

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 260478

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-610-05-E, Loss of Nonconforming Status, and enacting in lieu thereof a new section of like number and subject matter for the purpose of facilitating reconstruction of nonconforming detached houses after accidental damage or destruction.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, the Zoning and Development Code, is hereby amended by repealing Section 88-610-05-E, "Loss of Nonconforming Status," and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-610-05-E. LOSS OF NONCONFORMING STATUS

1. INTENTIONAL DAMAGE OR DESTRUCTION

When a nonconforming structure is intentionally destroyed or damaged by causes within the control of the property owner or tenant, all nonconforming structure rights are lost and re-construction of the nonconforming structure is prohibited.

2. ACCIDENTAL DAMAGE OR DESTRUCTION

(a) When 50% or less of the volume of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the property owner or tenant, the structure may be restored or repaired provided that no new nonconformities are created and the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 6 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued or the nonconformity will be considered to be discontinued.

(b) Except as provided in subsection 88-610-05-E.2(c) below, when more than 50% of the volume of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may not be restored except in conformity with the regulations of the zoning district in which it is located.

(c) Notwithstanding the foregoing, when more than 50% of the volume of a nonconforming detached house is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may be restored or repaired provided that no new nonconformities are created, the existing degree of nonconformity is not increased, and the structure remains a detached house. A building permit to reconstruct the destroyed or damaged structure must be obtained within 12 months of the date of occurrence of such damage, and once issued,

construction must be diligently pursued or the nonconformity will be considered discontinued.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

I hereby certify that as required by Chapter 88, Code of Ordinances, the forgoing ordinance was duly advertised and public hearings were held.

Sara Copeland, FAICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Associate City Attorney