



PLANNING AND ZONING COMMISSION

AGENDA REPORT

April 26, 2022

ITEM 5.IV: An Ordinance Amending Section 27-28 (e) (4) of the Code City Ordinances of the City of Warrensburg, Missouri, Regarding NonConforming Situations, Repair, Maintenance or Reconstruction

BACKGROUND:

Recently, staff met with a citizen that wanted to address a deteriorating carport on the side of his single-family house. The carport is considered a nonconforming situation because it is too close to the side lot line. A 7.5 ft. side setback is required and it has less than 1 ft. In interpreting the code section, staff and legal counsel determined he could repair and reconstruct a carport on the same footprint, but not a garage as the citizen hoped for. In the interest of preserving neighborhoods by reinvesting in existing structures, staff feels being allowed to build a garage instead of a carport is not injurious to the neighborhood and should be allowed.

Staff and legal counsel have drafted the attached ordinance that adds the phrase in red to the existing Section 27-28 (e) (4) as shown below. No other changes have been made to the code section. This change would allow a person to repair or reconstruct any wall not just nonbearing walls that are part of a nonconforming situation so long as the extent of the nonconformity is not increased. In this example the garage is no closer to the side lot line than the current carport is.

Section 27-28 (e)

- (4) Routine and incidental repairs and maintenance, or replacement, installation or relocation of nonbearing walls, fixtures, electrical wiring or plumbing, **or reconstruction of walls in the same location that do not increase the extent of nonconformity** may be made to any nonconforming situation or nonconforming use.

The proposed ordinance is consistent with the 2017 Comprehensive City Plan Update and 2007 Comprehensive City Plan. A 2017 recommendation was to establish policies and codes to protect existing single family residential neighborhoods from being converted to multi-family. In the 2007 Comprehensive City Plan, it was recommended that the City should work towards ensuring “the housing stock is maintained, preserved, and enhanced. This is particularly true in the areas with large numbers of vacant lots, deteriorated structures, and aging housing.” (PDF PG 60)

RECOMMENDATION:

Staff recommends the Planning and Zoning Commission recommend approval of the ordinance.

Attachment: 1. Sec. 27-28 (e) (4) of the Code of City Ordinances

**PLANNING AND ZONING COMMISSION
FINDINGS AND RECOMMENDATION**

Request to consider An Ordinance Amending Section 27-28 (e) (4) of the Code City Ordinances of the City of Warrensburg, Missouri, Regarding NonConforming Situations, Repair, Maintenance or Reconstruction

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 May 2, 2022, the Planning & Zoning Commission considered An Ordinance Amending Section 27-28 (e) (4) of the Code City Ordinances of the City of Warrensburg, Missouri, Regarding NonConforming Situations, Repair, Maintenance or Reconstruction.
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 May, 2022.

Chair

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 27-28 (e) (4) OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI, REGARDING NON-CONFORMING SITUATIONS, REPAIR, MAINTENANCE OR RECONSTRUCTION

WHEREAS, the Planning and Zoning Commission of the City of Warrensburg held a public meeting regarding non-conforming situations on May 2, 2022 and recommended approval of the ordinance to the City Council, and

WHEREAS, public notice of the hearing before City Council of the City of Warrensburg was published in the Daily Star Journal on April 22, 2022, and

WHEREAS, a public hearing was held in front of the City Council of the City of Warrensburg on May 9, 2022, regarding non-conforming situations:

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

Section 1. That Section 27-28 (e) (4) is hereby amended to read as follows, leaving all other provisions of section 27-28 in effect, unaltered:

- (4) Routine and incidental repairs and maintenance, or replacement, installation or relocation of nonbearing walls or fixtures, electrical wiring or plumbing, or reconstruction of walls in the same location that do not increase the extent of nonconformity may be made to any nonconforming situation or nonconforming use.

Section 2. It is intended that Sections 1 of this ordinance be incorporated into the Code of Ordinances of the City of Warrensburg.

Section 3. That this ordinance shall become effective immediately upon its passage.

Read two (2) times and passed by title this ____ day of _____, 2022.

Mayor

ATTEST:

Jodi L. Schneider, City Clerk