

ORDINANCE NO. 2016- 7

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE CONCERNING
NON-CONFORMING SITUATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LINCOLN, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2016 Non-Conforming
Use Amendment.

Section Two: Amendment. Section 89 of the Lincoln Land Use Ordinance is
amended to read as follows:

Section 89:
Abandonment
and Discontinuance
of Nonconforming
Situations

(a) When a nonconforming use is: (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use; the property involved may thereafter be used only for conforming purposes.

(b) Notwithstanding any other provision, when a nonconforming situation is the result of a mobile home or manufactured home placed on a lot where such structure is not permitted, and that structure is destroyed, demolished or removed, a new, manufactured home may be replaced on such lot if it is placed within 30 days of the prior structure's destruction, demolition or removal.

(c) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building as a whole is continuously maintained. But, if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required period shall terminate the right to maintain it thereafter. When a structure or operation

made nonconforming by this ordinance is vacant or discontinued at the effective date of this ordinance, the 180-day period for purposes of this section begins to run on the effective date of this ordinance.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an emergency clause is appended

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 19th day of July 2016.

(Attest)

Rob Hulse
Rob Hulse, Mayor

Becky Carter
Becky Carter, Clerk-Treasurer

