

CITY OF WARRENSBURG
COMMUNITY DEVELOPMENT

January 7, 2020

Honorable Mayor and
Members of the City Council
City of Warrensburg, Missouri

Dear Mayor and Council Members:

SUBJECT: A Public Hearing on 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 staff level 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.

ISSUE: To consider an ordinance that would more specifically define the term Halfway Houses and prerelease centers in the zoning ordinance.

STRATEGIC PLAN:

N/A

FISCAL IMPACT:

N/A

ECONOMIC BENEFITS/IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of the ordinance. At their January 6, 2020 meeting, the Planning and Zoning Commission recommended approval of the ordinance. Their written finding and recommendation is attached.

Sincerely,

Barbara Carroll
Director of Community Development

Attachment:

1. Proposed ordinance
2. PZ Finding & Recommendations
3. Redline version of the proposed ordinance
4. Publisher's Affidavit

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

**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 6th day of January, 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, ~~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

AFFIDAVIT OF PUBLICATION

NPG Newspapers, Inc., P.O. Box 29, St. Joseph, MO 64502

Reference: 235287
Ad ID: 6630967

P.O. :
DESC. :Public Hearing Notice:BZC

Toni Yost
CITY OF WARRENSBURG
102 S HOLDEN
WARRENSBURG, MO 64093

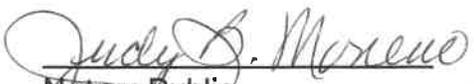
County of Johnson
State of Missouri

I, Jeré McKay, being duly sworn according to law, state that I am an Agent of THE DAILY STAR JOURNAL, a daily newspaper of general circulation in the County of Johnson, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Warrensburg, Missouri, the city publication; which newspaper has been published regularly and consecutively for a period of more than three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, revised Statutes of Missouri 2000, and Section 59.310, revised Statutes of Missouri 2000. The affixed notice appears in said newspaper on the following consecutive dates:

Run Dates: 12/27/19 to 12/27/19
Appearances: 1
AD SPACE: 192

(Signed) 

Subscribed and sworn before me
this 27 day of Dec. 2019


Notary Public
JUDY B. MORENO
Notary Public - Notary Seal
State of Missouri
Commissioned for Buchanan County
My Commission Expires: June 23, 2020
Commission Number: 12544882

My Commission Expires: 6/23/20

(Published in the Daily
Star-Journal Fri. 12/27/2019)

CITY COUNCIL

PUBLIC HEARING NOTICE

Public Notice is hereby given that the City Council of the City of Warrensburg, Missouri, will meet on **January 13, 2020, at 7:00 p.m.**, at the Warrensburg Municipal Center, 200 S. Holden St., to consider the following matters:

1. A public hearing to consider a request from William G. Norvell and Pakaruedee Norvell a/k/a Pat Norvell, Trustees of the Norvell Revocable Trust u/va dated June 29, 2011 for a Conditional Use Permit to use the property located at 123 E. Young St., for a conforming purpose without correcting the non-conforming situations that are not reasonably possible to eliminate. This request involves a request to use the property for Land Use 4.120 MANUFACTURING, PRINTING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT: Majority of dollar volume of business not done with walk-in trade, and the existing building setbacks as the non-conforming situation. This request involves Section 27-28 (g) (2) of the City Code of Ordinances. The property is legally described as follows:

Tract 1: The South 125 feet of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, in Warrensburg, Johnson County, Missouri, and Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, described as: Beginning at the Southwest corner of said Lot 41, thence West, along the North line of Business Route U.S. Highway No. 50, 25 feet, to a point which is 70 feet West of the Southeast corner of said Lot 41; thence North, parallel with the East line of said Lot 41, 125 feet; thence East, parallel with the North line of said highway, 25 feet, to the West line of said Lot 41; thence South, along the West line of said Lot 41, 125 feet, to the point of beginning.

Tract 2: Part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 46, Range 26, in Warrensburg, Johnson County, Missouri, described as: Beginning at the Southeast corner of Lot 41 in Hedges' Addition, as shown by the plat recorded in Plat Book 2, Page 22, thence West, along the North line of Business Route U.S. Highway No. 50, 200 feet; thence North, at right angles, there-to, 125 feet; thence East and parallel with the North line of said Business Route U.S. Highway No. 50, 200 feet, to the East line of said Lot 41; thence South, along the East line of said Lot 41, 125 feet, to the point of beginning; except that part, thereof, conveyed to Chuen Fun Ng, by deed recorded in Book 1434, Page 75, and, further except that part, thereof, conveyed to Tile Time, Inc., by deed recorded in Book 1677, Page 263.

nance Amending Section 27-6 of Chapter 27 of the Code of City Ordinances Pertaining to the Definition of Halfway Houses and Prerelease Centers.

3. A public hearing to consider An Ordinance Amending Chapter 27 of the Code of City Ordinances Regarding Minimum Lot Size, Setback, and Driveway Requirements for Reduced Size Lots.

The public hearings will give all interested parties an opportunity to provide input on these matters. The full text of the proposed amendments may be obtained by contacting the City Clerk. For further information, please contact Barbara Carroll, Director of Community Development 660-747-9135.

Publish on December 27, 2019
PO # 20-01313

2. A public hearing to consider An Ord-

RECEIVED JAN 01 2020