

BILL NO. 20-031

ORDINANCE NO. 4849

FIRST READING 12.01.2020

SECOND READING 12.15.2020

AN ORDINANCE AMENDING CHAPTER 32, ARTICLE I, OF THE ORDINANCES OF THE CITY OF HANNIBAL BY ADDING SECTION 32-35 *NON-CONFORMING USES* REGARDING CONTINUATION OF NON-CONFORMING USES

WHEREAS, the City Council has determined that currently the ordinances of the City of Hannibal do not allow continuation of non-conforming uses in the event of a termination of use without fault of the property owner, and further that the said ordinances are unclear regarding the status of non-conforming uses after a change in ownership, and

WHEREAS, the City Council has determined that it is necessary and in the best interests of the Citizens of Hannibal, that such area of the law be clarified to protect the property rights of all citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HANNIBAL AMENDS CHAPTER 32, ARTICLE I TO INCLUDE SECTION 32-35:

SECTION ONE: The City hereby amends Chapter 32, Article I, to include the following ordinance:

Sect 32-35. - NON-CONFORMING USES

1. The following terms as used in this ordinance shall be defined as follows:
 - a. "Property" shall mean any lot or other tract of ground located within the confines of the City limits of the City of Hannibal.
 - b. "Improvement" shall mean any man-made structure on a property, including a house, shed, building, commercial building or fence.
 - c. "Non-conforming use" shall mean a use of land that lawfully existed prior to the enactment of a zoning ordinance and which is maintained after the effective date of the ordinance even though not in compliance with use restrictions.
 - d. "Transfer of ownership" shall mean a transfer by Deed or Contract for Deed to another person, trust, corporation, LLC, company, or other legal entity.
2. In the event that there is a transfer of ownership of property which has been used for a non-conforming use, then the new owner may not change the use to a different non-conforming use. However, the new owner may continue to utilize the property for the specific non-conforming use which the previous owner

utilized the property for, provided that such use by the new owner is started within:

- a. Sixty (60) days of the transfer and thereafter operated continuously for residential property.
 - b. One hundred eighty (180) days of the transfer and thereafter operated continuously for all non-residential property.
3. Regardless of whether there is a transfer of ownership, in the event that a property has been used for a non-conforming use, if such use shall cease for a period of one hundred eighty days (180) or longer, then it shall be unlawful thereafter to reinstate such use on the property.
 4. In the event that an improvement on a property is a nonconforming use and such improvement is damaged or destroyed, such improvement may be repaired or rebuilt, provided that the construction is started within one hundred eighty days (180) of the date of damage or destruction and that the repair or construction is completed within one hundred eighty days (180) of beginning the work.
 5. In the event that a mobile home is located on property where it is a non-conforming use, it may be replaced. Such replacement must occur within sixty days (60) of the destruction or removal of the prior mobile home. Further, the replacement mobile home must be no older than two (2) years, it must be placed in the same location as the previous mobile home, and its size must be no more or less than 20% difference in size from the previous mobile home.

SECTION TWO: It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

SECTION THREE: All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption and approval.

ADOPTED THIS 15th **DAY OF** December, 2020.

APPROVED THIS 15th **DAY OF** December, 2020.


James R. Hark, Mayor

ATTEST:


Angelica N. Zerbonia, MRCC. CMO – City Clerk