.

**SECTION 10:** Chapter 42, Article IV, Special Regulations, Section 42-457 Overnight Shelter, Soup Kitchens, and Transitional Housing Uses and related sub-sections are hereby repealed.

**SECTION 11:** Chapter 42, Article VII, Appendix, Section 42-710 Zoning Use Table is hereby amended as necessary to reflect the amendments to the uses in zoning districts.

**SECTION 12:** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 13:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 1ST DAY OF JULY 2024.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

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