

## **ARTICLE VI. DETAILED USE REGULATIONS**

### **Section 600. Purpose.**

The purpose of this Article is to specify the detailed regulations, including bulk, layout, setbacks and lot area, which apply to specific land uses. Standards over and above those imposed by other sections of this Ordinance are necessary for certain land uses which, although permitted as of right in certain districts, have characteristics that might have negative impacts on nearby uses without these additional regulations. This Article also specifies the regulations applicable to temporary and accessory uses, and it details the off-street parking and loading requirements of permitted land uses.

### **Section 601. Standards Applicable to Certain Uses.**

In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses enumerated below.

#### **601.01. Renovation, Adaptive Reuse, and Preservation of Structures.**

Because there may be value to the community in the renovation, reuse and preservation of certain structures, and because these actions serve the public interest, renovation, reuse, and preservation of certain structures are encouraged in all zoning districts.

**A.** In addition to a site plan required pursuant to Section 902, each proposed renovation, reuse or preservation of an existing structure shall include a floor plan showing the internal use of the structure.

**B.** It is anticipated that the renovation, reuse, and preservation of existing structures will involve difficulties with maximum densities in some zoning districts, bufferyard requirements and off-street parking. Where these conditions occur, the Planning Commission may impose such standards as fencing, screening, and planting as they deem appropriate to buffer existing adjacent properties. The Planning Administrator shall, in the case of higher densities and off-street parking, make such recommendations to the Planning Commission as they deem reasonable in supporting the concepts of renovation, reuse, and preservation of structures in the City of Lincoln.

**601.02. Exceptions to Minimum Yard Requirements.** The following structures shall be allowed to project into or be constructed in any minimum required yard as follows:

- awnings and canopies, roof overhangs and balconies not to exceed three (3) feet;
- bay windows, not to exceed two (2) feet;
- clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance.

- Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line.

Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

**601.03. Voluntary Dedication of Property for a Public Purpose.** No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Ordinance, except that when an existing lot or record is reduced in dimension or total area by 20 percent or less by the voluntary dedication by the owner and acceptance of a portion of such lot by the City for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

**601.04. Limitations on Animals.** – See the City of Lincoln, Animal Control Ordinance #2010-16.

**601.05. Moving of Structures.** No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Ordinance and any other codes or regulations that may be applicable.

## **602. Broadcast/TV/Radio and Telecommunication Tower Use Regulations.**

Except where otherwise stated herein, the following standards shall apply to all types of broadcast and communication towers within the City of Lincoln.

**A. General Regulations and Requirements.** All requirements for site plan approval, as set out in Article IX, shall be met at the time of application for site of new towers.

**B. Safety/Structural Design of Towers.** All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures,” as amended, published by the Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

**C. Security.** A chain link fence shall be installed around the perimeter of the compound, having a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application for site plan approval. Guy anchors may be fenced separately from the main compound. Climbing pegs shall be removed from the lower 20 feet of all broadcast towers.

**D. *Lighting Restrictions.*** There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity, shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

**E. *Maintenance.*** The owner of a broadcast tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Lincoln or its authorized representatives, in perpetuity for as long as said tower remains on a site.

**F. *Landscaping.*** Broadcast towers constructed in conjunction with a principal structure (i.e. radio/TV station) shall comply with all bufferyard and landscape requirements as set out in Article V.

**G. *Abandoned Facilities.*** Any broadcast facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide Planning and Development Services with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such cessation to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the one hundred and twenty (120) day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

**H. *Area and Dimensional Requirements.*** The following area and dimensional regulations shall apply to all facilities covered by this Section:

**1. *Minimum Lot Area:*** Determined by setback requirement.

**2. *Minimum Setbacks:*** Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site). Maintenance/equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.

3. All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.

4. *Bufferyard Requirements:* See Article V

**I. Height and Location Restrictions.** In regard to the height and siting of all broadcast facilities and their associated structures the following regulations shall be observed:

1. No broadcast tower site boundary shall be located closer than 200 feet to any residence.

2. No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Residential (RS) District zoning boundary. Any new towers so located shall further be restricted to a monopole or self-supporting design.

3. No tower shall exceed a height of 300 feet.

4. Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. Structures located in the Residential Estate District (RE) for agricultural purposes shall be exempt from this provision.

#### **602.01. Telecommunications Towers.**

In addition to the standards set out in Section 602 above; the following standards shall apply specifically to telecommunication towers.

**A. Application and Justification.** All requirements for site plan approval, as set out in Article IX, "Development Approval Process", shall be met at the time of application for siting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a communication tower:

1. A current U.S.G.S. quadrangle map (1:24,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site;

2. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;

3. A study prepared by a radio frequency specialist that includes mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g. buildings, billboards, water towers, or

other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.

**4.** A complete inventory of the provider's existing telecommunications towers and communications antenna sites in Talladega County (including those located in municipalities within Talladega County). This inventory must include:

- a)** The location, parcel identification number, and ownership of the telecommunications tower.
- b)** Name of co-locators.
- c)** Height of tower.
- d)** Type of tower or nature of other structure where antenna is located.
- e)** Name of Wireless Communication Service Provider co-location coordinator.
- f)** Copy of Wireless Communication Service Provider's FCC license.

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

**5.** Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:

- a)** a list, description and map of the potential co-location, nonresidential uses or alternative location sites that are located within the geographic service area of the proposed site;
- b)** documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval
- c)** a detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
- d)** an analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;

6. Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same shall be submitted as well.

**B. Co-location Requirements.** All towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:

1. Towers 80 to 159 feet in height shall accommodate a minimum of two (2) providers.
2. Towers 160 to 209 feet in height shall accommodate a minimum of three (3) providers.
3. Towers of 210 to 300 feet in height shall accommodate a minimum of four (4) providers.

Carriers wishing to co-locate on an existing tower may receive administrative approval of their request from Planning and Development Services.

**C. Maximum Utilization of Existing Sites.** No new telecommunications tower shall be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower; or on an alternative site (e.g. building or other structure), where such alternative location would cover the required service area without creating undue signal interference.

**D. Pre-Existing Towers.** Any telecommunications tower or telecommunications antenna for which a permit has been properly issued shall hereafter be considered a non-conforming use subject to the provisions of Article VIII of this Ordinance. The purpose and intent of this Section is to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers. Any communications antenna locating on a pre-existing properly permitted telecommunications tower subsequent to adoption of this Section shall be exempt from the restrictions of Article V of this Ordinance when the provisions below are met:

1. If structural strengthening is necessary to accommodate co-location, the tower type shall remain the same as previously permitted.
2. There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.
3. All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to be applicable to such tower.

The Planning Commission shall permit such facilities through administrative review and approval.

**602.02. Exemptions.** The following wireless communications facilities shall be exempt from the requirements of this Section:

1. Amateur radio antennas and receive-only antennas not more than 60 feet in height, and satellite earth station antennas two (2) meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.
2. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
3. Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 feet in height whether mounted to a structure or ground mounted.

The Planning Commission shall make determination of exemption of any such facilities exceeding the foregoing dimensions.

**603. Residential Use Regulations.**

This Section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Ordinance, except in areas designated as Special District (SD).

When a lot size exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply. The figures specified in the tables of this Section are expressed in terms of square feet, feet, or a ratio, whichever applies.

Lot sizes and other requirements for residential lots within Special Districts (SD) shall be established through the review and approval of the required Master Development Plan, (See Section 605).

**603.01. Conventional subdivisions.** A conventional subdivision consists of single-family dwellings on individual lots and, unless otherwise required by Article V, requires no public or community open space, including resource protection and recreation land.

A conventional subdivision is characterized by division of the entire subject parcel into lots. Table 6-1 provides development standards for conventional subdivisions in the Residential (RS) District.

**Table 6-1: Lot Area, Setback, Bulk Regulations and Parking Requirements: Conventional Residential Subdivisions.**

| Zone | Min. Lot Area <sup>1</sup> | Min. Lot Width <sup>2</sup> (Ft.) | Setbacks (feet) |      |            |           |                     | ISR <sup>3</sup> | Height (Ft.) | Off-Street Parking |
|------|----------------------------|-----------------------------------|-----------------|------|------------|-----------|---------------------|------------------|--------------|--------------------|
|      |                            |                                   | Front           | Rear | Total Side | Min. Side | Side yard on Street |                  |              |                    |
| RE-1 | 1 acre                     | 120                               | 40              | 45   | 35         | 16        | 25                  | .12              | 35           | 2                  |
| RE-2 | 2 acre                     | 175                               | 45              | 50   | 40         | 18        | 25                  | .10              | 35           | 2                  |
| RS-1 | 20,000 sf                  | 100                               | 35              | 40   | 30         | 12        | 20                  | .28              | 35           | 2                  |
| RS-2 | 15,000 sf                  | 85                                | 30              | 35   | 25         | 12        | 20                  | .32              | 35           | 2                  |
|      |                            |                                   |                 |      |            |           |                     |                  |              |                    |
|      |                            |                                   |                 |      |            |           |                     |                  |              |                    |

<sup>1</sup>Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

<sup>2</sup>In cases where side lot line are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

<sup>3</sup>Maximum Impervious Surface Ratio.

<sup>4</sup>Developments containing lots of less than 15,000 square feet in size must be part of a master plan development and are required to have a minimum of 20% Open Space.

**603.02. Alternative Residential Development Styles.** The purpose of this section is to provide innovative development types that make efficient use of land and public facilities, and/or to protect natural features.

Alternative residential developments may contain one or more of the housing types that are specified in this subsection subject to the overall density standards established through approval of a Master Development Plan. For purposes of calculating density, the development site shall include all platted lots, together with road, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, regardless of whether or not such facilities will ultimately be dedicated to the City. Such developments shall contain the minimum amount of open space specified in the Master Development Plan. Prior to approval of the final plat, Planning and Development Services shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.

Unless specifically accepted by the City Council, the City of Lincoln shall not be responsible for maintenance and/or repair of any common facility or properties.

Alternative residential developments shall be self-contained in terms of meeting the requirements of this Ordinance. In addition to other relevant requirements, site plans and subdivision plats shall designate and establish maintenance responsibility for all required recreation, resource protection, and other open space and common properties within the development site. Where an alternative residential development is to be built, Special District Zoning, along with the associated Master Development Plan shall be required.

The following subsections specify the standards and requirements for each dwelling type in detail.

**A. Zero Lot Line.** Under this development concept, each residential lot contains a dwelling unit placed along one side lot line in order to maximize usable open area within the lot. All zero lot line subdivision plats shall show driveways, walkways, patio slabs, and building envelopes for all structures. No windows, doors, air conditioning units or other openings or projections of any kind shall be permitted where the structure meets the side lot line. However, a window may face the zero side yard if it is recessed at least five (5) feet from the property line. (*See Figure 13*)

For each unit constructed along a side lot line, an easement of five (5) feet in width shall be created on the adjoining property. The purpose of this easement is to permit maintenance and repair of the portion of the structure bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned. No fence, patio, deck, or structure of any kind shall be placed within a maintenance easement.

Zero lot-line units shall not take access from an arterial road.

In addition to the bufferyard requirements of Article V, zero lot-line subdivisions shall also meet the following development criteria:

|  |            |
|--|------------|
| Minimum Lot Area                       | 4,500 s.f. |
| Maximum I.S.R. on individual lots      | .55        |
| Maximum F.A.R.                         | .35        |
| Minimum Yards:                         |            |
| <i>Front/Side on Street</i>            | 20 ft.     |
| <i>Side Opposite zero setback line</i> | 5 ft.*     |
| <i>Rear</i>                            | 20 ft.     |
| Minimum Lot Width                      | 45 ft.     |
| Off-Street Parking Spaces              | 2          |

\*or width of any easement along side lot line, whichever is greater.

**B. Town House.** This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for town house dwelling units as defined in Article II. Each town house unit shares a common wall with another such unit on one or both sides, has individual entrances (not used by other units) in the front and rear, and may be place on its own lot within the subdivision or on common lots managed through a condominium association. Town house structures shall contain at least three (3) and not more than ten (10) dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets. (See Section 417). (*See Figure 14*)

In addition to meeting all other requirements of the Subdivision Regulations, plats for town house development shall show driveways, walkways, patio slabs, and building envelopes for all structures. No more than ten (10) town house units shall be permitted in any structure.

Town house lots may be accessed via ally ways to the rear of the lots or from dedicated parking areas. In no case shall town house lots take direct access from any public road.

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 2,000 s.f.    |
| Maximum I.S.R. on individual lots | .60           |
| Maximum F.A.R.                    | .60           |
| Minimum Yards:                    |               |
| Front                             | 15 ft.        |
| Side (end units)                  | 10 ft.*       |
| Side on Street                    | 20 ft.        |
| Rear                              | 15 ft.        |
| Minimum Lot Width                 | 18 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

\*or width of any easement along side lot line, whichever is greater.

**C. Twin House.** This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for twin house dwelling units as defined in Article II. Each twin house unit shares a common wall with another such unit on one side, has individual entrances (not used by other units) in the front and rear, and shall be placed on its own lot within the subdivision. Twin house structures shall consist of two (2) dwelling units; such units may have multiple stories or combinations of one-and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets (see Section 417). (*See Figure 15*)

In addition to meeting all other requirements of the Subdivision Regulations, plats for twin house development shall show driveways, walkways, patio slabs, and building envelopes for all structures.

Twin house lots may be accessed via alley ways to the rear of the lots or from dedicated parking areas. In no case shall twin house lots take direct access from any public road.

|                                   |                     |
|-----------------------------------|---------------------|
| Minimum Lot Area                  | 3,500 s.f. per unit |
| Maximum I.S.R. on individual lots | .45                 |
| Maximum F.A.R.                    | .30                 |
| Minimum Yards:                    |                     |
| Front/Side on Street              | 25 ft.              |
| Side                              | 10 ft.              |
| Rear                              | 20 ft.              |
| Minimum Lot Width                 | 25 ft.              |
| Off-Street Parking Spaces         | 1 per bedroom       |

**D. Duplex Subdivision.** This development type consists of two-unit structures in which dwelling units may be constructed side-by-side, one above another, or one behind another. The development site shall be platted as a subdivision containing one (1) duplex structure per lot. In no case shall any duplex lot or development site be subdivided so as to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built shall remain undivided common property.

Duplex lots shall not take access from an arterial road. Duplex lots may be accessed via ally ways to the rear of the lots or from dedicated parking areas.

Duplex developments shall be designed according to the following standards:

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 7,000 s.f.    |
| Maximum I.S.R. on individual lots | .45           |
| Maximum F.A.R.                    | .30           |
| Minimum Yards:                    |               |
| Front/Side on Street              | 25 ft.        |
| Side                              | 10 ft.        |
| Rear                              | 20 ft.        |
| Minimum Lot Width                 | 75 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

**E. Multiple Unit Development.** This development type consists of two (2) unattached or any arrangement of three (3) or more dwelling units on an undivided lot.

All multiple unit developments shall be subject to site plan approval pursuant to Section 902. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

No existing single-family house or lot in a conventional residential subdivision shall be used for multi-unit development unless expressly approved under Section 902.

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 10,000 s.f.   |
| Maximum I.S.R. on individual lots | .75           |
| Maximum F.A.R.                    | .85           |
| Minimum spacing between buildings | 15 ft.        |
| Minimum Lot Width                 | 70 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

## **604. Manufactured Housing**

The purpose of this section is to provide standards and procedures specifically relevant to the location and development of manufactured housing, manufactured home parks, and manufactured home subdivisions within the City of Lincoln.

### **604.01. Definitions.**

**Manufactured home.** A home transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length, or when erected on site is three hundred twenty or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning and electrical systems. The home is built to the National Manufactured Housing Construction and Safety Standards Act. *Travel trailers, campers, recreational vehicles (including park models), and motor homes are not manufactured homes, mobile homes or house trailers.*

**Manufactured home lot/site.** A parcel of land for the placement of a single manufactured home unit and for the exclusive use of its occupants.

**Manufactured Home Park:** A parcel of land, under single ownership, which has been planned for the placement of three (3) or more manufactured homes for residential occupancy. The lots in said park may be leased to residents for placement of manufactured homes or the home and lot may be leased together by the park owner.

**Manufactured Home Subdivision.** A development that has been planned, improved and used for the placement of four (4) or more manufactured homes for residential occupancy. The lots in said subdivision shall be for fee simple sale to individuals wishing to place a manufactured home on said lot. Such developments must meet all dimensional and other requirements set out in this ordinance for single-family residential development.

**Mobile Home or House Trailer.** Any detached residential dwelling, built prior to June 15, 1976, prior to the National Manufactured Housing Construction Safety Standards Act. Designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be occupied as a dwelling, completed and ready for occupancy, including the plumbing, heating, air conditioning and electrical systems. Travel Trailers, campers, recreational vehicles and motor homes are not to be considered as Manufactured Homes, Mobile Homes, or House Trailers. Mobile Homes and House Trailers do not carry a HUD Seal.

**Modular Home.** A factory fabricated transportable home consisting of units designed to be incorporated at a building site on a foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission. Modular Homes are treated as Site Built Homes under this Ordinance.

**Site Built Home.** Homes constructed by a builder or contractor on-site that must meet standards set by the local building code.

## **604.02. Compatibility Standards for All Manufactured Homes.**

Manufactured homes qualifying as dwelling, single-family, shall be compatible to site-built and other housing in the immediate general area within the same zone or residential district. Approval may be granted when the manufactured home is substantially similar in size, siding material, roof material, foundation and general aesthetic appearance to: (1) site-built or other forms of housing which may be permitted in the same general area under this Ordinance, (2) existing development or (3) proposed development in the same zoning district. Items subject to compatibility comparison will include the following:

- A.** All manufactured homes or trailers that are nonconforming prior to the effective date of this Ordinance shall be treated as nonconforming uses.
- B.** All manufactured homes placed inside the City of Lincoln after the effective date of this Ordinance must comply with all requirements of this Zoning Ordinance and be less than eight (8) years old.
- C.** It shall be unlawful for any person to initially place, replace or relocate a manufactured home or mobile home within the City of Lincoln without first being granted a permit approved by Planning & Development Services.
- D. HUD Seal required.** Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act published by the U.S. Department of Housing and Urban Development. Any existing mobile home or trailer not bearing such a seal shall be deemed a nonconforming structure and shall be treated as a nonconforming structure and use in accordance with the regulations established in Article VIII of this Ordinance.
- E. Exterior Finish.** Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is sited.
- F. Installation Requirements.** Manufactured homes shall be set up, installed and anchored in accordance with the manufacturer's installation instructions and the regulations published by the Alabama Manufactured Housing Commission.
- G. Size & Appearance.** The general appearance and square footage of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site-built homes and manufactured housing.
- H. Site-orientation.** Manufactured homes shall be placed on lots in a manner compatible with and reasonably similar in orientation to other structures in the area.
- I. Towing devices.** All towing devices, wheels, axles and hitches must be removed.

- J. Utilities.** The home must be connected to water and sewage systems (including well and septic tank, if applicable) approved by the Alabama Department of Public Health or the Alabama Department of Environmental Management. Where City of Lincoln water and sewer are available to the site, the home must be connected.
- K. Tie-downs.** Each manufactured home shall have tie-downs or other devices securing the manufactured home based on the requirements of the manufacturer or the installation standards of the Alabama Manufactured Housing Commission.
- L. Underpinning.** All manufactured homes shall be underpinned with weather-resistant material, which shall be in accordance with the manufacturer's installation instructions. Acceptable materials may include masonry, stone, metal, vinyl or other materials manufactured for the purpose of underpinning. Underpinning shall be adequately vented and in place at or before the time of occupancy. For homes on fee simple lots or in manufactured home subdivisions, the type of material and method used for underpinning shall be consistent with and compatible to site-built homes in adjacent locations.
- M. Foundations.** Foundations shall be installed in accordance with standards set forth in the manufacturer's set-up requirements, or the installation standards of the Alabama Manufactured Housing Commission.
- N. Access to exterior entrances.** Immediately after installation and prior to occupation, a landing/porch/deck shall be installed on all front and back entrances. At least one of said landings shall be no narrower than five (5) feet in depth (as measured outward from the exterior of the structure) nor shorter than eight (8) feet in length and contain a railing along all exterior edges of the landing. Stairways leading to decks shall be no less than three (3) feet in width with exterior railing. All required stairways and landings/porches/decks shall be constructed of wood or brick materials or some combination of both. Required railing may be constructed of wood or metal material. *Exception:* Manufactured homes located in manufactured home parks will be required to have a 3x3 foot landing at only one (1) entrance.
- O. Additions.** Additions to manufactured housing must be compatible with the home and surrounding area. New additions will require all necessary permits from the City of Lincoln, and review and approval subject to compliance with the Lincoln Building Code. *Caution: Interior alternation may render HUD seal invalid and the structure nonconforming with regard to this ordinance. Such alterations should be done by an authorized dealer certified by the Alabama Manufactured Housing Commission.*

### **604.03. Manufactured Homes on Individual “Fee Simple” Lots.**

**A. Location Restrictions.** Manufactured Homes may be permitted on a vacant lot within the RE and RS zoning districts, subject to full compliance with the following conditions:

1. The proposed manufactured home shall not be located on a vacant lot that is within a designated local, state or federal historic district, or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places.
2. The combined value of the proposed manufactured home and the property upon which it will be sited shall not be less than ninety (90) percent of the average appraised value of all adjoining properties that have been improved for single family residential use.
3. Manufactured Homes replacing older manufactured homes or locating on a site vacated by a manufactured home will be subject to 604.03.A.2 above.
4. All manufactured homes located on individually owned “fee simple” lots, or within a manufactured home subdivision shall comply with the standards set out in Section 604.02.

**B. Destruction by Fire or Natural Disaster.** It is not the intent of this Ordinance to deprive a property owner of their homestead and thereby their right to restore or replace a non-conforming manufactured home should their home be destroyed by fire or natural disaster. In the event that a nonconforming manufactured home is destroyed by fire or natural disaster in excess of fifty (50%) of the appraised value as set out in Article VIII, restoration or replacement may be permitted provided that:

1. The manufactured home was, and will continue to be, occupied by the owner of said property;
2. The restoration or replacement does not result in a structure which appraises at a lesser value than that of the original structure.
3. The restoration or replacement shall be approved by the City Council prior to any zoning certificates being issued.
4. The restoration or replacement shall take place within twelve (12) months of being damaged.
5. Noncompliance with Health Department or other governmental agency regulations shall prohibit the nonconforming use of the site, and

6. Expansion of the site for additional nonconforming uses shall not be permitted.

**604.04. Standards for Manufactured Home Park.**

This housing type consists of manufactured home units installed on an undivided development site through site plan approval under Section 902. In no case shall a manufactured home park be separated into lots for fee simple ownership. All manufactured home sites shall be shown on a site plan. Recreational vehicles shall be permitted within designated storage areas only and shall not be used for residential purposes.

All manufactured home parks shall be developed according to the following standards:

|   |   |
|---|---|
| Minimum size for development site   | 10 acres  |
| Minimum number of manufactured home sites   | 25  |
| Minimum size for manufactured home site   | 5,400 s.f.  |
| Minimum size of manufactured home site  | 55' wide and 70' deep   |
| Maximum I.S.R. for entire park  | .35   |
| Maximum I.S.R. on a manufactured home site <sup>1</sup>   | .60   |
| Off-Street Parking Spaces:<br>Manufactured Homes<br>Permanent Habitable Structure<br>( <i>on-site manager</i> ) | 2 per manufactured home<br>1 per 200 s.f. of gross floor area |
| Maximum building height (conventional structures)   | 35 feet   |

<sup>1</sup>For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated manufactured home site unless the site plan specifies a lesser amount.

**A. Landscaping and Yards:**

1. All proposed Manufactured home communities shall submit, along with a request for site plan approval, a landscape plan showing a minimum 5% planted area which must include a combination of grass and ornamental plant material and may be included as part of the open space requirement of the zoning district. Said landscape plan shall be subject to review and approval of the Planning Commission along with the proposed site plan. The architect, landscape architect, engineer or surveyor of record for each project must certify that the landscaping has been installed to meet the minimum requirements of this Ordinance before a Certificate of Occupancy or release of power will be issued.
2. All manufactured home parks shall be separated from all other land uses by a bufferyard.
3. Manufactured homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.

4. Manufactured homes and freestanding structures serving as common facilities shall be at least 30 feet apart. No carport or other attached structure may be installed on a manufactured home less than 20 feet from another manufactured home or attached structure. This distance shall be measured between the closest points of the units or structures.
5. Storage sheds or other freestanding accessory structures shall be prohibited in required bufferyards and open space areas. Any such structure shall be at least ten (10) feet from any other structure.

**B. Allowable accessory uses:**

1. Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
2. No more than one (1) dwelling unit of conventional construction, at least 800 s.f. in size, for the use of a resident manager.
3. One accessory storage building is allowed on a lot. The storage building shall be located in the rear of the lot and shall not encroach on any required bufferyard or setback established elsewhere in this section. The maximum size of the storage building shall not exceed 120 square feet.
4. *Storage area for boats, recreational vehicles, or vehicles that exceed 30 feet in length.* The storage area shall be for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on park roads.

**C. Other regulations:**

- 1 *Ownership.* Manufactured home parks may not be platted or otherwise divided by fee simple ownership
2. *Access and Internal Circulation.* Internal park roads and driveways shall be paved, and shall be owned and maintained by the developer or property owner of the park. For each manufactured home site, two (2) paved off-street parking spaces of ten (10) feet by 20 feet each shall be provided. No individual manufactured home site shall have direct access to a public right-of-way.
3. *Review and Approval.* Before a permit is issued for construction of a manufactured home park, a site plan for the community must be submitted to the Planning Commission for review and approval in accordance with Section 902 of the City's Zoning Ordinance.
4. *Site Plan.* No structures or facilities shall be installed or constructed

until a site plan meeting the requirements of Section 902 of this Ordinance has been submitted to and approved by the City of Lincoln. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site plan. Where an existing manufactured home park has no site plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities.

- 5. *Public Safety.*** Each lot within a manufactured home park shall be visibly numbered in a uniform location so as to provide immediate identification by emergency services.
- 6. *Occupancy.*** No manufactured home shall be installed, stored, or otherwise located within a manufactured home park development site, nor shall residential utility service be authorized, until the park has received a Certificate of Occupancy from Planning & Development Services.
- 7. *Storm Shelter.*** All new or redeveloped manufactured home parks shall contain an appropriately sized storm shelter(s) for the use of park residents. Said shelter(s) shall be constructed in conformance with State of Alabama Emergency Management Agency standards. Appropriate sizing shall be determined by the developer/owner.
- 8. *Recreational Area.*** Recreation areas designed for the common use of residents shall comply with the following:

  - a)** In all parks accommodating or designed to accommodate 25 or more manufactured homes, there shall be one or more designated recreation areas. This shall include any expansions.
  - b)** The size of such recreation areas shall be based upon a minimum of 100 square feet for each park lot.
  - c)** Recreation areas shall be so located as to be free of traffic hazards. The minimum dimension of recreation areas shall be 20 feet in any direction.
  - d)** The location, design, and equipment for recreation areas shall be part of a site plan submitted and approved by the Lincoln Planning Commission.
  - e)** All recreation improvements shall be in place before any occupancy permits shall be granted.
- 9. *Storage, collection and disposal of refuse and garbage.*** Each 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.

**D. Manufactured Home Park Street System & Parking.**

1. The entrance and exit street or streets shall be designed to provide safe and convenient access between the public streets and the internal community street system.
2. Park Street Systems shall meet the following standards:
  - a) Minimum pavement widths shall be 20 feet for two-way traffic, 14 feet for one-way traffic and at least 7 feet shall be added for each parking lane if provided.
  - b) Each site shall be accessible from abutting streets for all essential and emergency uses by vehicular equipment, including equipment used by public safety agencies (fire, police and ambulance services).
  - c) The street layout shall be designed to provide for the continuous flow of traffic, with cul-de-sacs (minimum radius of 80 feet) being permissible.
  - d) Traffic control signs (stop, yield, and speed limit) shall be placed throughout the park where necessary.
  - e) Each street shall have a permanent sign installed with a designated name identifying each street.
  - f) Streets and parking areas shall be maintained by the owner/operator of the manufactured home park.
  - g) Street lighting shall be provided throughout the park.
3. Car Parking: Off-street parking areas or on-street parking lanes shall be provide for the use of park occupants and guests as follows:
  - a) Minimum of two, ten (10) feet by 20 feet, paved parking spaces shall be provided for each lot/site.
  - b) Driveways shall have a minimum width of 12 feet.
  - c) All off-street parking areas or spaces shall have direct access to an interior street; no direct driveway access shall be permitted between manufactured home lots to any exterior public street.

**E. Procedures for Approval for Placement of Manufactured Homes on Individual Lots.**

1. Applications for approval of placement of manufactured homes shall be made on a form developed for this purpose. The form shall be submitted to Planning & Development Services for review and approval in accordance with this ordinance.
2. Such application shall include all information necessary to make determinations as to conformity with the provisions of this ordinance. Photographs or renderings of the manufactured home may be necessary to make determinations required by the ordinance.
3. Planning & Development Services shall approve or deny the application within three (3) business days after receipt of the application and any required supporting materials. The applicant shall be notified in writing of the approval or denial of the application.
4. **CONDITIONS UNDER WHICH A MANUFACTURED HOME SHALL NOT BE LOCATED IN THE CITY OF LINCOLN:**
  - a) If it has been altered structurally from the manufacturer's original design.
  - b) If it has been damaged by flood, wind, fire or other cause.
  - c) If it has been denied set-up in another municipality or community for reasons other than the federal zone requirements for wind, thermal and/or roof load protection.

**604.05. Standards for Manufactured Home Subdivisions.**

Manufactured home subdivisions proposed for location within the corporate limits of the City of Lincoln must comply with all requirements of the Subdivision Regulations, including but not limited to, road construction standards, access requirements, drainage requirements, etc.

Additionally, unless otherwise approved as part of a special district master plan development, manufactured home subdivisions located in the City of Lincoln must meet all lot size and setback requirements for the zoning district in which it is to be located, as set out in Table 6-1.

**Table 6-2: General requirements for the various alternative development types**

| Housing Type                               | S/D Plat Required | Bldg. Envelope On Plat | Site Plan Required | Units per Lot | Units per Structure | Platted Open Space <sup>1</sup> |
|--|-------------------|------------------------|--------------------|---------------|---------------------|---------------------------------|
| SF Detached                                | X                 |                        |                    | 1             | 1                   | X                               |
| Zero Lot-Line                              | X                 | X                      |                    | 1             | 1                   | X                               |
| Town House                                 | X                 | X                      |                    | 1             | 3-10                | X                               |
| Twin House                                 | X                 | X                      |                    | 1             | 2                   | X                               |
| Duplex                                     | X                 |                        |                    | 2             | 2                   | X                               |
| Multiple Unit Development                  |                   |                        | X                  | 3+            | <sup>2</sup>        |                                 |
| Manufactured Home Park                     |                   |                        | X                  | 25+           | 1                   |                                 |
| Manufactured Home Subdivision <sup>2</sup> | X                 | X                      |                    | 1             | 1                   | X                               |

<sup>1</sup>See Table 6-1, note 4

<sup>2</sup>See Section 604

**Section 605. Master Development Plan.**

Where any development site is to be developed in stages or phases, no plat or phase plan for any fraction of the site shall be accepted for review, unless a Master Development Plan is submitted. A Master Development Plan shall be required in connection with any request for Alternative Residential Development or Special District (SD) zoning. A Master Development Plan shall also be required for any development containing a mixture of residential and non-residential land uses, and/or more than one of the dwelling unit types described in Section 603.02.

The Master Development Plan shall be a conceptual plan showing the entire development site and all component stages or phases, and shall express the overall development concept for the site at build-out. The plan shall show all proposed streets and shall demonstrate compatibility between adjacent land uses. The plan has two additional purposes: to ensure that required amenities keep a reasonable pace with residential construction in a phased development; and to establish an outer perimeter for the purpose of calculating density and required open space.

The Master Development Plan shall include the following information:

- A. outer boundary or perimeter of the overall development site, including a valid legal description;
- B. approximate locations of all proposed streets;
- C. type, number and approximate locations of all dwelling units;
- D. overall gross density for the development site, as well as density for each individual stage or phase;

- E.** location and approximate acreage of all resource protection, recreation, and open space lands and other common properties;
- F.** location of all streets and drainage facilities;
- G.** required bufferyards; and
- H.** any other information which Planning and Development Services determines to be relevant.

Where a Master Development Plan is submitted in conjunction with a Special District (SD) zoning this plan shall include a written statement addressing design standards within the development, including minimum residential lot sizes and widths, building setbacks, building heights, signage, impervious surface and floor area ratios, and any other information Planning and Development Services determines to be relevant. Upon approval, this written statement shall become a component of the Master Development Plan and shall be binding upon all future development on the site.

When a Master Development Plan is required, such plan shall be reviewed and approved by the Planning Commission prior to or simultaneously with any regular site plan or subdivision plat submitted. Upon approval of the Master Development Plan, the developer may submit and, the Planning Commission may approve, subdivision plats or site plans for individual phases or stages.

The Master Development Plan shall include a schedule showing density and open space on a cumulative basis upon completion of each phase. All stage or phase plans shall be consistent with the approved Master Development Plan.

Once approved, the Master Development Plan shall become a binding condition of development on the site, and subsequent stages or phases of the development shall be substantially consistent with it. If Planning and Development Services finds that any stage or phase plan substantially deviates from the approved Master Development Plan, a revised master plan shall be required for Planning Commission review prior to approval of further site plans or subdivision plats within the development.

Any of the following changes shall constitute a “substantial deviation:”

- A.** An increase or reduction in land area of the development.
- B.** An increase in the total number of dwelling units.
- C.** Provision of less than the required percentage of recreation, resource protection, or open space land.
- D.** Proposal of single family attached, duplex, multi-family or zero lot-line development in place of approved single family detached housing.

E. Any significant addition, removal or rearrangement of land uses and streets.

Master Development Plan approval shall expire 24 months after granted unless significant progress has been made toward implementation of the development. Such progress shall be commensurate with the scale of the project.

## **Section 606. SPECIAL DISTRICT (SD)**

Special districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. The special districts authorized by this Article are also intended to provide means for the establishment of uses, which are generally considered to be incompatible with most other land usage.

**606.01. Procedure.** The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.

**A.** Any petition for the establishment of a Special District shall be submitted to the Planning Commission for its review and action. Approval of the request shall be based on the Commission's consideration of the following:

1. That the proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, and welfare.
2. That the final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.
3. That an approved method of sewage disposal is available to the tract under consideration.

**B.** The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved plan of development for the particular tract of land and for the uses set forth in the development plan.

**C.** If, within two (2) years from the effective date of the zone amendment, construction has not commenced, the Planning Commission may, by appropriate action, repeal the amendment establishing the Special District. Once construction is started the improvements set forth in the plan of development must be completed within two years from date of issuance. Otherwise, the Planning Commission may repeal the amendment establishing the Special District. Extension of time may be granted as long as satisfactory progress is being made.

**D.** Unless specific variations are noted on the development plan and approved by the Planning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.

**606.02. Shopping Center – Special District (SC-SD)**

**A.** A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the RE, RS and RG districts.

**B.** The Planned Shopping Center District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this article in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land may request that such tract of land be zoned as a Planned Shopping Center District by proceeding under the provisions of this article, but the failure of such owner or owners to apply under this article shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.

**C.** The use of each building or premises shall be in accordance with the plan referred to in this Article, which use shall be limited to services, offices, clinics, parking, retail sale or merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential purposes, except to provide within the buildings allowed, facilities for a custodian, caretaker, or watchman employed on the premises.

**D.** The structures permitted in this article shall observe a maximum height of seventy-five feet.

**E.** The owner or owners of a tract of land may submit to the Planning Commission a plan for the development and use of such tract for the purpose of and meeting the requirements set forth in this article. Said plan shall comply with all requirements of this article and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

- 1.** A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required, the location and height of walls, the spaces for loading, the location, size, character and number of signs, the location and character of exterior lighting, and the character and extent of landscaping, planting and other treatment for protection of adjoining property.
- 2.** A drainage plan approved by the Planning Commission.

3. A copy of any deed restrictions intended to be recorded.
4. A professional report on the needs and extent of the market to be served, and general economic justification.
5. A professional traffic analysis indicating the effect of the proposed shopping center on adjacent streets and roadways and also indicating the direction and amount of traffic flow to and from the shopping center.

**F.** Before any action thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Planning Commission for study and report. Reasonable additional requirements may be required by the Planning Commission for the protection of adjoining residential property.

### **606.03. Residential – Special District (RS-SD)**

**A.** The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities, which are integrated with the total project by unified architectural and open space treatment.

**B.** A planned residential development shall be permitted in any district except the GB, HC, LC, and M districts.

**C.** The following uses are permitted:

1. Single family attached and detached dwellings.
2. Any alternative dwelling type shown in Section 603.02.
3. Multiple family dwelling including condominiums and town houses.
4. Commercial uses. For each one hundred (100) dwelling units to be established, four (4) acres may be set aside for commercial use provided that adequate protection of adjacent properties is afforded by the plan.
5. Recreation uses. Recreation uses may include a community center, golf course, swimming pool, or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five (35) foot setback from all property lines.
6. The amount of land set aside for permanent open space shall be fifteen (15) percent of the gross development area.
7. Educational uses.

**8.** Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim and/or tennis area.

**D.** The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning Commission retains the authority to waive the provisions of this section or to impose greater requirements than herein stated. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:

- 1.** There shall be a front yard for all detached single-family dwellings of not less than twenty-five (25) feet. The front yard setback for all other structures shall be as determined by the Planning Commission.
- 2.** Unless indicated elsewhere, all buildings shall have a setback of not less than twenty-five (25) feet.
- 3.** In no case shall a lot, for a single family detached structure, be created with an area of less than 4,000 square feet or a frontage of less than sixty (60) feet at the building line.

**E.** In addition to other applicable regulations the following rules shall be observed.

- 1.** The application must be accompanied by a site development plan showing the use or uses, dimensions and locations of proposed streets, parks, play-grounds, other open spaces, residential buildings, commercial buildings and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this ordinance.
- 2.** The Planning Commission shall review the conformity of the proposed development by employing recognized principles of design and land use planning. The minimum yard and maximum height requirements of the zoning district shall not apply except as set forth herein. The Planning Commission may impose conditions regarding layout, circulation, and other physical improvements.
- 3.** Where the planned residential development provides for single family attached (row houses) or single family detached housing to be held under individual ownership by the occupant, a plat of development shall be recorded and shall show building lines, common land, streets, easements and other applicable features.
- 4.** The proposed development must be designed to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood. It shall include provisions for recreation areas to meet the needs of the anticipated population.

## **Section 607. Mixed-Use Developments.**

Developments, other than those within a Special District (SD) which include more than one use on the same site, and in which the uses fall into two or more different use categories, shall be treated as mixed-use developments; and are required to meet the standards of this Section in addition to any other regulations imposed by this Ordinance.

All uses proposed within a mixed-use development must be permitted under Table 4-1 in the district in which the development is to be located, or be approved as part of a Special District zoning and Master Development Plan. Uses shown in Table 4-1 as conditional must be approved under the provisions of Section 903.

For review purposes, a separate development site for each land use category shall be delineated within a mixed-use development wherever possible. For shopping centers and any other case in which the different land uses occupy a single structure, the most restrictive requirements relating to any of the individual uses will be applied to the entire site.

## **Section 608. Accessory Uses and Structures.**

**608.01. Authorization.** Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use by the provision of this Section shall be determined by Planning and Development Services pursuant to his or her authority to interpret the provisions of this Ordinance.

**608.02. Zoning certificate required.** No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this Section, and other applicable provision of this Ordinance and all other City regulations, shall have first been issued in accordance with Section 904.

**608.03. Use limitations.** In addition to complying with all other regulations, no accessory use or structure shall be permitted unless it strictly complies with the following restrictions:

- A.** The principal use or structure, together with any accessory use or structure, shall not jointly exceed the FAR and ISR in any given use class.
- B.** No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the Residential Estate District (RE).
- C.** No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.

**D.** In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.

**E.** No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure by means of fully enclosed living area.

**F.** Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

**G.** Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line or front plane of the structure, whichever is greater. Accessory structures on lots of three (3) acres or more in the Residential Estate (RE) District shall be setback a minimum of 100 feet from the front property line.

**H.** No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.

**I.** On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.

**J.** On any one (1) residential lot, the total floor area of all accessory structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but not swimming pools. Lots of three (3) acres or larger in the Residential Estate (RE) district shall be exempt from this limitation.

**K.** Accessory structures shall be constructed of materials compatible with those of the principle structure; with the exception that one (1) metal or prefabricated residential accessory structure not exceeding 200 sq. ft. in size may be allowed in the rear yard.

## **609. Detailed Accessory Use Regulations**

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

### **609.01. Home Occupations.**

It is the purpose of this Section to provide residents of the City of Lincoln a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

**A. General Regulations.** All home occupations shall meet the following criteria:

**1.** The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, “total floor area” shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At Planning and Development Services’ option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

**2.** The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.

**3.** The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.

**4.** No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.

**5.** There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted.

**6.** No more than two (2) company or commercial vehicles shall be parked at the premises at any time – including but not limited to cars, vans, trucks, and utility trailers. Off-street parking shall be provided on the premises, as required by Section 611. No parking of commercial or residential vehicles shall be permitted on the street or in the required front yard.

**7.** A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.

**8.** No merchandise shall be distributed to customers on the premises.

**9.** All advertising material indicating the business hours, address and/or physical location of the business shall also state “By Appointment Only” and/or “No On-Site Service”.

**10.** There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.

**11.** The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential

neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.

**12.** The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns; or the storage of hazardous, flammable or explosive chemicals.

**13.** The on-site repair of vehicles shall be prohibited as a home occupation.

**B. Application Procedures.** Any applicant for a home occupation zoning certificate shall pay a fee as established in Section 907, and submit an application form, together with any required attachments, to Planning and Development Services. Planning and Development Services shall have five (5) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

**C. Other Provisions.**

**1.** Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated under Section 609.02. These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.

**2.** Yard or garage sales shall be exempt from these regulations under the following conditions:

**a)** sales shall last no longer than two (2) consecutive days;

**b)** sales are held no more than four (4) times per year, with an intervening time period of at least 30 days;

**c)** the property on which the sale is conducted shall be owned by one of the participants;

**d)** no goods purchased for resale may be offered for sale;

- e) no consignment goods may be offered for sale;
- f) all directional or advertising signs shall be removed immediately upon completion of the sale.

3. Planning and Development Services, their designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.

4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:

- a) the home occupation was approved prior to the effective date of these regulations;
- b) the home occupation is in compliance with all regulations in effect at the time of its approval;
- c) the business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
- d) the home occupation holds a valid business license issued by the City of Lincoln Business License Office;
- e) the home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
- f) all signs shall be removed immediately;
- g) Limitation on company vehicles and outside display/storage of materials shall become effective immediately upon adoption of this Ordinance.
- h) Home Occupations are not transferrable from one property owner to another. Upon sale of property the existing nonconforming home occupation shall cease operation. New owners wishing to conduct the same or a different home occupation must petition the City for a new home occupation license and must come into compliance with all home occupation regulations in place at that time.

#### **609.02. Family Child Care Home.**

It is the intent of this Subsection to regulate the operation of family child care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

Any resident of a dwelling unit in the City of Lincoln providing family child care shall apply for and receive a zoning certificate from Planning and Development Services subject to the following regulations:

- A. The childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- B. The childcare activity must be clearly incidental to the use of the structure as a residence.
- C. Child care services shall be provided to a maximum of six (6) non-resident children at any one time.
- D. The appearance of the dwelling unit, structure, and/or premises shall not be altered, nor the child care activity within the structure conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.
- E. The family child care home shall be operated in the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the child care activity.
- F. No sign shall be permitted in connections with the family child care home.
- G. The total number of persons engaged in the operation of the family child care home shall not exceed four (4). Up to two (2) persons other than those residing in the dwelling may engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.
- H. Off-street parking spaces shall be provided on the premises, as required by Section 611, or as otherwise necessary.
- I. The operation of a family child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care premises.
- J. The family child care home shall at all times possess an appropriate license issued by the State of Alabama. A copy of such license shall be furnished to Planning and Development Services upon request. Revocation or expiration of the state license shall automatically void any zoning certificate issued by the City.

**609.03. Private Swimming Pools and Tennis Courts Accessory to a Residential Use.**

- A. Swimming pools and tennis courts shall be subject to the same side and rear setback requirements applicable to other accessory structures, and shall not be located within

public utility or drainage easements along side and rear lot lines. For purposes of setback measurement, swimming pools and tennis courts shall include all surrounding decking or paving, and vertical supports for screen enclosures.

**B.** Pools shall be enclosed by a fence a minimum of four (4) feet in height, which must be in place prior to the filling of the pool. In addition, pools shall meet all other requirements of the City's most currently adopted edition of the International Property Maintenance Code.

**C.** No swimming pool or tennis court permitted under this Section shall be operated as a business or a private club.

**D.** Lighting for pools and tennis courts shall be located and installed so that no direct light is visible from adjoining properties.

#### **609.04. Antennas.**

**A.** Antennas shall be an accessory use only, and shall not be the principal use of any property.

**B.** Residential TV antennae shall not exceed 30 feet in height; all other antennae shall not extend above 60 feet in height, unless otherwise specified by this Ordinance.

**C.** Antennae shall not be located forward of the front building line or within a required side street setback area.

**D.** Antennae not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.

**E.** No more than two (2) antennas shall be permitted for each lot or development site.

**F.** See Also Section 602.

#### **609.05. Subdivision Amenities.**

It is the intent of this Section to allow the provision of recreational amenities within a subdivision as uses, which are secondary and incidental to the principal residential use. Such features are intended to be low in intensity, have minimal impacts on neighboring properties, and serve only residents of the subdivision in which it is located or other developments that are directly adjacent. Amenities approved under this Section may not be subject to the parking requirements, nor shall they generally require conditional use approval by the Planning Commission.

Upon submission of a scaled drawing showing all proposed improvements, Planning and Development Services may approve subdivision amenities if they meet the requirements listed

below. Those not meeting the provisions of this Section shall be evaluated as principal uses and shall be subject to all applicable regulations.

**A.** Amenities that may be approved under this Section include swimming pools, playgrounds, parks, and courts or fields for particular sports such as tennis, shuffleboard, softball, basketball, and volleyball. Specifically excluded are golf courses, golf driving ranges, and miniature golf.

**B.** All amenities shall be located on lots or parcels whose recreational purpose is clearly identified on the recorded subdivision plat. Where an amenity is proposed on an existing lot, which is not designated for recreational purposes, it shall be processed by the Planning Commission as a conditional use under Section 903.

**C.** Structures shall be limited to one (1) per parcel, shall be set back 25 feet from all lot lines and shall not exceed 1000 square feet in size inclusive of restroom facilities. Any recreational parcel containing a structure shall have frontage on a public road within the development.

**D.** Amenities shall be appropriately landscaped and buffered in keeping with the standards set out in Article V.

**E.** A minimum of five (5) off street parking spaces shall be provide, or 5% of the number of lot in the subdivision, whichever is greatest. Vehicles and/or equipment used by employees shall be stored in an enclosed structure.

**F.** Amenities that occupy required open space within a Master Planned and/or a Special District Development shall be limited to those uses that are allowed under Section 415.

## **610. Temporary Uses.**

Temporary uses are permitted only as expressly provided in this Section. No temporary use shall be established unless a zoning certificate, evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance, shall have first been issued, as provided in Section 904.

### **610.01. General Regulations.**

Temporary uses as detailed below shall be subject to the following, unless otherwise provided for in this Section:

**A.** Notarized, written authorization from property owner with deed to property attached.

**B.** Documentation from the Talladega County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.

- C. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
- D. All uses shall be confined to the dates specified in the permit.
- E. Hours of operation shall be confined to those specified in the permit.
- F. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within seven (7) days after the closing event.
- G. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
- H. Traffic control arrangements required by the Lincoln Police Department, in the vicinity at major intersections, shall be the responsibility of the applicant.
- I. Property owners shall be responsible for restitution and/or repair of any damage resulting to any public right-of-way or property as a result of the event.
- J. Serving of alcoholic beverages shall not be permitted without a permit from the Lincoln City Council.

**610.02. Use Limitations.**

- A. The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the ISR or any standard contained in Article IV.
- B. No signs in connection with a temporary use shall be permitted except as specified in Section 610.03.

**610.03. Particular Temporary Uses Permitted.** The following are temporary uses, which are subject to the specified regulations and standards, in addition to the other requirements specified in this Ordinance.

**A. Carnival or circus.**

1. Permitted only in Commercial Districts (GB and HC).
2. Maximum length of permit shall be 15 days.
3. No structure or equipment shall be permitted within 500 feet of any residential property line.
4. Permitted sign shall have a maximum size of 32 sq. ft.

**B. Christmas tree sales.**

1. Permitted only in Commercial (GB and HC) and Residential Estate (RE).
2. Maximum length of permit for display and open-lot sales shall be 45 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**C. On-Site Contractor's office and construction equipment sheds.**

1. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
2. Maximum length of permit shall be one (1) year. The Planning Commission may grant a one-time extension as deemed appropriate.
3. Office or shed shall be removed upon completion of construction project.
4. Signs shall be permitted only in accordance with Article VIII.

**D. Events of public interest.**

1. Permitted only Commercial (GB and HC), and Residential Estate (RE); and Downtown Historic District (DH).
2. Events may include but are not limited to outdoor concerts, auctions and athletic events and associated concessions and activities.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**E. Fireworks Stand.**

1. Permitted only in GB, HC, M-1 and M-2 zoning districts.
2. Front setback requirements shall be waived.
3. Side and rear yard setbacks shall conform to the minimum required for the zoning district.
4. A minimum of five (5) off-street parking spaces per fireworks stand. Improved parking areas shall not be required.
5. Advertising signs on the site shall conform to the requirements of Article VIII, Sign Regulations.

6. Maximum length of permit shall be 30 days. All evidence of use must be removed within seven (7) days of the end of the permit period.

## **F. Modular Buildings as Temporary Uses.**

### **1. *Business Establishments:***

- a) Permitted only while a permanent structure is actively being constructed.
- b) Must be a modular building (not manufactured).
- c) Permitted only in Commercial (GB & HC) Districts.
- d) Maximum length of permit shall be six (6) months. Subsequent 90 day extensions may be granted by request to the Planning Commission. No more than two (2) extension may be granted.
- e) Any proposed sign for the temporary location shall be approved by Planning and Development Services and have a maximum size of 32 sq. ft.

### **2. *Classrooms:***

- a) Temporary location shall be treated as a conditional uses and shown on a site drawing filed with the Planning Commission.
- b) Must be underpinned and kept free from weeds and debris.
- c) Maximum length of permit shall be one (1) year. One extension may be granted by request to the Planning Commission. Further extensions will require recommendation of the Commission and approval by the City Council.
- d) May be a manufactured building if placement is for one year or less; must be modular if planned placement is for more than one year.

## **G. Real estate sales office.**

1. Permitted in any district for any new subdivision approved in accordance with Lincoln Subdivision Regulations. The office must be of modular construction and may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office for the duration of the temporary use zoning certificate.
2. Maximum length of permit shall be one (1) year. The Planning Commission may grant a one-time extension as deemed appropriate.
3. Office shall be removed upon completion of the development of the subdivision.

## **H. Religious tent meeting.**

1. Permitted only in Office & Institutional (O-I), Commercial (GB & HC), and Residential Estate (RE) Districts.

2. Maximum length of permit shall be 15 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**I. Sale of farm produce.**

1. Permitted in Commercial (GB &HC), Residential Estate (RE), and Downtown Historic (DH) Districts. Prohibited in Manufacturing (M), and Residential (R) Districts.
2. Maximum length of permit shall be one (1) year.
3. Sales areas, including the produce stands, shall be set back a minimum of 20 feet from the nearest right-of-way of any street or highway.
4. No permanent structures shall be permitted without an approved site plan meeting all the requirements Section 902.
4. Permitted sign shall have a maximum size of 32 sq. ft.

**J. Temporary shelter.**

1. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:
  1. Appropriate building permits must be issued prior to location of temporary shelter on the site.
  2. Required water and sanitary facilities must be provided.
  3. Maximum length of permit shall be six (6) months, however, Planning and Development Services may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Requests for the extension shall be made in writing at least 15 days prior to expiration of the original permit. In no case shall the length of the original permit plus all extensions exceed one (1) year.
  4. The manufactured home shall be removed from the property within 14 days of issuance of the Certificate of Occupancy for the new or rehabilitated residence.

**K. Tent sale/outdoor sales activity.**

1. The outdoor storage or display of merchandise shall be exempted from these requirements under either of the following conditions:
  - a) merchandise occupies an outdoor display area, which is permanent in nature and designated as such on an approved site plan;
  - b) merchandise is located in a temporary display area which does not occupy required parking spaces, driveway aisles, or required bufferyards, and customers must enter the building to make a purchase.
2. Tent sales and similar activities are permitted only in Commercial (GB &HC) Districts, on property developed with a principal commercial use, with proper pedestrian and vehicular access. They shall be prohibited on vacant property.
3. Where the temporary sales activity constitutes a conditional use on the site, it shall not be permitted unless conditional use approval has been recommended by the Planning Commission and granted by the City Council.
4. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display.
5. Permitted sign shall have a maximum size of 32 sq. ft.
6. All electrical connections shall be inspected and approved by the Building Inspections Department.
7. Planning and Development Services and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.
8. The maximum duration of the Zoning Certificate shall be 15 days. A maximum of four (4) permits per calendar year may be authorized, and at least 30 days shall elapse between the expiration of one permit and the approval of another.

**Section 611. Off-street Parking, General Requirements.**

**A.** The requirements listed in this Section specify the minimum number of off-street parking spaces.

**B.** For all required off-street parking, the minimum size of each standard parking stall shall be ten (10) feet by eighteen (18) feet, exclusive of aisle width, which shall be delineated by striping or other similar means. Parking other than perpendicular parking shall comply with the standards set out in the International Building Code.

**C.** Unless otherwise noted, all parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.

**D.** If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.

**E.** Except as provided in elsewhere in this section, all required parking spaces shall be provided on the same development site for which they are required; location of required spaces on adjoining property or across a public right-of-way shall be prohibited.

**F.** All parking spaces shall be delineated by appropriate fixed curbing, painted lines (a minimum of four inches (4”) wide), or other fixed markers.

**G.** Alternate forms of parking (i.e. compact spaces) other than that defined as “standard” above shall be considered by the staff on a case by case basis. Under no circumstances shall such parking comprise more than fifteen (15) percent of the overall required parking.

**H.** Truck loading spaces shall be an accessible rectangle having a width of twelve (12) feet and a length of seventy (70) feet. Any overhead obstructions shall have a vertical clearance of fifteen (15) feet.

**I.** In all applicable districts, the following off street loading requirements shall apply:

|                               |   |
|-------------------------------|---|
| <b>Residential Uses</b>       | None Required   |
| <b>Commercial Uses:</b>       |   |
| <b>0 – 30,000 sf</b>          | <b>1 berth</b>  |
| <b>30,001 – 50,000 sf</b>     | <b>2 berths</b>   |
| <b>50,001 – 70,000 sf</b>     | <b>3 berths</b>   |
| <b>Greater than 70,000 sf</b> | <b>1 berth for each additional 100,000 sf or fraction thereof</b> |
|                               |   |

**J.** Queuing Spaces shall be ten feet (10’) by twenty-four feet (24’)

**611.01. Residential Parking.**

- A. See Section 603 for the off-street parking requirements for residential uses.
- B. Reduction in number of off-street parking spaces. When a development is specifically designed to be used for senior citizens, all such units shall be required to provide a minimum of one (1) parking space for each such unit.
- C. Required parking for any residential dwelling unit within a subdivision shall be provided within the boundaries of the lot on which it is located.
- D. Parking for single-family detached dwellings on fee simple lots is exempt from the striping requirements set forth in Section 611.

**611.02. Non-residential Parking.**

On-site parking will not be required for nonresidential uses in the Downtown Historic district. For all other district, the following minimum number of parking spaces shall be required of the nonresidential uses specified below.

Reference herein to “employee(s) on the largest work shift” means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term “capacity” as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

**A. Parking Requirements by Land Use Category.** The following criteria shall be used when no Specified Use Standard has been provided in Section 611.02 B. below.

- 1. Agricultural uses: one (1) space per employee on the largest shift. The Planning Commission may, based upon the type and intensity of the agricultural use, waive the requirement for parking to be of hard surface pavement.
- 2. Agricultural support uses: one (1) space per 750 square feet of gross floor area.
- 3. Commercial and entertainment uses: one (1) space per 250 square feet of gross floor area; for uses exceeding 100,000 square feet, one (1) space per 300 square feet of gross floor area.
- 4. Commercial/recreational uses: one (1) space per four (4) patrons to the maximum design capacity of the facility.

5. Commercial support uses: one (1) space per 750 square feet of gross floor area.
6. Extraction uses: one (1) space per employee on the largest shift.
7. Industrial uses: one (1) space per 1000 square feet of adjusted gross floor area, plus one (1) space per company vehicle normally stored on premises.
8. Institutional, indoor recreational, and special residential uses: one (1) space per four (4) patrons to the maximum capacity.
9. Nursery uses: one (1) space per 300 square feet of gross floor area. Plus one (1) space per 2000-sq. ft. of outdoor display area.
10. Office uses: one (1) space per 250 square feet of gross floor area.
11. Outdoor recreational uses: one (1) space per four (4) patrons at design capacity.
12. Public services uses: one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.
13. Recreational rental uses: one and one-half (1.5) spaces per rental site; plus one space per 250 square feet of office area.
14. Road service uses: one (1) space per 150 square feet of gross floor area. Road Service uses utilizing a drive-in window shall provide queuing space for at least six (6) vehicles from the start of the stacking lane to the service window; and at least one and one half (1.5) vehicles from the service window to the exit to a public right-of-way.

#### **B. Parking Requirements for Specified Uses.**

1. **Airport:** one (1) space for each four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each four (4) seats in waiting areas and restaurants; plus one (1) space for each 250 square feet of office and other administrative or support uses.
2. **Amusement center:** one (1) space for each 100 square feet of gross floor area.
3. **Assembly, Places of:** one (1) space per four (4) seats of maximum capacity.
4. **Assisted living facilities:** one (1) space per dwelling unit.

- 5. Athletic field:** 20 spaces for every diamond or athletic field, or one (1) space for every four (4) seats of design capacity, whichever is greater.
- 6. Auction house:** one (1) space for each four (4) seats of design capacity, whether indoors or outdoors.
- 7. Auto parts store:** one (1) space per 300 square feet of gross floor area.
- 8. Auto rental:** one (1) space per 400 square feet of gross floor area.
- 9. Automated, freestanding walk-up facility:** one (1) space per facility. If accessory to another use, no additional spaces are required.
- 10. Banks:** one (1) space per 300 square feet of gross floor area, plus four (4) stacking spaces per drive-through lane.
- 11. Beauty and barber shops:** two (2) spaces per chair or one (1) space per 150 square feet of gross floor area, whichever is larger.
- 12. Bicycle sales and repair shop:** one (1) space per 300 square feet of gross floor area.
- 13. Boarding house:** one (1) space per room.
- 14. Bowling alley:** four (4) spaces per lane, plus any additional space required for restaurant facilities, game rooms and other accessory uses on the site.
- 15. Car wash (full service):** five (5) employee spaces; plus four (4) stacking spaces for each wash stall.
- 16. Car wash (self-serve):** two (2) stacking spaces per stall (including stall); plus one drying space per stall.
- 17. Carpet store:** See Furniture Store.
- 18. Church:** See Assembly, Places of
- 19. Community, civic or recreation center:** one (1) space per 250 square feet of gross floor area.
- 20. Contractor's office/storage yard:** one (1) space per 250 square feet of office area; plus one (1) space per 1,500 square feet of indoor storage area; plus one (1) space per 4,000 square feet of outdoor storage area.
- 21. Convenience store and/or self-service gas station (no vehicle repairs):** one (1) space per 150 square feet of gross floor area. Service areas at pumps may

be counted toward required parking spaces. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Convenience stores with on-site or attached eating establishments shall also meet requirements for restaurant parking. (See Section 611.03 “Shared Parking”)

**22. Day care center or nursery school:** one (1) space per 250 square feet of gross floor area; plus one (1) off-street parking or loading space per ten (10) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for children shall be located such that there is direct pedestrian access into the facility without crossing streets or driveways.

**23. Drive-in theater:** one (1) space per automobile station, plus one (1) space per employee. Parking may be of a non-paved surface, but must provide a stabilized surface such as gravel, dirt surfaces will not be permitted.

**24. Drug and alcohol treatment center:** one (1) space per two (2) beds and one (1) space per staff member, based on state licensing requirements and maximum design capacity.

**25. Dry cleaning facility:** one (1) space per 1,000 square feet of gross floor area, but in no case less than three (3).

**26. Employment agency:** one (1) space per 250 square feet of gross floor area.

**27. Exterminator:** one (1) space per 800 square feet of gross floor area, plus one space per company vehicle.

**28. Funeral home:** one (1) space per four (4) patron seats in each chapel or viewing area, plus one (1) space per 300 square feet of office space.

**29. Furniture store:** one (1) space for each 750 square feet of gross floor area.

**30. Gas station, full-service:** one (1) space per 150 square feet of retail area, plus one (1) space per service bay, plus one (1) space per 250 square feet of office space. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel. Service areas at pumps may be count toward parking spaces.

**31. Golf courses (nine and eighteen hole):** 35 spaces per nine (9) holes. Parking shall be provided for other uses accessory to a golf course (e.g., restaurants, pro shops, driving ranges, etc.) at the rate of 50 percent of normal requirements.

**32. Golf driving range:** one and one-half (1.5) spaces per tee.

- 33. Golf, par three:** 25 spaces per nine (9) holes.
- 34. Grocery or supermarket (stand-alone):** one (1) space per 250 square feet of gross floor area.
- 35. Health club/spa/gymnasium:** one (1) space per 275 square feet of gross floor area.
- 36. Hospital:** two (2) spaces per patient bed, plus two (2) spaces per emergency room examination table or bed
- 37. Hotel or motel:** one and one quarter (1.25) spaces per room. Parking shall be provided for other uses accessory to a hotel or motel (e.g., restaurants, bars, meeting rooms, etc.) at the rate of 65 percent of normal requirements.
- 38. Junkyards:** two (2) space per acre of land area.
- 39. Kennel:** one (1) space per 500 square feet of floor area, but not less than three (3) spaces.
- 40. Laundromat:** one (1) space per 250 square feet of gross floor area.
- 41. Lumberyard or Home Improvement Center:** one (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area.
- 42. Machinery sales (includes cars, boats, RVs, Heavy Equipment, tractors, etc.):** one (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area. (*See Also Vehicle Sales & Service*)
- 43. Medical offices:** one (1) space per 250 square feet of gross floor area.
- 44. Miniature golf:** one and one half (1.5) space per hole.
- 45. Mini-warehouse:** a minimum of three (3) and maximum of five (5) spaces shall be provided in the vicinity of the office and a 27 foot minimum drive aisle to all storage unit doors.
- 46. Movie theatre:** See Assembly, Places of
- 47. Nursing homes:** one (1) space per three (3) beds.
- 48. Office Warehouse:** one (1) space per 250 square feet of office area, plus one (1) space per 1,500 square feet of gross warehouse floor area.

- 49. Outdoor theater/amphitheater:** one (1) space per four (4) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability.
- 50. Parcel delivery service:** one (1) space per 750 square feet of gross floor area.
- 51. Plumbing and heating supply:** one (1) space per 750 square feet of gross floor area. *See Also Contractors office.*
- 52. Printing and publishing plant:** one (1) space per 1,000 square feet of gross floor area.
- 53. Private clubs:** one (1) space per four (4) persons to the maximum capacity of the facility.
- 54. Public assembly hall:** See Assembly, Places of
- 55. Radio/television station:** one (1) space per 1,000 square feet of gross floor area.
- 56. Recreational vehicle park:** one (1) space per recreational vehicle site, plus one (1) space per 250 square feet of gross floor area of permanent habitable structures on the development site.
- 57. Restaurant, fast food:** one (1) space per 100 square feet of gross floor area. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for four (4) vehicles from the start of the stacking lane to the order board; two (2) vehicles from the order board to the service window; and one and one-half (1.5) vehicles from the service window to the exit to a public right-of-way. In no instance shall stacked vehicles block primary ingress/egress to the site.
- 58. Restaurant, standard:** one (1) space per four (4) patron seats or one (1) space per 150 square feet of gross floor area, whichever is greater. (*Including Outdoor Seating*)

**59. Schools:**

- a) **Elementary:** five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.
- b) **Junior high:** five (5) spaces, plus one (1) space per classroom or one (1) space per six (6) seats of largest assembly room, whichever is greater.
- c) **Senior high:** ten (10) spaces, plus one (1) space per classroom, plus one (1) space for each five (5) students or one (1) space per ten (10) seats of largest assembly room, whichever is greater.
- d) **College:** one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.

**60. School, commercial or trade:** one (1) space for each five (5) students (based on the maximum design capacity) plus two (2) spaces per three (3) employees.

**61. Shopping center:** one (1) space per 250 square feet of gross floor area. In a shopping mall, common pedestrian areas, except food courts, may be excluded from the calculation. Shopping centers over 650,000 square feet shall have one (1) space per 300 square feet of gross floor area.

**62. Skating rink, ice or roller:** one (1) space per four (4) patrons to maximum capacity.

**63. Swimming facility:** one (1) space per 200 square feet of gross water area.

**64. Taverns, dance halls, nightclubs, and lounges:** one (1) space per 75 square feet of gross floor area.

**65. Telecommunications tower:** one (1) off-street parking space to accommodate a maintenance vehicle for unoccupied structure. Occupied structures must comply with parking requirements as set out under Public Service uses.

**66. Tennis, racquetball, and handball courts:** two (2) spaces per court.

**67. Theaters and auditoriums:** See Assembly, Places of

**68. Truck terminal:** one (1) space per truck normally parked on the premises, plus one (1) space per 500 square feet of office floor area.

**69. Vehicle sales and service accessory to vehicle sales:** One (1) space per 2,000 square feet of interior or exterior sales, display, or storage area up to a total of 20 spaces.

**70. Vehicle repair and maintenance services:** one (1) space per 400 square feet of office and indoor display area, plus one (1) space per service bay (excluding bay).

**71. Veterinary office:** one (1) space per 500 square feet of gross floor area.

**72. Warehouse:** one (1) space per 2,000 square feet of gross floor area, plus one (1) space per company vehicle normally stored on the premises.

### **611.03. Shared Parking.**

In order to reduce impervious surface and resulting stormwater runoff, establishments may be allowed to share up to 20 percent of the required parking spaces. In all cases where parking is to be shared by uses on different lots, the subject parcels or lots shall be adjacent to one another, have adequate vehicular cross access, and in no case shall properties bound under a shared parking agreement, or plan, be separated by a public right-of-way. (*See Figure 16*)

The intention to share parking facilities must be represented to the Planning Commission prior to site plan approval by means of a written agreement between the various property owners, or in the case of a single owner, an overall shared parking plan for the properties or development sites. Said agreement or plan shall be binding upon all subsequent purchasers, inheritors, subjects and assigns. Should there be a change in the use within any individual structure or location which is bound by a shared parking agreement or plan, the transfer of the shared parking agreement shall be subject to the review and approval of the Planning Commission and City Attorney.

**611.04. Reduction in the Number of Required Off-Street Parking Spaces for Large Uses** (*over 500,000 square feet of gross floor area*). In order to prevent the establishment of a greater number of parking spaces than are actually needed to meet the particular needs of a development site containing over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

**A.** A maximum reduction of one (1) parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The site plan shall indicate the location and dimensions of the parking area provided, and shall include calculations showing the number of parking spaces eliminated pursuant to this Section which otherwise would have been required.

**B.** Sufficient area must be reserved to provide for the total number of off-street parking spaces required by Section 611. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. Prior to site plan approval, the applicant shall sign a written statement agreeing to provide additional spaces up to the full amount required by Section 611 upon notification by Planning and Development Services and/or the Planning Commission that such spaces are needed. This statement

shall be provided to the Planning Commission and City Attorney in letter form and shall be reproduced on the site plan.

**C.** The reserved parking area shall be shown on the site plan and shall be grassed, landscaped or otherwise covered in vegetation. It shall not include signs or other structures, drainage or percolation fields for sewage disposal, areas exceeding 12 percent slope, required bufferyards, areas of general or off-street parking landscaping required under Article V, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

## **612. Lighting.**

All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets.

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures.

Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner as to focus lighting onto the use and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets. (*See Figure 17*)

A lighting plan must be provided with all development plans (i.e. site plans and subdivision plats) showing, at a minimum, placement of all lighting structures, height of structures, and illumination levels taking into account landscaping and other possible obstructions.

## **Section 613. Flag Lots.**

A flag lot is a lot that has minimal frontage on a publicly owned and maintained street, whose width some distance back from the street boundary line meets all Ordinance requirements. (*See Figure 5*) The purpose of flag lots is to reduce the number of direct access points to arterial and collector roads. Flag lots may be permitted, even though they do not meet the minimum lot width requirements at the street boundary line, subject to the following conditions:

**A.** Flag lots shall be limited to single family residential use only. No more than one (1) dwelling unit shall be authorized for any one (1) flag lot access strip.

**B.** A flag lot may be used within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector shall be prohibited. In any event, no more than 10 percent of the lots in any subdivision may be approved as flag lots.

- C.** Flag lots providing access to arterial or collector roads shall be prohibited.
- D.** Flag lot “stems” or access strips shall be at least 25 feet in width as measured at the road frontage. The land area within the access strip shall not count toward the required minimum lot size.
- E.** Where otherwise consistent with the provisions of this section, flag lots may be created in groups not exceeding two (2); in such cases, access strips shall be adjacent to each other and form a total width of 50 feet. A distance of 500 feet shall separate non-adjacent flag lot access strips on the same side of the road. All access strips shall be at least 25 feet from an intersection.
- F.** Planning and Development Services shall identify the front, side and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.