



PLANNING AND ZONING COMMISSION

AGENDA REPORT

January 2, 2020

ITEM 5.III: An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers

BACKGROUND:

Over the last several months, staff has had both internal and external conversations with groups in town concerning homeless shelters and other community residences in Warrensburg. Several community residences exist in Warrensburg that serve people in some form of crisis or need other than homelessness such as Recovery Lighthouse, Survival, and Victory House. Currently, the City's zoning ordinance defines the term Halfway houses and prerelease centers very broadly. It can be interpreted that any residence that has a person living in it that has 1) been incarcerated and 2) is still on parole would be defined as a Halfway houses and prerelease center and allowed only in the Heavy Industrial zoning district. This could capture a case were a family member in a single family residence could trigger that house to be considered a Halfway houses and prerelease center. It could also mean that intermittently, depending on the population at any given time, the existing community residences listed above could be considered a Halfway houses and prerelease center.

Staff has worked with the City Attorney to draft a more narrow definition of Halfway houses and prerelease centers in the attached, proposed ordinance. This ordinance requires the *primary purpose* of the facility be to house individuals that have a) have been incarcerated in a facility operated by or contracted by, a state or the federal government, and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other state or federal correctional authority. If it is not the *primary purpose* of the facility to serve persons that meet both criteria, but an individual living there happens to meet both criteria, it does not cause the facility to be a Halfway houses and prerelease center by definition. However, if serving people that meet both criteria is the *primary purpose* of the facility, the facility will be considered a Halfway houses and prerelease center and will continue to be allowed only in Heavy Industrial districts.

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

Attachments:

1. Findings & Recommendations
2. Ordinance
3. Redline ordinance

**PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION**

Request to consider An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers

The Planning and Zoning Commission has considered the ordinance at an open public meeting and makes the following findings and recommendations based upon the evidence presented with respect to these matters:

1. On January 6, 2020, the Planning & Zoning Commission considered An Ordinance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers.
2. The proposed ordinance _____ will _____ will not further the goals and objectives of the City's Comprehensive Plan.
3. The proposed ordinance _____ will _____ will not contribute to and promote the welfare and convenience of the public if the ordinance is passed.
4. The proposed ordinance _____ will _____ will not cause substantial injury to the value of property in the community.
5. Additional Comments: _____

Concerning the proposed ordinance, the Planning and Zoning Commission:

___ Recommends Approval

___ Disapproves _____

Passed by the Planning & Zoning Commission this _____ day of _____, 2020.

Chair

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 27-6 OF CHAPTER 27 OF THE CODE OF CITY ORDINANCES PERTAINING TO THE DEFINITION OF HALFWAY HOUSES AND PRERELEASE CENTERS

WHEREAS, a public hearing was held in front of the City Council of the City of Warrensburg on January 13, 2020, regarding amending the definition of the term Halfway houses and prerelease centers:

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

Section 1. That Section 27-6 Definitions is amended to modify the following definition leaving all other provisions of Section 27-6 in effect, unaltered:

Halfway houses and prerelease centers, A facility, whether or not licensed or contracted by a state or federal government, whose primary purpose is the housing of persons who a) have been incarcerated in a facility operated by or contracted by, a state or the federal government, and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other state or federal correctional authority.

Section 2. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 4. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this _____ day of January, 2020.

Casey Lund, Mayor

ATTEST:

Cindy Gabel, City Clerk

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 27-6 OF CHAPTER 27 OF THE CODE OF CITY ORDINANCES PERTAINING TO THE DEFINITION OF HALFWAY HOUSES AND PRERELEASE CENTERS

WHEREAS, a public hearing was held in front of the City Council of the City of Warrensburg on January 13, 2020, regarding amending the definition of the term Halfway houses and prerelease centers:

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

Section 1. That Section 27-6 Definitions is amended to modify the following definition leaving all other provisions of Section 27-6 in effect, unaltered:

Halfway houses and prerelease centers, A facility, ~~housing persons who~~ **whether or not licensed or contracted by a state or federal government, whose primary purpose is the housing of persons who** a) have been incarcerated **in a facility operated by or contracted by, a state or the federal government**, and b) who are still under the jurisdiction of the Missouri State Department of Corrections, the Federal Bureau of Prisons, or any other **state or federal** correctional authority.

Section 2. If any clause, section or other part of this section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 3. It is intended that Section 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 4. That this ordinance shall become effective immediately upon its passage.

Read two times and passed by the City Council this _____ day of January, 2020.

Casey Lund, Mayor

ATTEST:

Cindy Gabel, City Clerk