

ARTICLE IX. DEVELOPMENT APPROVAL PROCESS

Section 900. Purpose.

This Article sets forth the procedures required for obtaining development approval within the City of Lincoln. Site plans, subdivisions, conditional uses, zoning certificates, and certificates of occupancy are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Lincoln, the State of Alabama, or the United States Government.

Section 901. Subdivisions.

Any subdivision or resubdivision of land, or combining of lots within the City of Lincoln, and within unincorporated areas lying within three (3) miles of the Lincoln city limits, shall be carried out in accordance with the Lincoln Subdivision Regulations which are hereby incorporated by reference into this Ordinance. All development within subdivisions shall be consistent with applicable sections of this Ordinance.

Section 902. Site Plans.

This Section shall apply to all site plans as defined in Article II. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan and design review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

902.01. Development Requiring Site Plan Approval. Prior to issuance of a zoning certificate, site plan approval and design review shall be required for all proposed non-residential construction and residential development types described in Sections 603.02. This shall include clubhouses or other ancillary facilities within a residential subdivision. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Planning Commission or their designee shall determine whether site plan approval is necessary. *(See Sections 902.09 C, and 903 for Conditional Uses)*

902.02. Review of Site Plans. Site plans submitted for review shall be referred to the Planning Commission's Site Plan Review Committee. The site plan review committee shall call a site plan review meetings when necessary, at which time both pre-design conferences and formal reviews will take place. The Committee will review plans in accordance with the standards set out in this Ordinance and the Comprehensive Plan and make recommendations to the Planning

Commission with regard to conditions to be imposed and action to be taken. When a site plan is disapproved, the reason(s) for the disapproval shall be provided in writing to the applicant within ten (10) work days of the hearing at which the decision to disapprove was made.

In approving a site plan, any request for waivers from the requirements of this Ordinance shall be taken to the Planning Commission for consideration as provided in Section 902.03. Variance requests shall be submitted to the Board of Zoning Adjustment as set out in Section 1007.

The following criteria shall be used in determining whether to approve a site plan:

- A. Completeness of application information as required under Section 902.12;
- B. Consistency with adopted policies and standards of the Major Streets and Long Range Utilities Plans;
- C. Uses permitted on the development site under the provisions of this Ordinance;
- D. Whether the site plan meets applicable design standards established by this Ordinance;
- E. Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and
- F. Compatibility with surrounding land uses (this criterion shall apply only where a site plan proposes a conditional use pursuant to Section 903).

902.03. Waiver of Selected Development Standards – Approval By Planning Commission. Specific development standards that may be modified with Planning Commission Approval are limited to the following:

- bufferyards, including width, planting and required structures; and
- general and off-street parking landscaping requirements
- minor parking adjustments (in instances of redevelopment)

This may be done only upon a specific finding by the Planning Commission that such requirements are inappropriate as applied to a particular development site due to its size, proposed use, and/or location, and that a waiver would not conflict with the intent of this Ordinance or confer upon any property owner a right or privilege denied to neighboring property owners within the same district.

902.04. Pre-design Review. A pre-application conference shall be *required* for each site plan to be submitted. At that time the Site Plan Committee and staff will provide the applicant or their representative with advice and guidance regarding the requirements of this Ordinance, and any other regulations which apply. Preliminary sketches shall be reviewed and overall development concepts finalized at this time.

At the pre-design conference, the applicant shall provide the Site Plan Committee with basic information regarding the proposal. This information should form the basis upon which they may advise the applicant on the subsequent steps required to gain final site plan approval and the necessary information which will be submitted with the formal application.

It shall be the applicant's responsibility to allow for plenty of time for the pre-application conference, and any other available guidance, in order to have a complete application package submitted and formal review completed before their desired construction start date.

902.05. Formal Submission. Twelve (12) folded copies of the site plan, a completed application form, a landscape plan and all other necessary attachments, as well as the requisite application fees shall be submitted to the Planning Commission or their designee to initiate processing of the site plan. Additional plans shall be provided for review by appropriate state, regional and county agencies upon staff request.

A. Site Plan Preparation Requirements. Proposed development site plans shall be prepared and sealed by an architect, professional engineer or surveyor. Full engineering drawings must be submitted by an engineer registered in the State of Alabama. The City's Engineer may choose to require additional information as necessary.

Sketch plans and drawings submitted with variance or other zoning-related applications shall not be accepted for review as a site plan unless they are prepared in accordance with the guidelines of this Section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Alabama.

B. Completeness of Plans. Site plans submitted without complete information in accordance with Section 902.12 shall not be reviewed by the Site Plan Committee or placed on the Planning Commission Agenda.

C. Committee & Staff Review. The Site Plan Committee and other appropriate city staff members shall review the site plan with specific regard to this Ordinance and other regulations of the City of Lincoln. This review shall identify matters of development policy concern to which the applicant shall address particular attention.

902.06. Approval of Site Plans. The Planning Commission may approve, approve with conditions or disapprove an application as submitted. For all applications that are disapproved, the reasons for such disapproval shall be provided to the applicant in writing. For all applications that are approved with conditions, the nature of such conditions shall be provided to the applicant in writing. No site plan shall be approved which is inconsistent with any term contained in this Ordinance unless a waiver or variance has been granted in accordance with Sections 902.03 or 1007 of this Ordinance.

Upon approval of a site plan, a minimum of five (5) folded copies, and any additional copies as may be required by the City, of the approved site plan shall be submitted to the Planning & Development Services Department prior to issuance of a zoning certificate. The Site Plan

Committee/staff shall stamp, sign and date the site plan copies, then forward copies of the site plan to the City's Engineer and Building Inspections Departments. A minimum of two (2) copies of the site plan shall be reserved for the use of the Planning Commission.

902.07. Effect of Site Plan Approval. Upon final approval of a site plan, no structures, uses, or development of any kind shall be permitted on a development site except in accordance with the site plan and related approved plans for development phasing, building construction, grading drainage, and other site design elements.

Approved site plans shall remain valid for 18 months after final approval, and a zoning certificate/ building permit for the development may be obtained during that time period. The Planning Commission may grant an extension of site plan approval for a single period up to six (6) months from the date when the site plan would otherwise expire. An extension may be granted only if the Planning Commission concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this Section.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the City's Engineer and Planning & Development Services Department for permitting. These shall include, but are not limited to:

- detailed building plans
- grading plans
- drainage and stormwater management facilities
- erosion control plans
- road and driveway construction specifications
- landscape and tree removal plans.

Nothing contained herein shall preclude the Planning & Development Services Department from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until Planning & Development Services has issued a zoning certificate and the site plan has been stamped approved and is on file in the Building Inspections Department. All building and construction permits issued for any project requiring site plan review shall be consistent with the stamped approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive, or that requiring the higher standard, shall prevail.

902.08. Modification or Termination of Site Plans.

A. Site Plan Amendments. After final approval, any modification, variation or adjustment of a stamped approved site plan shall require approval of a site plan amendment.

Upon approval of any amendment, the Planning Commission or their designee, shall stamp and date the most recent version of the site plan, showing the approved amendment, and mark all previous copies as “void”. If appropriate, the City’s Engineer and Building Inspector shall be notified of the amendment.

B. Site Plan Expiration and Cancellation. In the event of a change to these regulations the site plan shall be valid under the regulations for which it was approved for 18 months from the date of such approval. Upon expiration of the site plan and any extension that may have been granted, the staff shall make appropriate records in the Planning & Development Services Department files, stamp all available copies of the site plan as “void”, and notify the City’s Engineer and Building Inspector of the expiration.

The applicant may cancel the site plan at any time between the date of final approval and the date of expiration by submitting a written request to the Planning Commission. Upon receipt of this request by the Commission, the site plan shall be treated as expired.

902.09. Integration of Other Review Procedures. Any site plan to be built in stages or requiring variance or conditional use approval shall be coordinated as set forth below:

A. Development Built in Stages. As part of the application for site plan approval, the developer shall submit a proposed stage plan, including a schedule for completion of all improvements. If the site plan proposes any of the residential housing types described in Sections 603 or 604, a Master Development Plan pursuant to Section 605 shall also be required. Once a stage plan has been approved, no land may be used and no building may be occupied except in accordance with such plan. At the Planning Commission’s discretion, a new site plan may be required for each successive stage of the development.

Stage configurations shall be logical and consistent with the purposes of this Ordinance. If appropriate, the Planning Commission may stipulate that any or all portions of the required landscaping and/or bufferyards be provided during the first stage of development, even though some bufferyards or portions thereof lie outside the stage. Each stage, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the total development.

Prior to approval for construction of any one stage, an engineering stage plan shall be submitted to and approved by the City’s Engineer. This plan shall address site grading, erosion control, stormwater management, internal traffic circulation, and any other design elements required by the City’s Engineer.

In approving a stage plan, the Planning Commission, Site Plan Committee or the staff may specify certain site improvements to be provided at a percentage rate exceeding that of construction of the overall development. These items may be elements of engineering design, or requirements of this Ordinance. Such improvements include, but are not limited to parking, drainage facilities, erosion control measures, landscaping and bufferyards. Where the applicant has agreed to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the Planning Commission may require such improvements to be in place upon completion of any stage of the development.

B. Variance. Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment in accordance with Section 1007 of this Ordinance. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed by the Site Plan Committee concurrently with review and action by the Board of Zoning Adjustment on the variance request, but the site plan shall not be approved by the Planning Commission until the variance has been approved.

C. Conditional Uses. For developments requiring approval of a conditional use, a request for such approval shall be submitted to the Planning Commission; and the Commission shall make a recommendation to City Council on such request. The Council shall act on the conditional use request prior to final approval of the site plan. A site plan and a conditional use request may be processed concurrently.

902.10. Non-Compliance. Failure to comply with a stamped approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a zoning certificate or, where a zoning certificate has been issued pursuant to a stamped approved site plan, to render such zoning certificate invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Ordinance and may be subject to a stop-work order and appropriate fines.

902.11. Development Site To Be Unified.

A. Internal Division of Ownership. Except as provided in this section, the development site shall remain unified by title under one (1) owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two (2) or more existing lots under the same ownership, all such lots shall be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.

Where spatial division of ownership within a development site is proposed, the owners of all component properties shall accept the following conditions in receiving site plan approval:

1. No individual property will be used or developed in any way that is not consistent with the approved site plan.

2. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.
3. No parcel of land within a development site shall be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the approved site plan.

All owners of property within the development site shall authorize one (1) person, designated as the applicant, to represent them collectively before the Planning Commission and other City officials in all matters related to the site plan and development site. In the event the designated applicant is not an owner of the subject property then a notarized "Authorization to Act as Applicant" must be completed and signed by the owner(s).

B. External Ownership. When the development site is part of a larger parcel of property, of which a portion is not intended to be included within the site plan, this unused area shall become a separate lot, meeting any relevant size and dimensional requirements of this Ordinance, to be approved in accordance with the Subdivision Regulations. This subdivision process shall be completed prior to final approval of the site plan.

C. Development Site To Be Complete. The development site shall be designed to provide all required amenities and facilities, including bufferyards, open space, and landscaping. No such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis, except as provided for in Section 611.03 Shared Parking. The entire site shall have the zoning designation required to accommodate the principal use.

D. Division After Approval. No development site, once granted site plan approval, shall be divided except through the site plan amendment process established in Section 902.08.

902.12. Site Plan Preparation Requirements. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on one of the following overall sheet sizes 22"x 34", 24"x 36", or 36"x 48", and at a scale no smaller than 1:50.

When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3). *Information shown on Drawings included in construction plan (i.e. grading plans, utility plans, etc.) will not be considered as meeting the*

requirement for a site plan submission. Required site plan details must be shown on the “site plan” drawing.

Unless specifically waived by the Planning Commission, the following information shall be shown on all site plans:

A. Written Information:

1. Site plan name.
2. General statement indicating the character of the use(s) proposed for the site. This shall include information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or motel rooms, etc. All other relevant information not otherwise specified in this checklist shall be provided in the General Statement, such as variances on the property, nonconforming status, etc.
3. Property owner’s name, address and telephone number; and the designated project applicant or representative if other than the property owner.
4. Name, address, and telephone number of engineer, surveyor, architect, landscape architect and/or any other professional involved in design of the project. Include current license numbers.
5. Total size of the tract expressed in square feet and acres (to nearest tenth).
6. Zoning district assigned to the subject property.
7. Zoning and current land use of adjacent properties.
8. Number of units proposed (residential only). Proposed use(s) of building(s), number of lots and lot numbers if applicable (commercial and/or residential)
9. Impervious surface area in square feet, impervious surface ratio (ISR), maximum allowed and proposed.
10. Floor area in square feet, floor area ratio (FAR), maximum allowed and proposed.
11. Number of parking spaces required and proposed (must show calculations based on the requirements of Section 611).
12. Building height and front, rear and side yard setbacks.

13. Corridor Overlay Information where applicable (i.e. building materials, sign, lighting, etc.)

B. Graphic Information:

1. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.
2. North arrow, scale and date prepared or amended.
3. Certified boundary survey of the tract prepared by a surveyor registered with the State of Alabama, indicating an existing lot of record.
4. Location, number of floors or stories, height and dimensions of all structures.
5. Location of all impervious surfaces.
6. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.
7. All wetlands and watercourses, including lakes, streams, etc.
8. Steep slopes greater than 30 percent.
9. USGS – MSL – Contours at five foot intervals.
10. Plan showing all proposed and required Landscaping (general & parking) and bufferyards signed and sealed by a registered landscape architect or landscape designer.
11. Location height and type of all on premise lighting and freestanding signage.
12. Lot frontage on public streets and all proposed accesses and cross accesses.
13. Location and dimensions of all parking spaces (including handicap spaces), loading berths, and driveway aisles. One-way aisles must be labeled as such.
14. Location of all curb cuts and their distances from nearest adjacent curb cuts or street intersections.
15. Phase lines, if the development is to be constructed in phases.
16. Existing and proposed utility easements.

17. All existing and proposed street right-of-way reservations, cross access locations, sidewalks and easements.
18. Finished floor elevations of all structures.
19. All existing and proposed utility lines, including sewer, water, gas, and electricity including size of such lines where applicable.
20. Location and screening of solid waste receptacles.
21. Elevations of all building facades at a scale of 1/8" – 1' indicating:
 - a. Design character of buildings and structures;
 - b. Materials, existing and proposed, to be used on all structures to include color schemes.
 - c. Structure heights.
 - d. Roof configuration and overhangs.
 - e. Special design features including compliance with ADA requirements.
 - f. Proposed location, size and configuration of all wall mounted signs.

C. Engineering:

1. *Engineering Plan Submittal Requirements*

- a. Submit two (2) complete sets of documents
- b. Each set is neatly bound; no loose sheets will be accepted
- c. All submitted plan sheets shall be 22"x 34", 24"x 36", or 36"x 48" in size
- d. In addition to site specific civil sheets, the following sheets are required in **all** plan sets:
 - Cover Sheet
 - Boundary/Existing Conditions Survey
 - Plat (recorded or proposed version) (Residential Subdivisions), Overall Development Plan (Commercial)
 - Current Site Plan (Commercial projects only, must have been submitted to Planning Commission)

*****Plans not meeting above requirements may be returned without a review and marked "Incomplete".***

2. *Requirements for all Civil Plan Sheets*

- a. Title block with engineering firm information, registration number, engineer's seal, sheet title, and page numbers clearly shown
- b. Benchmarks are required on all pertinent sheets
- c. North Arrow and Scale clearly shown on each plan sheet
- d. Legend (relevant to each sheet) showing all special symbols, line types and hatch used
- e. Street names labeled on all existing, proposed, and future streets
- f. Lot and Block numbers and/or ownership information shown for all lots

- g. Caution notes shown when working next to any existing utilities (public and franchise)

3. *Recommended Order of Sheets* (Sheets may be combined where feasible to reduce unnecessary sheets).

- a. Cover Sheet
- b. Plat/Overall Development Plan
- c. Survey
- d. Approved Site Plan (*non-residential projects*)
- e. Dimensional Control Plan (*non-residential projects*)
- f. Demolition Plan (if required)
- g. Erosion Control Plan
- h. Paving and Layout Plan
- i. Grading
- j. Drainage Area Map and Drainage Plans
- k. Water and Sewer Plans (including Plan and Profile)l.
- l. Street Light Plan
- m. Construction Details

Note: Based on the size and type of development, all of the following plan requirements may not be applicable.

4. *Dimensional Control Plan (Non-Residential Projects)*

- a. Dimensions for all buildings, pavement and hardscape areas (i.e. parking areas, driveways, fire lanes, turn lanes, sidewalks, radii, throat depths, etc.) measured to the nearest 0.0'
- b. Control points to structures (i.e. inlets, etc.) based on dimension from property corner or known feature (not from an arbitrary point parallel to property line)
- c. Verification of public right-of-way widths. Dimension each property corner adjacent to public right-of-way to perpendicular point on opposite side right-of-way line (do not label "variable width" only)
- d. Dimension along right-of-way to nearest cross-street and/or driveway measured from throat to throat.

5. *Erosion Control Plan*

- a. Existing and/or proposed contours clearly shown/labeled
- b. Existing and proposed storm lines and inlets shown
- c. List the total disturbed acreage, and delineate limits of construction
- d. FEMA 100-year flood plain
- e. Appropriate BMP's used and identified
- f. Phasing of BMP's with construction activities listed/described
- g. BMP details provided, should be per current Alabama Erosion Control Manual or other applicable standard
- h. Stockpile area and batch plant areas shown and labeled

- i. Areas to be sodded or seeded shown and specified with permanent perennial vegetation
- j. Areas of permanent erosion control (other than vegetation) clearly shown
- k. Construction Entrance location

6. Grading

- a. Both onsite and offsite existing/proposed contours shown clearly labeled
- b. Date and name of firm who prepared geotechnical report with corresponding note stating: “*Work shall be done in accordance with the Geotechnical Report by _____, dated _____.*”
- c. Drainage clarified by flow arrows, high points, sags, ridges, and valley gutters
- d. Show driveway locations for all lots adjacent to storm inlets
- e. Positive overflow provided at all low points, easements dedicated as needed
- f. Finished pad and/or floor elevations shown
- g. Minimum finished floor elevations shown adjacent to floodplains, ponds, creeks/channels, etc.
- h. Clearly show all walls and label top/bottom elevations of wall at key locations
- i. Cross-sections and flow data for all swales and open channels provided
- j. Spot shots shown to ensure proper drainage and adequate ADA routing where applicable

7. Drainage Area Map

- a. Existing contours clearly shown for *entire* site and adjacent areas.
- b. Drainage areas and sub areas delineated and labeled
- c. Flow arrows for surface drainage shown
- d. Existing and proposed storm lines shown
- e. Inlet designation labels shown
- f. Detention pond shown and labeled
- g. Drainage easements shown and labeled
- h. Zoning indicated for all offsite areas and/or land use assumptions specified
- i. Rational Method Peak Runoff Rate Computation Table shown ($Q=KCIA$)
- j. Time of concentration and weighted runoff coefficient calculations shown as needed
- k. List the *total* site impervious area (ft^2 of all paving, roof areas, etc.)-
Commercial Projects

8. Hydraulic Calculations

- a. Street Flow Computation Table provided for all public streets
- b. Inlet Interception Computation Table provided for all public inlets
- c. Pipe Hydraulics Computation Table provided for all public lines

9. Detention Pond Design & Calculations

- a. Detention pond design calculations shown, method used specified

- b. Provide detention pond volume sizing calculations and/or computation table
- c. Provide stage-discharge table and/or curve information
- d. Provide weir and/or orifice sizing calculations for outfall structure
- e. Existing and proposed contours shown and labeled.
- f. Cross-section of pond including side slopes, normal pool elevation (if applicable), show 100 year 25 year WSE, 10 year WSE, and 1 year, 24 hour
- g. Detail of pond outfall structure showing all elevations as necessary
- h. Trash rack (and detail) provided for smaller orifice openings
- i. Overflow spillway location and design information provided
- j. Show and label all existing/proposed utilities and easements
- k. Access/maintenance ramp provided (max slope 6:1)
- l. Maintenance Manual

10. *Storm Drain Plan*

Plan Review:

- a. Show and label all existing and proposed utilities
- b. Dimension location/spacing of utilities
- c. Label inlet type, size, paving station, and top of curb elevation at a minimum
- d. Label type and size, of existing/proposed structures (i.e. headwalls, manholes/junction boxes)
- e. Label type, size and dimensions of all permanent outfall erosion protection
- f. Show centerline stationing for pipe with PC and PT stations and curve data
- g. Label centerline stations for lateral connections, manhole and junction box locations, pipe size changes, headwalls, and future stub out connections
- h. 25 year gutter flows and bypass shown at each inlet along public streets and fire lanes
- i. Provide applicable construction details for all drainage structures

Profile View

- a. Existing and proposed ground line at centerline of pipe shown and labeled correctly
- b. Show all hydraulic data including pipe flow, pipe capacity, hydraulic slope, velocity, velocity head, and partial flow data if under partial flow conditions (velocity and flow depths)
- c. Label station and flowline elevation information for all structures, crossings, laterals, etc.
- d. Label flowlines at every 50 foot station
- e. Indicate length, type/class, slope and size of all storm pipes
- f. Show and label 100 year and 25 year HGL, label HGL elevations at all junctions
- g. All utility crossings and parallel sewer lines shown in profile

11. Water Plan

Plan View

- a. Show and label all existing proposed utilities
- b. Label size, type and pressure class for all proposed water mains
- c. Show location for all water services and meters
- d. Show and label all easements
- e. Dimension location of all mains, services, meters, and spacing from other utilities
- f. Curve data and stationing provided as necessary
- g. Show and label all fire hydrants, valves, fittings, FDC locations, and back-flow prevention

Profile View

- a. Profile all water mains 12" and larger, or where a potential conflict may arise
- b. Existing and proposed ground line at centerline of pipe shown and labeled correctly
- c. Label station and flowline elevations at 100' intervals, and for all fittings, laterals, and crossings
- d. Indicate length, type/class, slope and size of all lines
- e. All utility crossings and parallel sewer/storm lines shown in profile
- f. Indicate length, type and size of encasement as needed

12. Sanitary Sewer Plan

Plan View

- a. Show and label all existing and proposed utilities
- b. Dimension location of all mains from other utilities
- c. Label line name, size, and type of all proposed sanitary sewer lines
- d. Stubouts labeled with size, slope, length, and flowline elevations (if not profiled)
- e. Show and label all easements
- f. Show centerline stationing for sanitary sewer
- g. Show and label all manholes with rim elevations, as well as cleanouts
- h. Indicate type and size of encasement where needed
- i. Show flow direction arrows for sewer main
- j. Topographic contours shown to delineate sewer basins

Profile View

- a. Profile shown for all mains 8" and larger, or where a potential conflict may arise
- b. Existing and proposed ground line at centerline of pipe shown and labeled
- c. Label station and flowline elevation information for all manholes, cleanouts, crossings, laterals
- d. Label flowlines at every 50 foot station

- e. Manhole inflow and outflow elevations to be designed with a minimum of 0.2' drop
- f. Indicate the type and diameter for all manholes
- g. Indicate length, type/class, slope and size of all sanitary sewer pipes between manholes
- h. All utility crossings and parallel storm lines shown in profile
- i. Indicate length, type and size of encasement as needed

13. Paving Plan

Plan View

- a. For all new streets, a site specific geotechnical evaluation and pavement design submitted with plans
- b. Typical Pavement Section details shown (fire lane, parking areas, streets, subgrade, etc.)
- c. For streets, centerline stationing at every 100', PC's, PT's, and curve data labeled
- d. Intersection, driveway and island curb radii labeled
- e. All sidewalks and barrier free ramps shown, labeled and dimensioned
- f. Existing, proposed, future streets and drives shown and labeled
- g. Right-of-way corner clips and sight visibility easements provided
- h. Storm inlets identified with paving stations and top of curb elevations at center of inlet
- i. Drainage clarified by flow arrows at crests, sags, ridges, intersections, and valley gutters
- j. Show driveway locations for all lots adjacent to storm inlets
- k. For Commercial/Industrial Parking Lots show all parking stall locations, types, counts, and dimensions
- l. Ensure all appropriate warnings, signage, and arrows are shown for parking areas to ensure appropriate traffic flow

Profile View

- a. Existing ground line for left, right, and center of right-of-way shown
- b. Proposed top of curb line shown for all public streets, proposed invert line shown for all alleys
- c. Show right and left top of curbs at intersections where split grade occurs
- d. Top of curb/pavement elevations labeled at every 50 foot stations
- e. Vertical Curve stationing and elevations including PVC, PVI, PVT, crest/sag location, curve length, algebraic grade difference, and "K" values shown at a minimum
- f. Street grades shown to the nearest 0.01'. Max. and min. grades per street design manual
- g. Show "compacted fill" callout/note for all areas of fill

14. ***Sidewalk Layout Plan (Residential Subdivisions)***
 - a. Provide a single scalable sheet showing all sidewalks to be installed with the development
 - b. Distinguish between developer installed sidewalks and homebuilder installed sidewalks
 - c. Show actual layout locations and sizes of all proposed sidewalks
 - d. Confirm sidewalk layout and grades meet ADA standards

15. ***Street Light and Signage Plan (Arterial Streets and Residential Subdivisions)***
 - a. Show all street light locations, consideration should be given to electrical layout from utility company
 - b. Show all stop signs and traffic related signage locations
 - c. Street lights located on opposite side of street from stop sign
 - d. Verification of fire hydrant placement relative to street lights and stop signs (3' clear area)
 - e. If symbols used in plan, appropriate legend included for verification

Section 902.13. Design Review Standards.

A. *Site Standards.* The standards for site plans listed below are intended only as minimum requirements, so that the general development pattern in the City may be adjusted to a wide variety of circumstances and topography, and to ensure reasonable and orderly growth.

1. All proposed development shall meet or exceed the City's most current zoning ordinance, subdivision regulations and any other City ordinance as may pertain to such developments, as well as the Americans with Disabilities Act.

2. Applications shall state the estimated increase in vehicle trips per day to the subject property which would be generated by the proposed development. Further, the applicant shall also provide for the necessary engineering studies needed to determine that entrances and exits onto public streets do not unduly increase congestion or traffic hazards to the public streets and the proposed site. Such requirements for engineering studies may be waived by the Planning Commission where the proposed use is not expected to contribute substantially to traffic and the spirit of this ordinance is not unduly compromised.

Entrances, internal roads, and driveways shall be constructed to accommodate anticipated traffic flows after the development is complete. Preparation of plans and specifications are the responsibility of the applicant.

Applicants may be required to install, at their own expense, turn lanes, street intersection lights, signs, and other improvements necessary to handle the increased traffic and potential traffic hazards.

3. The proposed development shall be designed in accordance with the requirements of the City's Flood Damage Prevention Ordinance #2012-07.
4. Developers shall provide for fences, landscaping and other improvements as are necessary to buffer the proposed use from the existing or surrounding land uses as set forth in Article V, "Landscaping Requirements", of the zoning ordinance.
5. Lighting facilities and lighted signs shall be placed and shielded in such a manner, and of such a height and intensity, as not to cause direct light to shine on other properties to the extent a public nuisance is created or a safety hazard is created on a public street. Lighting fixtures shall be compatible with the design objective of this article.
6. To the greatest extent possible, utilities should be placed underground, unless the applicant can demonstrate that it is unfeasible due to the costs or other constraints.
7. The proposed development shall be designed to prevent danger from fire, explosion, or other safety hazards to the general public, and the persons residing or working on surrounding property.
8. Loading docks, garbage collection areas and similar facilities and functions should, to the greatest extent possible, be incorporated into the overall design of the building and the landscaping, so that the visual and acoustic impacts of these functions are fully contained and are not visible from adjacent properties or public streets. In the case of collection areas, enclosed dumpsters or other equipment, screening shall be at least two feet taller than the equipment and not less than six feet in height. Use of screening materials should be consistent with the principal materials of the building and landscaping.

B. *Architectural standards.* The standards of this section are intended to promote the health, safety and welfare of citizens by setting limited guidelines for construction with an emphasis on aesthetics. The guidelines may be supplemented or superseded by the Planning Commission and/or City Council by specific design guidelines applicable to specific uses or portions of the City as set out herein.

1. *Height and massing.*

- a. Shall conform to the height requirements of each district.
- b. Multifamily, commercial and office structures shall be designed to be compatible and consistent with the architectural style and character of single family residential structures in the immediate vicinity. The exterior of multifamily structures may be designed to appear as a single building, such as a large single family detached dwelling.

c. Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be 50 feet in residential districts, and 75 feet in commercial and office districts. Facade offsets shall be sufficient to create a strong shadow line.

d. Buildings on corner lots shall be considered more significant structures, due to the fact that they have at least two front facades visibly exposed to the street. It is strongly encouraged that such buildings be designed with additional height and architectural embellishments, such as corner towers, relating to their location.

e. Buildings should be located to front towards and relate to public streets, both functionally and visually, to the greatest extent possible.

2. *Roofs.*

a. The pitch and style of roofs should be consistent with that of surrounding structures. Generally roofs should project enough beyond the facade to cast a shadow and shall be of a color which would be consistent and compatible with the natural environment.

b. Architectural embellishments which add visual interest to roofs, such as dormers, belvederes, masonry chimneys, cupolas, clock towers and other similar elements are strongly encouraged.

c. Mechanical equipment should be concealed from public streets within the volume of the roof or enclosed within penthouse structures or screening that will substantially eliminate visibility of the equipment from public streets.

3. *Facades.*

a. Front facades should be architecturally emphasized through fenestration, entrance treatments and details. Architectural elements such as doorways, dormers, gables, and porches should be used to effectively articulate facades and reduce the scale of larger structures. Diverse architectural treatments should be integrated to avoid a cluttered appearance.

b. The architectural treatment of the front facade should be continued, in its major features, around all sides of a building that are visible from a public street. It is recommended that all sides of a building should be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment on side and/or rear elevations visible from a public street is discouraged.

c. Fenestration should be architecturally compatible with the style, materials, color and details of the building. Windows should be vertically proportioned wherever possible. To the greatest extent possible, upper story windows should be vertically

aligned with the location of windows and doors on the ground level, including storefront or display windows.

d. Blank, windowless walls are discouraged. If necessitated by local building codes, the wall should be articulated by the provision of blank window openings trimmed with frames, sills and lintels.

e. Each principal commercial building should have a highly visible customer entrance. All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other similar elements. Any such element utilized should be architecturally compatible with the style, materials, colors and details of the building as a whole, including the doors.

4. *Materials.* Materials such as brick, stone and wood are preferred. Metal siding shall be prohibited on all sides of a building which are visible from any public street. Developers are encouraged to vary materials from building to building while limiting the number of different materials on any individual structure.

5. *Parking areas.* See Parking Section 611

6. *Landscaping standards.* See Landscape Bufferyard Article V

7. *Signage.* See Sign Article VIII

Section 903. Conditional Uses.

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of:

- existing zoning and land use in the vicinity of the use;
- planned and proposed public and private developments that may be adversely affected by the proposed use;
- whether, and to what extent, the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance, Comprehensive Plan and; any other development policies and/or regulations of the City of Lincoln; and

- whether, and to what extent, all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

Section 903.01. Applicability. Any use designated as a conditional use by Table 4-1 of this Ordinance shall comply with this Section.

In addition, the following shall be approved only as conditional uses:

- A.** Any use that involves filling of a floodplain.
- B.** Any alternative residential use.

Section 903.02. Procedures. Applications for a conditional use permit shall be submitted and approved prior to application for a zoning certificate. A subdivision plat, or a site plan meeting the requirements of Section 902 shall be submitted to support applications for conditional uses in all districts. Site plan or subdivision approval shall not be granted prior to or contingent upon conditional use approval.

The Planning and Development Services Department shall process applications for a conditional use permit as follows:

- A.** Applications for a conditional use permit must be submitted to the Planning Commission and/or their designee not later than the 3rd Tuesday of the month proceeding the month in which the case is to be heard. Copies of the application shall be distributed to the appropriate departments.
- B.** A public hearing shall be held by the Planning Commission after adjoining property owners have been notified of the public hearing by certified mail. Not later than seven (7) days prior to the date set for the hearing on the application, the Site Plan Committee shall file a written report thereon with the Planning Commission. As a courtesy, signs announcing the public hearing may be placed on the property in question.
- C.** The application shall be denied if the Planning Commission finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.
- D.** In order to prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City of Lincoln, the Planning Commission may impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives

of this Ordinance. All conditions imposed upon any conditional use permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.

E. The Planning Commission shall render to the City Council its recommendation to grant the application for a conditional use permit, grant it subject to conditions, or deny it. Following a public hearing at the City Council upon an Ordinance for Conditional Use Approval, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

F. In the event a permit for a conditional use is approved or approved subject to conditions, the applicant shall submit a site plan meeting all conditions of approval. The Planning and Development Services Department shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions that are not acceptable to the applicant, the applicant may, either appeal such decision or abandon the application. Appeals must be filed with and received by the staff within fifteen (15) days of said decision.

Section 903.03. Conditions on Conditional Use Approvals. Every conditional use permit shall be contingent upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

Section 903.04. General Use Standards. No application for a conditional use permit shall be approved unless the City Council shall specifically find the proposed conditional use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

A. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.

B. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

C. The proposed use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part

of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

D. The Planning Commission may attach to any recommendation for conditional use approval, additional criteria dealing with bufferyards, parking, lighting, building materials, or any other aspect of site plan approval they deem necessary to mitigate the impact of the proposed conditional use on the surrounding property.

903.05. Conditional Use Approval to Run with Land. Conditional use approvals are issued for uses of land and may be transferable from one owner of the land to another. All conditions place on said approval, including specific use types, shall be applicable to any new owner or developer. Any change to plans or uses by any owner shall require re-approval through the normal approval process for Conditional Use.

903.06. Filling of Floodplain. The filling of areas within the 100-year floodplain shall be approved only where plans and specifications have been submitted that meet all requirements of Section 412 and where the following conditions exist which necessitate the filling of the floodplain:

A. The property would otherwise be able to accommodate at least one residential dwelling with a lot meeting all requirements of Articles IV and VI but cannot, because of the floodplain, accommodate even one single-family unit; or,

B. That the location and/or configuration of the buildable land are such that the intensity of the permitted land use cannot be realized without filling in the floodplain. In no event shall the filling of the floodplain be permitted to increase the allowable buildable area.

Section 904. Zoning Certificates.

No development permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after the effective date of this Ordinance until a zoning certificate has been secured from the Planning and Development Services Department.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance. Conditions for permits to raze or remove buildings are set by other ordinances.

The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

Section 905. Certificate of Occupancy.

No land or building for which a zoning certificate has been issued shall be occupied or used in whole or in part for any use whatsoever after the effective date of this Ordinance until the owner, tenants, contract purchaser, or authorized agent thereof has been issued a certificate of occupancy by the Building Inspector, indicating that the building or use complies with all zoning requirements of this Ordinance, the building code, and other applicable codes and regulations.

No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Building Inspector to comply with the requirements of this Ordinance.

No permit for any new use or construction that will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration that will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the County Health Department's approval shall be issued until said approval has been issued by said Health Department.

The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

No certificate of occupancy shall be issued unless required landscaping and bufferyards have been installed or appropriately bonded.

Section 906. Access.

906.01. Legal Access. As a precondition to approval of any site plan, subdivision plat, zoning certificate, building permit, or any other type of development permit, any development site shall have legal access to a publicly owned and maintained road. Physical access alone shall not qualify any development site for such permits. Legal access shall consist of the required length of road frontage, a flag lot approval pursuant to Section 613, or a permanent access easements under this Section.

906.02. Access Easements. Access by easement shall be approved only by specific action of the Planning Commission, and where normal requirements cannot be met. In all such cases, the following conditions shall apply:

A. The property owner seeking a permit shall possess a valid legal instrument, recorded in the Office of the Judge of Probate, indicating ownership of an access strip or easement at least 15 feet in width connecting the subject property with a public road;

B. No such access shall serve more than one (1) building site;

C. No development shall be authorized on any such building site other than one (1) single family dwelling and permitted accessory structures;

D. Prior to issuance of a certificate of occupancy, the access shall be graded and/or covered with a suitable surface so as to be passable to emergency vehicles; and

E. The permit applicant shall sign a statement indicating that the City of Lincoln has no obligation to repair and/or maintain the access in a usable condition, and that the City shall not be liable for injuries to persons or damage to property resulting from the site's lack of direct access to a public road.

Section 907. Fees.

A schedule of application fees for site plan and subdivision approval, zoning certificates, and other permits and public hearings required under this Ordinance shall be established by separate resolution or ordinance. This fee schedule shall be computed so as to recover all actual costs incurred by the City in reviewing and processing requests, and shall be revised as necessary by recommendation from the Planning Commission and action by the City Council.