

ARTICLE IV. GENERAL REGULATIONS

Section 400. Introduction.

The purpose of the regulations contained in this Article is to allow maximum utilization of land while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the incorporated area of the City of Lincoln into various zoning districts and permitting specified land uses within each, provided that a use meets all the additional criteria specified in this Ordinance. This regulatory approach has been termed “performance zoning,” because it permits a use to be developed on a particular parcel only if that use meets “performance” standards, which have been enacted to insure against the use causing, or having the potential to cause, the negative impacts mentioned above.

The format of the regulations in this Ordinance, and particularly in this Article, differs somewhat from that of traditional zoning ordinances, because performance zoning requires that consideration be given to site parcel characteristics and the range of impacts that any land use may have.

Section 401. Use Regulations.

Section 402 specifies which uses are permitted in each zoning district and defines the use categories used in this Ordinance. The purpose of this Section is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made between uses that may locate in a given district only upon obtaining a conditional use permit to do so. The uses generally described in Section 402 are specifically listed in Sections 404 through 408.

Section 402. Uses Permitted by Right, Uses Permitted Conditionally and Uses Not Permitted.

Except as otherwise provided by law or in this Ordinance, no building, structure, or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this Section. The general use categories specified by Table 4-1 are defined in Sections 404 through 408.

Uses permitted by right or as a conditional use shall be subject, in addition to use regulations contained in this Ordinance, to all performance criteria and other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions as are specified in other Articles herein. In particular, the laws of the State of Alabama and the regulations of the Talladega County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no permits shall be issued until approval is obtained from the Talladega County Department of Health for water supply and sewage disposal, unless the premises are served by public water and/or sewage facilities.

All permitted uses and uses requiring conditional use approval pursuant to Section 903 are listed in Table 4-1. In addition, the table notes uses for which special development standards apply, regardless of whether such uses are designated as permitted or conditional. Special development standards are listed in Section 409.

A use listed in Table 4-1 in any district denoted by the letter “P” is a use permitted by right, provided that all other requirements of State law and this Ordinance have been met and provided that a zoning certificate has been issued in accordance with Section 904. A use listed in Table 4-1 denoted by the letter “C”, may be permitted as a Conditional Use, provided that the requirements of Article IX have been met.

In addition to Table 4-1, the following regulations regarding permitted uses are established:

A. Existing garage apartments in the Residential (R), Office-Institutional (O-I), and Downtown Historic (DH) Districts are permitted uses and may be improved within the existing structure, but there shall be no increase in the number or size of dwelling units in the structure. No new garage apartments are permitted in any district in the City. When existing garage apartments are improved, off-street, paved parking spaces shall be provided and any required bufferyards shall be installed.

B. Uses not listed in Table 4-1 or Section 404 are not permitted in any district except pursuant to Article X, which provides for interpretation of uses, or Article VIII, which provides for nonconformities.

C. Although a use may be indicated as permitted or conditionally permitted in a particular district, it does not follow that such a use is permitted or permissible on every parcel in such district. No use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards this Ordinance and any other regulations applicable to the specific use and parcel in question.

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Section 403. Use Categories Defined.

The categories of uses utilized by this Ordinance are defined in Sections 404 through 408. The uses not enumerated in these sections are not necessarily excluded. Article X empowers Planning & Development Services to make interpretations of use.

Section 404. Agricultural Uses.

404.01. Agriculture. Agricultural uses include farms (and farm residences); fish or poultry hatcheries; fur-bearing animal ranches; orchards; raising of livestock, horses, or poultry; truck farming; and all other agricultural uses. It does not include uses that may be accessory to agriculture, such as retail stores, nor does it include industries or businesses that support or are supported by agriculture.

404.02. Forestry. This use includes commercial logging and pulping operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agriculture or other prospective land uses, and clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, removal of sick or dead trees, or removal of trees on non-contiguous lots of one (1) acre or less.

Section 405. Residential Uses.

405.01. Conventional residential. Conventional residential uses consist of all single-family detached dwelling units. All conventional residential development approved after enactment of this Ordinance shall conform to the requirements of Section 603.01.

405.02. Alternative residential. Alternative residential uses consist of all residential developments, including manufactured home parks approved after enactment of this Ordinance, except those included within the conventional residential use category. This use category permits the residential builder considerable freedom by allowing varied types of dwellings, lot sizes, and design. It also insures adequate open space in each development.

Section 406. Recreational, Institutional, and Special Residential Uses.

406.01. Outdoor recreational. Outdoor recreational uses include arboretums; areas for cycling, hiking, and jogging; commercial stables; golf courses; nature areas; parks (private); picnic areas; play fields; playgrounds; outdoor swimming pools; tennis courts; wildlife sanctuaries; and all other outdoor recreational uses. Specifically excluded are outdoor movie theaters, miniature golf courses, and golf driving ranges. This use is basically an open-space use.

406.02. Indoor recreational. Indoor recreational uses include aquariums, community or recreation centers; gymnasiums; indoor skating rinks (ice or roller); arcades or billiard parlors; indoor swimming pools; tennis, racquetball and handball courts.

406.03. Institutional and Special Residential Uses. These uses include boarding houses; day or youth camps; cemeteries; places of worship; convents or monasteries; dormitories; day care centers; group child care homes; day or nursery schools; group homes; private libraries or museums; nursing homes; or private schools; schools or facilities for the physically or mentally handicapped and all other institutional and special residential uses.

These uses are all supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly. Some uses may be operated for private profit.

Section 407. Commercial Uses.

407.01. Office. Office uses include governmental offices, business or professional offices, medical offices or clinics, and all other office uses.

407.02. Commercial and entertainment. This use category includes general retail commercial uses, primarily occurring indoors and serving a wide range of customers and requiring high-visibility locations. These uses include veterinary offices with indoor kennels; auto parts/accessory stores (no repairs); auto detailing; banks and other financial institutions (without drive through windows); blueprint and copy stores; bowling alleys; commercial or trade schools (e.g., dance studios, schools for martial arts); currency exchanges; funeral homes and mortuaries; grocery stores and supermarkets (excluding convenience stores, e.g., “7-Eleven” stores); ice cream stores or stands; laundries and/or dry cleaners; light mechanical repair stores (e.g., watch, camera, bicycle, TV); stores selling liquor, or beer (in sealed containers, not for consumption on premises); lodges for fraternal orders; package stores; taverns, lounges and private clubs; pharmacies, restaurants (standard sit-down, not fast food); restaurant-lounges; restaurant pubs; retail sales or stores; service businesses or stores (e.g., catering, duplicating, photography, shoe repair, tailoring, travel agency, upholstery); shopping centers; theaters and auditoriums (indoor); upholstery stores; building materials sales (excluding asphalt or concrete mixing) with no outdoor storage; carpet and rug cleaning plants; extermination shops; equipment rentals (no outdoor display); automated free-standing walk-up facilities; barbershops and beauty shops; hotels and motels; and all other commercial and entertainment uses.

407.03. Commercial recreational use. These uses include amusement parks, drive-in theaters, fairgrounds, golf driving ranges (including miniature golf), outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), archery ranges, sport arenas, stadiums, and all other commercial recreation uses. This group includes recreational uses that are greater nuisances than conventional outdoor recreational activities, because of their size and scale, traffic volumes, noise, light, or physical hazards such as flying objects or use of weapons.

407.04. Recreational rental dwelling uses. These uses include travel trailer parks, recreational vehicle parks, camps or campgrounds with overnight camping or vacation cottages, rental cabins, vacation cottages, and all other recreational rental uses. These uses are all short-term rental facilities oriented toward leisure activities for the vacationer or organized activities such as summer camps.

407.05. Road service. This use category includes commercial uses having a high degree of customer turnover, outdoor activity or outside storage of merchandise. These uses include boat rental and/or storage facilities; body shops; convenience stores (e.g., “7-Eleven” stores); gasoline service stations; hotels or motels; retail sales with small engine repair as an accessory use, such as lawn mower stores; fast-food restaurants and any bank with drive through windows; parking garages/lots; vehicle rentals; vehicle repair (body) shops; vehicle sales, supplies, and service (new or used auto, boat, bus, equipment, motorcycle, truck); and all other road services.

407.06. Public service. These uses include hospitals, emergency services (e.g., ambulance, fire, police, rescue), service buildings or garages, utility or broadcasting stations or towers, utility service yards or garages, public schools, public libraries/museums/art centers, public parks, public animal shelters, and all other public utility and public service uses.

407.07. Agricultural support. These uses include farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), farm product processing (cider mill, dairies, poultry, or meat processing), and all other agricultural support uses.

407.08. Nurseries. This category includes nurseries with or without retail sales or greenhouses. A nursery is basically an open-space use, which generates little traffic and has few nuisances, such as late hours or customer or truck noise, associated with it. Nurseries are distinguished from more intensive garden center uses.

407.09. Regional shopping center. This category includes commercial land development consisting of 500,000 or more square feet of gross floor area.

407.10. Commercial support. This use category includes uses, which support the City’s retail economy by providing merchandise distribution, storage, and repair services. These uses include beverage distributors; blacksmith shops; bulk materials or machinery storage (fully enclosed); large equipment rental/sales/service; contractors’ offices and equipment storage yards; dry cleaning and laundry plants serving more than one (1) outlet; fuel, oil, ice, coal, and wood sales; furniture cleaning plants; furniture refinishing shops; manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than 30,000 square feet of floor area or fewer than 100 employees on every shift); mirror supply and refinishing shops; monument works; ornamental iron workshops; printing plants; publishing plants; trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling); small engine repair as a principal use; veterinary offices with open or partially enclosed runs, yards, pens; and/or kennels; wholesale business and storage; warehouses, office-warehouse, and mini-warehouses; and all other commercial support uses.

407.11. Neighborhood Shopping Center. A commercial development site containing one or more commercial buildings, together with all required parking, landscaping, buffering, signs, drainage facilities, and other design features to accommodate the uses permitted on the site. The purpose of the neighborhood shopping center is to serve the limited commercial needs of nearby residential development. It is not intended to provide commercial services to customers from other areas of the City.

Permitted uses shall include branch banks; small garden supply stores; grocery stores or supermarkets; ice cream stores; laundries and/or dry cleaners; light mechanical repairs such as cameras, watches, or televisions; barber or beauty shops; standard sit-down restaurants (no fast food establishments); gasoline service stations; and similar retail stores and service businesses.

Section 408. Industrial Uses.

408.01. Industry. This use category includes asphalt or concrete mixing plants; bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; recycling facilities; truck, motor, or rail terminals; dyeing plants; food processing and packing plants; lumber yards; pilot plants; scientific (e.g., research, testing, or experimental) laboratories; also, those uses listed above as commercial support, any industrial use having 30,000 or more square feet of floor area or having 100 or more employees on any shift, and all other industrial uses.

This group contains uses that have severe potential for negative impact on any uses that would locate relatively close to them. This group differs from commercial support uses in that it includes uses that require enclosed structures, which are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact.

408.02. Extraction and junkyard uses. This category includes junk, scrap, or salvage yards and all extraction uses. These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these uses are an acceptable neighbor in an urban environment.

408.03. Airports, Landing Strips and Heliports. This category includes any facility used for take-off, landing, storage, maintenance, and/or repair of aircraft. It also includes aviation-related activities, such as radar and communications facilities, flight schools, and cargo loading and storage areas.

409. Special Development Standards.

Certain uses have unique characteristics that require the imposition of development standards beyond those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed below, together with the specific standards that apply to the

development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted.

A. Agricultural Uses.

Forestry:

1. Subject property shall not be located within the area bounded by Spring Road/Colvin Road/Drew Avenue/Magnolia Street on the north, I-20 on the south, AL-77 on the east and the Coosa River on the west.
2. Minimum lot size shall be 25 acres.
3. No trees shall be harvested within 15 feet of the perimeter of the site.
4. Harvesting activities shall conform to the Best Management Practices of the Alabama Forestry Commission.

B. Conventional Subdivision. See Section 603.01.

Bed & Breakfast Inn:

1. Only an existing dwelling unit that meets the following standards may be used as a bed and breakfast establishment.
2. The owner of the establishment must reside on the premises.
3. The residence designated as a bed and breakfast establishment cannot contain more than eight (8) guest rooms.
4. All guest rooms must be contained within the principal dwelling unit; except that when a bed and breakfast use is established in an historic district and the premises include accessory structure such as a carriage house, such accessory buildings may contain guest rooms provided that the total of rooms in the accessory and the main buildings does not exceed eight guest rooms.
5. Breakfast must be provided daily on the premises for the guests.
6. The owner of the establishment must obtain a business license from the City of Lincoln Revenue Department.
7. A sign, not to exceed six (6) square feet, shall be permitted in a location to be determined by the Planning & Development Services Department. Such sign may be illuminated to an intensity not to exceed one (1) foot candle with lights that are

focused on the sign in such a way that they do not create any glare to the surrounding area.

8. In addition to the off-street parking required by the dwelling unit, one parking space shall be required for each guest room. This additional parking does not have to be paved but shall have a surface that is approved by the Planning & Development Services Department.
9. In the absence of the resident owner(s) a resident manager(s) may be permitted to operate the inn. Such arrangement shall be limited to a maximum of three (3) months in any given calendar year.

C. Alternative Residential Development. See Section 603.02.

D. Manufactured Housing. See Section 604.

E. Institutional, & Special Residential Uses.

1. All new institutional uses must front on a road with a functional classification of Collector or Arterial, as designated on the Major Street Classification Map of the Lincoln Comprehensive Plan.

2. Place of Worship:

- a) Any new principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.
- b) Related accessory uses, such as student centers, day care centers, dormitories, schools, boarding houses, and recreation centers, shall be prohibited in Residential (R) Districts.
- c) For existing places of worship in Residential (R) districts, uses are limited to sanctuaries, educational buildings (Sunday school classrooms) and fellowship halls. The addition of such uses shall require the installation of all required bufferyards and landscaping, as well as compliance with all other applicable regulations.
- d) All required parking shall be located on the development site, and not separated from the site of the principle structure by any public right-of-way.

3. Group Homes:

Group Homes proposed to be located in residential zoning districts shall provide documentation of the following criteria to the Department of Planning & Inspections prior to being issues a business license in the City of Lincoln:

- a) An approved license or authorization from the State of Alabama, or other authorizing agency, to operate a group home facility must be presented along with an application for a Lincoln business license.
- b) No more than three (3) unrelated persons may reside in the home; however, non-resident caretakers will be permitted.
- c) A parking plan showing sufficient off-street parking to accommodate residents and caregivers must be provided and approved by Planning & Development Services. A garage may be counted toward off-street parking.
- d) When the applicant for a group home use is not the owner of the subject property, a letter from the property owner approving the operation of a group home on their property shall be provided.
- e) Waivers, exceptions or modifications of these standards may be requested through a request to the Board of Zoning Adjustment.

F. Commercial and Entertainment Uses.

- 1. Auto accessory store: no repair work to be done on premises.
- 2. Building material sales/home improvement centers: all building materials shall be kept within an enclosed structure or completely surrounded by a wood stockade or other opaque fence at least six (6) feet in height.
- 3. Restaurant-pub and restaurant-lounge:
 - a) Must meet licensing requirements of the Municipal Code of Lincoln, Alabama.
 - b) Shall comply with all applicable regulations of the State of Alabama.
- 4. Veterinary office/kennel: no outdoor pens, runs or cages shall be permitted. Outdoor exercise areas will be allowed and shall be designated as such on the site plan.

G. Road Service Uses. Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

- 1. Auto repair, paint/body work:
 - a) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.

- b) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
- c) All parts, including body parts, shall be stored within a completely enclosed structure.

2. Flea Market:

- a) Flea markets shall be permitted only on property fronting on an arterial road, as designated in Appendix A with all major points of ingress/egress connecting to that road.
- b) At least one enclosed building of 300 square feet or more in size shall be constructed on the property.
- c) Minimum lot size shall be five (5) acres, with a minimum width of 200 feet and a minimum depth of 300 feet.
- d) No merchandise shall be sold or displayed less than 100 feet from adjoining residential property or 50 feet from non-residential property.
- e) Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, as designated on an approved site plan. Parking areas shall have a smooth, stabilized and dustless surface; provided that no more than 50 percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Unpaved spaces and driving aisles shall be organized for efficient traffic flow, using tire stops, railroad ties, or other objects approved by the City Engineer. Parking spaces within 150 feet of any structure on the development site shall be paved with asphalt, concrete or other rigid paving material.
- f) A bufferyard shall be provided along all property lines. General and parking lot landscaping shall be required.

3. Gasoline and/or auto service station:

- a) Site. The minimum frontage on an arterial street shall be 150 feet.
- b) Service Area. Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within a building.
- c) Bulk Storage. Liquid petroleum fuels shall be stored in underground tanks.
- d) Structures. Structures shall conform to the following standards:
 - 1. Vehicular canopy structures shall abide by applicable building setbacks. Accordingly, the maximum height of all such structures shall be noted on the

site plan. The area under such canopies shall not count against the permissible Floor Area Ratio (FAR) allowed for such developments but shall count toward the allowable Impervious Surface Ratio (ISR)

2. Pump islands, underground fuel storage tanks, and above ground tanks for propane re-fueling or other gaseous fuels shall be set back a minimum of 20 feet from any property line.
4. *Hotel/motel*: Permitted only as a conditional use on property fronting on an arterial roadway, or on a collector road, as designated on the Major Street Classification Map of the Lincoln Comprehensive Plan.
5. *Outdoor/Drive-in theatre*: Accessory uses permitted shall be limited to a refreshment stand or booth, a souvenir stand or booth, and/or a children's playground, which are for the exclusive use of patrons of the drive-in theater.
6. *Small Engine Repair*: Equipment under repair or not operational shall be screened from public view or stored indoors at all times.

H. Commercial Recreational Uses. All commercial recreational uses shall be subject to the following requirements:

1. No commercial recreational use shall be located within 300 feet of existing residential development.
2. Minimum lot size shall be 40,000 square feet or as required in Table 4-3.
3. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
4. For a golf driving range, the following standards shall be met:
 - a) The site plan required pursuant to Section 902 shall show the layout of the property and indicate the location of all driving ranges, putting greens, fences, and structures.
 - b) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.

I. Recreational Rental Dwellings.

1. **Recreational Vehicle Park:** As defined in Article II.
2. **Definitions:**
 - a. *Accessory structure.* Any structural additional to the recreation vehicle or site, including awnings, cabanas, carports, garages, porches, storage cabinets, storage sheds, and similar appurtenant structures.

- b. ***Impervious Surface:*** An impervious surface area includes any hard surface, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreation facilities.
- c. ***Impervious Surface Ratio (I.S.R):*** The total area of all impervious surfaces divided by the net area (excluding right-of-way) of the lot.
- d. ***Sewer Sample well/port/box:*** Ground level access to the effluent flow through a sewer system for the purpose of testing for non-biodegradable contamination.
- e. ***Recreational Vehicle:*** Any properly licensed vehicle that is intended for use on a temporary basis by campers, vacationers, or travelers which shall include travel trailers, fifth wheel campers, park models, camping trailers, and motor homes. Under no circumstances may a vehicle of this nature be used as full-time living quarters.
- f. ***Recreational Vehicle Park:*** Any lot, tract, or parcel of land upon which accommodation is provided for two or more recreational vehicles for use by the general public as temporary living quarters for purposes of recreation or vacation whether a charge is or is not made. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership. All facilities and amenities, including roads, clubhouse or recreation facilities, and buffer yards are privately owned.

3. Required Land Area: To qualify as a Recreational Vehicle park the total park area must have a minimum of three (3) contiguous acres available land area. Lakes, and ponds cannot be included in the required three (3) acre minimum.

4. Vehicle Site Requirements:

- a. The maximum number of recreational vehicles sites shall be fifteen (15) per acre.
- b. The minimum vehicle site area shall be 1,200 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet. All RV sites and the boundaries of each site shall be permanently defined and shown on the site plan for the park.
- c. The minimum distance between recreational vehicles shall be 10 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts, when fully extended, or attached accessory features.
- d. The minimum distance between a recreational vehicle and any permanent, conventional structure shall be 20 feet.
- e. Parks shall not exceed the following performance criteria:

- Maximum Gross Density: 15 units/acre
- Maximum I.S.R. for entire park: .25
- Maximum I.S.R. for any RV site: .60*
- Maximum building height: 35 feet
(for conventional structures)

**For purposes of site plan review it shall be assumed that impervious surfaces cover 60 percent of each designated RV site unless otherwise specified by the site plan.*

- f. The removal of wheels, tongue and/or the installation of skirting materials around the base of a RV shall be prohibited. A recreational vehicle shall not be permanently affixed to the ground or any structure.

5. Utilities:

(Note: The City of Lincoln subscribes to and enforces the International Building Code as adopted.)

- a. **Water Supply:** Each site within an RV park shall be provided with a connection to the City water supply if available. If City water supply is not available then a permit from Talladega County Health Department to install and maintain a well shall be obtained. The City must approve all proposed water facility plans prior to construction. The water distribution system shall be as follows:

- The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted by the City.
- A commercial master water meter shall be installed to serve the RV Park. Approval of the Planning Commission is required before any sub-metering or re-metering of RV site is allowed. The sole purpose of sub-metering or re-metering is for identification of excess water usage at a site and not for billing of individual sites.
- A reduced pressure principal backflow preventer will be required to be placed at the property line on the discharge side of the master meter. In addition, one (1) must be placed at each of the connections for each RV site and located on the left side of the site.
- Water riser service branch lines shall be extend at least twelve (12) inches above ground elevation. The branch line shall be at least ¾ inch.
- Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.
- Surface drainage shall be diverted from the location of utility connections at each site.
- The owner/operator shall have complete maintenance responsibility for the water system within the RV Park. The City has not maintenance responsibility for service lines within the RV Park. The responsibility of the City stops at the property line/water meter.

b. **Wastewater facilities:** Each site within the RV Park shall be provided with a connection for wastewater if available. The City must approve all proposed wastewater plans prior to construction. The wastewater distribution system shall be installed as follows:

- The wastewater system and materials must be installed in accordance with applicable codes adopted by the City.
- Sewage grinder pumps, basins, controls, etc. as needed by the design of the system and approved by the City shall be located on the RV Park property. The system shall be owned, operated and maintained by the RV Park management.
- Each site shall be provided with a four-inch diameter wastewater riser which shall extend above grade four (4) to six (6) inches. The wastewater riser pipe shall be so located on each stand so that the wastewater connection to the RV drain outlet will approximate a vertical position. Each inlet shall be provided with a gastight seal when connected to a recreational vehicle and have a gastight seal plug when not in service. The plug shall be that of a spring loaded device.
- The wastewater connection to each site shall consist of a single four-inch service line without any branch lines, fittings, or connections. All joints shall be water tight.
- Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four (4) to six (6) inches above the ground elevation.
- The owner/operator shall have complete maintenance responsibility for the wastewater system within the RV Park. The responsibility of the City stops at the property line.
- Each RV Park shall be required to install at the property line, where connection to the City sewer is made, a sample well site. The sample well site shall be installed according to City Code.
- All chemicals entering the City sewer shall be biodegradable.
- A RV Septic Dumping station shall be located within the RV Park for use by the park tenants only.

c. **Electrical Service:** Each site within the RV Park shall be provided with electrical service. All electrical service shall be underground and installed in accordance with the National Electrical Code. The electrical service shall be installed as follows:

- A master electric meter shall be installed to serve the RV Park. Individual lot meters, sub-metering or re-metering of RV sites may be permitted if approved by the Planning Commission. If approved, a master service disconnect for the RV Park must be provided.
- If the RV Park is not entirely on a gravity-flow system then a single sewer system electrical disconnect shall be provided at an accessible location.

- The location of all underground lines shall be clearly marked by surface signs at approved intervals.
- Power supply to each site shall be a minimum of one 20-amp and one 50-amp power supply.
- Outlets (receptacles or pressure connectors) shall be housed in an Underwriters' laboratories, Inc., approved weather proof IN-USE outlet box.
- A water tight seal shall be provided for underground conduit in floodplain installations and a riser extending a minimum of two (2) feet above the floodplain elevation shall be provided. Defer to Coosa Valley Electric.

d. **Sanitary facilities and bathhouses:** Unless the Master Plan specifically excludes all RVs not fully self-contained in regard to sanitary facilities (i.e. toilet, shower and washing); each RV Park shall provide the following sanitary facilities:

- One (1) toilet or stool for the female sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one per forty (40) sites thereafter.
- One (1) toilet or stool and one (1) urinal stall for the male sex for every twenty (20) sites or fraction thereof (minimum of one (1) is required) for the first one hundred and twenty (120) sites, and one per forty (40) sites thereafter.
- One (1) washbasin shall be provided within the toilet room for every two (2) toilets or fraction thereof (a minimum of one (1) is required).
- One (1) shower shall be provided for each sex for each twenty (20) sites or fraction thereof (minimum of one (1) is required for each sex) for the first one hundred and twenty (120) sites, and one (1) per forty (40) site thereafter.
- All toilets and shower facilities shall be placed in properly constructed buildings and located not more than two hundred (200) feet from any recreational vehicle site. This building will be located outside of any 100 year flood plan.
- Buildings shall be well lit at all times, day or night, well ventilated with screened openings, and constructed of moisture proof materials to permit rapid and satisfactory cleaning, scouring and washing.
- The floors shall be of concrete or other impervious material, elevated not less than four (4) inches above grade, and each room shall be provided with floor drains.
- A slop sink or basin with water supply shall be in each restroom (male and female) and at least one (1) in the laundry facility, and shall be constructed in accordance with design, size and materials approved by the building official.
- Toilet and bathing facilities shall be in separate rooms or partitioned apart in any manner as to provide privacy and promote cleanliness.

Each toilet provided in a community toilet house shall be partitioned apart from any other toilet in the same room. The floor surface around the commode shall not drain into the shower floor.

- Bathhouses and/or other public restroom facilities, including all fixtures and improvements (i.e. toilets, showers, sinks, floors and walls) shall be of impervious commercial grade bath materials.
- If no primitive sites are included in the RV Park Master Plan and primitive camping is not allowed, then site plan approval of an RV Park with no sanitary facilities and/or bathhouse must be granted conditional use approval.

6. Drainage Requirements: Surface drainage plans for the entire tract shall be reviewed by the City Engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of building permits.

7. RV, Trailer or Boat Storage Area. Separate areas shall be allotted for the storage of all RVs trailers and boats, etc. This storage area shall be in an area that is away from the actual camper sites that are serviced with utilities. Storage space shall be provided at a minimum rate of thirty percent (30%) of the total number of RV rental spaces available in the park.

8. Open Space. An open space area shall be provide which is easily accessible from all vehicle sites. The minimum size of such open space area shall be 20 percent of the entire tract area or 20,000 square feet, whichever is greater.

9. Propane Containers. The only propane containers that shall be allowed in the park shall be the ones that are contained with the RV, or directly associated and connected to the RV. There shall be no other propane containers allowed in the park other than one that may be in use for the park owner or park manager.

10. Allowable Accessory Uses:

- a. Clubhouse, bathhouse, camp store, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
- b. No more than one (1) dwelling unit of conventional construction, at least 800 square feet in size, for the use of a resident manager.
- c. Except as provided for above, no structure or accessory structure may be used for residential rental or used as human living quarter even on a temporary basis.
- d. The addition or attachment of any accessory structure/apparatus such as awnings, porches, carports, or individual storage facilities not specifically

designed and included as a standard part of the original RV shall be expressly prohibited.

- e. Individual sites within the RV Park are not allowed to have accessory structures as defined herein unless included as part of the overall master plan and constructed by the developer. The developer may provide said accessory structures as an amenity to all sites, or identify on the master plan an area of “premium sites” for which such structures are provided.

11. Undercarriage Requirements. All wheels and towing devices shall remain attached to the RV and the RV shall remain mobile at all times.

12. Duration of Stay. No Recreation Vehicle should remain on the same site for an unlimited period of time. (Ord. 05-28) All recreational vehicles placed on sites must be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions.

13. Landscaping/Bufferyards/Lighting. The following criteria shall be met for landscaping, lighting and bufferyards unless otherwise approved by the Planning Commission at the time of master plan approval.

- a. Ground Cover: Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, paved or covered with gravel to prevent soil erosion.
- b. Bufferyards: Bufferyards shall be provided along all property lines where the park adjoins a road, vacant property, or a different land use. Bufferyards shall be twenty (20) feet wide and shall include five (5) canopy trees, five (5) understory trees and twenty-five (25) shrubs per 200 linear feet of property line.
- c. Lighting Plan: A lighting plan shall be required as part of the overall master plan for the RV park. Said plan should include any planned street lights, security lighting or other site lighting. If no such lighting is planned for the development it should be so stated on the master plan.

All lighting must be directed away from adjacent properties, or shielded so as to focus lighting onto the use as established and away from adjacent properties.

14. Storage, collection and disposal of refuse and garbage. Each RV Park shall be provided with safe and adequate facilities for the collection and removal of waste and garbage. Storage, collection, and handling shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, or fire hazards. Trash dumpsters shall be screened on three (3) sides.

15. Distance from Streets. All camper sites, RVs and storage areas must be a minimum of 45 feet from the ROW line of a County, State, or Federal Highway. The minimum distance away from all other streets shall be 35 feet from the ROW line.

16. RV Park Enlargement. All amendments or additions to the originally approved site plan shall require approval through the normal site plan approval process described in Section 902.

17. Access and Internal Streets. Access to the RV Park shall be via a fifty foot (50') wide paved road. Said access shall be taken directly from a paved public right-of-way (i.e. city, county, state or federal). The length of the access road shall be part of the master plan approval process.

RV sites within the RV Park shall be served by internal streets and shall not have direct access to public streets. Internal streets shall be fully contained within the boundaries of the RV Park. Maintenance of private internal streets and roads within the park shall be the responsibility of the developer and/or owner of the property.

18. Off-Street Parking and maneuvering Space. The internal circulation system of a RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.

19. Fire and Other Emergency Precautions. It shall be the responsibility of the park owner to provide well maintained travel surface and maneuvering area for emergency vehicles to safely access and exit the park. With the exception of grass or sod, no vertical vegetation shall be allowed within ten (10) feet of the edge of travel surfaces.

A Standard numbering system for the lots is needed and to shall be posted at the site for emergency vehicles and that system needs to be coordinated with 911 or the Fire Chief.

Additionally, the park owner shall provide signs indicating the location of fire extinguishers and emergency evacuation routes.

20. Ownership. RV parks may not be platted or otherwise divided by fee simple ownership. All facilities, including roads, shall be privately owned. The City of Lincoln shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.

21. Site Plan. Any application for the required permits to establish, construct, alter or extend a recreational vehicle park in Lincoln, Alabama shall include a detailed site plan for review and approval by the Planning Commission. Said site plan shall conform to all requirements of Section 903 of this Ordinance.

The Planning and Development Services Department, or other responsible party, shall insure that all necessary agencies, including but not limited to the Talladega County health Department, Alabama Power Shoreline Management, FEMA, etc., have reviewed and approved the proposed development plan as it relates to installation of septic systems, flood hazard mitigation, etc. prior to said plan being submitted to the Commission for review.

Before a Certificate of Occupancy can be issued, all conditions listed in this section must be met and site plan approval granted.

22. Initial Drawings. The owner must submit to the Planning and Development Services Department, an application for approval along with six (6) complete sets of drawings showing all proposed vehicle sites, storage areas, restroom and bathing facilities, trailer storage area, boat storage area and all accessory structures. Said application and drawings with all accompanying support materials must be received before submission can be made to the Planning Commission for consideration of site plan approval and before issuance of any permits. (See Section 902 Site Plans)

23. Existing Manufactured Home Parks with Recreational Vehicle Sites. Existing manufactured home parks that have spaces for recreational vehicles existing prior to the adoption of this ordinance shall be permitted to allow these spaces to continue to be occupied by said recreational vehicle. However, once the existing recreational vehicle has been removed, another recreational vehicle will not be permitted to occupy the space. New manufactured home parks approved to be developed inside the city limits shall not be permitted to provide recreational vehicle spaces or allow recreational vehicles to locate on any site within the approved park, except as part of an approved Special District Master Plan. The same shall apply to a recreational vehicles proposed to be located elsewhere within the city limits of Lincoln. Recreational vehicles shall be allowed only in recreational vehicle parks.

24. Temporary Use of Recreational Vehicles. The City Council of the City of Lincoln, upon recommendation by the Planning Commission, may grant to an applicant permission to park and/or use a recreational vehicle upon the premises on which a building or home is being constructed during the time of construction and may qualify, limit or terminate such permission at any time without notice. The permit shall be issued showing permission with a specific time period allowed for building of home to be both started and completed. If sincere construction is not started by the allotted start date or if the construction is not continuing on a reasonable basis as determined by the Council, the permit shall be revoked unless a plea is made to the Council by the applicant for an extension and that extension is granted.

J. Public Service Uses.

1. TV Broadcast/TV/Radio and Telecommunications Towers: See Section 602.
2. Hospital: Development site shall have ready access to an arterial road, as designated in Appendix A.
3. Utility Services Yards: Shall be landscaped in compliance with Article V.

K. Agricultural Support Uses.

1. Farm equipment sales/repair: All structures and equipment storage areas shall be located at least 200 feet from the nearest residential structure under different ownership. All repairs shall be performed within a fully enclosed structure.
2. Farm produce sales: Limited to sales of produce grown on the same property.
3. Farm product processing in Residential Estate Districts (RE)
 - a) All such uses must front on a road with a functional classification of Arterial, as designated on the Major Street Classification Map of the Lincoln Comprehensive Plan.
 - b) Minimum lot size: five (5) acres
 - c) The total floor area of all nonresidential structures shall be limited to 10,000 square feet. All machinery shall be kept within a fully enclosed structure.
 - d) Outdoor pens or cages for animals shall be set back 150 feet from all property lines.
 - e) Processing facilities shall not operate between the hours of 11 p.m. and 7 a.m.

L. Nurseries.

1. Retail sales of gardening supplies in AG district:
 - a) Property must front on a road with a functional classification of arterial, as designated on the Major Street Classification Map of the Lincoln Comprehensive Plan.
 - b) Bufferyards shall be provided along all property lines as required.

M. Commercial Support Uses.

1. Bottling plant/bakery:

- a) Minimum lot size shall be 80,000 square feet.
- b) Structures shall be set back 50 feet from all lot lines.

2. Contractor storage yard:

All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.

3. Printing/publishing:

- a) Minimum lot size shall be 80,000 square feet.
- b) Structures shall be set back 50 feet from all lot lines.

4. Recycled materials collection/storage:

- a) Materials collected for recycling purposes shall be limited to inert solids such as plastic, glass, paper and metal. No liquids, or objects containing liquids, shall be stored on the site. Toxic chemicals or hazardous materials of any kind shall be prohibited.
- b) All materials collected for recycling purposes shall be stored within a completely enclosed structure.

5. Sales/minor storage of gaseous fuels: No more than 500 gallons shall be stored on the site at any time.

6. Sales/rental/repair of heavy equipment:

- a) All repair work shall be performed within a completely enclosed structure.
- b) Equipment or vehicles under repair or not operational shall be screened from public view or stored indoors at all times.

7. Mini-Warehouse:

- a) After receiving conditional use approval, the mini-warehouse shall be the sole use of the structure(s) in which it is located. Other activities in place of or in addition to the mini-warehouse shall not be permitted within those structures. No sales, service, or repair activities, other than the rental of dead storage space, are permitted on the premises.
- b) Where an applicant proposes additional uses on the same development site, the mini-warehouse use shall be physically separated from all other uses. The conditional use approval shall be assigned to a specific portion of the site, established by an internal

boundary shown on the site plan. Within that area, no use other than mini-warehouses shall be permitted.

- c) No storage bay or unit in a mini-warehouse shall be used as a place of business, and no business license shall be approved for the property other than that of the mini-warehouse owner/operator.
- d) No storage bay shall contain plumbing or more than one (1) electrical outlet.
- e) A minimum of three (3) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle shall provide access to all storage unit doors.
- f) The mini-warehouse facility shall be completely surrounded by a fence at least six (6) feet in height, such that access to the site can be restricted. A masonry wall or wood stockade fence shall be provided where required under Article V; otherwise, chain link may be substituted.

8. Office-Warehouse:

- a) The office/showroom component of this use must comprise at least 25 percent of the total floor area of the use
- b) No single building shall contain more than five (5) units.
- c) No equipment other than standard (2 axle) vehicles shall be parked long term in required parking and/or in front of the units.
- d) There shall be no exterior display or storage of equipment and materials. All equipment and materials shall be housed inside the structure, or behind an eight (8) foot privacy fence to the rear of the structure.

N. Neighborhood Shopping Center, Up to 100,000 Square Feet.

- 1. Gasoline station in a neighborhood shopping center: See Gasoline and/or Auto Service Station under Road Service Uses.
- 2. Neighborhood Shopping Centers shall meet the following requirements:
 - a) A neighborhood shopping center shall be located only on an arterial roadway or at the intersection of an arterial road and a collector street, as designated in Appendix A. For this purpose each quadrant of such an intersection shall be considered a separate location.
 - b) The total site area of a neighborhood shopping center shall be not less than three (3) acres.

- c) A combination of two or more natural materials such as wood, brick, stone, and stucco shall be used on the exterior surface of all structures.
- d) Shall consist of multiple structures or if less than 15,000 sq. ft. in size may be one structure, either of which shall have articulated roof lines and varying façade elevations and offsets. (*See Figure 7*)
- e) All utility meters, ground-mounted air conditioning and similar mechanical units shall be screened so as not to be visible beyond the boundaries of the site.
- f) A master signage plan for the overall proposed development, complying with Article VII, shall be submitted and approved in conjunction with the required site plan.

O. Industrial Uses.

1. Bulk storage of chemicals or fuels:

- a) Minimum lot size shall be 100,000 square feet.
- b) Storage tanks or structures shall be at least 100 feet from all property lines.

2. Commercial incinerator:

- a) Minimum lot size shall be 100,000 square feet.
- b) Structures shall be at least 100 feet from all property lines.

3. Food processing/packaging:

- a) Minimum lot size shall be 100,000 square feet.
- b) Structures shall be at least 100 feet from all property lines.

4. Manufacture of explosives:

- a) Minimum lot size shall be 150,000 square feet.
- b) Structures shall be at least 150 feet from all property lines.

5. Storage of sand/gravel/blocks: Stored materials shall be completely surrounded by an opaque fence no less than ten (10) feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.

6. Auto Salvage yard, junkyard or storage area:

a) Storage of Materials

1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
2. In no case shall material that is not salvageable be buried or used as fill.
3. Any items, which can be recycled or salvaged, shall be accumulated in bins or containers to be sold to a recycling firm.
4. Recyclable material, which cannot be stored in bins or containers, may be stored in the open.
5. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site.
6. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half (1.5) cubic feet or more, from which the door has not been removed.
7. Facilities not having conditional use approval as a Junkyard Use will not be allowed to accumulate materials for more than 30 days.

b) Screening. All auto salvage yards, junkyards and storage areas shall comply with the following screening requirements:

1. All outdoor storage facilities shall be completely surrounded by a continuous fence or wall of masonry, wood or other opaque material, which shall be a minimum of six (6) feet in height without openings of any type, except for one entrance and/or one exit which shall not exceed 25 feet in width.
2. Gates at entrance or exit shall be of a material without openings.
3. The screen shall be constructed of the same type of material throughout.
4. No screen shall be constructed of metal that will rust.
5. Screens shall be maintained and in good repair at all times.

7. Mine/quarry:

- a) Minimum parcel size shall be 100 acres.
- b) A 300-foot buffer zone shall be established around the perimeter of the property. Within this area, the natural or existing vegetation shall be maintained or improved, and no digging, dredging, blasting, storage of tailings, or other mining-related activities shall be allowed. Where no natural vegetation exists the Planning Commission or their designee may require additional buffering as deemed necessary.
- c) No structures, vehicles, equipment, or parking areas shall be located within 100 feet of a property line.

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Table 4-3: Table of Dimensional Standards – Non Residential Uses.

Zoning District	Maximum Height Of Structure (feet)	Minimum Setbacks (in feet) ¹			
		Front Yard	Rear Yard	One Side ²	Total Side
RE	35³	50	50	50	100
O-I	50	25	25	10	20
NC	40	25	20	10	20
GC	40	25	20	10	20
HC	50	40	25	10	20
LC	40	25	20	10	20
DH	35	4	4	4	4
M-1	60	5	5	5	5
M-2	60	5	5	5	5

¹ See Table 6-1 and Section 603 for Residential Setbacks

² Side Yard on Street shall be equal to Front Yard setback

³ Inhabited Structures Only

⁴ No setbacks required for traditional downtown development. All other development types should be treated as conditional uses.

⁵ Equal to Height of Structure

Section 410. Resource Protection Standards

A. All development shall be preceded by the identification of any environmental or natural feature described below and shall meet the specified standards for environmental protection.

B. Site alterations, re-grading, filling and clearing or planting vegetation prior to approval of the plans for development shall be a violation of this Ordinance. Reference in this section to “open space” is intended to mean the term as it is defined by Article II and described in Section 415.

C. Perennial Streams – 50’ from top of stream bank on either side shall remain undisturbed unless otherwise permitted by the City Engineer.

D. Steep slopes.

1. Areas with slopes of 33 percent (3:1) or greater: not more than 15 percent of such areas shall be developed and/or re-graded and/or stripped of vegetation with the exception that no more than five (5) percent of such areas may be disturbed in the case of erosion-prone soils, as defined by the Natural Resources Conservation Service.

2. When identifying “steep slope” areas of a development (rise/run \geq 33%) the engineer shall use a topographic map or site plan having a contour interval of not less than 2 feet to determine changes in elevation (rise). Unless otherwise approved by the Planning Commission and Engineering staff a length (run) of not more than 100 feet shall be used to calculate the approximate slope of the area under consideration.

3. When a proposed development will not meet the standards of Section 410.D.1 above, a development plan must be submitted for the review of the City Engineer and approval of the Planning Commission. Approval of this development plan shall be based on its consistency with the intent of this Ordinance.

Section 411. Reclamation of Undeveloped Land.

In the event that construction of a development has not been completed within one year of date of approval of the preliminary plat or development plan; said development shall be reviewed by the Planning Commission and Engineering staff to determine if reasonable progress toward completion of the development is being made. Evidence of reasonable progress may include, but shall not be limited to, installation of streets, utility lines and stormwater management facilities; laying structural foundations; and completion of any stage of a development approved under a staging plan pursuant to Section 902.09. However, the clearing and grubbing of land, in the absence of other improvements, shall not by itself constitute evidence of reasonable progress.

Upon a determination that reasonable progress is not being made, the Planning Commission may require the owner of the development site to restore the land to the same condition that existed prior to the initiation of the development, and place a time limit on completion of said restoration.

If such restoration is not feasible, the City Engineer and the Planning & Development Services shall work with the property owner to determine an acceptable condition or degree of reclamation; at the very least, the site shall be sodded or planted in grass, and appropriate measures shall be taken to prevent or eliminate soil erosion. In all cases, restoration activities shall be consistent with appropriate Best Management Practices as recommended by the Alabama Forestry Commission, the Alabama Department of Environmental Management (ADEM) and/or the Natural Resources Conservation Service (NRCS).

Section 412. Areas Subject to Flooding.

The boundaries of special flood hazard areas shall be identified by referencing the most current FEMA Flood Insurance Rate Maps (FIRM), an approved Letter of Map Revision (LOMR) or an approved Letter of Map Amendment (LOMA).

The boundaries of any special flood hazard area shall be clearly denoted on all development plans for parcels subject to flooding. Said boundaries shall be determined using a site specific, topographic survey of the parcel and the appropriate FIRM, LOMR, or LOMA.

On those parcels for which no base flood elevation (BFE) has been developed, it shall be the responsibility of the owner to have a registered professional engineer or hydrologist to establish a BFE.

On-site topographic surveys shall be performed to locate the precise floodplain line on a parcel prior to any development. The survey shall use the flood profile contained in the sources listed above or, if no such profile exists, by performing standard runoff calculations such as those contained in Standards and Specifications for Soil Erosion and Sediment Control, prepared by the Natural Resources Conservation Service.

412.01. Flood Damage Prevention Ordinance. All provisions of the current Flood Damage Prevention Ordinance (Ord. # 2012-07), of the City of Lincoln as amended, shall be applicable to development in the floodplain.

412.02. Permanent open space. All such areas shall be permanent open space. No uses or improvements other than those permitted herein shall be permitted in any area consisting of floodway as defined by this Ordinance.

412.03. Permitted uses. The following uses are permitted within the floodway fringe as a matter of right:

- A. All uses that are permitted in designated open spaces.
- B. All uses that are classified as agriculture, nurseries, and outdoor recreation.
- C. Piers, bridges and bridge approaches, picnic shelters, and stormwater detention facilities, so long as the building permit application shows that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year flood event at that location.

412.04. Building Elevation. All other buildings or any residential, institutional, office, commercial and entertainment, commercial recreation, recreational rental dwelling, or nursery uses (other than those specifically named in this Section) may be permitted as conditional uses pursuant to Section 903, provided that all habitable floor area shall be raised so that no floor, or its structural supports, or any utility line has less than one (1) foot of clearance between its lowest point and the 100-year flood elevation. Any reduction of cross-sectional area due to vertical supporting members shall be offset by compensatory storage. Vehicular access to such structures shall be at or higher than the 100 year base flood elevation (BFE).

Exceptions to 412.04 above may be as follows subject to the approval of the City Engineer:

- A. A non-residential building may have its finished floor elevation below the BFE as long as it fully complies with FEMA requirements.
- B. A non residential building may have parking or parking access below BFE as long as it fully complies with FEMA requirements.

Note: Evidence of full compliance with FEMA requirements must be provided at time of submission.

412.05. Installation of fill materials. Fill may be placed within the floodway fringe only when allowed as a conditional use pursuant to Section 903. An application for such conditional use shall be accompanied by detailed fill plans, showing existing and proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. In considering the application, the Planning Commission shall determine whether the proposed fill meets the general standards set forth in Section 903, and the following additional standards:

- A. The cross-sectional area of a riverine floodplain shall not be reduced by more than two and one-half (2 ½) percent on either side of the centerline of the watercourse; an inland depressional floodplain may have its location and contours altered through cut and fill over 30 percent of its surface area.
- B. Compensatory storage shall be provided to offset the storage lost through the filling.
- C. All changes in velocity, depth of flood elevation, or storage shall be limited to the property owners who have been granted flood or flow easements, provided that in no event shall an increase in flood elevation be permitted if it would affect any existing building or bring any building to within one (1) foot of the flood elevation.
- D. In no instance shall the depth of fill in a riverine floodplain exceed five (5) feet, nor shall any fill be placed within 50 feet of the top of the stream bank or in a location which might be endangered by or accelerate a meander. In an inland depressional floodplain the depth of fill measured from the natural grade to the new surface shall not exceed five (5) feet.
- E. Fill shall consist of soil or rock materials only; sanitary landfills shall not be permitted in the floodplain. Further, all fill areas shall be stabilized with material that will insure and protect against erosion hazards, undercutting, and undermining.

412.06. Filling in Floodway. *See Section 903.*

412.07. Structural anchoring. Any structure placed in the floodplain shall be anchored firmly to prevent floodwaters from carrying it downstream. Such anchoring shall be sufficient to withstand a flood velocity of six (6) feet per second. The Planning Commission shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this standard.

Section 413. Lakes and Ponds.

All such areas that serve a stormwater or flood retention purpose shall be permanent open space maintained by the developer, property owner or other legally bound and authorized agent. No development or diverting of these bodies of water shall be permitted without a development plan approved by the City Engineer. Alteration of lakes and ponds shall be permitted only if surface area and flood retention volumes remain unchanged or are enlarged.

Lake Shorelines: The shorelines of lakes [two (2) acres or greater in size], consisting of the area within 100 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Pond Shorelines: The shorelines of ponds [less than two (2) acres in size], consisting of the area within 50 feet from the shorelines, shall contain no more than 15 percent impervious surfaces. At least 75 percent of all such areas shall be permanent open space.

Section 414. Drainageways.

Re-grading, stripping of vegetation, or filling in drainageways is permitted only after review and written approval by the City Engineer, provided that the resultant drainageway has less velocity than existed previously or reduces stream bank erosion through the provision of erosion control measures.

Section 415. Open Space.

Land that is required by this Ordinance to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this Section. Open-space land shall be freely accessible to all residents of a development, with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits.

Open space shall have qualities making it useful to residents of the development for either passive or active recreation, and will be developed to serve that purpose. Open spaces shall serve an important environmental/resource protection or visual role in separating the development from existing public ways or from other existing or potential developments; or shall be of value in dividing the development into coherent sub-areas. Non-recreational buildings, except those related to agricultural uses permitted under Section 415.01(C) shall not occupy open-space land.

415.01. All developments required by this Ordinance to provide open space shall meet the following requirements.

- A. Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed, and no structures shall be built on such land, except as provided below. All such properties shall be owned and maintained by the developer, owner of the development site, homeowners association, or other private entity approved by the City Attorney.
- B. An open-space plan shall be submitted as a part of the application for a site plan or subdivision approval. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

1. designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.
 2. designate the type of open space, as established in this Section, to be provided.
 3. specify the manner in which the open space shall be perpetuated, maintained, and administered in accordance with Section 415.02.
 4. include proof of a mandatory and functioning Home Owners Association and contact information for same. The Lincoln Planning & Development Services Department shall be provided an annual update of said contact information
- C. The types of open space that may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:
1. *natural areas* are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter the base flood elevation.
 2. *agricultural uses* specified in Section 404.01.
 3. *garden plots* are the division of open space into plots for cultivation as community gardens. Any change of use for the open space must be with the approval of the adjoining land owners and the Home Owners Association.
 4. *recreational areas* are areas designed for specific, active recreational uses having minimal requirements for structures, such as tennis courts, swimming pools, softball fields, and golf courses. An enclosed structure shall be permitted in a recreational area only where it directly supports a specific facility and does not require off-street parking. Recreational areas shall be accessible to all residents of the development.
 5. *greenways* are linear green belts linking residential areas with other open-space areas. These greenways are encouraged to designate developed bicycle paths, footpaths, bridle paths, fitness trails, or other similar development. Inter-connecting the greenway system between residences and recreational areas is encouraged.
- D. Open space shall be appropriately located and large enough to address the open space characteristics cited throughout Section 415.
1. No dwelling unit shall be located more than 750 feet from designated open space. The Planning Commission may waive this distance requirement where the developer proposes a major recreational facility which will occupy at least 50

percent of the required open space for the development. No more than ten (10) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.

Where intervening non-recreational properties separate a dwelling unit from an open space area, the Planning Commission or their designee may require an easement or other means of access for non-motorized traffic to avoid the need for pedestrians to cross or travel on roads carrying vehicular traffic.

2. No parcel of property, or portion thereof, less than 40 feet wide and 7,500 square feet in size shall be counted toward the designated open space requirement. Open space areas containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving a portion of the development or are included in connecting Greenways.
3. All open space shall be easily visible and freely accessible.
4. The following shall not count toward fulfillment of designated open space requirements:
 - a) platted lots for residential use or designated sites for manufactured homes or recreational vehicles;
 - b) easements for roads, driveways or any other use which is not consistent with the purposes of open space as established in this Section;
 - c) parking areas, including adjacent areas containing required landscaping;
 - d) public or private right-of-way;
 - e) private roads and driveways;
 - f) areas of required spacing between structures, manufactured homes or recreational vehicles;
 - g) Commonly owned lawns consisting of grass with or without trees.
(i.e. condominiums, townhouses, patio homes, etc.)
 - h) areas which have been cleared of vegetation, excavated, filled, or otherwise altered from their natural state unless such alteration is consistent with the proposed use of the open space parcel approved as part of an overall development plan;
 - i) any development site (as established by a site plan) containing a clubhouse or a non-recreational use including, but not limited to, office, restaurants, gift shops, and groundskeeper storage buildings;

- k) any other areas which the Planning Commission or their designee finds to be inconsistent with the intent of this Section.

In addition, no lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space required for the development. No golf course shall constitute more than 60 percent of the total open space required for the development.

415.02. Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Where open space is to be provided within a subdivision, such areas shall be designated by creating separate parcels within the perimeter of the plat. These parcels shall be given a sequential lot number, labeled as to their intended use, and the plat shall note the entity or entities having ownership and maintenance responsibility.

Where open space is provided within a development site, which is the subject of a site plan, and is under different ownership than the rest of the site, it shall nevertheless remain part of the development site pursuant to Section 902.11. Unless the site plan is modified or terminated in accordance with Section 902.08, the open space areas shall be used only as provided in Section 415. The site plan shall note the entity or entities having ownership and maintenance responsibility.

Open-space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- A. Common ownership of the open space by a homeowner's association, which assumes full responsibility for its maintenance.
- B. Deed-restricted private ownership that shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility. This arrangement shall be noted on the site plan and/or subdivision plat. Full and proper written legal documentation of said ownership and maintenance responsibilities shall be submitted to the Planning & Development Services and be approved by the City Attorney prior to commencement of development activities.

Section 416. Transportation Impact Report.

416.01. Purpose. The transportation impact report shall identify the traffic impacts of a proposed use. The report shall show improvements required to: insure safe ingress to and egress from a proposed development; maintain adequate street capacity, and eliminate hazardous conditions. The report also will be used to determine whether the proposed development is consistent with transportation-related policies of the City of Lincoln.

416.02. Applicability. The City Engineer, particularly in the following cases, may require a transportation impact report:

- A. Any development that proposes to take direct access to any collector or arterial road.
- B. Any residential development that proposes the construction of 30 or more dwelling units.
- C. Any use that will generate in excess of either 100 trips per acre per day or 250 trips per day. Trip generation rates for proposed uses shall be determined by consulting the latest edition of Trip Generation published by the Institute of Transportation Engineers, and/or the City Engineer.

416.03. Contents of transportation impact report. The transportation impact report shall contain, as a minimum, the following data and information:

- A. General site description. A detailed description of the highway network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-way, (d) all existing traffic signals and traffic-control devices.

In addition, any changes to the highway network within one-half (1/2) mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items, as well as any proposed construction project that would alter the width and/or alignment of the present highway. Such information can be obtained from the City Engineer, County Engineer and Office of the Division Engineer, Alabama Department of Transportation.

- B. Description of existing traffic conditions. A report based on the following shall be provided: A 24-hour traffic count shall be conducted for a period of five (5) weekdays (Monday – Friday) on all roadways that have direct access to a proposed development site. The existing average daily traffic (ADT) volume and the highest average peak hour volume for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the five days Monday through Friday.
- C. Transportation impact of the development. The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 7 AM and 9 AM and between 3 PM and 6 PM for the proposed use shall be determined from the latest edition of Trip Generation published by the Institute of Transportation Engineers, or from figures provided by a qualified traffic engineer. A report shall be made detailing the nature and extent of the trip generation expected to result from the proposed development.

- D. Analysis of transportation impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all major intersections within one-half (1/2) mile of the site. This demand shall consist of the anticipated traffic that will be generated by the proposed development, plus an assumed normal increase of traffic volume of one (1) percent per year, unless traffic-engineering studies indicate a different rate of change. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development.

416.04. Traffic control devices. Whenever, as the result of additional traffic generated by a proposed development, it is determined that there is a need for a traffic signal, a regulatory sign, additional right-of-way or acceleration/deceleration lanes, the developer shall make such planned improvements a part of his development plans and shall propose a schedule to the Planning Commission for making such improvements. Anticipated improvements required by future development, and the developer share in those improvements, are listed in the following paragraphs.

- A. Traffic signs. Include the normal stop, yield, caution, and street signs, but also may include special signs such as “watch for traffic entering”, “blind hill” and “pedestrian crossing”, may also be required. Such signs will be placed by the developer entirely at the developers’ expense. These signs shall be specified, installed, and maintained in accordance with the Manual on Uniform Traffic Control Devices.
- B. Traffic signals. Include any and all lighted signals. Such installations will be placed at the direction of the agency having jurisdiction. This paragraph also applies to signalization and improvement of railroad crossings. Because of the timing of the actual installation of signals by authorized agencies, the developer will be required to post a bond guaranteeing the estimated cost of improvements covered by this paragraph.

Section 417. Clear View of Intersection Streets.

To provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear vision formed by the two intersecting streets. The size of this triangular area is a function of traffic volume and speed and is depicted for right-angle intersections in *Figure 8*. At oblique intersections, in which two roads form an angle of 60 degrees or less, required clear areas shall be determined by the City Engineer, based on design criteria set forth in the most recent edition of A Policy on Geometric Design of Highways and Streets, prepared by the American Association of State Highway and Transportation Officials (AASHTO).

Where, in the opinion of the Planning Commission, there are unusual and/or specific circumstances relating to a street intersection such that the application of *Figure 8* may not be

appropriate, the intersection shall be referred to the City Engineer who shall recommend a triangular area of clear vision using the standards contained in the current edition of the Manual of Uniform Traffic Control Devices.

On any portion of a lot that lies within the triangular area defined according to this section, nothing shall be erected, planted, placed, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2.5) feet and ten (10) feet above the grade at the intersection of the street center lines.

Section 418. Traffic Management.

418.01. Curb Cuts.

Because frequent curb cuts and driveways providing access to numerous adjoining properties are a severe impediment to the proper functioning of major streets, on-site circulation and cross-access agreements between lots are required, to control the problem when land is subdivided. There shall be a minimum spacing of 300 feet for driveways and other curb cuts on arterial streets and 300 feet on collector streets. In areas where single-family detached homes abut collector streets, an average distance of 125 feet shall be allowed between curb cuts.

New single-family residential lots shall not be allowed direct access to collector and arterial roadways without approval of the City Engineer.

The following table summarizes required distances between curb cuts and street corner property lines:

Development Type	Street Type		
	<i>Arterial</i>	<i>Collector</i>	<i>Local</i>
Non-Residential	125'	100'	100'
Multiple Unit Development per §603.02(e)	125'	100'	100'
All Other Residential	125'	100'	25'

Where an intersection contains a left-turn stacking lane, any driveway opposite such lane shall be designed to permit entrance and exit by right turn only. Such "right turn" entrances shall be constructed with raised islands to prevent left-turn movements. No left turns shall be permitted where such turning motions would cross an acceleration or deceleration lane in proximity to an intersection.

Required distances between curb cuts, and between curb cuts and street corner property lines, shall be measured from the edge of the curb cut.

418.02. Access for Lots of Record and Redevelopment.

In the interest of public safety, lots of record, as defined by this Ordinance, shall be afforded vehicular access at the direction of the City Engineer and in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). This access may take the form of a curb cut, or shared curb cut, directly onto a public right-of-way or may be limited to cross-access via an adjoining lot (see Section 418.04). The City reserves the right to adopt access plans for thoroughfares in rapidly redeveloping areas in order to facilitate traffic management and public safety. The Planning Commission and City Council shall approve such plans.

418.03. Acceleration/Deceleration Lanes.

Acceleration/deceleration lanes shall be provided by the developer at the direction of the City Engineer. Such improvements must be designed and constructed to city, county or state standards. The cost of such improvements will be borne entirely by the developer.

418.04. Cross-Access Requirements.

Adjoining lots with frontage upon collector or arterial roads may be required to provide cross-access and permanent ingress/egress easements to adjacent properties in the interest of accommodating the curb-cut requirements, public safety and facilitating vehicular traffic. Such access shall be required at the discretion of the City Engineer.

418.05. Median Cuts.

Center medians are designed and constructed both for traffic safety and aesthetic considerations. Such public improvements are constructed at great expense to the public and, therefore, any alteration of the existing or planned roadway medians shall be allowed solely at the discretion of the City Council, and/or ALDOT; and only where such alteration is in the interest of public safety. Where such alterations are allowed, the entire cost shall be borne by the applicant. The improvement of other medians or similar traffic control devices in proximity to the proposed development may be required in consideration for any allowed median alteration.

418.06. Additional Right-of-way.

Additional right-of-way required by a specific governmental plan for the improvement of a given existing or proposed roadway shall, where possible, be divided equally between adjoining property owners on both sides of the existing roadway, and shall be dedicated to the City. Said right-of-way may be required at the time of subdivision or site plan review.