

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 27-28 (b) OF THE CODE OF CITY ORDINANCES OF THE CITY OF WARRENSBURG, MISSOURI, REGARDING NONCONFORMING STATUS OF MASTER-PLANNED RESIDENTIAL DEVELOPMENTS**

**WHEREAS**, in 1983 the City Council of the City of Warrensburg adopted ordinance 2101 setting forth requirements and allowing for Residential Planned Districts (R-P); and

**WHEREAS**, in 1992 the City Council of the City of Warrensburg adopted ordinance 2748 setting forth requirements and allowing for a Planned Unit Development (PUD) Residential Overlay District; and

**WHEREAS**, in 1997 with Ordinance 3271 and again in 2006 with Ordinance 4107 the City Council further amended the standards and approval process for Planned Unit Development (PUD) Residential Overlay Districts; and

**WHEREAS**, master planned residential developments have been platted and built in Warrensburg pursuant to both the 1983 and 1992 zoning schemes; and

**WHEREAS**, the Planning and Zoning Commission of the City of Warrensburg held a public meeting regarding nonconforming status of master-planned residential development on September 7, 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 Warrensburg Star Journal on August 26, 2022,

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

Section 1. That Section 27-28 (b) *Continuation of nonconforming situations, nonconforming uses, completion of nonconforming projects and exceptions to nonconformity*, is amended to include a new section (3) as follows:

- (3) Lots in preliminary or final subdivision plats approved as an overlay district by City Council shall be considered legal, conforming lots and are subject to the requirements of the master-planned residential development zoning scheme under which they were originally approved until such time as a new subdivision plat may be approved by City Council for the property. This approved, legal status shall cease in the event no development occurs within the approved preliminary plat area within ten years of its approval by the City Council.

Without limiting application of this subsection to future amendments of Chapter 27, which is intended, this provision specifically applies to preliminary and final plats approved under the provisions of Ordinance 2101, 2748, 3271, and 4107

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 for the City of Warrensburg, Missouri, this \_\_\_\_\_ day of September, 2022.

\_\_\_\_\_  
Jim Kushner, Mayor

ATTEST:

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Jodi L. Schneider, City Clerk