

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