

ORDINANCE NO. _____

AN ORDINANCE in pursuance of the authority granted by Title 11, Chapter 52, Articles 1 through 4 inclusive, of the Code of Alabama 1975, As Amended, to provide the establishment of districts within the corporate limits of the City of Lincoln, Alabama; to regulate within such districts the height, bulk, number of stories and size of buildings and other structures, the percentage of lot that may be developed, the size of yards and other open spaces, the density and distribution of population and the use of buildings, and structures. Further regulated is the use of land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports, water supply, sanitation, protection against floods, public activities, and other purposes, creating districts for said purposes and establishing the boundaries thereof. Provisions are further provided for changes in these regulations, restrictions and boundaries for above mentioned districts.

Said Ordinance shall repeal all existing Zoning Ordinances and provide methods for administration of this Ordinance and penalties for the violation thereof.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Lincoln, as follows:

ARTICLE I. TITLE, PURPOSE AND JURISDICTION.

Section 100. Title. This Ordinance shall be known as and may be referred to as the “Lincoln Zoning Ordinance,” and includes maps of the City that depict the boundaries of zoning districts.

Section 101. Legislative Intent.

In enacting the Zoning Ordinance, special notice has been taken of the fact that the goals of citizens and landowners of Lincoln often conflict or compete. In the light of this situation, the first consideration has been to devise technical solutions, which minimize or eliminate conflicts.

This Ordinance has been designed to protect and accommodate both competing interests. This has inevitably, and properly, led to some form of compromise. In arriving at these compromises, every possible consideration has been given to the public interest, individual property rights, and externalities. While compromise implies mutual concessions or losses, it also implies – and this Ordinance has been designed to provide – mutual gains and benefits. It is the goal of this Ordinance that both the burdens and the benefits it implies are rationally and fairly distributed among the citizens and property owners of Lincoln.

Every effort has been made to make uses a matter of right subject to performance criteria capable of nondiscretionary, objective administrative evaluations, thus reducing the

number of times that rezoning decisions need be made. This greatly increases the potential uses or choices available to individual property owners. The rezoning decisions that conventional zoning ordinances frequently necessitate appear to reduce the certainty of protection to neighbors and to increase the potential for adverse impacts to Lincoln. This Ordinance contains performance criteria intended to insure that neighbors are protected from adverse impacts. The Ordinance also contains performance criteria to protect the community's general welfare. Zoning districts are few in number, and each has a clearly different purpose. The districts are sized to be adequate to handle Lincoln's long-term needs and must be regularly updated as time passes. Where performance criteria severely limit the use of properties, the Ordinance has gone to considerable extremes to provide the landowners with a range of choices, flexibility, and options for development.

Section 102. Purpose.

The purpose of this Ordinance is the promotion of the health, safety, and general welfare of the present and future inhabitants of Lincoln by:

- A.** Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations by providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- B.** Controlling and regulating the growth of Lincoln, concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
- C.** Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- D.** Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region's housing needs.
- E.** Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- F.** Securing safety from fire, panic, flood, and other dangers.
- G.** Providing adequate privacy, light, and air.
- H.** Securing economy in local governmental expenditures.
- I.** Conserving property values throughout Lincoln.
- J.** Protecting landowners from adverse impacts of adjoining developments.

K. Dividing the incorporated area of Lincoln into districts according to the use of land and buildings, the intensity of such uses (including bulk and height), and surrounding open space.

Each purpose listed above serves to balance the interest of the general public of Lincoln and those of individual property owners. Decisions made through the application of this Ordinance shall be made in conjunction with the Lincoln Comprehensive Plan.

Section 103. Jurisdiction.

This Ordinance shall apply to all areas within the corporate limits of the City of Lincoln, Alabama.