

**AN ORDINANCE APPROVING TEXT AMENDMENTS TO ARTICLE
XIII, NON-CONFORMING USES, OF THE ZONING CODE OF THE
CITY OF TWIN OAKS**

WHEREAS, pursuant to § 400.550 of the Twin Oaks City Code, the Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established after receiving the Planning and Zoning Commission's recommendation and report; and

WHEREAS, the Board of Aldermen now seeks to amend Article XIII, Non-conforming Uses, of the Twin Oaks Zoning Regulations, Chapter 400 of the Municipal Code (hereinafter the "Zoning Code") to clarify that certain changes, extensions, or alterations to single-family dwellings may be permitted without affecting the right to continue use of the non-conforming dwelling (the "Amendments"); and

WHEREAS, on May 24, 2022, the Planning and Zoning Commission recommended that the Board of Aldermen approve of the proposed Amendments; and

WHEREAS, the Board of Aldermen, after careful and due deliberation and following a duly noticed public hearing held on June 15, 2022, in accordance with § 400.550 and § 89.060 RSMo., has concluded that the adoption of the proposed Amendments is in the best interests of health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Article XIII, Non-conforming Uses, Section 400.450, Continuance of Use, is hereby amended by adding the following underlined text, to read as follows:

Section 400.450 Continuance of Use.

- A. The lawful use of a building or land existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this Chapter; provided that in the event of any change, extension, or alteration of the non-conforming use, the right to continue the non-conforming use shall lapse and thereafter the use of the building or land shall conform in all respects to the requirements of this Chapter.
- B. For purposes of this Article, in the residential districts, the phrase "change, extension, or alteration" of the use shall not include maintenance, repair, or remodeling of a Single-Family Dwelling and no such maintenance, repair, or remodeling shall be deemed to create any additional non-conformity nor expand or increase all or any part of the non-conforming portion of such dwelling.
- C. Notwithstanding anything in Subsection A above, where a change, extension, or alteration to a Single-Family Dwelling does not result in any further encroachment into the setbacks by the Single-Family Dwelling, such change, extension, or alteration will not affect the legal nonconforming status of the Single-Family Dwelling or its lot. By way of illustration, a legal nonconforming Single-Family Dwelling that encroaches into a side

setback may be expanded into the rear yard so long as it does not encroach into the rear yard setback and by further illustration, a legal nonconforming Single-Family Dwelling that encroaches into a side setback by three feet may be expanded on the same side where the encroachment exists so long as the new addition to the dwelling does not encroach by more than three feet.

- D. Nothing in this Article shall be deemed to prevent the strengthening or restoring of a structure to a safe condition in accordance with an order of a City or County official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

Section 2. Chapter 400 of the Twin Oaks Municipal Code, the Zoning Regulations, Article XIII, Non-conforming Uses, Section 400.470, Damage and Restoration, is hereby amended by adding the following underlined text, to read as follows:

Section 400.470 Damage and Restoration.

When a building, the use of which does not conform to the requirements of this Chapter, is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of the original structure or fifty percent (50%) of the value of the building as determined by the Code Enforcement Official, the building and use shall not be restored except in conformity with the requirements of this Chapter for the zoning district in which the building and use is situated except that a non-conforming Single-Family Dwelling or conforming Single-Family Dwelling on a non-conforming lot, that is damaged, becomes extensively deteriorated or is destroyed, may be restored provided that the restored dwelling is confined to the same footprint as the original dwelling.

Section 3. The recitals contained in the *Whereas* clauses are expressly incorporated in and made a part of this Ordinance.

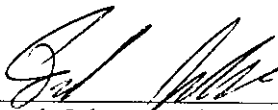
Section 4. This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS 15th DAY OF JUNE 2022.



Russ Fortune, Mayor

Attest:



Frank Johnson, City Clerk/Administrator