

AN ORDINANCE

amending Sections 29A-2002 and 29A-2003 of the City of Joplin Zoning Regulations by adding an additional provision to each such Section to exclude from the application of such Sections all nonconforming structures and structures devoted to nonconforming uses which were damaged or destroyed by the severe storms and tornados that occurred in Joplin, Missouri on May 22, 2011 to the extent of more than 50 percent of such structure's appraised value; and containing an emergency clause.

WHEREAS, on May 22, 2011, the City of Joplin, Missouri was devastated by a severe storm and tornado (the "Storm") in which a substantial number of structures within the City of Joplin, Missouri, were damaged or destroyed creating a state of emergency within the City of Joplin, Missouri; and,

WHEREAS, the Council of the City of Joplin finds that many structures destroyed by the Storm were nonconforming structures or structures devoted to nonconforming uses (collectively, "Nonconforming Structures"). Pursuant to Sections 29A-2002(C) and 29A-2003(E) of the City of Joplin Zoning Regulations (the "Zoning Regulations"), such Nonconforming Structures may not be rebuilt nor resume nonconforming uses as were carried out prior to the Storm without first obtaining a re-zoning of the property on which such Nonconforming Structures existed; and,

WHEREAS, the Council of the City of Joplin finds that many of such Nonconforming Structures are beneficial and necessary for an effective and timely rehabilitation of the City of Joplin, Missouri; and,

WHEREAS, the Council of the City of Joplin has determined that it is in the interest of community order and public welfare that this Ordinance be adopted in order to aid and encourage timely rehabilitation and rebuilding within the City of Joplin, Missouri in the wake of the state of emergency caused by the Storm.

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

Section 1. That Section 29A-2002 of the Zoning Regulations shall be amended to add the following provision:

"29A-2002. Nonconforming Structures . . .

(E). Notwithstanding any provision to the contrary in these regulations, item (C) of this Section 29A-2002 shall not apply to any nonconforming structure damaged or destroyed to the extent of more than 50 percent of the appraised value of such damaged or destroyed structure by the severe storms and tornados that occurred in Joplin, Missouri on May

22, 2011, and such nonconforming structure may be restored in accordance with these regulations. No restoration shall be made to any nonconforming structure that is restored pursuant to this provision unless a building permit is obtained, and restoration is actually begun within one year after the date of such damage or destruction.”

Section 2. That Section 29A-2003 of the Zoning Regulations shall be amended to add the following provision:

“29A-2003. Nonconforming Uses . . .


(L). Notwithstanding any provision to the contrary in these regulations, item (E) of this Section 29A-2003 shall not apply to any structure devoted in whole or in part to a nonconforming use that was damaged or destroyed to the extent of more than 50 percent of the appraised value of such damaged or destroyed structure by the severe storms and tornados that occurred in Joplin, Missouri on May 22, 2011, and such structure may be restored and such nonconforming use or uses resumed in accordance with these regulations. No restoration shall be made to any structure devoted in whole or in part to a nonconforming use that is restored pursuant to this provision unless a building permit is obtained, and restoration is actually begun within one year after the date of such damage or destruction.”

Section 3. The Council of the City of Joplin does hereby find that this Ordinance is adopted for the purposes of community order and safety by limiting unnecessary delay in the rehabilitation of the City of Joplin, Missouri, and allowing for the safe and timely rebuilding of damaged and destroyed Nonconforming Structures and the resumption of the nonconforming uses to which such structures were devoted immediately prior to the Storm.

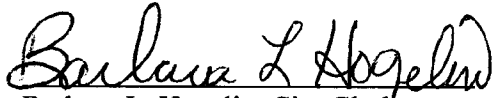
Section 4. That the City of Joplin declares that this ordinance relates to the preservation of public peace, property, health, safety or morals and is an emergency within the meaning of Section 2.12(1) of the HOME RULE CHARTER of the City of Joplin, Missouri, and the Council hereby declares that this ordinance shall be in full force and effect from and after its passage.

Section 5. Effective Date. This Ordinance shall be in full force and effect on and after June 21, 2011.


PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of June, 2011, by a vote of 9-0.


Michael R. Woolston, Mayor

ATTEST:


Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:


Brian W. Head, City Attorney