

AN ORDINANCE

amending Section 29A-1808 of the City of Joplin Zoning Regulations by adding an additional provision waiving the application of such Section all landscaping requirements for properties to the extent that they had landscaping as a nonconforming use 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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

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 had landscaping in place that were nonconforming to the existing Codes of the City of Joplin relating to landscaping requirements. Pursuant to Section 29A-1808 of the City of Joplin Zoning Regulations (the "Zoning Regulations"), such Landscaping Requirements may be waived by the Director of Planning and Community Development to the extent that the properties had nonconforming landscaping on the date of the tornado; and,

WHEREAS, the Council of the City of Joplin finds that many of such Landscaping Requirements 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-1808 of the Zoning Regulations shall be amended to add the following provision:

"29A-1808. Landscaping . . .

(M). Notwithstanding any provision to the contrary in these regulations, the Landscaping Requirements outlined above may be waived or altered as to certain properties that were damaged or destroyed as a result of the severe storms and tornados that occurred in Joplin, Missouri on May 22, 2011, to the extent the nonconforming landscaping existed on May 22, 2011. The Planning and Community Development Director may in his discretion waive or alter such landscaping requirements."

Section 2. 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 3. 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 4. Effective Date. This Ordinance shall be in full force and effect on and after June 22, 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