

**ZONING ORDINANCE  
CITY OF CHICKASAW, ALABAMA**





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This Zoning Ordinance was developed by the 2015 Chickasaw Planning Commission and Chickasaw City Council members listed below with assistance provided from the South Alabama Regional Planning Commission.

## *City of Chickasaw*

*City Hall*

*224 North Craft Highway*

*P.O. Box 11307*

*Chickasaw, AL 36671*



# CITY OF CHICKASAW, ALABAMA

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## ZONING ORDINANCE NO. 2016-03

**ADOPTED  
MARCH 22, 2016**

**Prepared by:**  
*CITY OF CHICKASAW PLANNING COMMISSION, 2015*

**With Technical Assistance Provided by:**  
*SOUTH ALABAMA REGIONAL PLANNING COMMISSION (SARPC)*

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*Councilman Mickey Day*

*Councilwoman Eloise Clubbs*

*Councilman Henry Phillips*

*Councilwoman Jennifer White*

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**ZONING ORDINANCE  
CITY OF CHICKASAW, ALABAMA**

**ORDINANCE NUMBER 2016-03**

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**PREAMBLE**

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF CHICKASAW, ALABAMA; PROVIDING FOR DEFINITIONS, FOR DISTRICTS, A ZONING MAP FOR USE AND LOCATION OF LAND AND BUILDING FOR RESIDENCE, TRADE, INDUSTRY OR OTHER PURPOSES; TO REGULATE AND RESTRICT THE SIZE OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, THE SIZE AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; PROVIDING FOR ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING AREA AND EXCEPTION SUPPLEMENTS; PROVIDING FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR SIGN REGULATIONS; PROVIDING FOR LANDSCAPING AND REGULATION OF FENCES; PROVIDING FOR NONCONFORMING USES AND BUILDINGS; PROVIDING FOR ADMINISTRATION, AND ENFORCEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, WHILE IN REGULAR SESSION AT THE CITY HALL OF CHICKASAW ON MARCH 22, 2016 AS FOLLOWS:

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## **ARTICLE 1 GENERAL**

### **SECTION 1 AUTHORITY AND ENACTMENT**

The City Council of the City of Chickasaw, Alabama in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Sections 70-84 inclusive, Code of Alabama, 1975 and 1979 cumulative supplements hereby ordains and enacts into law the following Articles contained within this Zoning Ordinance.

### **SECTION 2 SHORT TITLE AND JURISDICTION**

This Ordinance shall be known as and may be cited as “Zoning Ordinance of the City of Chickasaw, Alabama.” The area subject to this Ordinance shall be that incorporated portion of Chickasaw and under the jurisdiction of the Mayor and City Council.

### **SECTION 3 PURPOSE AND INTENT**

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Chickasaw; to avoid congestion of the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Chickasaw, Alabama. The interpretation and application of the provisions of this Ordinance shall be:

- considered as minimum requirements;
- liberally construed in favor of the governing body;
- deemed neither to limit nor repeal any other powers granted under state statutes

The Zoning Regulations and Districts as set forth are made in accordance with the City of Chickasaw’s *Comprehensive Plan 2030* for the intent of guiding development to meet existing and future needs and to:

- Achieve the highest quality of life in Chickasaw, consistent with sound land development, economic, social, and environmental conditions;
- Provide for guiding and accomplishing coordinated, adjusted and harmonious development of that portion of the barrier island under the jurisdiction of the City of Chickasaw.
- Protect, promote and improve public health, safety, comfort, order, appearance, convenience and the general welfare of present and future inhabitants of and visitors to Chickasaw;
- Divide the city into zoning districts of such number, shape and size as may be deemed by the City Council to be best suited to carry out the purpose of this Ordinance;
- Regulate, determine and establish within these Districts: Use of land and buildings for residential, commerce, trade, and other purposes; Height, number of stories, size, bulk,

location, construction, repair, reconstruction and alterations of buildings; Size of yards, courts, and other open spaces; Density of population; Conditions under which various classes of nonconforming use of land and buildings may continue, and reasonable schedule for altering or eliminating nonconforming uses of land or buildings; Minimum floor area of structures and types and sizes of structures in those areas subject to seasonal or periodic floods, so that danger to life and property in such areas will be minimized; and, all regulations shall be uniform throughout each zoning district, but the regulations in one District may differ from those in other Districts. To the end that incompatible uses are minimized or eliminated, uses permitted in one District may be prohibited in other Districts.

- Regulations and District boundaries shall be made with reasonable consideration of the character of the Districts and their special suitability for particular uses, with a view to conserving property values and encouraging the most appropriate use of land.

## **ARTICLE 2 LEGAL STATUS PROVISIONS**

### **SECTION 1 INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other Ordinances, rules, regulations or easements, covenants or agreements, the provisions of this Ordinance shall control.

### **SECTION 2 EFFECT ON OUTSTANDING BUILDING PERMITS**

Nothing herein contained shall require any change in the plans, size, construction or designated use of any building structure or part thereof for which a building permit has been granted by the Municipality before the time of passage of this Ordinance; provided, that where construction is not begun under such outstanding permit within a period of ninety (90) days the permit issued will expire.

### **SECTION 3 RELATIONSHIP TO OTHER LAWS**

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority including the City, through legislation, Ordinance, rule or regulation, the Ordinance, regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.

### **SECTION 4 SEPARABILITY AND VALIDITY**

Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections or provisions of this Ordinance to be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance.

### **SECTION 5 DISCLAIMER OF LIABILITY**

These regulations shall not create liability on the part of the City of Chickasaw, the Chickasaw Planning Commission, the Chickasaw Board of Adjustment or any officer or employee thereof for

any damages that may result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**SECTION 6 EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Chickasaw City Council; and upon such date, all previous Land Use Ordinances, with all subsequent amendments thereto, are hereby repealed as of the effective date of this Ordinance.

## **ARTICLE 3 OFFICIAL PLANS AND MAPS**

### **SECTION 1 SUPPORT OF THE COMPREHENSIVE MASTER PLAN**

This Ordinance shall be implemented in support of the *Chickasaw Comprehensive Plan 2030*. Copies of this plan are filed in the office of the City Clerk.

### **SECTION 2 FUTURE LAND USE MAP**

The Future Land Use Map contained in the development plan shall serve as a guide for the future development of the City of Chickasaw. To the extent practical, it shall be followed in the administration of this ordinance.

### **SECTION 3 ZONING DISTRICT MAP**

The Zoning District Map is hereby adopted and made a part of this Ordinance. This map shall be signed by the Mayor and attested by the City Clerk. It shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance.

### **SECTION 4 AMENDMENTS TO THE ZONING MAP**

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the official zoning map, changes shall be made on the map promptly after the amendment has been approved by the City Council. Unauthorized alterations of the official zoning map shall be considered a violation of this ordinance and subject to penalties as prescribed under "Penalties."

### **SECTION 5 MAINTAINING FILES**

The City Clerk shall maintain a file or registry of properties rezoned and variances granted under the authority of this ordinance together with all pertinent requirements and/or conditions thereto.

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## **ARTICLE 4 DEFINITION OF TERMS**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “lot” includes “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or buildings shall be construed to include the words “intended, arranged, or designed to be used or occupied.” The words “zoning map” mean the Official Zoning District Map of the municipality of Chickasaw, Alabama. Any word not herein defined shall be defined by the definition set forth in “A Glossary of Zoning, Development, and Planning Terms” published by the American Planning Association, Report Number 491/492, or its successor, which is hereby made a part of this Ordinance. As used in this Ordinance, the following words and terms shall have the meaning defined:

Abutting/Contiguous Property. Any property that is immediately adjacent to, touching, or immediately across any road or public right-of-way from the property in question.

Accessory Building. See Building, Accessory.

Accessory Dwelling Unit. See Dwelling, Accessory Dwelling Unit.

Accessory Structure. See Structure, Accessory.

Accessory Use. A use of land or of a building or portion thereof, on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, i.e. yard fence, swimming pool.

Alley. A public right-of-way, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration, Altered. These terms shall include any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code or this Ordinance, including extension or expansion, except for minor changes or repairs not involving the aforesaid features.

Assisted Living Facility. An age restricted residential living facility provided for the elderly and/or any other eligible persons that includes attached and/or detached dwelling units, apartments and residences, offering private and semiprivate rooms and other services such as meals, personal care and health monitoring activities under the supervision of a professional nurse. May additionally provide other services such as recreational activities, financial services and transportation.

Automobile Repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automobile Wrecking. The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Awning. A detachable framework covered by cloth or other light materials, supported from the walls of a building for protection from sun or weather.

Bar. An establishment in which alcoholic beverages are served, primarily by the drink, and where food may also be served.

Beach. A sandy shoreline area characterized by low relief, generally of gentle slope, and some vegetation. The beach extends from the waterline to a change in physiographic form such as a dune or bluff, a change in sediment type, such as clay from sand, and/or a change in vegetation type. Gulf Beaches are those sand beaches of the mainland and islands in Alabama which are subject to the direct wave action of the Gulf of Mexico.

Beach Shelter. An accessory structure, temporary or permanent, consisting of one or more columns and a roof and not including walls or permanent facilities of any type. Placement of a beach shelter shall be subject to the regulations of the Coastal Area Management Program.

Bed and Breakfast. A private owner-occupied, or proprietor occupied residence providing accommodations to the public, for a charge, and with no more than four (4) guest rooms for rent. Breakfast may be provided to the guests only.

Block. A tract of land bounded by public highways, streets, or by shorelines, waterways or other definite boundaries.

Board. The Board of Adjustment is a board authorized to perform certain duties.

Boarding House. Any building or portion thereof, other than a hotel, motel or bed and breakfast, which contains guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly, and may provide provisions for cooking by guests or meals for guests.

Boat. Any motorized or non-motorized vessel, used for, intended to be used for, or capable of moving across a body of water. Non-motorized personal watercraft under twenty (20) feet in length, such as kayaks, paddle boards, and canoes, shall not be considered a boat.

Boat Dock. See Pier.

Boat Launch. A facility designed to launch and retrieve recreational watercraft from a trailer.

**Boat Lift.** A structure, usually with mechanical operation, designed to lift a vessel out of the water.

**Boat Repair.** Major overhauling or repair of small craft and pleasure boats that requires open air, partially covered or enclosed dry dock facilities and such heavy equipment, yard space and dock facilities as may be necessary.

**Buffer.** A landscaped strip of land provided between two or more properties, uses, or buildings to mitigate the incompatible characteristics of adjacent uses and/or buildings. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices.

**Building.** Any structure attached to the ground and intended for shelter, housing, or enclosure for persons, animals, or chattels.

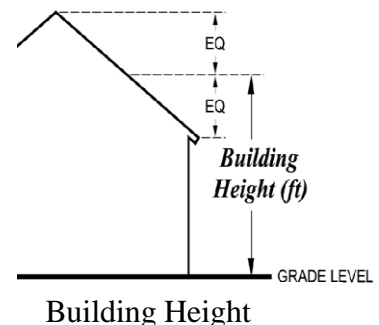
**Building, Accessory.** A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

**Building, Alterations of.** Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any additions to a building; any changes in use resulting from moving a building from one location to another.

**Building Coverage.** The percent of total lot area covered by buildings and structures but excluding roof overhangs, unenclosed balconies and unenclosed walkways which do not project more than six (6) feet from the exterior walls of a building.

**Building Footprint.** See Footprint.

**Building Height.** Building Height. The vertical extent of a structure measured (in feet) from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The highest point of the structure will vary with the type of roof as follows: The vertical distance from the finished grade of the highest roof beams on a flat or shed roof, to the deck level or a mansard roof ; and the average distance between the eaves and ridge level for gable, hip and gambrel roofs.



**Building Official.** Individual appointed by the municipality to carry out inspection required by the adopted International Code Council (ICC) codes.

**Building Line.** See Setback Line.

**Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.

Bulk. Height and percentage of land coverage of a building.

Bulkhead. A structure separating land and water areas, primarily designed to resist earth or water pressures.

Campground. A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Camping Unit. Any tent, trailer, camper, recreational vehicle, lean-to or similar structures established or maintained and operated in a campground.

Canopy. A detachable, roof like cover, supported from the ground, or deck or floor of a building, and from the walls of a building, for protection from sun or weather.

Certificate of Occupancy. Official certification that a premise conforms to provisions of the zoning Ordinance and building code, and may be used or occupied. Such certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such certificate is issued by the Building Official.

Change of Occupancy. The term “change of occupancy” shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Channel. A natural or artificial water course of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water. This definition also includes Canal.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical or surgical attention, but who are not provided with board.

Clinic, Veterinary. A place used for the care, diagnosis and treatment of sick, ailing, animals, or animals in need of medical or surgical attention, or grooming.

Club. A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Club, Private. Any association or organization of a fraternal or social character, not operated or maintained for profit, does not include casinos, nightclubs, or other institutions operated for a profit.

Commercial Vehicle. Any vehicle designed and used for transportation of people, goods, or things, other than private passenger vehicles and trailers for private non-profit transport of goods and boats.

Common Open Space. See Open Space, Common.

Common Wall. Also known as a party wall. A common wall is shared by two attached structures, buildings or dwelling units.

Community Residence For the Developmentally Disabled (CRDD). Residential facility licensed by the state, providing food, shelter and personal guidance, with supervision, to developmentally disabled or mentally challenged persons who require assistance temporarily or permanently, in order to live in the community. Also known as a Group Home.

Condominium. Condominium is a building or group of buildings, in which dwelling units, offices, or floor area is owned individually, and the structure and common areas are owned by all the owners on a proportional, undivided basis. All of the lands (includes lands underneath each unit), roofs, exterior steps, exterior wall/structure, plumbing (outside an interior wall), electrical (outside an interior wall), other utilities (outside an interior wall), and other improvements outside the building structure are owned jointly by all unit owners on a proportional, undivided basis. *Comment:* By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements include the land underneath and surrounding the building, certain improvements on the land and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

Convalescent or Nursing Home. A building, or portion thereof, wherein for compensation, living accommodations and care are provided for persons suffering from illness, which is not of sufficient severity to require hospitalization, or for persons requiring further institutional care after being discharged from a hospital; includes Extended Care Facilities.

County. Mobile County, Alabama.

Daycare Center. A care facility, licensed by the State of Alabama Department of Human Resources, which receives more than six (6) persons for care during only part of the day, but not including overnight care.

Daycare, Home. A care facility, licensed by the State of Alabama Department of Human Resources, which is a Single-family Dwelling and which receives no more than five (5) children for care during only part of the day.

Deck. A flat covered or uncovered area generally adjoining a house, building or pool, and which may be used as an outdoor sitting or recreation area.

Density. A unit of measurement; the number of dwelling units per acre of land.

Density, Gross. The number of dwelling units per acre of the total land to be developed.

Density, Maximum. The density allowable in a given zoning District not limited by other applicable requirements of this Ordinance.

Developed Lot. See Lot, Developed.

District. A section of the area zoned, within which the zoning regulations are uniform.

Dock. See Pier.

Double Frontage or Through Lot. See Lot, Through.

Drive-In Restaurant. A restaurant or public eating business so conducted that food, meals, or refreshments are brought to the motor vehicles for consumption by the customer or patron.

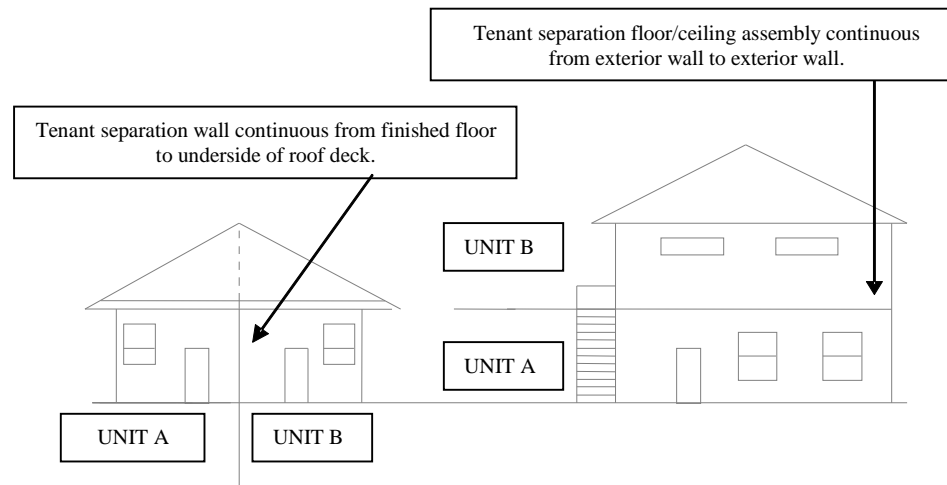
Drive-In Use. An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Duplex. See Dwelling Unit, Two Family.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including trailers, campers, hotels, motels, inns, boarding and lodging houses, tents, tourist courts, tourist homes, hospitals or nursing homes.

Dwelling Unit. A room or group of rooms including a kitchen and sanitary facilities designed and used exclusively or occupied as separate living quarters.

- a. Single Family: A detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
- b. Two Family (Duplex): A residential building designed for, or used as, the separate home or residence of two separate and distinct families, having the exterior appearance of a single family dwelling house under one roof and on one foundation separated from the other by an un-pierced wall extending from the top of the finished floor to the underside of the roof deck, or an un-pierced ceiling and floor extending from exterior wall to exterior wall. Each individual unit in the Two Family residence shall have provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.



- c. **Multi-family:** A residence building designed for, or used as, the separate homes or residence of three or more separate and distinct families, having the exterior appearance of a single building under one roof and on one foundation separated from the others by an unpierced wall extending from the top of the bottommost finished floor to the underside of the roof deck, or an unpierced ceiling and floor extending from exterior wall to exterior wall. Each individual unit in the multifamily structure shall have provisions for living, sleeping, eating, cooking and sanitation accessible from within the unit and each individual unit is to be occupied exclusively by one family.
- d. **Accessory Dwelling Unit:** An additional dwelling unit either attached to a single-family principal dwelling by a common wall or located above an accessory building, such as a garage, subordinate to the principal dwelling unit on a lot.

**Easement.** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

**Erected.** The word “erected” includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill drainage, and the like shall be considered a part of erection.

**Essential Services.** Public utility facilities related to water, storm water sewers, sanitary sewers, solid waste disposal, telephone, cable television, gas and electrical collection or distribution systems serving the County; but not including building housing employees, or public safety facilities such as fire and/or police stations.

**Excavation.** Any mechanical removal of soil, rock, sand, gravel, or other unconsolidated materials from a location.

Expansion, Building or Use. The addition of rooms or storage spaces, porches, or parking area, to an existing building or use on a parcel of land.

Façade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons occupying a single dwelling unit and using common cooking facilities, provided that all persons are related by blood, adoption, marriage, or guardianship. No such family shall contain more than three (3) unrelated persons.

Filling Station. See Gas Station.

Finished Grade. The final grade of the site that conforms to the approved plans. Does not include fill for aesthetics, landscaping, or other raised areas above the lowest floor of the structure.

Fixed Dwelling. A dwelling unit (or structure containing several units) attached to a permanent foundation. This definition does not include mobile homes, modular or manufactured housing units.

Floor Area, Gross. The sum of the gross enclosed horizontal area of all the floors of a building, except a basement or area under the first habitable story, measured from the exterior faces of exterior walls and/or supporting columns. (See Enclosed Dwelling Area)

Food Processing. An establishment in which food (including seafood) is processed or otherwise prepared for eventual human consumption but is not consumed on the premises.

Footprint. The horizontal area as seen in a plan, measured from outside of all exterior walls and supporting columns of a structure.

Garage, Commercial. A building or portion thereof used for equipping, servicing, repairing, rental, selling and/or storage of self-propelled motor vehicles. Gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail.

Garage, Private. A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of/or employees of a particular firm.

Garage, Public. A building or part thereof designed and/or used for inside parking of self-propelled private passenger vehicles by the occupants of the house or other principal structure on the premises or by the occupants of/or employees of a particular firm.

Garage, Repair. See Automobile Repair.

Gas Station. A building or lot where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, or where battery, tires, or other repair services, except body work or painting are rendered.

Green Space. Green space, green area, open space, greenbelt or greenway is an open conservation area that provides passive recreational opportunities, birding trails, pedestrian and/or bicycle paths, boardwalks and/or conservation of open spaces or natural features such as creeks, wetlands, swamps, forested areas, undeveloped alleys, sand dunes, fresh and salt water marshes, wildlife habitat and all properties zoned *Tourist Conservation*.

Group Home. See Community Residence For the Developmentally Disabled (CRDD).

Habitable Rooms. All living spaces within a dwelling unit (house, apartment, townhouse, condominium, mobile home) arranged in such a fashion as to be commonly described as kitchen, dining room, living room, dinette, family room, den, music room, library, bedroom and/or any other partitioned area that is designed to be used, or that may be used, in the opinion of the governing body, as a room for the carrying on of general family activities and intended to conform to applicable building codes.

Height of Building. See Building, Height.

Homeowner's Association. An incorporated, non-profit organization operating under recorded land agreements through which, (a) each lot and/or homeowner in a planned or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and, (c) the charge if unpaid becomes a lien against the property.

Home Occupation. Any occupation for gain or support conducted entirely within a dwelling and carried on solely by the inhabitant thereof. The home occupation shall be incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

Home Day Care. See Day Care, Home.

Hotel or Motel. A building or structure under a common or multiple ownership interest and single management which is designed, used or held out to the public to be a place where sleeping accommodations are supplied for pay to transient guests or tenants. Such hotel or motel, with or without individual kitchen or cooking facilities, may have one or more dining rooms, restaurants, cafes or cocktail lounges where food and drink are served. To be classified as a hotel or motel, an establishment shall contain not less than five (5) individual guest rooms, maintain an inner lobby, and furnish services such as room cleaning, linen supply, telephone, and furnishings.

Institution or Institutional. A non-profit organization building, or use, publicly or privately owned, for the benefit of the public (schools, churches, temples, hospitals, clubs, fire stations, police stations, sewerage lift, pumps, libraries, museums, city offices, etc.).

**Junk Yard.** Place, structure or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house-wrecking yards, and yards or places for storage or handling of salvaged house wrecking and structural steel materials.

**Land Area.** The total land area within the property lines of a lot.

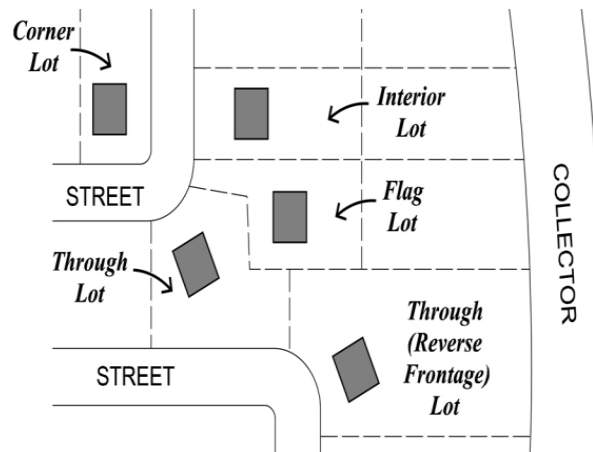
**Land Use Certificate.** Certificate issued by the Official Inspector indicating that a proposed use of land is in conformity with the zoning regulations, a prerequisite to issuance of a building permit.

**Livable Floor.** This term shall mean a separate and distinct level of a dwelling unit which is permanently enclosed and capable of being lived in or occupied.

**Lodging House.** See Boarding House.

**Lot.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

- a. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a street which form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner. On corner lots, the minimum front yard requirement shall be maintained on both yards opposite the street frontages. The rear yard shall be at the opposite end of the lot from the front yard.



- b. **Lot, Developed.** A lot that has an established primary use and/or contains buildings or structures.
- c. **Lot, Flag.** A flag lot is a lot with two distinct parts: 1. The flag, which is the only building site; and is located behind another lot; and 2. The staff, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- d. **Lot, Interior.** A lot other than a corner lot.
- e. **Lot, Through.** A lot or plot, but not a corner lot, that abuts upon two parallel streets, the two frontages being non-contiguous. Also known as a double-front lot.

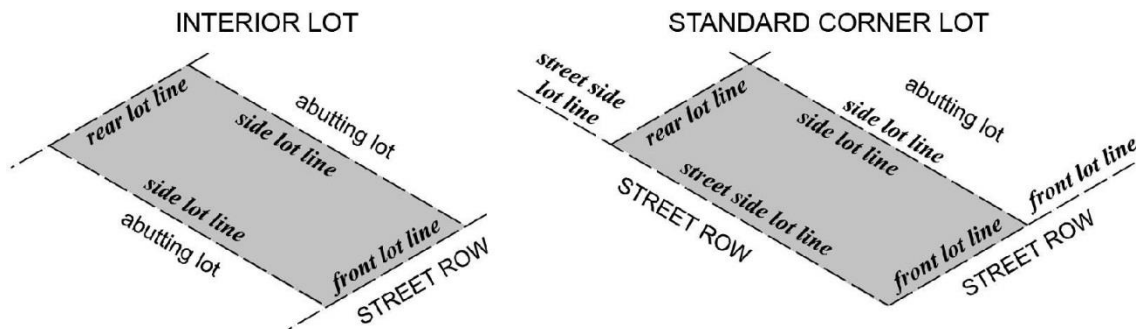
- f. Lot, Undeveloped. A lot that exists in its natural state and has had no buildings or structures erected, and no use established.

Lot Depth. The mean (average) horizontal distance between the front and rear lot lines, measured at right angles to the street lines.

Lot Line, Front. The lot line of shortest length adjacent to the street right-of-way line of the street on which the lot abuts.

Lot Line, Rear. The lot line opposite and most distant from the front lot line.

Lot Line, Side. Any lot lines other than a front or rear lot line. A side lot line of a corner lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.



Lot Width. The mean (average) horizontal distance between the side lot lines measured at right angles to the lot depth, with the minimum to comply with this code to be measured at the front setback line.

Lot of Record. A lot which is part of a recorded plat or a plot described by metes and bounds, the map and/or description of which has been recorded according to Alabama Law.

Lowest Floor. The lowest heated and cooled, habitable area of a building.

Maintenance and Storage Facilities. Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Maneuvering Space. The space entirely on private property required for maneuvering vehicles into and out of spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way.

Manufactured Home. A structure constructed and meeting the standards in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401 and having the HUD Stamp Certification permanently attached to the structure.

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**Manufacturing.** Manufacturing or industrial operations which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zoning district boundaries in which such operations are located, including the following categories:

- a. **Low Intensity:** Candy, pharmaceutical, and optical and scientific instrument manufacture; industrial Arts and Crafts; and plumbing shops.
- b. **Medium Intensity:** Air conditioner filter manufacturing; bottling plants; sign manufacture; wholesale dairy processing, bottling and distribution; leather goods manufacture from hides but excluding tanning; and industrial research and education.
- c. **High Intensity:** clothing, textile, furniture, ceramic, plastic, paint, oils, shellac, lacquer, pottery, and porcelain manufacture; tire recapping and retreading; electrical equipment assembly; electroplating or battery making; and grain processing.

**Marina.** A commercially operated waterfront place for docking, storing, berthing, or securing more than four (4) boats and which may or may not include accessory purposes such as refueling, launching and repairing.

**Mini-Warehouse.** A building or group of buildings, in a controlled access compound that contain varying sizes of individual, compartmentalized and controlled-access stalls, cubicles and/or lockers used for storage only.

**Mixed Use Building.** A building that consists of a residential and commercial component from the permitted uses found in a zoning district, whereas the commercial use is considered the primary use and the residential use is considered the secondary use.

**Mixed Use Development.** The intent of a mixed use development is to allow for different types of uses within the same zoning district. It allows for residential uses mixed in amongst commercial uses.

**Modular Home.** A factory built home (housing) meeting current adopted ICC Code Certification and having the same definition as a single family dwelling unit.

**Motel, Motor Hotel.** See Hotel.

**Multi-Family Dwelling.** See Dwelling Unit, Multi-family.

**Neighborhood Business.** Commercial uses providing goods and services for residents of the surrounding area.

**Net Residential Acreage.** Land used or proposed to be used for the placement of dwelling units and their accessory uses, private open spaces, parking areas, etc. Does not include streets or public recreation or open spaces.

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Nightclub. A restaurant, dining room, bar, or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment by persons are provided for guests.

Non-Conforming Use. A use of land or structures existing lawfully at the time of the enactment of this Ordinance, or at the time of a Zoning Amendment and use which does not conform with the regulations of the District in which it is located.

Nursery School. A place for the daytime care and instruction of children not remaining overnight; includes daycare centers.

Offices. Space or rooms used for professional, administrative, clerical, and similar uses.

Open Space. Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use of enjoyment or for the use and enjoyment of owners, occupants and their guests. *Comment:* Open space may include active recreational facilities, such as swimming pools, playground equipment, ball fields, courts, and picnic tables. The improved recreation facilities would be only a small part of the overall open space. The open space might also include incidental parking and access roads.

Open Space, Common. Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Open Space, Usable. Shall mean an exterior area of at least fifteen (15) square feet unencumbered by any permanent structure, parking lot or vehicular access way.

Outdoor Advertising Sign. Sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This definition includes billboard.

Overlay District. A zoning district that encompasses one or more underlying zones and that may vary the requirements, uses and standards of the underlying zoning district.

Parcel. See Lot.

Parking Space, Off-Street. An all-weather surfaced area not in a street or alley having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surface driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. For single and two-family (Two Family residence) dwellings, an all-weather surfaced area is not required; off-street parking spaces can be located on a driveway.

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Permit. Any written authorization by a duly appointed Municipal Representative for an individual, firm, trust, partnership, association or corporation to undertake activities related to subdivisions, zoning, land use, building or the coastal areas of the Municipality.

Permittee. Any individual, firm, trust, partnership, association or corporation to whom a permit is granted, including any person to whom a temporary permit is issued, such as that to maintain and operate a mobile home park under the provisions of this Ordinance.

Person. Any individual, firm, trust, partnership, association or corporation.

Pier. Any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water, such as wharves, docks, floats, and dry docks.

Plat. A map, plan, or layout of a county, city, town, section or subdivision indicating the location and boundaries of properties.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Portable Building. A building, which is not, a dwelling unit and which has dimensions and weight permitting transport by motor vehicle. It is typically used as a temporary structure.

Prefabricated Home. To fabricate parts of a dwelling at a factory so that construction consists mainly of assembling and uniting standardized sections (parts) on-site.

Principal Building. A building in which is conducted the predominant or primary function or activity of the lot upon which it is located.

Pub. See Bar.

Public Land Uses. Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration and operation, county buildings and activities, state highway offices and similar land uses; and federal uses such as post offices, bureau of public roads and internal revenue offices, military installations, etc.

Recreational Vehicle (RV). A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes. Recreational vehicles include, but are not limited, to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park (RV Park). Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles (not tents) for a fee as temporary living quarters for recreation or vacation purposes.

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Residential Dock, Pier or Wharf. A dock, pier or wharf constructed adjacent to a residential lot used for recreational purposes and/or mooring of private boats.

Restaurant. An establishment where food and drink are prepared, served, and consumed, and where the majority of sales are from food, not alcoholic beverages.

Restrictive Covenants. Private regulations recorded with the subdivision, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Re-subdivision. The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law.

Retaining Wall. A wall of wood, brick, concrete or other suitable material designed to prevent erosion of soil from sharply sloping land or from around pools, decks, foundations and other similar structures.

Revetment. A facing of stone, concrete, etc., built to protect a sharp embankment, or shore structure against erosion by wave action or current.

Right-of-way. A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

Rooming House. See Boarding House.

RV. See Recreational Vehicle.

RV Park. See Recreational Vehicle Park.

Satellite Receiving Dishes. A dish-shaped antenna designed to receive broadcasts relayed by microwave signals from earth-orbiting communications satellites. This definition also includes satellite earth stations, or television dish antennas.

Seat. For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) linear inches of benches, pews, or space for loose chairs.

Service Station. See Gas Station.

Setback Line. A line established by the subdivision regulations and/or zoning Ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings, or structure, may be located above ground, except as may be provided in said Ordinance.

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Sewers, Public or Community. An approved sewage disposal system which provides a collection network and disposal system and central sewage and treatment facility for a single community, development or region.

Shopping Center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Single Family Dwelling. See Dwelling Unit, Single Family.

Site Plan. A plan required by the City that provides detailed information about the layout of private land development and required Public Improvements prior to preparation of construction drawings for a land development that does not include subdivision of property that would otherwise be subject to preliminary plat review.

Special Exception. A land use permitted that is not similar in nature to the uses permitted in the District but that is desired in the community and for which a suitable District is not available. Such use may be permitted in the most nearly appropriate District where a location is available, upon appeal to and approval by the Board of Adjustment, which may set forth special conditions under which the use may be allowed.

Stack Parking – Double. Parking shall be allowed on both sides of a two-way driveway.

Stack Parking – Single. Parking shall be allowed on one side only of a two-way driveway.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it accessible by fixed stairs, but excluding areas underneath buildings used exclusively for storage or parking purposes.

Street. A facility, either public or private and either deeded or easement, which affords access to abutting property, and includes the entire area between street lines (right-of-way lines). A street, which is not an alley, which provides primary access to abutting property and is intended for general traffic circulation.

Structural Alterations. Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams, or girders or the rearrangement of any interior partitions affecting more than five (5) percent of the floor area of the Building.

Structure. Any object, the whole or parts of which are constructed, erected or arranged by human agency, the use of which requires a location on the ground or attached to something

having a location on the ground, including, but not limited to, a house, building, deck, pool, parking lot, gazebo, signs, walls, fences, screened enclosures, gas or liquid storage tanks, piers, wharves, bulkheads, seawalls, boat docks, boat lifts or other objects. This definition does not include sand fences or dune walkovers constructed for the purpose of dune protection or enhancement.

Structure, Accessory. A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Structure, Existing. Any structure the construction of which was initiated prior to the effective date of this Ordinance and for which all required state, local and federal authorizations were obtained prior to the effective date of this Ordinance.

Subdivision. The division or re-division of a parcel of land into two or more parcels.

Substandard Lot. A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Temporary Building or Structure. Portable, mobile, or transportable buildings used temporarily to house construction or real estate sales offices, and other uses incidental to the use of the site.

Tourist Home. See Bed and Breakfast.

Townhouse. An attached dwelling unit having a separate ground floor entrance and separate private yard space, with common side walls on one or both sides of the dwelling unit.

Traditional Neighborhood. A compact, mixed use neighborhood where residential, commercial, and civic buildings are in close proximity to each other.

Two Family Dwelling. See Dwelling Unit, Two Family

Undeveloped Lot. See Lot, Undeveloped.

Use. Any human or corporate activity or result therefrom. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Vacant. Any unoccupied land, building, structure or part thereof that is available and suitable for occupancy, but not being lived in or upon.

Vacant Property. Property that is zoned for a particular use or uses but has never been developed for such uses.

Variance. A variance is a relaxation of certain regulations contained in this Ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the

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Ordinance would result in unnecessary and undue *hardship*. As used in this Ordinance a variance may be authorized only for height, area, size of structure, size of yards and open spaces, off-street parking and loading requirements, or height of fencing or buffering. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning District or uses in an adjoining zoning District or for a monetary hardship.

Veterinary Clinic. See Clinic, Veterinary.

Viewshed. An area of land, water, or other environmental element that is visible to the human eye from a fixed vantage point.

Walk-Up Establishment. An establishment that by design of its physical facilities, service, or packaging encourages or permits pedestrians to receive a service or obtain a product without entering the establishment.

Waterside Loading/Docking Area. An area adjacent to a body of water, with or without a dock, wharf, pier or similar structure, used for the loading and/or unloading of cargo, products, or materials from boats and/or the securing of boats.

Waterside Yard. See Yard, Waterside.

Waterway. Any body of water, including any creek, canal, channel, river, lagoon, lake, bay or gulf, natural, or artificial except a swimming pool or ornamental pool located on a single lot.

Wetlands. Means those areas that are inundated or saturated by surface or ground water (salt and fresh) at a frequency and duration sufficient to support, and/or under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wharf. See Pier.

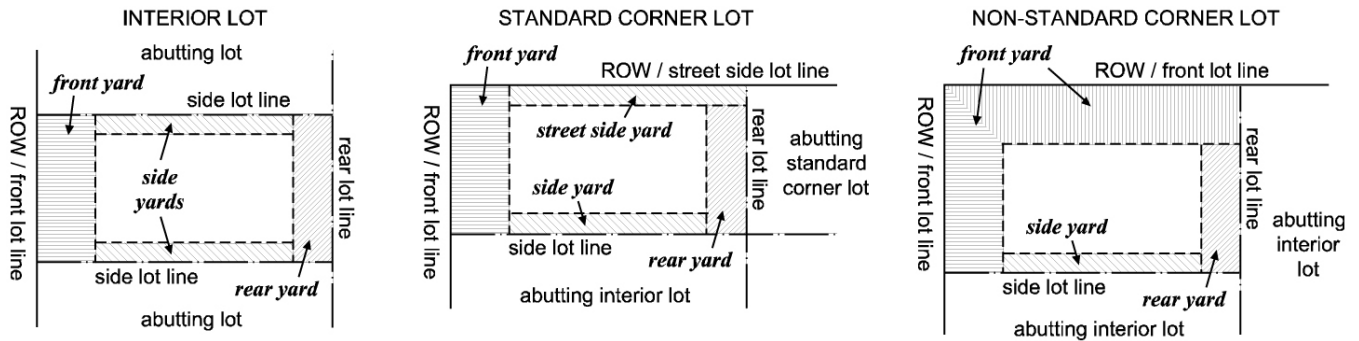
Wholesale Establishment. Business establishments that generally sell commodities in large quantities or by the pound to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Yard. A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted and complying with applicable building codes.

- a. Yard, Front. An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front lines of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building

and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street with the 911 emergency response designated address.

b. Yard, Minimum. That yard space that must remain when the property is developed to the fullest extent allowable under applicable ordinances and codes.



c. Yard, Rear. An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building to the side lines of the lot and the rear lot line. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

d. Yard, Side. An open, unoccupied space on the same lot with a main building, situated between the side line of the same building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot. On corner lots, the side yard shall be considered as perpendicular to the street with the 911 emergency response designated address.

e. Yard, Waterside. A yard abutting any body of water, which may be either a rear yard or a side yard, depending upon the orientation of the principal building on the lot, with such space being unoccupied except possibly by an accessory building, extending the full width of the lot between the rear line of the main building to the side lines of the lot and the waterfront.

Zoning District. A section of the Town designated in this Ordinance and delineated on the zoning map wherein all requirements for use of land and building and development standards must be uniform.

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## **ARTICLE 5 ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND USE COMPLIANCE**

### **SECTION 1 RULES FOR DETERMINING BOUNDARIES**

The City of Chickasaw is hereby divided into the following zoning districts as described below and as shown on the official Zoning District Map, in order to:

- classify, regulate, and restrict the location of buildings designed for specific uses
- regulate and limit the height and bulk of buildings hereinafter erected or altered as defined herein
- regulate and limit the intensity of the use of the land area
- regulate and determine the areas of open spaces within and surrounding such buildings

### **SECTION 2 ZONING MAP**

The boundaries of the Districts are shown on the Map as adopted by this Ordinance and made part hereof and entitled “Official Zoning Map of City of Chickasaw, Alabama.” The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance. The zoning map, which is properly attested, is on file in the official records of the City of Chickasaw, Alabama.

The boundaries of the zoning Districts which are shown on the Map adopted by this Ordinance or amendments thereto and the regulations of this Ordinance, govern the use of land and buildings, the heights and bulk of buildings, size of yards and other open spaces and other features as herein set forth are hereby established and declared to be in effect upon all land included within the boundaries of the Districts shown upon the Official Zoning Map.

Where uncertainty exists as to the boundaries shown on the Map, the following rules shall apply:

- A. Unless otherwise indicated, the zoning district boundary lines shall be construed to follow property lines, land lot lines, center lines of streets, highways, alleys, shorelines of streams, reservoirs, other bodies of water, or civil boundaries.
- B. Where a street or alley is officially vacated or abandoned, the classification of the abutting parcel shall apply to that portion of the street or alley added to such parcel.
- C. In cases of the uncertainty of the District boundary, the Building Official shall interpret the Zoning Map. Any decisions may be appealed to the Zoning Board of Adjustment.
- D. If any property is not shown as being in a zoning District because of error or omission, the classification of such property shall be R-1, Single Family Residential until zoned by an amendment to this Ordinance.

### **SECTION 3 DISTRICT NOMENCLATURE**

To achieve the purposes of this Ordinance, the City of Chickasaw is hereby divided into the following zoning Districts:

<b><u>SYMBOL</u></b>	<b><u>DISTRICT</u></b>	<b><u>GENERAL PURPOSE</u></b>
R-1	Single Family Residential	Residential Use
R-2	Two Family (Duplex) Residential	Residential Use
R-3	Multi-Family Residential	Residential Use
B-1	Neighborhood Commercial	Business Use
B-2	General Commercial	Business Use
TC	Tourist Conservation	Eco-Tourism/ Business/ Conservation Uses
WW	Working Waterfront	Tourism/ Business/Industrial Use
SV	Shipyards Village	Business/Residential/Mixed-Uses
I-1	Light Industrial	Industrial Use
I-2	Heavy Industrial	Industrial Use

### **SECTION 4 DISTRICT DESCRIPTIONS**

#### **I. RESIDENTIAL DISTRICTS**

The following zoning districts provide regulations for residential uses throughout the urban community and apply to most of the City's residential development.

- **Single Family Residential (R-1):** This district is provided to afford the opportunity for a low density, suburban residential environment consisting of single family residences on large parcels of land.
- **Two Family (Duplex) Residential (R-2):** This district is provided to afford the opportunity for medium density one and two family uses in an urban residential environment consisting of duplex residences on lots of a moderate size.
- **Multi Family Residential (R-3):** The intent of this district is to provide an opportunity for high density multi-family residential development in specified areas and for their amenities.

#### **II. BUSINESS DISTRICTS**

The following zoning districts provide regulations for commercial uses throughout the community and apply to most of the City's commercial development.

- **Neighborhood Commercial (B-1):** This district allows for small-scale commercial uses that provide services for nearby residential areas and surrounding neighborhoods

that are compatible with residential uses, and have relatively low impact on neighboring areas. It provides for pedestrian-friendly design of retail, office and residential mixed use developments. This district encourages residential uses in conjunction with commercial uses. Buildings must be located and designed to relate to the street with a pedestrian scale.

- **General Commercial (B-2):** This district is intended to provide locations for wholesale/retail trade and services with a more intense use and a larger building footprint than the Neighborhood Commercial District. It serves local and regional businesses. Processing and very light production activities are included and may require location in proximity to major transportation routes.
- **Tourist Conservation: (TC):** This district is intended to provide locations and opportunity for Eco-tourism activities and businesses and to provide for open space and protection of conservation lands.
- **Shipyard Village (SV):** This zoning district is provided to afford the opportunity for a considerably higher density of local neighborhood style businesses, along with offering single family residences on smaller lots through mixed use developments. The goal of this district is to create a charming and centralized district that allows for residential loft-style housing, small-scale retail, and low impact development, while providing a pedestrian-friendly streetscape that creates more walkability and is harmonious with the City's small-town atmosphere.
- **Working Waterfront (WW):** The intent of the Working Waterfront District is to create a District that preserves and promotes the unique waterfront setting through the combination of residential uses, commercial activities and public open space. It supports water oriented commercial activities and provides opportunities for pedestrian access and exposure to the waterfront areas of the city.

### **III. INDUSTRIAL DISTRICTS**

The following zoning districts provide regulations for industrial uses throughout the City and apply to most of the City's industrial development.

- **Light Industrial (I-1):** This District is intended to provide a suitable, protected environment for heavy commercial and light industrial establishments such as manufacturing, research and wholesale, which are clean, quiet and free of hazardous or objectionable operations and emissions, or other factors that may be detrimental to the community environment. Industrial parks are encouraged for these types of industries and they should generate little industrial traffic. Locations should be in accordance with the Comprehensive Plan.
- **Heavy Industrial (I-2):** It is the intent of this district to provide opportunity for the location of heavy industrial, manufacturing, processing, warehousing, or research and testing operations that, due to employment of heavy equipment or machinery or

to the nature of the materials and processes employed, require special location and development safeguards to prevent pollution of the environment by noise, vibration, odors or other factors, and may also require extensive sites for storage and parking, may require extensive community facilities or generate heavy motor traffic. Access to major transportation facilities is usually needed. Prior to approval, a traffic study is recommended. Locations should be in accordance with the Comprehensive Plan and special review is required for some.

## **SECTION 5 USE COMPLIANCE**

In each zoning district, only the uses specifically listed as uses by *Right (R)*, uses *Requiring Planning Commission Review (P)* and *Special Exception (S)* uses shall be allowed. Any use permitted in any district whether by *Right*, *Requiring Review* or as a *Special Exception*, must comply with the requirements of the district in which it is located, unless variance from such requirements is specifically requested and approved by the Board of Adjustment. In general, any higher use may be permitted in a district as a *Special Exception* in a lower use district, but no lower use shall be permitted in a higher use district.

### A. Uses Permitted by Right (R)

Unless otherwise noted, uses permitted are permitted by Right subject to the conditions specified in this Ordinance and do not require review.

### B. Uses Requiring Planning Commission Review (P)

Certain uses require the review of the City of Chickasaw Planning Commission to determine if the use is appropriate for the location. Applications are evaluated by the Planning Commission and are permitted upon approval by the Planning Commission based on location and site plan appropriate with regard to transportation, access, water supply, waste disposal, fire, police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.

### C. Special Exception (S) Uses

Uses permitted by Special Exception are subject to site plan review as to location and other features by the City of Chickasaw Planning Commission, but require a public hearing, along with additional review and approval by the Board of Adjustment.

Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan, which shall first be reviewed by the Planning Commission. The Board of Adjustment shall consider the recommendations of the Planning Commission, and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Adjustment is not consistent with such recommendations, the

minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

D. Uses Prohibited (X)

Uses listed as Prohibited, or not listed in the Zoning Ordinance are to be considered prohibited, but may be considered by the Planning Commission upon request. A detailed letter describing the nature of the use must be submitted to the Planning Commission and a site plan or other material to aid in evaluating may be required.

E. Uses Not Specified

In any case where a use is not specifically referred to under Uses Permitted or elsewhere in this Ordinance, its status shall be determined by the Building Official by reference to the most clearly analogous use or uses that are specifically referred to under Uses Permitted. When the status of a use has been so determined by the Building Official, such determination shall thereafter have general application to all uses of the same type.

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## **ARTICLE 6 DISTRICT REQUIREMENTS**

Every land parcel within the corporate limits of the City of Chickasaw has a designated zoning classification, per Codes of Alabama 1975, Title 11, Chapter 52, Article 70. The regulations set by this Ordinance within each District shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. The following limitations and requirements are placed on the land uses described for each zoning District established under the authority of this Ordinance, in accordance and with the intent of this Ordinance.

### **SECTION 1 SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)**

This District exists for the protection of areas that are, or are planned to be developed for very low density single family uses and associated accessory structures or uses.

#### **I. Uses Permitted by Right (R)**

1. Single Family Dwelling Structures.
2. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

#### **II. Uses Requiring Planning Commission Review (P)**

1. Buildings used exclusively by federal, state, county or city government for public purposes.
2. Public parks, playgrounds and recreational areas.
3. Schools, libraries and educational institutions.
4. Churches with attendant building and facilities.
5. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
6. Community gardens.
7. Wharfs, piers, boat lifts and boat docks as an accessory structure.

#### **III. Special Exceptions (S)**

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Lodge hall, private clubs and civic organizations.
5. Semi-public buildings and uses, including private schools and day care centers.
6. Home occupations.
7. Bed and Breakfasts.

8. Utility Substations

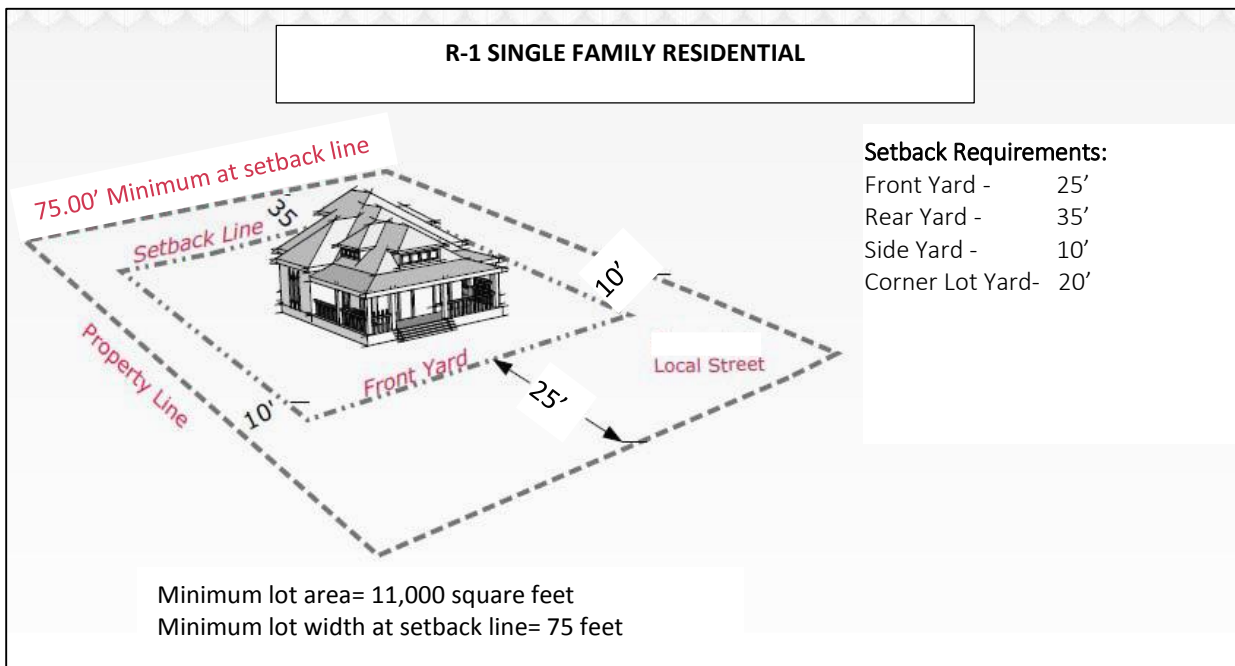
**IV. Uses Prohibited (X)**

Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.

**V. Yard, Lot and Building Requirements:**

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in an R-1 District unless otherwise noted.

1. Lot Width: 75 feet at front building setback line
2. Lot Area: 11,000 square feet
3. Lot Coverage: 40%
4. Maximum Density: 3 dwelling units/gross acre.
5. Front Yard: 25 feet
6. Side Yard: 10 feet
7. Rear Yard: 35 feet
8. Corner Lot Side Yard: 20 feet
9. Waterside Yard: 25 feet
10. Building Height: 35 feet or 3 stories



**VI. Accessory Buildings**

See *ARTICLE 8: Supplemental Regulations*

**VII. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all residential projects involving the new construction of two (2) or more dwelling units. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.

2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**VIII. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *ARTICLE 9: Planning & Design Guideline Requirements* for details on each of the following.

- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

**IX. Additional Zoning Regulations That May Apply To All Property**

<sup>1</sup>*See Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

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## **SECTION 2 SINGLE & TWO FAMILY RESIDENTIAL DISTRICT (R-2)**

This District is provided for the protection of areas that are, or plan to be a choice of low density residential environment consisting of single family homes and two family (duplex) residences.

### **I. Uses Permitted by *Right (R)***

1. Single Family Dwelling Structures.
2. Accessory buildings and uses including garages, attached garage apartments, utility buildings for storage of lawn equipment, etc., located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

### **II. Uses Requiring Planning Commission Review (*P*)**

1. Buildings used exclusively by federal, state, county or city government for public purposes.
2. Public parks, playgrounds and recreational areas.
3. Schools, libraries and educational institutions.
4. Churches with attendant building and facilities.
5. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
6. Community gardens.
7. Auditoriums and/or theatres.
8. Manufactured Homes

### **III. Special Exceptions (*S*)**

1. Two Family (Duplex) Dwelling Structures.
2. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
3. Country Clubs and their customary accessory uses.
4. Stadiums in conjunction with school facilities.
5. Lodge hall, private clubs and civic organizations.
6. Semi-public buildings and uses, including private schools and day care centers.
7. Home occupations.
8. Bed and Breakfasts.
9. Utility Substations.

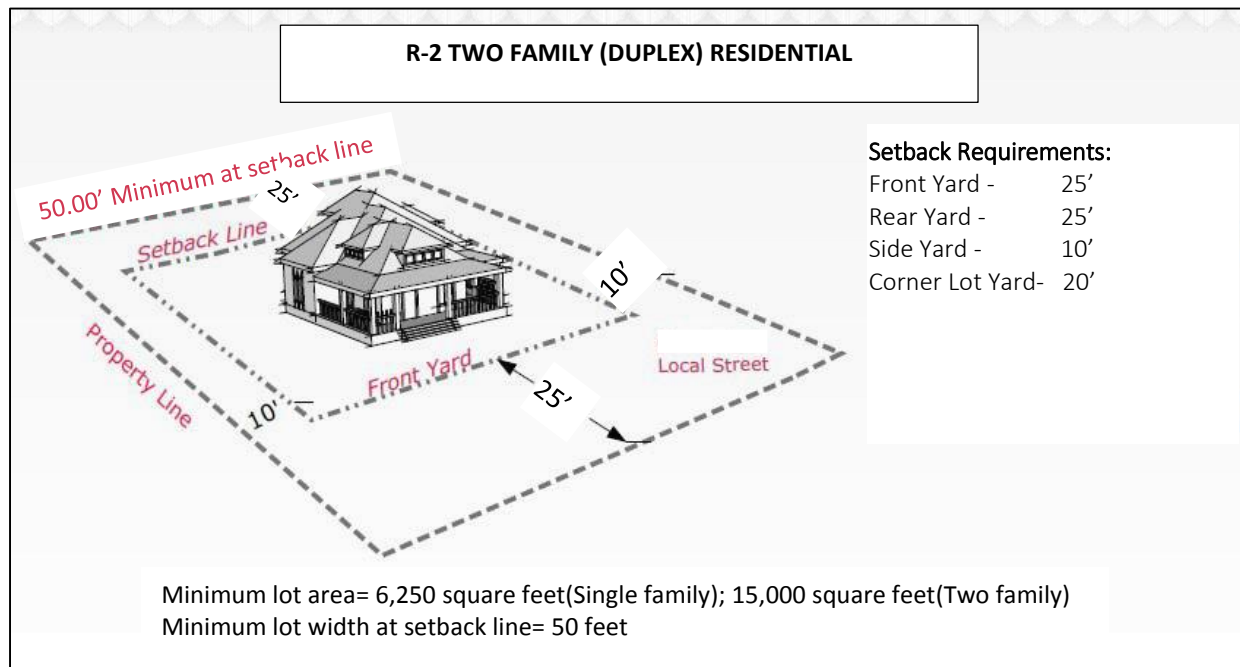
### **IV. Uses Prohibited (*X*)**

Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.

**V. Yard, Lot and Building Requirements:**

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in an R-2 District unless otherwise noted.

1. Lot Width: 50 feet at front building setback line
2. Lot Area: (Single-family structures) 6,250 square feet;  
(Two-family structures) 15,000 square feet
3. Lot Coverage: 40%
4. Maximum Density: 4 single family dwelling units/gross acre; or 7 two family dwelling units/gross acre
5. Front Yard: 25 feet
6. Side Yard: 10 feet
7. Rear Yard: 25 feet
8. Corner Lot Side Yard: 20 feet
9. Building Height: 35 feet or 3 stories



**VI. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

## **VII. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all two-family and multi-family dwellings projects involving new construction, remodeling, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

## **VIII. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance.

**\*\*NOTE: Additional standards and review will be required for properties located within the Historic District of Chickasaw, see City Ordinance No. 1599 and Zoning Map for boundary.**

See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

## **IX. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>See *Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

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### **SECTION 3 MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)**

This District exists for the protection of areas that are, or are planned to be, developed for high density attached housing within the community and the compatible types of uses.

#### **I. Uses Permitted by Right (R)**

1. Multi Family Dwelling Structures.
2. Two Family (Duplex) Dwelling Structures.
3. Accessory buildings and uses including garages, utility buildings for storage of lawn equipment, etc., located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.

#### **II. Uses Requiring Planning Commission Review (P)**

1. Single Family Dwelling Structures
2. Buildings used exclusively by federal, state, county or city government for public purposes.
3. Public parks, playgrounds and recreational areas.
4. Schools, libraries and educational institutions.
5. Churches with attendant building and facilities.
6. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
7. Bed and Breakfasts.
8. Community gardens.
9. Manufactured Homes.

#### **III. Special Exceptions (S)**

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country Clubs and their customary accessory uses.
3. Stadiums in conjunction with school facilities.
4. Lodge hall, private clubs and civic organizations.
5. Auditoriums and/or theatres.
6. Home occupations.
7. Semi-public buildings and uses, including private schools and day care centers.
8. Boarding houses, lodging houses and tourists homes.
9. Utility Substations

#### **IV. Uses Prohibited (X)**

Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.

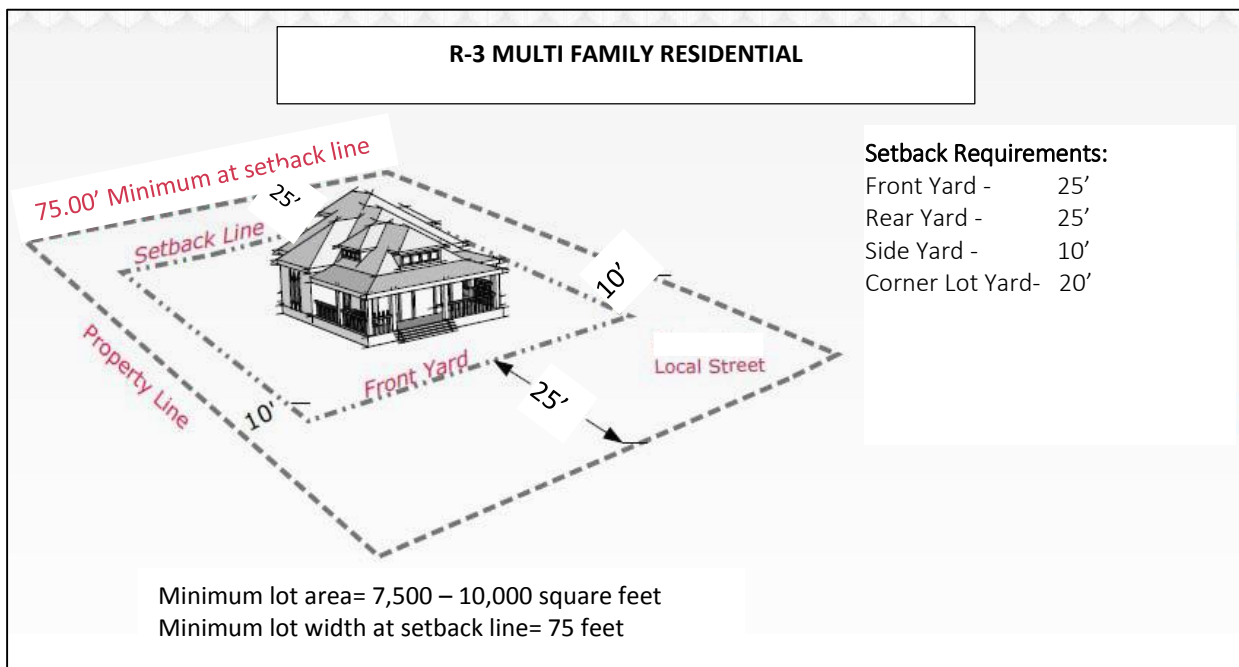
**V. Accessory Buildings**

See ARTICLE 8: Supplemental Regulations

**VI. Yard, Lot and Building Requirements:**

The following is a list of requirements for lot area and width, yard size, setbacks and building height for structures in an R-3 District unless otherwise noted.

1. Lot Width: 75 feet at front building setback line
2. Lot Area: Two family structure=10,000 sq. ft.; multi family structure=7,500 sq. ft. for one (1) unit plus 2,500 sq.ft. for each additional unit.
3. Lot Coverage: 30%
4. Maximum Density: 7 two family dwelling units/gross acre; 14 multi family dwelling units/gross acre
5. Front Yard: 25 feet
6. Side Yard: 10 feet
7. Rear Yard: 25 feet
8. Corner Lot Yard: 20 feet
9. Building Height: 35 feet or 3 stories



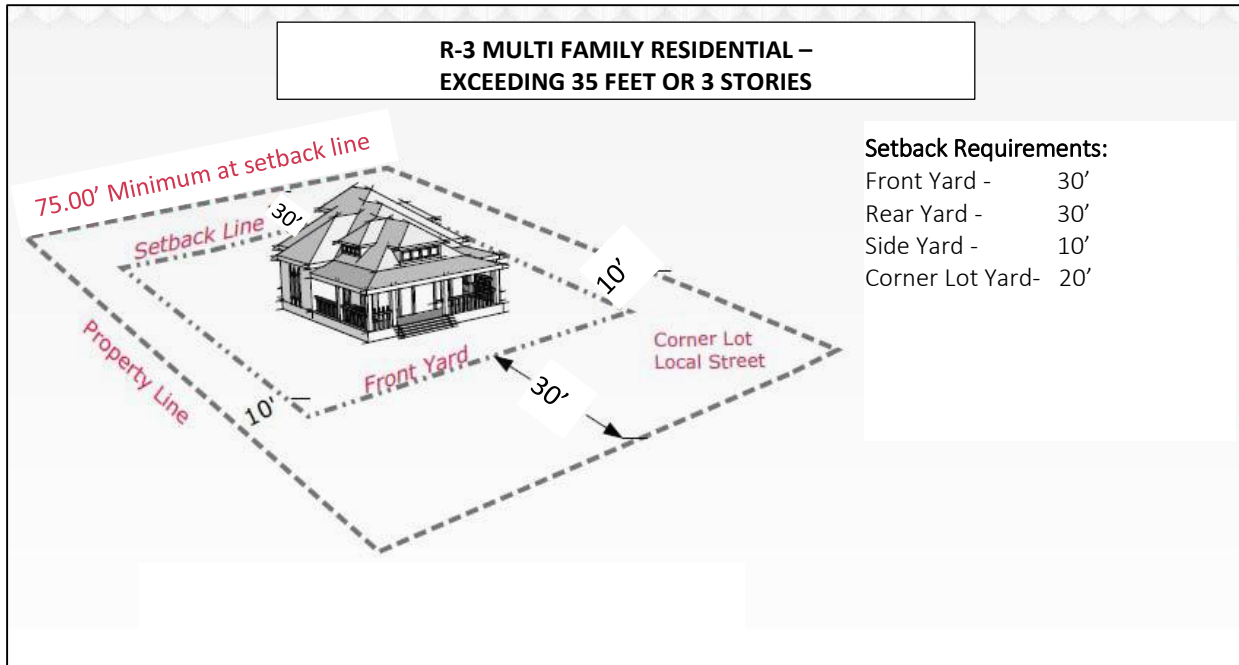
**VII. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all two-family and multi-family dwellings projects involving new construction, remodeling, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

### **VIII. STRUCTURES EXCEEDING 35 FEET OR 3 STORIES IN HEIGHT**

Structures in an R-3 District may have a maximum height of sixty (60) feet or six (6) stories, provided that one-half (1/2) foot shall be added to all minimum yard requirements for each additional foot in height in excess of forty (40) feet.

1. Lot Width: 75 feet at front building setback line
2. Lot Area: 7,500 square feet, *plus 2,500 sq.ft. for each additional unit.*
3. Maximum Density: 14 multi family dwelling units/gross acre
4. Lot Coverage: 30%
5. Front Yard: 30 feet
6. Side Yard: 10 feet plus structures taller than 3 stories, an additional 2 feet per story is required
7. Corner Lot Yard: 20 feet
8. Rear Yard: 30 feet
9. Building Height: not to exceed 6 stories



**IX. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

**X. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all two-family and multi-family dwellings projects involving new construction, remodeling, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.

2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting

- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

## **XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>See Article 7: General Provisions & Article 8: Supplemental Regulations

### **SECTION 4 NEIGHBORHOOD COMMERCIAL DISTRICT (B-1)**

The B-1 Neighborhood Commercial District is established to provide areas of low impact development, in which the principal use of land is devoted to the local, neighborhood type business markets that service the surrounding neighborhoods. It is a restricted commercial District, limited to a narrow range of retail service and convenience goods, not intended for major or large scale commercial or service establishments. Businesses suited for the B-1 District are most closely associated with residential uses and contain more restrictive requirements for light, air, open space, etc., which are necessary to protect the integrity of the neighborhoods.

The goal of the District is to create a charming and centralized commercial area that allows for:

- small-scale retail;
- mixed-use development;
- provide compact, walkable centers for neighborhoods;
- provide development that supports the scale and character of existing neighborhoods;
- encourage design that enhances pedestrian interest and provides a pleasant and diverse pedestrian experience;
- design a pedestrian-friendly streetscape that is harmonious with Chickasaw's small-town atmosphere and character.

#### **I. Uses Permitted by Right (R)**

1. Neighborhood commercial uses including but not limited to the following:
  - a. Personal Service Establishments
  - b. Restaurants, Bistros, Cafes, etc.
  - c. Professional & business offices such as attorney or accountant.
  - d. Small scale strip malls

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

- e. Studios
- f. Banks and similar convenience goods

**II. Uses Requiring Planning Commission Review (P)**

- 1. Retail
- 2. Mixed-use buildings subject to the following:
  - a. Commercial uses shall be considered the primary use and be limited to those permitted in the Neighborhood Commercial District and shall be confined to one structure per parcel.
  - b. The mixed-use is compatible and complementary to the surrounding area.
  - c. Residential uses shall be considered a secondary use.
- 3. Drive-through uses are allowed only if the drive through lanes is limited to the rear and one side of the building.
- 4. Services such as plumber or carpenter or similar workshop or repair establishment conducted entirely within the enclosed structure and where all supplies and equipment must be stored indoors or with adequate exterior screening so as not to be visible from an adjacent property.
- 5. Bed & Breakfast
- 6. Public parks and recreational areas
- 7. Gas Stations, not to exceed 5,000 square feet total footprint
- 8. Schools and educational institutions\*
- 9. Public utility and service structures including but not limited to water, sewer, fire and police uses\*
- 10. Buildings used exclusively by federal, state, county or city government for public purposes.
- 11. Museums\*
- 12. Healthcare facilities

*\* For the purposes of the Neighborhood Commercial District, these uses shall be considered commercial uses, and therefore shall be subject to the requirements imposed on commercial buildings in this District.*

**III. Special Exceptions (S)**

- 1. Stadiums in conjunction with school facilities.
- 2. Lodge hall, private clubs and civic organizations.
- 3. Semi-public buildings and uses, including private schools and daycare centers.
- 4. Auditoriums and/or indoor theatres.

**IV. Uses Prohibited (X)**

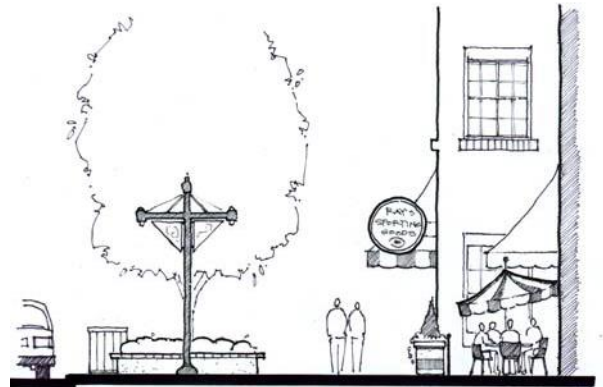
- 1. Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.
- 2. Warehouses
- 3. Mini warehouses

**V. Yard and Lot Requirements:**

1. Lot Width: None
2. Lot Area: None
3. Lot Coverage: None
4. Front Yard Setback: 0-10 feet
5. Side Yard: None \*10 feet only if it abuts Residential property
6. Rear Yard: None
7. Corner Lot Side Yard: None
8. Building Height: 35 feet or 3 stories

**VI. Building Requirements & Design Guidelines:**

- a. The building line on an individual lot shall not differ by more than 5 feet from the building line of adjacent lots.
- b. The building frontage should be slightly set back from the right-of-way line to allow for all primary entrances to be connected to the public right-of-way by a sidewalk, at least 5 feet wide, see *Figure 7-1*.
- c. The ground level of the building is predominantly transparent and available to uses serving the public, thus providing varied and interesting environment to pedestrians. Retail storefronts should maximize window area on facades, especially in areas with regular pedestrian traffic. Seventy (70) percent or more window area is preferred. Windows should be transparent.



**Figure 7-1.** Streetscape refers to all areas visible from the street and fronting buildings, and may consist of public or private property.

- d. Any setback area established should typically be designed seamlessly with the right-of-way, providing either expanded sidewalks, landscape beds, street-front seating, or covered walkways. Porches, patios, gardens, decks and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street.
- e. No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
- f. All buildings shall have a primary entrance that faces the street.
- g. Building facades should use materials that present a consistent streetscape, see *Figure 7-2*. Use of visual features such as awnings, ornamental doors and windows, and architectural details are encouraged to create diversity.
- h. *Building Height* – Building heights should not differ by more than 15% on a single block, except that taller buildings that anchor a corner may not be considered in calculating the block average. See *Figure 7-3*.
- i. *Roofs* – Roofs should be either pitched between 6:12 and 12:12 or be flat with parapets or decorative cornices. Roof mounted equipment should be screened from public view on all sides.
- j. Blank wall spans should be avoided and false windows are permitted. Buildings located on corner lots shall have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall sections.
- k. The majority of parking should be located to the side or rear of buildings to allow buildings closer to the street and sidewalks so that the buildings and the activities within them are ore easily observed by the public.



*Figure 7-2. Long building facades should use variations in building mass while still presenting a consistent streetscape.*



*Figure 7-3. Height deviations buildings along a single block should be small except that taller buildings may anchor corners of blocks.*

## **VII. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

## **VIII. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all non-residential projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I* of this Ordinance.

2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**IX. Traffic Requirements**

No entrances or exits shall direct traffic into adjacent Residential Districts.

**X. Screening Adjacent to Residential Districts & Uses**

Where a property line of a lot within the B-1 District abuts a side or rear property line of a residential use in any other District, screening shall be provided along said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

**XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and are in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

**XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>See *Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

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## **SECTION 5 GENERAL COMMERCIAL DISTRICT (B-2)**

This District is intended to provide locations for larger, wholesale/retail trade and services that serve the residents and visitors of the city and that increase the city's economy by contributing to the tax base. Types of uses permitted are regional businesses and other facilities that require a larger building footprint, but are in keeping with Chickasaw's character.

### **I. Uses Permitted by *Right (R)***

1. Regional businesses including, but not limited to: grocery stores, convenience stores, restaurants, drug stores, sales and services; except for those uses prohibited by other Ordinances.

2. Neighborhood business that are allowed in a B-1 District that include, but not limited to: delicatessens, dry cleaning services, barber shops, beauty shops, shoe sales and repair, offices, banks and similar convenience goods, sales and services; except for those uses prohibited by other Ordinances.
3. Shopping centers and strip malls
4. Hotels, Motels, and Bed and Breakfasts
5. Indoor Theaters and other types of family entertainment facilities

## **II. Uses Requiring Planning Commission Review (P)**

1. Schools and educational institutions.
2. Mixed-use buildings subject to the following:
  - a. Commercial uses shall be limited to those permitted in the General Commercial District.
  - b. The mixed-use is compatible and complementary to the surrounding area
  - c. The primary use is commercial, and the residential use is secondary.
4. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
5. Healthcare facilities
6. Public parks and recreational areas.
7. Buildings used exclusively by federal, state, county or city government for public purposes.
8. Private clubs
9. Healthcare Clinics
10. Parking Lots
11. Multi-family residential
12. Veterinary Clinic provided the only animals seen are those permitted in *Article 7: General Provisions*, of this Ordinance.
13. Gas stations, service stations and automobile repair shops (not including body shops) subject to the following:
  - a. All repairs shall be carried on within an enclosed building.
  - b. Entrances and exits for vehicles to and from the site shall not be closer than twenty (20) feet to an intersection of street right-of-way lines.
  - c. Gas or service stations shall be located on a lot not less than fifteen thousand (15,000) square feet and have a minimum frontage of one hundred (100) feet.
  - d. All permitted mechanical repair work, oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) feet to an abutting Residential District lot line and no closer than twenty-five (25) feet to any other lot line.
  - e. Gasoline pumps shall be set back at least twenty (20) feet from any front lot line and thirty (30) feet from any other lot line.
  - f. No storage of vehicles shall be permitted for periods in excess of thirty (30) days.

**III. Special Exceptions (S)**

1. Public or privately owned and operated amusement/recreational facilities.

**IV. Uses Prohibited (X)**

1. Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.
2. Warehouses
3. Mini warehouses

**V. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all non-residential projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I* of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I* of this Ordinance.

**VI. Yard and Lot Requirements**

Since the establishment of standard and flexible building setback lines or other restrictions tend to force construction of buildings to be directly behind and directly to the side of other houses or buildings with the possibility of detrimental effects on privacy, view, preservation of important trees, etc., no specific setback lines or types of construction are established for this District. The Planning Commission shall approve the precise site and location of any structure. Such approval shall be based upon the location of the structure with regard to topography, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

**VII. Building Requirements**

1. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
2. No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
3. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.

4. Building design with regard to construction materials and awnings requires Planning Commission approval.
5. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.
6. The maximum building height permitted is fifty-five (55) feet.

**VIII. Traffic requirements**

No entrances or exits shall direct traffic into adjacent Residential Districts.

**IX. Screening Adjacent to Residential Uses**

Where a lot line of a lot within the B-2 District abuts a side or rear lot line of a residential use in any other District, screening shall be provided along said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

**X. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

**XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. *See Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

**XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>*See Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

## **SECTION 6 TOURIST CONSERVATION DISTRICT (TC)**

The intent of this District is to establish, preserve and maintain land for conservation, open space and outdoor recreational uses. Land uses allowed in this District shall not compensate the integrity of the environmentally sensitive areas, but may be used to promote eco-tourism and public awareness of critical habitats. The goal of this District is as follows:

- To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties;
- To enhance quality of life by promoting the creation of accessible green space;
- To protect sensitive, environmental land features to protect the health and safety of

- residents and neighboring property owners;
- To reduce erosion, sedimentation, land disturbance, and removal of vegetation;
  - To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
  - To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.

**I. Uses Permitted by Right (R)**

1. Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses.
2. Parks and green belt areas.
3. Historic and archaeological sites and structures.

**II. Uses Requiring Planning Commission Review (P)**

1. Uses which are secondary to the conservation purpose of the District.
2. Public or private piers and boat docks.
3. Bait store or sales (live bait), need not be enclosed within a structure.
4. Accessory uses associated with uses permitted in this District.
5. Water and sewer lines and other utilities including easements and roads subject to the approval of the U.S. Corps of Engineer, if required.
6. Public or private campgrounds and RV parks.
7. Boat and kayak launches or other similar related structures.

**III. Special Exceptions (S)**

1. Buildings used exclusively by federal, state, county or city government for public purposes.
2. Golf course, driving range and other similar outdoor recreation.

**IV. Uses Prohibited (X)**

Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.

**V. Yard and Lot Requirements**

Since the establishment of standard and flexible building setback lines or other restrictions tend to force construction of buildings to be directly behind and directly to the side of other houses or buildings with the possibility of detrimental effects on privacy, view, preservation of important trees, etc., no specific setback lines or types of construction are established for this District. The Planning Commission shall approve the precise site and

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location of any structure. Such approval shall be based upon the location of the structure with regard to topography, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

**VI. Building Requirements**

1. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
2. No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
4. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
4. Building design with regard to construction materials and awnings requires Planning Commission approval.
5. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.
6. The maximum building height permitted is fifty-five (55) feet.

**VII. Traffic requirements**

No entrances or exits shall direct traffic into adjacent Residential Districts.

**VIII. Screening Adjacent to Residential Uses**

Where a lot line of a lot within the TC District abuts a side or rear lot line of a residential use in any other District, screening shall be provided along said residential lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

**IX. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all non-residential projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *Article 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**X. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

**XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

**XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>*See Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

## **SECTION 7 WORKING WATERFRONT DISTRICT (WW)**

Waterfront views and easy access to the waterside for recreation and relaxation are just some of the unique and sought after amenities that make Chickasaw a great community. In efforts to provide more public waterfront access and entertainment opportunities, and to ensure the proper development of a publicly accessible waterfront is achieved, a Working Waterfront District is established to utilize the city's waterfront to its fullest potential. The intent of the Working Waterfront is to create a District that preserves and promotes the unique waterfront setting of Chickasaw through the combination of residential uses, commercial activities and public open space. The District is designed to support and encourage water oriented commercial activities that are essential to the economy and provide numerous opportunities for pedestrian and tourist access to the surrounding waterfront.

A successful working waterfront should provide public access to both active and inactive aspects of the waterfront through the development of marinas, harbors, boat slips and launches, parks, pedestrian boardwalks, observation decks, fishing piers, etc., while supporting the commercial uses that depend on the waterfront location, such as commercial and recreational fishing and boating, seafood sales, waterfront dining, etc. Residential land uses and retail services are part of a working waterfront as well to supplement the waterfront activities that are allowed in the District.

**I. Uses Permitted by Right (R)**

1. The following types of commercial uses including, but not limited to the following:
  - a. Water Oriented – docks, wharfs, harbors, wet and dry marinas, boat docks, lifts and launches, boat and watercraft rentals, commercial fishing and other recreational services, water taxis, boat storage, construction and repair.
  - b. Public Lodging – hotels, motels, and bed and breakfasts provided the lowest floor of the building shall contain retail uses, restaurants, and public access to the waterfront.
  - c. Restaurants, bars, pubs, and nightclubs
  - e. Retail and establishments such as grocery/convenience stores, bait and tackle shops, clothing shops, and gift shops. Square footage shall not exceed 2,500 square feet.
  - f. Covered markets – farmers market, craft market, seafood market.
  - g. Workshops and repair shops and provided all activities are conducted entirely within the enclosed structure and where all supplies and equipment must be stored indoors or with opaque exterior screening. Square footage shall not exceed 2,500 square feet.
  - h. Contractor’s storage yard for vehicles, equipment, materials and supplies. Need not be enclosed within a structure but must be enclosed within a solid fence to screen view. Chain link fencing is prohibited.
2. Mixed-use buildings subject to the following:
  - a. Uses shall be limited to those permitted in the Working Waterfront District
  - b. The mixed-use shall be compatible and complementary to the surrounding area.
  - c. The primary use is commercial, and the residential use is secondary.

**II. Uses Requiring Planning Commission Review (P)**

1. Multi-Family Residences and Condominiums provided the lowest floor of the building shall contain retail uses, restaurants, and public access to the waterfront.
2. Public parks, playgrounds and recreational areas.
3. Public Utility and service structures including but not limited to water, sewer, fire and police uses.
4. Waterside Loading/Docking Area
5. Campgrounds and RV Parks

6. Food processing facility, including cold storage, in an enclosed building that does not exceed 1,500 square feet in area

**III. Special Exceptions (S)**

1. Drive-In uses

**IV. Uses Prohibited (X)**

1. Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*, including the following:
2. Industrial uses that exceed 1,500 square feet in area, create excessive noise, fumes, dust, debris, or traffic, or are not compatible with the surrounding area.
3. Retail uses that exceed 2,500 square feet in area.
4. Any use that disrupts the visual accessibility of the waterfront
5. Commercial or Mixed-uses in predominantly residential areas that would result in an unreasonable increase in traffic, noise, or lighting that disrupts residential quality of life

**V. Site Plan and Master Plan Requirements**

1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**VI. Yard and Lot Requirements**

No specific setback lines or types of construction are established for this District in order to prevent the detrimental effects on privacy, view, preservation of important trees, etc. The Planning Commission shall approve the precise site and location of any structure within the parameters of the required waterside yard. Such approval shall be based upon the location of the structure with regard to topography, location of large trees, water views, and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

**VII. Building Requirements**

In order to ensure the proper development of a publicly accessible waterfront is achieved, all new developments in the Working Waterfront District that are adjacent to the waterfront must provide linear public access corridors to the waterfront through the following mandatory requirements, which are in addition to all other requirements listed below:

- continuous access parallel to the shore;
- upland connectors perpendicular to the shoreline;
- connectors perpendicular from lower level boardwalks to upper level boardwalks, decks and/or mezzanines;
- additional publicly accessible open space as part of large developments;
- no-build setbacks along all residential shoreline development;
- linkages to tie into and/or extend the existing boardwalk network;
- minimum design standards (contact Building Official's office for details); and
- view corridors located to ensure visual access to the water.

1. Residential and Mixed-Use Buildings

- a. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
- b. Front porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street
- c. The maximum building height permitted is fifty-five (55) feet
- d. The minimum amount of square footage permitted is six hundred (600) square feet per dwelling unit and per floor
- e. Metal buildings are prohibited.
- f. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if it is determined to be non-invasive to the character of the surrounding area
- g. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk

2. Commercial Buildings

- a. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.
- b. Porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street
- c. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
- d. Metal buildings are permitted, provided that no metal exterior siding is visible. Building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;

- e. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if it is determined to be non-invasive to the character of the surrounding area
- f. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk
- g. The maximum building height permitted is fifty-five (55) feet.

### **VIII. Lighting**

Lighting shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

1. Exterior lighting shall be complementary to the District, compatible with the architectural design of the building, and enhance landscaping and public safety. Excessive brightness shall be avoided.
2. Exterior lighting shall be shielded at its source to prevent glare and adverse illumination of adjacent properties, public areas, and streets.
3. If off-street parking is required, parking areas shall have appropriate lighting that is complementary to the District, to permit safe pedestrian travel
4. All other applicable Ordinances and regulations must be followed.

### **IX. Parking**

Parking areas shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

1. Residential Buildings  
Multi-family residences and Condominiums must provide a minimum of one (1) parking space for each residential unit.
2. Mixed-Use and Commercial Buildings
  - a. Mixed-use buildings shall provide a minimum of two parking spaces for each residential unit, plus one parking space for every three hundred and fifty (350) square feet for non-residential uses of retail, service or business. If the non-residential use is an eating or drinking establishment, then one (1) space is required for each four seating accommodations and one (1) space for every two employees on a shift.
  - b. Commercial buildings containing retail, service or business uses shall provide a minimum of one (1) space for every three hundred and fifty (350) square feet. Commercial buildings containing an eating or drinking establishment shall provide one (1) space is required for each four (4) seating accommodations and one (1) space for every two employees on a shift.

### **X. Landscaping and Screening**

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Landscaping and screenings shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

Mixed-Use Buildings and Commercial Buildings shall meet the following requirements:

1. Yards shall be landscaped to enhance architectural features, define public access, shield outdoor service areas, and reduce the visual impact of parking areas.
2. Landscaping with native plant species is encouraged to promote the sustainability of the area's natural resources and wildlife
3. All exterior activities, operations, or materials, including dumpsters and trash receptacles, shall be adequately screened from public view by plantings or a compatible enclosure.
4. All screening and fencing shall be compatible with and designed to complement the architecture of the structure. Chain link fencing shall be discouraged.

## **XI. Signs**

Signs shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

Each business located within the Working Waterfront District shall be allowed one (1) sign. The sign may be of the following types: Awning, Wall, Ground, Window, Projecting or Monument Sign. All shall adhere to the following specifications for each type of sign:

1. Awning or Canopy Sign: Shall be flat against the surface of the awning and must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
2. Wall or Building Façade Sign: The sign shall have a maximum of twenty five (25) square feet aggregate area and may only be illuminated by exterior lighting focused directly on the sign. They shall not extend higher than the building surface upon which they are mounted. They shall not project more than twelve (12) inches from the building surface upon which they are mounted.
3. Ground or Free Standing Sign: A single faced sign shall have a maximum of twenty five (25) square feet aggregate area. A double faced sign may have twenty five (25) square feet per side, or fifty (50) square feet total aggregate. The sign may only be illuminated by exterior lighting focused directly on the sign. The bottom of the sign must be at three (3) feet above ground, measured from the average elevation of the nearest road centerline. The sign shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building.
4. Window Sign: Signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the

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premises where such sign is located and shall not occupy more than 25% of the glass area.

5. Projecting Signs: Projecting signs may not project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.
6. Monument Signs: Monument signs shall not exceed five (5) feet above the natural ground level.

## **XII. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

## **XIII. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Buffers & Fencing
- Storm Water & Environmental Protection

## **XIV. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>*See Article 7: General Provisions & Article 8: Supplemental Regulations*

## **SECTION 8 SHIPYARD VILLAGE DISTRICT (SV)**

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

The intent of this District is to create a charming and centralized shopping District that allows residential, small-scale retail service and business, mixed-use buildings, and low impact development, with a pedestrian-friendly streetscape that is harmonious with Chickasaw's small-town atmosphere and character. The District requires specific design guidelines and setbacks, creating a historic downtown feel to the area and to ensure proper development practices are achieved that ultimately creates a unique sense of place that reflects Chickasaw's vast maritime history.



**I. Uses Permitted by Right (R)**

1. Neighborhood commercial uses including but not limited to the following:
  - a. Personal Service Establishments
  - b. Studios
  - c. Walk-up establishments
  - d. Restaurants where the dining area does not exceed 1,000 square feet
  - e. Retail not to exceed 1,500 square feet
  - f. Professional Offices such as attorney or accountant

**II. Uses Requiring Planning Commission Review (P)**

1. Mixed-use buildings subject to the following:
  - a. Uses shall be limited to those permitted in the Shipyard Village District and shall be confined to one structure per parcel.
  - b. The mixed-use is compatible and complementary to the surrounding area
  - c. The business use is considered primary use and residential use is considered secondary use.
2. Services such as plumber or carpenter or similar workshop or repair establishment conducted entirely within the enclosed structure and where all supplies and equipment must be stored indoors or with adequate exterior screening so as not to be visible from an adjacent property.
3. Bed and Breakfasts
4. Family entertainment establishments
5. Public parks and recreational areas
6. Public utility and service structures including but not limited to water, sewer, fire and police uses\*
7. Museums\*

\* For the purposes of the Shipyard Village District, these uses shall be considered commercial uses, and therefore shall be subject to the requirements imposed on commercial buildings in this District.

**III. Special Exceptions (S)**

1. Grocery stores and other commercial developments that require a larger building footprint.
2. Hotel/motel
3. Community gardens

**IV. Uses Prohibited (X)**

1. Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*, including the following:
2. Industrial uses
3. Commercial or Mixed-uses in predominantly residential areas that would result in an unreasonable increase in traffic, noise, or lighting that would disrupt residential quality of life and general atmosphere that is desired in this District.
4. Bars, pubs, nightclubs, and establishments of this type that impose noise or light from music or crowds where the impact would adversely affect adjacent or nearby residences.

**V. Site Plan Review**

1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**VI. Yard and Lot Requirements**

1. Lot Width: None
2. Lot Area: None
3. Lot Coverage: None
4. Front Yard Setback: 0-10 feet
5. Side Yard: None \*10 feet only if adjacent to Residential District
6. Rear Yard: None
7. Corner Lot Side Yard: None
8. Building Height: 35 feet or 3 stories

**VII. Building Requirements**

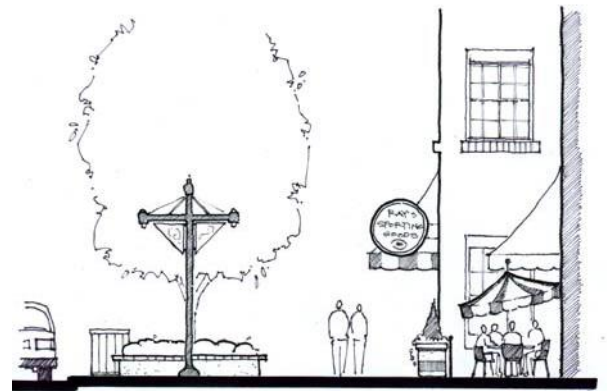
**\*\*NOTE: Additional standards and review will be required for properties located within the Historic District of Chickasaw, see City Ordinance No. 1599 and Zoning Map for boundary.**

1. Residential and Mixed-Use Buildings

- a. Mixed-use buildings shall have a look that resembles residential structures.
- b. The size and number of doors and windows shall be proportionate to the structure.
- c. Front porches, patios, gardens, decks, and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street.
- d. The maximum building height permitted is thirty-five (35) feet.
- e. The minimum amount of square footage permitted is six hundred (600) square feet per dwelling unit and per floor.
- f. The major façade of the structure and front entrance shall be located on the side facing the street.
- g. Metal is not permitted as an exterior finishing material for walls unless the product gives the appearance of wood siding from the closest distance that it will be viewed by the general public.
- h. Metal, plastic, wood or illuminated awnings are prohibited. Small fabric awnings or canopies may be permitted, upon Planning Commission approval, if they are determined to be non-invasive to the character of the surrounding area.
- i. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.

2. Commercial Buildings

- a. The building line on an individual lot shall not differ by more than 5 feet from the building line of adjacent lots.
- b. The building frontage should be slightly set back from the right-of-way line to allow for all primary entrances to be connected to the public right-of-way by a sidewalk at least 5 feet wide, see *Figure 8-1*.
- c. The ground level of the building is predominantly transparent and available to uses serving the public, thus providing varied and interesting environment to pedestrians. Retail storefronts should maximize window area on facades, especially in areas with regular pedestrian traffic. Seventy (70) percent or more window area is preferred. Windows should be transparent.



*Figure 8-1. Streetscape refers to all areas visible from the street and fronting buildings, and may consist of public or private property.*

- d. Any setback area established should typically be designed seamlessly with the right-of-way, providing either expanded sidewalks, landscape beds, street-front seating, or covered walkways. Porches, patios, gardens, decks and courtyards are encouraged to increase service area and provide visual interest and continuity with the sidewalk and street.
- e. No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
- f. All buildings shall have a primary entrance that faces the street.
- g. Building facades should use materials that present a consistent streetscape, see *Figure 8-2*. Use of visual features such as awnings, ornamental doors and windows, and architectural details are encouraged to create diversity.
- h. **Building Height** – Building heights should not differ by more than 15% on a single block, except that taller buildings that anchor a corner may not be considered in calculating the block average. See *Figure 8-3*.
- i. **Roofs** – Roofs should be either pitched between 6:12 and 12:12 or be flat with parapets or decorative cornices. Roof mounted equipment should be screened from public view on all sides.
- j. Blank wall spans should be avoided and false windows are permitted. Buildings located on corner lots shall have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall sections.
- k. The majority of parking should be located to the side or rear of buildings to allow buildings closer to the street and sidewalks so that the buildings and the activities within them are ore easily observed by the public.



*Figure 8-2. Long building facades should use variations in building mass while still presenting a consistent streetscape.*



*Figure 8-3. Height deviations buildings along a single block should be small except that taller buildings may anchor corners of blocks.*

## VIII. Lighting

Lighting shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

1. Residential and Mixed-Use Buildings
  - a. All external lighting shall be appropriate and not exceed that which is normally found in residential areas. All external lighting that negatively impacts adjacent residential lots or areas shall be prohibited
2. Commercial Buildings
  - a. Exterior lighting shall be complementary to the District, compatible with the architectural design of the building, and enhance landscaping and public safety. Excessive brightness shall be avoided.
  - b. Exterior lighting shall be shielded at its source to prevent glare and adverse illumination of adjacent properties, public areas, and streets.
  - c. If off-street parking is required, parking areas shall have appropriate lighting that is complementary to the District to permit safe pedestrian travel

## **IX. Parking**

Parking areas shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

1. Mixed-Use Buildings

Mixed-use buildings shall provide a minimum of two parking spaces for each residential unit, plus one parking space for every three hundred and fifty (350) square feet for non-residential uses of retail, service or business. If the non-residential use is an eating or drinking establishment, then one (1) space is required for each four seating accommodations and one (1) space for every two employees on a shift.
2. Commercial Buildings

Commercial buildings containing retail, service or business uses shall provide a minimum of one (1) space for every three hundred and fifty (350) square feet. Commercial buildings containing an eating or drinking establishment shall provide one (1) space for each four (4) seating accommodations and one (1) space for every two employees on a shift.

## **X. Landscaping and Screening**

Landscaping and screening shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance. Mixed-Use Buildings and Commercial Buildings shall meet the following requirements

1. Front yards shall be landscaped to enhance architectural features, define public access, shield outdoor service areas, and reduce the visual impact of parking areas.

2. Where a mixed-use or commercial building is adjacent to a residential use, side and rear yard vegetative buffers shall be required to lessen the visual and auditory impacts on the adjacent residences.
3. All exterior activities, operations, or materials, including dumpsters and trash receptacles, shall be adequately screened from public view by plantings, or a compatible enclosure.
4. All screening and fencing shall be compatible with residential structures and designed to complement the architecture of the structure. Chain link fencing is prohibited.
5. Vehicle parking areas shall be separated by a landscape island of not less than 6' wide to serve as a pedestrian protection buffer between the sidewalk and street.

## **XI. Signs**

Signs shall be constructed in accordance with *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance.

Each business located within the Shipyard Village District shall be allowed one (1) sign. The sign may be of the following types: Awning, Wall, Ground, Window, Projecting or Monument Sign. All shall adhere to the following specifications for each type of sign:

1. Awning or Canopy Sign: Shall be flat against the surface of the awning and must be placed to maintain a minimum of eight (8) feet vertical clearance from the finished surface directly below.
2. Wall or Building Façade Sign: The sign shall have a maximum of twenty five (25) square feet aggregate area and may only be illuminated by exterior lighting focused directly on the sign. They shall not extend higher than the building surface upon which they are mounted. They shall not project more than twelve (12) inches from the building surface upon which they are mounted.
3. Ground or Free Standing Sign: A single faced sign shall have a maximum of twenty five (25) square feet aggregate area. A double faced sign may have twenty five (25) square feet per side, or fifty (50) square feet total aggregate. The sign may only be illuminated by exterior lighting focused directly on the sign. The bottom of the sign must be at three (3) feet above ground, measured from the average elevation of the nearest road centerline. The sign shall not be placed in a location that will obstruct the view of a motorist or a pedestrian leaving or passing the building.
4. Window Sign: Signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located and shall not occupy more than 25% of the glass area.
5. Projecting Signs: Projecting signs may not project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance.
6. Monument Signs: Monument signs shall not exceed five (5) feet above the natural ground level.

**XII. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

**XIII. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Buffers & Fencing
- Storm Water & Environmental Protection

**XIV. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>*See Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

**SECTION 9 LIGHT INDUSTRIAL DISTRICT (I-1)**

The intent of the Light Industrial District is to establish and preserve areas for industrial and related uses of such a nature that they do not create serious compatibility problems with other land uses, and to provide for certain kinds of commercial uses which are most appropriately located as neighbors of these industrial uses or which are necessary to service the immediate needs of the people in this District. Such a District consists of land and structures used for light manufacturing or wholesaling, or suitable other uses where these uses and their operation do not directly and adversely affect nearby residential and commercial uses. An I-1 District is usually separated from residential areas by business areas or natural barriers. The District regulations are designed to allow a wide range of light industrial activities subject to limitation which protect nearby residential and business Districts.

Light industrial activities are considered manufacturing or industrial operations which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zoning District boundaries in which such operations are located, including, but not limited to the following categories:

- a. Low Intensity: Candy, pharmaceutical, and optical and scientific instrument manufacture; industrial Arts and Crafts; and plumbing shops.
- b. Medium Intensity: Air conditioner filter manufacturing; bottling plants; sign manufacture; wholesale dairy processing, bottling and distribution; leather goods manufacture from hides but excluding tanning; and industrial research and education.

**I. Uses Permitted by Right (R)**

1. Any heavy commercial, business, service and manufacturing uses permitted in a B-2 District.
2. Any light industrial operations such as ice cream plants, creameries, cold storage plants, bottling and central distribution plants, baking plants, dry cleaning and laundry plants, wholesale and warehousing establishments, trucking firms, computer and similar high-technology plants, all of which are not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluent.

**II. Uses Requiring Planning Commission Review (P)**

1. Any industrial, manufacturing or business use not specifically prohibited herein, providing it is considered as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating traffic hazards, and as being in harmony with the orderly and appropriate development of the District in which it is located.

**III. Special Exceptions (S)**

1. Warehouses
2. Mini warehouses

**IV. Uses Prohibited (X)**

1. Residential structures
2. Central mixing plant for cement, mortar, plaster, or paving materials;
3. Curing, tanning, or storage of hides;
4. Distillation or rendering processes;
5. Manufacturing or flammables, acids, chemicals; bricks, pottery, terra cotta, tile or concrete blocks;
6. Junk yards;
7. Cotton waste- reclaiming; and similar types of plants of operations.

**V. Site Plan and Master Plan Requirements**

1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.
2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**VI. Yard Requirements**

None specified, only that the lot be large enough to be used for the intended purpose and provide adequate parking and loading space in addition to space for other operations incidental to the principal use.

**VII. Building Requirements**

In efforts to create and maintain a welcoming environment into the city, all new developments in an I-1 District, located adjacent to Highway 43 must provide sidewalks, proper landscaping and adhere to building requirements, subject to Planning Commission approval. The Planning Commission shall approve the precise site and location of any structure. Such approval shall be based upon the location of the structure with regard to topography, location of large trees and similar considerations. Approval shall be determined after reasonable opportunity is afforded the owner of the property to recommend the precise site and location of any structure.

1. The size and number of doors and windows shall be proportionate to the structure. False windows are permitted.

2. No metal exterior siding shall be visible, and building facades should be of brick, stone, siding, wood, stucco, or other masonry materials that give the appearance of the above mentioned;
5. Commercial buildings situated on corner lots shall also have a side façade that continues the materials and details of the front façade, including an appropriate number of windows to break up long expanses of wall.
4. Building design with regard to construction materials and awnings requires Planning Commission approval.
5. All mechanical equipment and trash receptacles shall be screened from view from any public street or sidewalk.
6. Maximum building height: Except as provided for elsewhere in this ordinance no structure shall exceed a height of three (3) stories or forty-five (45) feet.
7. Maximum building coverage: None specified.

### **VIII. Traffic requirements**

No entrances or exits shall direct traffic into adjacent residential Districts.

### **IX. Screening Adjacent to Residential Uses**

Where a lot line of a lot within the I-1 abuts a side or rear lot line of any other District, screening shall be provided along said lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

### **X. Accessory Buildings**

*See ARTICLE 8: Supplemental Regulations*

### **XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

### **XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>See Article 7: *General Provisions* & Article 8: *Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

## **SECTION 10 HEAVY INDUSTRIAL DISTRICT (I-2)**

It is the intent of the Heavy Industrial District is to establish and preserve areas for necessary industrial and related uses of such a nature that they require isolation from any other kinds of land uses, and to provide for certain kinds of commercial uses which are most appropriately located as neighbors of these heavy industrial uses or which are necessary to service the immediate needs of the people in this District. Such a District consists of the land and structures used for heavy manufacturing and related activities. Located for convenient access to existing and future transportation arteries, these Districts are generally separated from residential areas by business areas, light industrial areas, or by natural barriers. The District regulations are designed to permit the development of the District for almost any industrial use, subject to the minimum regulations necessary for the mutual protection of the other defined uses in this Ordinance.

Heavy industrial activities are considered manufacturing or industrial operations in which such operations are located, and include, but are not limited to the following categories:

High Intensity: clothing, textile, furniture, ceramic, plastic, paint, oils, shellac, lacquer, pottery, and porcelain manufacture; tire recapping and retreading; electrical equipment assembly; electroplating or battery making; and grain processing.

### **I. Uses Permitted by Right (R)**

Any industrial, service or commercial use, except those which after due review and study by the Planning Commission are concluded to cause noise, smoke, gas, vibrations which would be detrimental to the adjacent environment or to the city as a whole.

### **II. Uses Requiring Planning Commission Review (P)**

Any industrial or service use, subject to such conditions and safeguards that may require additional standards in order to preserve and protect sections of the city which could be affected.

### **III. Special Exceptions (S)**

### **IV. Uses Prohibited (X)**

1. Residential Uses
2. Any Use not specifically permitted by *Right (R)*, *Requiring Review (P)*, or by *Special Exception (S)*.

**V. Site Plan and Master Plan Requirements**

1. Site Plan Review - A site plan shall be required for all projects involving new construction, a change of use, or an increase in the building footprint. A list of items to be included on the site plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *APPENDIX I*, of this Ordinance.

2. Master Plan Review - A master plan shall be required for all projects with multiple phases and/or multiple principal structures. A list of items to be included in the master plan can be found in *ARTICLE 10: General Review & Zoning Procedures* and *Appendix I*, of this Ordinance.

**VI. Yard Requirements**

A yard or buffer zone of fifty (50) feet adjacent to any public street bounding property in an I-2 District shall be maintained and no building or other structure shall be permitted within such buffer zone.

A similar yard area or buffer zone of fifty (50) feet shall be maintained as the minimum distance from any dwelling, as defined in this Ordinance, situated on property abutting property in an I-1 or I-2 District.

**VII. Building Requirements**

None specified.

**VIII. Traffic requirements**

No entrances or exits shall direct traffic into adjacent residential Districts.

**IX. Screening Adjacent to Residential Uses**

Where a lot line of a lot within the I-2 District abuts a side or rear lot line of any other District, screening shall be provided along said lot line. Such screen may be in the form of walls, fences or landscaping; shall be at least six (6) feet in height. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after open storage uses are established.

**X. Accessory Buildings**

See *ARTICLE 8: Supplemental Regulations*

**XI. Additional Required Site Standards & Design Details**

The following requirements shall be reviewed and verified to ensure the performance standards listed below are fulfilled and in compliance with this Ordinance. See *Article 9: Planning & Design Guideline Requirements* for details on each of the following.

- Parking Layout
- Landscape Design
- Lighting
- Signage
- Buffers & Fencing
- Storm Water & Environmental Protection

**XII. Additional Zoning Regulations That Apply To All Property**

<sup>1</sup>See *Article 7: General Provisions & Article 8: Supplemental Regulations*

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<sup>1</sup> Refer to Articles 7 & 8 for additional standards and requirements that may need to be reviewed before application approval.

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## **ARTICLE 7 GENERAL PROVISIONS**

General provisions are standards of a general nature, designed to protect against any undesirable uses which might otherwise occur. Application of these regulations apply to all parcels of land in the city, and in every zoning district.

### **SECTION 1 APPLICATION OF REGULATIONS**

- A. *Compliance with District Requirements:* Any use permitted in any District, whether by Right or with Planning Commission approval, or as a Special Exception, must comply with the requirements of the District in which it is located; unless a variance from such requirements is specifically requested and approved by the Board of Adjustment.
- B. In general, any more restrictive use may be permitted in a less restrictive use District, but no less restrictive use may be permitted in a more restrictive use District.
- C. In any case where a requested use is not specifically referred to in this Ordinance, its status shall be determined by the Planning Commission by reference to this Ordinance, to the most clearly analogous use.

### **SECTION 2 USE OF STRUCTURES, BUILDINGS & LAND**

- A. *Use:* No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.
- B. *Building Heights:* No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located unless approved by the Board of Adjustment.
- C. *Utilities:* Utility structures, including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replaced within any zoning district in Chickasaw. This does not include the erection or construction of electric substations.
- D. *Occupancy in Dwelling Units:* No more than one (1) family, as defined in Article 4 of this Ordinance: *Definition of Terms*, shall be permitted to reside in any one (1) dwelling unit (for example, only one (1) family shall be permitted in a single-family dwelling, two (2) families in a duplex, and one (1) family in each approved dwelling unit within a multi-family building).

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### **SECTION 3 ONE PRINCIPAL BUILDING PER LOT**

The following shall only apply in an R-1 and R-2 Residential zoning district: Any single-family and/or two-family residential structure located in an R-1 and/or R-2 Residential zoning district, that is hereafter erected or moved, shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot.

- A. In any district where multi-family structures, apartments, condominiums, hotels or motels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. If the structure is located in a Flood Zone, as indicated on the Official Zoning Map, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section.

### **SECTION 4 LOTS**

- A. Lot Size: No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained.
- B. Lot Requirements for Sanitary Sewer: Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems border any development or lot lines or are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the health department, for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the health department requirements may continue to be used.
1. It is the intent of this ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system fails to function properly or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.
    - *See Subdivision Regulations*
  2. In the event that a property owner wishes to install an on-site well for irrigation purposes, this activity shall be allowed after obtaining approval from the Building Official.
- C. Access to Lots: Access to public streets shall be maintained in accordance with the following requirements:

1. Frontage. Each principal use shall be placed on a lot or parcel which provides frontage on a public street having a right-of-way of not less than fifty (50) feet, except where existing public rights-of-way are less than fifty (50) feet.
  2. Access. Any additional dwelling, duplex or multi-family dwelling unit shall have access to a public street at least fifteen (15) feet in width.
- D. Minimum Lot Area and Width: Except as provided herein, any lot not meeting the required lot width and lot frontage of the applicable district shall be considered a flag lot and shall only be permitted in accordance with the applicable provisions of the Subdivision Regulations.
- E. Use of Non-Conforming Lot of Record: Where the owner of an existing Lot of Record or his successor to the title thereto, does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the Lot of Record may nonetheless be allowed to be used as a building site, without meeting the minimum lot area and lot width requirements, provided that:
1. The use is permitted in the zoning district;
  2. The lot has been in separate ownership from abutting lands at all times since it became non-conforming;
  3. The lot was created compliant with official controls in effect at that time; and
  4. The setback requirements of this Ordinance are met.
  5. When two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, the lots shall not be considered as separate parcels of land for the purposes of sale or development. Such lots shall be platted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.
- F. Lot Size Requirement for Re-Zoning: Any size lot or parcel of land may apply for a re-zoning classification; however, a size requirement of at least one (1) acre is required when creating a new zoning district.
- G. Waterfront Lots: Any lot that is adjacent to the waterfront encompassed within the municipal limits of the City of Chickasaw must provide viewshed protection to ensure waterfront views are protected and available for all citizens of Chickasaw to enjoy. Refer to *District Requirements* in Article 6 of this Ordinance for specific standards and requirements for waterfront lots.

## **SECTION 5 YARD REQUIREMENTS**

Yard requirements shall be modified subject to the following conditions:

- A. Yard Use Limitations: No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.
- B. Through Lots: On double frontage or through lots, the required front yard shall be provided on each street.
- C. Porches: An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.
- D. Contextual setbacks: The intent of “contextual setbacks” is to ensure consistent building setbacks along block frontages involving multiple zoning districts. The contextual setback may be adjusted where a physical separation or transition between abutting districts exists naturally or as a result of development. These provisions shall apply to front yard and street side yard setback requirements of this Ordinance. On substandard lots of record, the front, side and rear setbacks may be less than required in this ordinance; provided that, the front setback is in line with existing adjacent structures on the same block and on the same side of the street; no side setback shall be reduced to less than ten (10) feet; and no rear setback shall be reduced to less than twenty five (25) feet. The amount of reduction up to these limits shall be determined by the Building Official in consideration of the lot size and the size of the proposed structure.
- E. Corner Lots: The setback requirement for yards opposite the street frontage on a corner lot, i.e. side and front yards, shall be equal to the minimum front yard setback requirement in each Residential zoning district. The interior side of said lot shall adhere to the minimum required setback of the said zoning district. The side of the lot adjacent to a public right of way must maintain a twenty five (25) foot side yard setback for the purposes of providing adequate sight distances, safety, air and light to abutting residences and for aesthetic considerations.
- F. Waterside Yards: All parcels that contain a waterside yard must adhere to the specific yard, fencing and setback requirements set forth in this Ordinance.

#### **SECTION 6 STREET, SIDEWALK & DRIVEWAY GUIDELINES**

All new developments and/or construction is required to install a twelve (12) foot wide driveway, comprised of concrete, brick or brick pavers, and must include a two (2) foot wide winged apron connecting to the right-of-way or the existing street. Additionally, all new development and/or construction is required to install a sidewalk extending along the entire frontage of the lot where the construction is occurring. All new streets in all zoning districts must provide sidewalks to promote a more walkable community. See the City of Chickasaw’s Subdivision Regulations for sidewalk standards.

All new developments that are adjacent to Highway 43 and Lee Street must provide additional landscaping to the street frontage and parking lot in efforts to enhance these main entry corridors into the city. See *ARTICLE 9: Planning & Design Guideline Requirements* of this Ordinance for required additional landscaping along these corridors.

## **SECTION 7 VIEWSHED PROTECTION**

All parcels of land encompassed within the municipal limits of the City of Chickasaw must provide viewshed protection to ensure waterfront views are protected and available for all citizens to enjoy. Specific setbacks, yard and fencing requirements are established for waterside yards located in zoning districts where waterfront lots are located. See said zoning district for list of requirements.

## **SECTION 8 NON-CONFORMING USES & STRUCTURES**

It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance are as much a subject of public health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance.

It is also the intent of this Ordinance to regulate non-conforming uses, buildings and structures and to provide for their gradual elimination so as to avoid any unreasonable invasion of established private property rights.

Therefore, all legally established non-conformities existing as of the date of enactment of this Ordinance, and amendments thereto, that are not in conformity with its use, regulations and provisions, and not in violation of zoning regulations that are in effect immediately prior to the adoption of this Ordinance, may continue provided that they are managed in accordance with applicable state statutes and the following standards:

- A. Unsafe Structures: Any structure or portion thereof declared unsafe by any authority may be restored to a safe condition, provided the requirements in this section are met.
- B. Alterations: Any change in a nonconforming building site or yard area is subject to the following:
  - 1. Any improvements, alterations, replacements, repairs or installation of new fixtures or equipment for an existing nonconforming structure may be accomplished by the owner of the structure upon obtaining the proper permits from the City inspection department; provided that such improvements will not be detrimental to the area, will not increase the nonconformity, and will, in all other respects, meet the requirements of the district.
  - 2. Should a nonconforming building be moved, all nonconforming yard areas shall be eliminated.
  - 3. A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this ordinance.

4. A nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the tax assessed value of the structure, building or improvement may not be reconstructed or restored to the same nonconforming use except upon approval of the Board of Adjustment. Such damaged or destroyed structures that are no longer in use shall be removed and the site cleared at the owner's expense.
- C. *Change in Use:* A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
- D. *Discontinuance:* A nonconforming use which became such upon the adoption of this ordinance and which has been discontinued for a continuous period of six (6) months shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.
- E. *Adjacent Land:* The presence of a nonconforming use in a zoning district shall not be allowable as legal grounds for the granting of variances or zoning amendments for other surrounding properties by the Board of Adjustment.

## **SECTION 9 GRANDFATHER CLAUSE**

Any use of buildings or land existing on the date of adoption of this ordinance and not in compliance with its provisions, unless elsewhere restricted by other provisions of this Ordinance, shall be allowed to continue as a nonconforming use. Any land development projects in Chickasaw within the territorial and legal authority of this Ordinance that are not located in a district designated for their intended use may be permitted to continue provided that:

1. The project was under construction prior to the date of adoption of this ordinance. For the purposes of this section, under construction shall mean that a legal building or construction permit has been issued and that actual construction has been or will be started within the initial period of validity of the permit, exclusive of any time extensions.
2. The City reserves the right to require compliance with the requirements of this ordinance for districts in which similar uses are permitted; and
3. Other conditions may be required by the City due to the unique circumstances of the land.

## **SECTION 10 PROTECTION BUFFER REQUIREMENTS**

In instances where a multi-family, commercial or industrial zoning district or use abut a single-family or duplex residential district, a protection buffer is required in order to maintain the integrity and protect the quality of life of these residential districts. The following districts and land uses shall comply with the following minimum standards:

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- A. Protection Buffer Between Different Zoning Districts:  
Except as otherwise provided hereinafter, whenever the boundary of property zoned multi family, commercial or industrial adjoins property that is zoned residential, there shall be provided on the business, industrial, or multi family property a protection buffer not less than twenty (20) feet in width. Any required yard shall be counted as part of such protection buffer strip.
- B. Protection Buffer Between Different Land Uses:  
Whenever a parcel has a designated land use of Residential and abuts a parcel with a non-residential land use designation, there shall be provided on the non-residential parcel, a protection buffer not less than six (6) feet width. Any required yard shall be counted as part of such protection buffer strip.
- C. Protection Buffer on Vacant Property: These regulations shall not apply to vacant property. Vacant property is property that is zoned for a particular use or uses but has never been devoted to such use or uses.
- D. Protection Buffers for Property on a Public Street or Streets: Properties shall be considered immediately adjoining or adjacent if separated by a public street or right-of-way. Ordinarily, no protection buffer shall be required for the portion of the property facing a public street(s) or right-of-way. However, in any Commercial or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall provide a protection buffer on the portion of the property facing a public street(s) or right-of-way to provide concealment to adjoining residential districts facing the said street(s) or right of way.

## **SECTION 11 TYPES OF BUFFERS, SCREENINGS & LIGHTING**

The protection buffer may be a wall, fence, or screen-planting strip that complies with the following regulations:

1. Wall or Fence. If a wall or fence is provided as a protection buffer, it shall be six (6) feet high, of a construction and design approved by the Building Official.
2. Screen Planting Strip. If a screen planting strip is provided as a protection buffer, it shall be at least twenty (20) feet in width, shall be planted with materials in sufficient density and of sufficient height [but in no case less than six (6) feet at the time of planting and at all subsequent times] to reduce the occurrence of and afford protection to the protected residential district from nuisances such as: the glare of lights, dust and debris, visual encroachment, and to effectively reduce the transmission of noise. Screen

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planting shall be maintained in a clean and neat condition and in such manner as to accomplish its purpose continuously.

3. Responsibility for maintenance and good repair of the wall, fence, or screen planting shall be borne by the owners of the property. The Building Official's decision as to the extent of the protection provided by a screen planting strip, shall be final. The Building Official may require, at any time, the construction of an authorized wall or fence, if for any reason the screen planting strip fails to provide the protection mandated herein. The risk that the screen planting strip does not, or will not, provide such protection shall be the real property owners, present or future.
4. Any outside area designated for service facilities, that is, utility, garbage receptacles, garbage cans, gas, fuel tanks or liquid petroleum tanks, etc. shall be properly screened. Plans for screening indicating size, design, texture, appearance and location must be approved by the Planning Commission prior to construction.
5. Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way.

## **SECTION 12 GARBAGE, TRASH DISPOSAL & DUMPSTER SCREENINGS**

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers approved by the City Council. All dumpsters shall be adequately screened from public view with an appropriate, sight proof enclosure approved by the City.

## **SECTION 13 ANIMALS**

No animals, livestock or fowl of any kind that includes roosters, turkeys, guineas, ducks and geese, shall be kept within city limits, with the exception of house pets and chicken hens, provided they are not kept, bred or maintained for any commercial use or purpose. See city Ordinance number 2015-25 for regulations regarding the keeping of chicken hens within city limits.

## **SECTION 14 EXISTING COVENANTS**

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this ordinance; otherwise, the requirements of this ordinance shall apply.

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**SECTION 15 ABATEMENT OF USES CREATING HAZARDS OR NUISANCES**

The Board of Adjustment and Appeals may require the conduct of any use conforming or non conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, explosion hazard, or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board may direct the Building Official to issue an abatement order, but such order may be directed only after a public hearing by the Board, notice of which shall be sent by certified mail to the owners or operators of the property on which the use is conducted. A hearing to consider issuance of an abatement order shall be held by the Board either upon petition signed by any person affected by the hazard of the nuisance, or upon the initiative of the Board. An abatement order shall be directed by the Board only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

**SECTION 16 RESIDENTIAL USES IN BUSINESS DISTRICT**

Residential uses established in any Business District must comply with the minimum requirements found in the Residential Districts set forth in this Ordinance.

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## **ARTICLE 8 SUPPLEMENTAL REGULATIONS**

### **SECTION 1 PURPOSE**

The provisions of this article are intended to supplement standards and regulations found in the individual zoning districts of this Ordinance. These regulations are more detailed and require additional explanation. Unless otherwise stated in such district regulations or in this article, the standards stated herein are applicable to all uses.

### **SECTION 2 ACCESSORY BUILDINGS & STRUCTURES**

Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- A. Is customarily incidental to and is maintained and operated as a part of the principal use;
- B. Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated;
- C. Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use;
- D. Have a maximum of two (2) located on the same lot; and,
- E. Accessory buildings/structures in Residential Districts: In residential districts an accessory use will conform to the following requirements:
  - a. Minimum lot area and width: None specified, only that the lot be large enough to accommodate the principal building plus the accessory building or buildings and meet the yard and other requirements specified in this Ordinance.
  - b. Yard Requirements: An accessory structure may be located in a rear or side yard but shall not be closer than five (5) feet to any side or rear lot line and no closer than ten (10) feet to the principal structure.
    - i. Front Yard. Detached accessory buildings shall not be located or extended in the front yard.
    - ii. Side yard. Detached accessory buildings shall not be located or extended in the side yard.
    - iii. Rear yard. Detached accessory buildings shall maintain a rear yard of not less than five (5) feet.

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- iv. Waterside yard. The detached accessory structure shall be located a minimum of five (5) feet away from the principal structure and a minimum of fifteen (15) feet away from the waterfront line and a maximum of eight (8) feet in height to protect the viewshed of the waterfront.
  - c. A detached accessory building shall not be closer than seven (7) feet from the lot lines for properties that abut a public alley or right-of-way.
  - d. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a common wall or a party wall, and therefore, such requirements applicable to the main building shall apply.
  - e. A detached accessory building, not more than one (1) story or fifteen (15) feet in height.
  - f. Accessory buildings must be compatible with the main structure and the general character of the surrounding neighborhood.
  - g. A detached accessory building shall not be located on a lot by itself.
  - h. Maximum building coverage is not specified, only that the principal building, combined with the accessory building(s) must comply with the requirements applicable to the maximum building coverage specified in the Residential zoning districts of this Ordinance.

### **SECTION 3 TEMPORARY USES & BUILDINGS**

#### **Temporary Uses**

The regulations contained in this section are necessary to govern the operation of transitory, seasonal and/or tent events and uses that are considered to be -nonpermanent in nature. Temporary uses are only permissible in non-residential zoning district and require a 30-day temporary use permit, obtained from the city Building Official and shall contain the following information:

1. A survey or legal description of the property to be used, rented or leased for a temporary use, including enough information to specifically identify the property;
2. A description of the proposed use; and
3. Sufficient information to determine the yard requirements, setbacks, zoning, sanitary facilities, and availability of parking space to service the proposed use.

The following uses are classified as temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of the zoning district in which said use is located:

1. Christmas Tree/Seasonal Sale Lot – In any commercial district a temporary use permit may be issued for the display and open lot sales of Christmas trees and/or seasonal promotions for a maximum of thirty (30) days.
2. Tent Events/Religious Gatherings – A temporary use permit is required for any tent event or other temporary structure to house an event or meeting. Such permit shall be valid for not more than thirty (30) days and is subject to renewal prior to the terminal date. Tents used in commercial districts shall be temporary in nature, as for the protection of surplus or sale goods, or as temporary uses incidental to an established business or industry. No tent shall be used, erected or maintained as living quarters.

#### Temporary Buildings

Temporary buildings or mobile type trailers used solely in conjunction with construction work shall be permitted in any zoning district and shall be removed immediately upon completion of construction. A temporary use permit is required and may be issued by the City Building Official for a contractor's temporary office, an equipment shed or a real estate sales office, all of which are incidental to a construction project and subject to annual renewal.

#### **SECTION 4 HOME OCCUPATIONS**

Home occupations shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic or any other condition which would constitute an objectionable use of residentially zoned property. A Home Occupation license is required and can be obtained by the City Building Official upon Planning Commission approval.

1. Limitations on type of home occupations are as follows:
  - a. **Location:** The home occupation shall be confined entirely to the principal building.
  - b. **Floor Area:** Area used for a home occupation shall not exceed twenty five (25) percent of the gross floor area.
  - c. **Employees:** Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
  - d. **Design:** No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.

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- e. **Nuisances:** No chemical, mechanical or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be permitted.
  - f. **Products:** No display of products shall be visible from the street. Consumable products that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises.
  - g. Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
  - h. **Hours of Operation:** The activity carried on as a home occupation shall be limited to the hours between 9:00 a.m. and 7:00 p.m.
  - i. **Home Daycare:** If the home occupation is a Home Daycare, the business shall meet the requirements of the Alabama Department of Public Welfare of the Board of Health, and shall have a maximum of five (5) children.
  - j. **All Home Occupations require a business license.**
  - k. **Signs:** No type of outdoor signage is allowed to advertise the home occupation business.
  - l. Any home occupation license granted hereunder shall be personal to the applicant and shall terminate upon his/her death or moving from the premises and as provide elsewhere herein.
  - m. The following are examples of Home Occupations that may be permitted upon compliance with all provisions of this Ordinance:
    - Antique sales; provided, however, that outdoor display is prohibited
    - Artist, sculptor, and other artisan services and similar occupations of the arts;
    - Seamstress, tailor, and alterations.
    - interior decorator;
    - Professional office of a realtor or photographer or other professional such as but not limited to: attorney, engineer, architect, and accountant.
    - Personal instruction and/or teaching, including tutoring, piano instructing or individual dancing instructing;
    - Any other substantially similar use or occupation, which the Board of Adjustment considers to be a customary home occupation within the criteria established herein

## **SECTION 5 RECREATIONAL VEHICLES & RV PARKS**

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles.

1. Recreational vehicle parks are uses permitted in the Working Waterfront (WW) District and the Tourist Conservation (TC) District, subject to the approval of the Planning Commission and the requirements of the following provisions.
2. No recreational vehicle park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.
3. The minimum lot area per park shall be two (2) acres.
4. Use of spaces in recreational vehicle parks shall be limited to recreational vehicles, travel trailers, motor homes, and campers.
5. Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only and an account of such space shall remain in the same RV park for a period of not more than fourteen (14) days and must vacate the property for a period of fourteen (14) days.
6. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of an RV park are permitted as accessory uses in any district in which RV parks are allowed, provided:
  - A. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
  - B. Such establishments shall be used in compliance with local regulations determined by the park management.
  - C. Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per ten (10) camp sites in the park.
7. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.
8. Recreational Vehicle Space Standards:

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- A. The minimum vehicle site area shall be 1,200 square feet, with a minimum width of not less than 25 feet.
  - B. All RV sites shall be shown on the site plan for the park.
  - C. The minimum distance between recreational vehicles shall be 10 feet of space, which shall be left with natural ground cover and vegetation or landscaped.
  - D. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
  - E. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV shall be expressly prohibited.
  - F. Parking must be provided at a ratio of one and one half (1½) parking spaces for every one (1) RV space.
  - G. Each RV space shall provide service facilities which include at a minimum: water, sewer and electricity.
  - H. The removal of wheels and/or the installation of skirting materials around the base of a RV shall be prohibited.
9. In addition to meeting the above requirements, the recreational vehicle park site plan must meet all requirements adequate for drainage and sewage and shall be accompanied by a certificate of approval from the Chickasaw Utility Department and the Building Officials Office.
  10. No transient recreational vehicles (RV), including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles can be used for habitable use in any zoning district.

## **SECTION 6 MANUFACTURED HOMES**

Manufactured homes not meeting HUD standards (U.S.C. 5401) and not having the HUD Stamp Certification permanently attached shall not be installed, erected or permitted. A manufactured home which otherwise meets the definition of a single family dwelling unit, shall be allowed to be placed or erected in certain residential zones upon compliance with the following requirements:

1. A manufactured home may be located within any R-2 or R-3 Residential Zoning District.
2. The manufactured home shall be reviewed and approved or disapproved by the Planning Commission as to compatibility standards.

3. It is intended that manufactured homes be designed and erected to be similar in appearance to permanent houses - not mobile units - generally with design guidelines that include: pitched roofs, eaves overhanging six inches or more, and typical to an on-site conventionally built single family permanent dwelling as built in accordance with the Standard Housing Code.
4. Manufactured homes shall be erected on permanent foundations meeting HUD standards (U.S.C. 5401) or current adopted ICC Code standards and conforming to Title 24, Housing Code of Alabama, Chapter 535-X-13 and are deemed to be real property and taxed as such.
5. Design Guidelines: Manufactured homes shall be compared to site-built and other homes in the immediate general areas within the same zoning or residential district or area. Approval shall be granted upon the finding that the manufactured home is substantially similar in size, siding material, roof material, foundation enclosure and general aesthetic appearance to an existing development (s) or proposed development (s) in the same zoning district or area. Items subject to compatibility comparison will include the following:
  - a. Minimum Width

The general shape, width, and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to ensure compatibility of site-built houses and manufactured housing.
  - b. Roof pitch, overhang and materials

The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations. Any roofing material may be used that will be compatible with other housing in adjacent or nearby areas.
  - c. Exterior Finish

Any material may be used for exterior finish that is generally used in areas near the location where the manufactured home is to be sited.
  - d. 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.
  - e. Garages, carports, etc.

Garages and/or carports, landings, stairs, porches, entrance platforms, ramps or other means of entrance for manufactured homes shall be compatible with the manufactured home and site-built garages and/or carports of site-built houses in adjacent or

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nearby locations and constructed in accordance with the currently adopted ICC codes at the time the manufactured home is sited.

f. Towing Devices

All towing devices, including but not limited to wheels, axles, hitches and transportation lights must be removed.

g. Foundation Enclosure

The manufactured homes foundation forms an enclosure under exterior walls, unpierced except for ventilation and access, and conforms to Title 24, Housing Code of Alabama, Chapter 535-X-13. The type of material and method used for underpinning shall be consistent with the compatible to the underpinning for site-built houses in adjacent or nearby locations.

6. Contractors doing any and all work required by this Ordinance in the siting of a manufactured home shall be licensed by the State and licensed by the City of Chickasaw. Licensing by the State is required prior to receiving a license from the City of Chickasaw. Compliance with this Ordinance and other Ordinances of the City of Chickasaw, as is the same for erecting other types of structures, is a requirement prior to the issuance of a Building Permit.
7. Manufactured homes shall be constructed according to standards established either by the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama as amended from time to time or the currently adopted ICC codes, or the National Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, U.S.C. 5401.
8. Manufactured homes shall be installed according to the current regulations of the Alabama Manufactured Housing Commission Statutory Law, Title 24, Housing Code of Alabama.
9. Manufactured homes are subject to all regulations of the zoning district in which they are permitted and shall meet the minimum compatibility standards herein set, in addition to all other regulations set forth in this Ordinance.
10. Placement of a manufactured home may be permitted after it has been reviewed and determined that the manufactured home is compatible with the general appearance of homes in the surrounding area and has been reviewed by the Planning Commission as to compatibility standards and received Planning Commission approval.

## **SECTION 7 APARTMENTS, TOWNHOUSES AND CONDOMINIUMS**

Multiple family housing, because of increased densities, often generates large, bulky buildings and large parking areas. This type of development can be incompatible with surrounding uses. If these

developments are not properly designed the large buildings and parking areas can dominate the site and leave only small remnants of open space that does not adequately provide for proper storm water drainage as well as the recreational needs of the residents.

Within the zoning districts that permit apartments, townhouses and condominiums the following requirements shall apply:

- A. Location: Multiple family residential sites shall be located on Major or Collector Roads. These sites shall be consistent with the Comprehensive Plan and shall only be permitted where multiple family residential land use are indicated on the adopted land use map in the plan.
- B. Layout: Arrangement of buildings should provide functional public and private outdoor spaces and avoid any developments that are "facing inward" and offer no relationship to the adjoining neighborhoods and greater community. The front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.
- C. Design: Orient multiple family buildings to the adjacent public streets by providing large windows, porches, balconies and entryways or other entry features on the street side of the buildings. Avoid the creation of blank street-facing walls that create unattractive streetscapes.
- D. Density: No more than thirty-five (35) percent of the lot area shall be occupied with buildings. No more than eight (8) continuous apartments, townhomes or condominiums per floor shall be built in a row with approximately the same front line.
- E. Yards: No side yard is required except that on corner and interior lots the end of the building in any grouping shall conform to the side yard requirements of the district.
- F. Parking: Off street parking shall be designed in a way to minimize the visual prominence of vehicles and to minimize the potential pedestrian conflicts. Parking areas visible from the public street rights-of-way and adjacent properties shall be screened from view with landscape elements, low profile walls or berms, or other types of visual barriers and screens. To such extent as practicable, off-street parking facilities shall be located under habitable floors of buildings or grouped in bays, either adjacent to streets or in the interior of blocks, and no off-street parking shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
- G. Landscaping: Landscaping and walkways shall be located between buildings and paved parking areas. Avoid parking vehicles directly against a building or

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structure. Shade trees shall be designed into all parking areas to provide for natural shading and provide for proper aesthetics. Other requirements are as follows:

- a. Adequate landscape screens shall be provided along the perimeter of all multiple family developments. Where multiple family developments are located adjacent to single family residential, a dense landscape screen shall be provided.
- b. On perimeter streets, sidewalks, streetscape plantings shall be provided. These screens shall include street trees and landscaping where necessary to screen parking and other areas.
- c. Dense landscaping and/or architectural elements shall be provided to screen unattractive views and features, such as outdoor storage areas, trash enclosures, mechanical equipment and other similar equipment.
- d. Exterior storage of boats and/or recreational vehicles and trailers shall be fully enclosed or sufficiently screened when visible from public street or adjacent properties.
- e. Retain existing mature trees within the new project design and landscaped areas where possible. Extra effort should be made to retain existing trees and vegetation adjacent to single family residential areas.

H. Open Space: The open space provided in multiple family residential developments shall address both active and passive outdoor open space uses. Open space shall be designed to enhance the overall appearance and compatibility of the development. Include sufficient open spaces in the form of squares, greens and parks. A minimum of 25% of open space shall be provided in all multiple family developments. Storm water retention areas are not included in this 25% open space requirement, unless it is properly designed and determined to be acceptable open space by the Planning Commission.

I. Utilities: All utility lines including electric, telephone, gas and cable television lines shall be placed underground in each development. Wall-mounted or ground-mounted utility equipment such as transformers, electric and gas meters, electrical panels, junction boxes and transformers shall be screened by walls, berms, fences and/or landscaping.

J. Accessory Structures and Elements: Multiple family developments with 50 or more dwelling units shall provide a recreation facility and swimming pool. The design of accessory structures and elements shall be consistent with the predominate architectural theme of the residential buildings with regard to roof pitch, exterior materials and colors. Accessory structures and amenities, such as community rooms, recreation facilities, swimming pools, mail rooms/kiosks, laundry rooms, garages and carports shall be centrally located and easily accessible by residents.

K. Trash Receptacles: Trash and garbage storage areas shall be located convenient to all residents. These enclosures shall be sufficient to accommodate both waste

disposal and recycling containers. Trash and garbage storage areas shall be enclosed by solid, durable and attractive walls with solid screen doors. The materials shall be similar in color to the residential buildings. These enclosures shall be screened with appropriate landscaping. They shall be situated to minimize views from public streets and to avoid impacting adjoining properties.

- L. *Lighting:* All exterior lighting shall be architecturally integrated with the building style, materials, and colors. Parking areas, entry drives, and pedestrian walks shall be illuminated to allow for proper vehicular movements and promote pedestrian safety and security. All lights shall be pedestrian in scale and spaced for proper energy efficiency. This lighting shall be inward directed and not impact adjacent properties. Light standards shall be no taller than 16 feet in height. The use of building lights to illuminate parking areas is prohibited.
- M. All multi-family developments shall be in compliance with applicable City ordinances and/or health department regulations for public or private water and sanitary sewer systems.
- N. All other requirements within the district in which the apartments, townhouses or condominiums are located shall prevail.

## **SECTION 8 STANDARDS FOR MIXED-USE**

Mixed use residential and commercial uses may be permissible subject to the following conditions:

1. The use is located in the following zoning districts: Neighborhood Commercial, Shipyard Village and Working Waterfront.
2. The commercial use in the development may be limited in hours of operation, size of delivery trucks and type of equipment.
3. The residential uses shall be designed so that they are compatible with the commercial uses.
4. The commercial use shall be considered the primary use.
5. The commercial and residential uses cannot occupy the same space. The commercial use must be located in the front of the building or on the bottom floor of the building, while the residential use shall be located in the rear of the building or on the upper floor of the building.
6. The number of residential dwelling units is limited to four (4) dwellings.
7. Building height shall not exceed three (3) stories.
8. The project shall comply with all dimensional standards of the zoning district.
9. All lighting, landscaping and parking requirements required shall be met.

## **SECTION 9 GAS STATIONS/AUTOMOBILE SERVICE STATIONS**

Within the districts permitting automobile service stations, the following requirements shall apply:

1. Location

The property on which an automobile service station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, church, hospital, public library, institution for children, elderly or dependents.

2. Site Requirements

An automobile service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twenty-three thousand (23,000) square feet. All buildings shall be setback forty (40) feet from all street right-of-way lines, fifty (50) feet for major arterials, and all canopies shall be setback fifteen (15) feet from all street right-of-way lines.

3. Access to Site

Vehicular entrances or exits at an automobile service station:

- A. Shall not be provided with more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
- B. Shall contain an access width along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten (10) feet to the adjoining property.
- C. Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

4. Gasoline Pump Islands

All gasoline pump islands shall be setback at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, they shall also be at least fifteen (15) feet from the right-of-way. However, the pumps shall be at least sixty (60) feet from the center line of an arterial street, fifty-five (55) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

5. Off-Street Parking

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay.

6. Other Site Improvements

In addition to the above requirements, the following additional site improvements shall be adhered to:

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- A. A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
  - B. A solid fence or wall not less than six (6) feet nor more than eight (8) feet in height plus a hedge or shrubbery screen shall be erected along all adjacent property lines facing any adjacent residential lot.
  - C. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.
  - D. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
  - E. All driving, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

7. Storage of Flammable Products

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gases shall be restricted to the requirements set forth in this ordinance and state regulations.

**SECTION 10 WATER POLLUTION**

To ensure the protection of water quality in Chickasabouge Creek and other neighboring water bodies, no operation shall discharge, or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the Alabama Department of Environmental Management (ADEM) and the Alabama State Board of Health Statutes and any regulations promulgated thereunder. Plans and specifications for proposed sewage and industrial waste treatment and disposal facilities shall be submitted to and approval obtained from the county health department and appropriate permitting agency.

**SECTION 11 SWIMMING POOLS AND POOL ENCLOSURES**

Aboveground Pools. Aboveground pools in residential districts may be allowed with the following conditions:

1. Aboveground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Chickasaw.
2. Pool pumps and related equipment visible from the street must be properly screened from view.

3. Barriers must be installed to prevent unauthorized access to the pool and pool area during all hours. Barriers for aboveground pools must meet the requirements of Section 315.2.1.10 of the Standard Swimming Pool Code.
4. Setback requirements for aboveground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer than five feet from the primary residence.

In-ground Pools. Below or in-ground pools in residential districts may be allowed with the following conditions:

1. In-ground pools must be properly permitted by the Building Official and meet all requirements of the Standard Swimming Pool Code and all other applicable codes and ordinances as adopted by the City of Chickasaw.
2. Pool pumps and associated pool equipment visible from the street must be properly screened from view.
3. Setback requirements for in-ground pools shall be the same as that required for detached accessory structures with the exception that pools may be located no closer than five feet from the primary residence.
4. Material that has been excavated to allow installation of an in-ground pool shall be disposed of properly.

Screened enclosures or other types of structures surrounding or enclosing in-ground pools must meet the same property line setback requirements as detached or attached accessory structures.

## **SECTION 12 RESIDENTIAL DOCKS, PIERS & RELATED STRUCTURES**

The construction of all docks, piers, boathouses and other similar structures shall require a building permit from the city Building Official in conjunction with any other applicable permits. The allowances permitted are as follows:

1. All state and federal regulations relating to the construction of said structures shall be followed explicitly.
2. Said structures shall be set back a minimum of ten (10) feet from the lateral riparian rights line.
3. One pier shall be permitted per lot.
4. A maximum of three (3) boat slips shall be permitted per pier.
5. A maximum of one (1) boathouse and one pier deck shall be permitted per pier.
6. Boathouse width is limited to 45% of the shoreline width of the property. Boathouse side setbacks shall conform to the projected side setbacks for the lot.
7. Maximum boathouse square footage is based on the feet of shoreline and the following is allowed provided the square footage meets the following:
  - a. Lots less than 50 feet: 600 sq. ft.
  - b. Lots 51 - 75 feet: 900 sq. ft.

- c. Lots 76 – 100 feet: 1,200 sq. ft.
- d. Lots greater than 100 feet: 1,600 sq. ft.
8. Height of boathouse shall be calculated by the Building Official and reviewed by the Planning Commission in order to protect the viewshed of the surrounding waterfront property owners and neighborhood.
9. Boat slips and boathouses shall be for the owner of the property uses only. Rental and leasing of said structures is prohibited.
10. Shoreline stabilization should be accomplished by the establishment of appropriate native vegetation found along Chickasabogue Creek. Vertical bulkheads are discouraged and considered by the city to be the least preferable method of shoreline stabilization. Alternative methods that do not compensate the integrity of the shoreline are encouraged and include, but are not limited to:
  - Pervious interlocking brick system
  - Rip rap
  - Filter mats
  - Living shorelines and natural beaches

### **SECTION 13 TELECOMMUNICATION TOWERS & FACILITIES**

The purpose of this section is to establish minimum standards for wireless telecommunications facilities. The underlying principals of these standards are to:

- a. Achieve a balance among the number, height, and density of wireless telecommunications facilities that is appropriate for our communities;
  - b. Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new wireless telecommunications facilities;
  - c. Ensure the compatibility of towers with, and avoid adverse impacts to, nearby properties
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1. Procedures and standards.
    - a. *Where permitted.* Wireless telecommunications facilities shall be permitted by special exception in all zoning districts. Antennas located on existing towers (co-location antennas) and antennas located on alternative support structures shall be permitted by right.
    - b. *Height.*
      1. Antennas located on alternative support structures shall not exceed 15 feet in height above the existing structure on which they are placed.
      2. Tower height shall be limited to 180 ft.

- c. *Setbacks.* Towers (but not guys and accessory structures) may be placed no closer than a distance equal to the height of the wireless telecommunications facility from any residential structure on adjacent property. Where a tower is permitted in a zoning district adjacent to any residential district the required setback from all residentially zoned property lines shall be a distance equal to the height of the tower.
- d. *Co-location.*
  - 1. No new antenna support structure shall be permitted unless the applicant demonstrates that no existing antenna support structure can accommodate the applicant's needs.
  - 2. No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
  - 3. Monopole structures shall have the ability to accommodate at least one (1) additional set of antennas. Guyed structures and self supporting towers shall have the ability to accommodate at least two (2) additional sets of antennas..
- e. *Aesthetics.* The aesthetic properties of each individual wireless telecommunications facility shall be approved as part of the site plan review process.
  - 1. *Appearance.* The design of the tower shall be of a type that has the least visual impact on the surrounding area.
    - (a) Towers and antennas shall be painted a neutral or blending color so as to reduce visual obtrusiveness, unless subject to any applicable FAA standards. If an antenna is installed on a structure other than a tower, the antenna and supporting telecommunications facilities must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
    - (b) No signage, symbols, or advertisements may be attached to the pole, tower or antenna.
    - (c) Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review, as are types of concealment techniques (see *Concealment techniques*).

2. *Accessory structures.*

- (a) The design of the compound and its accessory structures shall, to the extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
- (b) In or adjacent to developed properties, accessory structures must be aesthetically and architecturally compatible with the surrounding environment. Materials such as wood, brick, and stucco should be used as appropriate. The use of metal or metallic-looking materials shall be prohibited.

3. *Non vegetative screening.*

- (a) Non vegetative screening will be required when it is necessary to reduce the visual impact of a wireless telecommunications compound on adjacent public ways, properties or the neighborhood in which it is located. In or adjacent to developed properties, non vegetative screening shall be provided in a manner that is compatible with the surrounding character of development, buildings, natural vegetation, and landscaping. Such screening, as required and subject to site plan review, shall have a minimum height of 8 feet, and may consist of one of the following: brick masonry walls, solid wood fencing, berms, or opaque barriers. All non vegetative screening shall be properly maintained by the property owner or lessor.
- (b) In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations or developed heavy industrial areas, the non vegetative screening requirement may be reduced.
- (c) Wireless telecommunications facilities utilizing underground vaults rather than above ground equipment buildings may be exempted from screening requirements.

4. *Landscaping.*

- (a) Landscaping will be required to reduce the visual impact of the compound and its accessory structures on adjacent public ways, properties or the

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neighborhood in which it is located. In or adjacent to developed properties, landscaping shall be provided in a manner that is compatible with the surrounding character of development, buildings, and natural vegetation.

- (b) The perimeter of the compound shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent property and public ways. The standard buffer shall consist of a landscaped strip of at least five (5) feet wide outside the perimeter of the compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- (c) A row of trees a minimum of eight (8) feet tall and a maximum of 10 feet apart shall be planted around the perimeter of the compound fence. A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line.
- (d) All landscaping shall be of the evergreen variety. All landscaping shall be of the type that reduces or eliminates the need for supplemental water from irrigation or is irrigated and properly maintained by the property owner or lessor to ensure good health and variety.

f. *Lighting.*

- 1. Towers shall not be artificially lighted unless required by the FAA or other authority for safety purposes. If lighting is required, "dual lighting" (red at night/strobe during day) shall be preferred unless restricted by the FAA. Lighting must be shielded or directed upward to the greatest extent possible so as to minimize the amount of light that falls onto nearby properties, particularly residences.
- 2. Basic security lighting for the compound may be permitted, but shall be focused only on the compound itself, and shall be directed away from any adjacent property.

g. *Environmental impact.* All wireless telecommunications facilities shall comply with the National Environmental Policy Act. If an environmental assessment is required by the Federal Communications Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application.

- h. *Safety.*
  - 1. *Radio frequency.* The applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with the FCC standards for radio frequency emissions, as adopted by the FCC on August 1, 1996.
  - 2. *Structural.* A Professional Engineer shall certify that all antenna support structures and wireless telecommunications equipment are erected and/or installed so as to comply with the co-locations requirements of this ordinance, wind loading and other structural standards contained in the building Code as adopted by the City of Chickasaw and the applicable technical codes established by the Electronic Industries Association (EIA/TIA 22-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures) or the Telecommunications Industry Association. This shall apply to new and modified structures and facilities.
  - 3. *Security of site.* Fencing shall be required to ensure that antenna support structures and their accessory buildings are fully secured. Sufficient anti-climbing measures must be incorporated into each facility, as needed, to reduce potential for trespass and injury.
- i. *Obsolete towers.* In the event the use of any wireless telecommunications facility has been discontinued for the period of 180 days, the wireless telecommunications facility shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Building Official. Upon such abandonment, the owner/operator of the wireless telecommunications facility shall have an additional 180 days within which to reactivate the use of the wireless telecommunications facility to another owner/operator who makes actual use of the wireless telecommunications facility, or dismantle and remove the wireless telecommunications facility.

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## **ARTICLE 9 PLANNING & DESIGN GUIDELINE REQUIREMENTS**

### **SECTION 1 PURPOSE**

The intent of this Article is to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Chickasaw, while maintaining the perception of Chickasaw is one of a pleasant, charming and livable community. In order to reflect and preserve the city's underlying architectural foundations and features, design standards have been established to govern the future development of the city so that good planning practices are achieved, so that new developments will be consistent with the purpose and intent of the *Chickasaw Comprehensive Plan 2030* and this Ordinance, and that the health, safety and welfare of local citizens are protected.

### **SECTION 2 REQUIRED OFF-STREET PARKING REQUIREMENTS**

There shall be provided, at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity, or before conversion from one type of use or occupancy to another, permanent off-street parking and loading space in accordance with the following requirements specified by this Article.

General parking regulations shall apply to all zoning districts.

1. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth or as otherwise provided in this Ordinance.
2. Areas reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.
3. Off-street parking existing on the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

Land Use	Parking Requirement
<b>DWELLINGS:</b>	
a. One and two family dwelling units:	Two (2) spaces for each dwelling unit.
b. Multi-family/apartment dwelling unit:	One and one-half (1.5) spaces for each unit.
c. Hotels & motels:	One and one-fourth (1.25) spaces for each sleeping unit plus additional spaces for accessory uses such as restaurants, lounges, offices, shops, etc., to be located within three hundred (300) feet of the lot.
d. RV Parks:	Two (2) spaces per unit.
e. Bed & Breakfasts, tourist homes, boarding and rooming houses:	One (1) space for each guest bedroom.
<b>PUBLIC ASSEMBLY:</b>	
a. Churches or other places of worship:	One (1) space for each ten (10) fixed seats in the main auditorium or sanctuary or for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room.
b. Private clubs, lodges and fraternal buildings not providing overnight accommodations:	One (1) space for each 100 square feet of building under roof.
c. Theaters, auditoriums, coliseums, stadiums and similar places of assembly:	One (1) space for each four seats.
d. Libraries, museums and other similar cultural facilities:	One (1) space for each 400 square feet of gross floor area.
e. Schools, including kindergartens and day care centers.	One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high schools and colleges.
f. Exhibition halls and other places of amusement or assembly without fixed seating arrangements:	One (1) space for each 200 square feet of floor area.

g. Bowling alleys:	Four (4) spaces for each alley.
<b>HEALTHCARE FACILITIES:</b>	
a. Hospitals, nursing homes and similar institutional- uses.	One (1) space for each four (4) beds, plus one (1) space for each employee on the maximum shift.
b. Kennels and animal hospitals:	A parking area equal to thirty (30) percent of the total enclosed or covered area.
c. Medical, dental and health offices and clinics.	One (1) space for each 200 square feet of floor area used for offices and similar purposes.
d. Mortuaries and funeral parlors:	Ten (10) spaces per parlor chapel unit, or one (1) space per two (2) seats, whichever is greater.
<b>BUSINESSES:</b>	
<p>a. Commercial establishments and offices, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>• Food stores, furniture stores, general business, commercial or personal service establishments catering to the retail trade</li> <li>• Governmental offices, office buildings, including banks, businesses, commercial and professional offices and buildings but excluding medical, dental and health offices, and clinics.</li> <li>• Public utilities, such as telephone exchanges and substations, radio and TV stations.</li> </ul>	One (1) space for every three hundred (300) square feet of gross floor area.
Restaurants, including bars, grills, diners, cafes, taverns, night clubs,	One (1) space for each four (4) seating accommodations, plus one (1) space for

lunch counters, and all similar dining and/or drinking establishments.	each two (2) employees on shift of greatest employment;
b. Shopping centers:	One (1) space per 400 square feet gross floor area.
c. Marinas:	Two (2) spaces per berth. Also applies to dry storage.
<b>INDUSTRIES:</b>	
a. Commercial, manufacturing and industrial establishments, not catering to the retail trade:	One (1) space for each employee on the maximum working shift, plus one (1) space for each vehicle operating from the premises.
b. Wholesale establishments:	One (1) space for every fifty (50) square feet of customer services area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
c. Electric power and gas substations:	Twenty-five (25) percent of the parcel on which located or four (4) spaces, whichever is smaller.

Any use not specified by these regulations shall require one parking space for each three hundred (300) square feet of gross floor area in the building. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

**SECTION 3 LOCATION OF PARKING SPACES**

Parking spaces for all uses or structures shall be located on the same lot with the principal use unless a special exception is approved for off-site parking facilities. If parking is provided off-site, then the spaces shall not be located more than three hundred (300) feet from the lot on which the principal use to be served is located and the zoning classification of the property on which the off-site parking facilities are located shall be the same or a less restrictive classification. Where required parking spaces are not located on the same lot as the principal use, a written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit. Annual Business license renewal applications must include a copy of the current written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses as originally approved.

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**SECTION 4 COLLECTIVE PROVISIONS OF PARKING SPACES**

Two (2) or more owners or operators of commercial buildings or uses of the same type of zoning classification who's operating hours do not coincide may make collective provision for required off-street parking facilities if the total number of off-street parking spaces, is greater than or equal to the requirement for the largest individual use.

**SECTION 5 DESIGN STANDARDS & REQUIRED IMPROVEMENTS**

Any off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred seventy-one (171) square feet and minimum dimensions of 9'x19', exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords unobstructed ingress and egress to each space.

1. **Permit.** A parking area permit approved by the Building Official shall be required for any parking area with a design capacity for six (6) or more vehicles.
2. **Parking area dimensions.** The design and dimensions of the parking area shall be in accordance with the following dimensions table:

Angle of Parking	Curb Length Per Car	Stall Depth	Access Driveway Width
0	23'0"	9'0"	12'0"
20	20'4"	15'0"	11'0"
30	18'0"	17'4"	11'0"
40	14'0"	19'2"	12'0"
45	12'0"	19'10"	13'0"
50	11'9"	20'5"	12'0"
55	11'1"	20'3"	15'6"
60	10'5"	21'0"	18'0"
70	9'9"	21'0"	19'0"
80	9'8"	20'4"	24'0"
90	9'0"	19'0"	24'0"

3. **Width of two-way access driveways.** The minimum width of two-way access driveways within parking areas shall be twenty-four (24) feet.
4. **Paving standards.** Parking spaces shall be paved to standards established by the City of Chickasaw's Subdivision Regulations.

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5. Drainage. Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Pervious surface materials are encouraged. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
  
  6. Landscaping. The design and appearance of parking areas is intended to be compatible with the character of the community. Toward this objective the following standards shall be observed in the construction of off-street parking areas accommodating six (6) or more parking spaces.
    - a. At least ten (10) percent of the total interior area intended for off-street parking shall be suitably landscaped;
    - b. Such landscaping to include the placement of shade trees at intervals of approximately twelve (12) parking spaces; such trees shall be a minimum height of eight (8) feet at planting;
    - c. Interior portions of the parking area shall be broken by provision of landscaped islands;
    - d. A maximum of twelve (12) parking spaces in a row will be permitted without an island.
    - e. Each separate landscaped area must be a minimum of twenty-five (25) square feet if it is to be counted toward the minimum landscaped area requirements.
    - f. Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops;
    - g. The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat, and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.

## **SECTION 6 PARKING DECKS & GARAGES**

1. Where business and multi-family unit developments require large numbers of parking spaces, such spaces may be accommodated in parking decks or garages, provided that no such parking deck or garage shall exceed three (3) levels above ground or twenty-five (25) percent of the height of the principal structure, whichever is greater.
  
  2. Parking deck or garage design shall be compatible with the design of the principal structure. Parking deck or garage plans must be submitted together with the building site plan and must be approved by the City Building Official and the Planning Commission.
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3. Required landscaping and additional parking, if required, shall be provided at ground level around the parking deck or garage and principal structure so that the entire development is aesthetically pleasing. In no case shall the impervious surface to open space exceed a 1 to 5 ratio.

## **SECTION 7 OFF-STREET LOADING AND UNLOADING SPACE**

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

1. Location. All required off-street loading/unloading spaces shall be located on the same lot as the building which they are intended to serve, or an adjacent lot when shared with the use occupying said adjacent lot.
2. Size of spaces. Each off-street loading/unloading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Planning Commission may reduce the minimum length accordingly to as little as thirty-five (35) feet.
3. Connection to street or alley. Each required off-street loading/unloading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.
4. Floor area less than 10,000 square feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading/unloading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
5. Floor area over 10,000 square feet. There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise and having a floor area of more than ten thousand (10,000) square feet, at least one off-street loading/unloading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
6. Trucking terminals. There shall be provided sufficient space to accommodate the maximum number of trucks to be stored or to be loaded at the terminal at any one time.
7. Permanent reservation. Areas reserved for off-street loading/unloading in accordance with the requirement of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is

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discontinued or modified except where equivalent loading/unloading space is provided and approved by Planning Commission.

### **SECTION 8 CURB CUTS & VISION CLEARANCE**

The requirements for controlling curb cuts and maintaining vision clearance and corner visibility shall be as follows:

1. Curb cuts. No curb cut shall exceed fifty (50) feet in length, nor shall curb cuts be closer than fifty (50) feet to other curb cuts or closer than fifty (50) feet to any intersection of two (2) streets measured along the curb line.
2. Vision clearance. In all use districts, no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of two and one-half (2 ½) and fifteen (15) feet from the street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroad lines, or of a street intersection with a railroad line.

### **SECTION 9 STORAGE AND PARKING OF TRAILERS & COMMERCIAL VEHICLES**

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall be allowed to be parked or stored on any lot occupied by a dwelling or any lot in any residential district, providing that they are in accordance with the following requirements:

1. A maximum of one commercial vehicle or trailer per dwelling unit shall be permitted if parked or stored behind the front building set back line; Where the physical dimensions of the lot do not permit an item of such equipment to be, placed in the rear or alongside the dwelling structure, it shall be permissible to park such equipment in the front yard of such premises.
2. A commercial vehicle that exceeds two (2) axels is not permitted.
3. A commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products is not permitted.
4. A recreational vehicle (RV), camping or travel trailer, hauling trailer or self-propelled camping trailer or other such equipment shall not be permitted to be used for human habitation while it is parked or stored in any area except in an RV Park, as authorized under this Ordinance.
5. A junked vehicle, or one that cannot be moved under its own power or one without a license plate for the current year, shall not be permitted to be located on or near lots with dwelling units. These junked autos shall be confined to junk yards.

### **SECTION 10 STREET, SIDEWALK & DRIVEWAY GUIDELINES**

All new developments and/or construction is required to install a twelve (12) foot wide driveway, comprised of concrete, brick or brick pavers, and must include a two (2) foot wide winged apron connecting to the right-of-way or the existing street. Additionally, all new development and/or construction is required to install a sidewalk extending along the entire frontage of the lot where the construction is occurring. All new streets in all zoning districts must provide sidewalks to

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promote a more walkable community. See the City of Chickasaw's Subdivision Regulations for sidewalk standards.

## **SECTION 11 FENCING REQUIREMENTS**

Fences are permitted in every zoning district. A building permit shall be obtained prior to construction of any fence. Fences may be permitted on the property lines or anywhere else on the lot provided that:

1. Fences shall not be constructed in a drainage easement, floodway, or other watercourse;
2. Fences or walls shall not block any local lot drainage; and
3. Fences shall not be constructed in any required clear sight distance.

All fences, hedges, screen plantings and walls within the required yard areas shall comply with the following requirements which regulate height, location and design, except where special requirements are set forth for specific screening purposes elsewhere in this Ordinance or where modifications are required to meet the requirements of this Ordinance.

- A. Front Yards: All fences and walls within a required front yard, and a street side yard where applicable, shall not exceed four (4) feet in height, except that in all multi-family and non-residential districts. Fences and walls of greater height may be permitted as needed to enclose garbage and trash receptacles and above ground components of a public utility system, provided that the Building Official determines that:
1. It is not practical to locate such facilities in locations other than in a required front yard;
  2. The area enclosed and the height of fences and walls are the minimum necessary to screen such facilities from view;
  3. The encroachment of such walls and fences onto a required front yard is the minimum necessary;
  4. The materials used, and the method of constructions for such fences, plantings and walls, meet all standards prescribed by the City of Chickasaw Building Official;
  5. The maximum height of any fence or wall used for the enclosure of such facilities and in no case shall exceed a height of eight (8) feet.
- B. Side and Rear Yards. All fences and walls within the required side or rear yards shall not exceed seven (7) feet in height, except for a required street side yard, a required street rear yard of a corner lot, or a waterside side and rear yard, all of which shall be considered a front yard for these purposes and the height shall not exceed four (4) feet.
- C. Waterside Yards: All fences and walls within the required waterside yard shall not exceed four (4) feet in height and shall maintain specific design guidelines in order to protect the viewshed of the waterfront scenescape, see Section 11: Fencing Design and Materials of this Article.
- D. Boundary Between Residential and Other Districts: Along the boundary between a residential and a business or industrial district, the height of walls or fences within any required yards shall not exceed eight (8) feet in height.
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- E. Exceptions for Projects: Walls or fences not higher than eight (8) feet may be used to enclose part or all of a housing or non-residential project or used to enclose all or portions of yards around individual housing units provided that, if the project is residential, it shall contain four (4) or more dwelling units.

## **SECTION 12 FENCING DESIGN & MATERIALS**

- A. The finished side of a fence shall always face the exterior. Support members, when located on one side of wooden privacy fences, shall be on the interior side.
- B. Chain-link fencing shall not be permitted forward of any front building line except in Industrial Districts, and only in such cases where the premises faces industrial uses on the opposing block frontage. Only vinyl-coated, chain link fencing shall be permitted in residential districts. Chain link fencing is not permitted in a waterside yard.
- C. Barbed-wire, razor-wire, above ground electric fence and other similar fencing shall not be used within any residential district and shall not be permitted within fifty (50) feet of any residential district boundary.
- D. Fences in a waterside yard shall not exceed four (4) feet in height and must be designed and constructed as an “open” fence that don’t block the view, but rather enhances it. “Open” means and includes all fence and wall sections which have an opacity of at twenty-five (25) percent, excluding vertical support posts in order to prevent a view obstruction. Some examples include split rail and spaced picket. Chain link fencing materials are not permitted in a waterside yard.
- E. Fences located between a building line and a street line that are more than fifty (50) feet in length in one direction, shall provide hedges and/or other fence plantings along the exterior fence side, in order to soften the long expanse of fence.

## **SECTION 13 LANDSCAPING & TREE PROTECTION**

1. Purpose

The intent of this Article is to establish minimum standards for the provision, installation, and maintenance of landscape plantings and tree preservation in order to achieve a healthy, beautiful, and safe community. Landscaping, screens, and buffers maintain and enhance the character of neighborhoods and generally create a safer, more attractive and more pleasant living and working environment for all residents of the City of Chickasaw.

2. Applicability

The requirements established by these regulations are applicable to all new development or construction except single family residential. These requirements apply to city facilities or other public or religiously owned facilities and to all property owned by the city and all public right-of-way.

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3. Tree Protection

All oaks (except water oaks or laurel oaks) long leaf pines, and magnolia trees greater than 24" DBH are protected on all property, including single family, in the City limits. Cutting, removing, or damaging a protected tree without a permit is prohibited.

- i. Exception: No permit is required on private property for the incidental trimming or pruning of trees provided that no more than 10% of the tree is pruned.

4. Off Street Parking

Interior and perimeter landscaping is required in all parking lots.

- A. **Interior:** There shall be no more than 8 contiguous parking spaces without an island. Islands shall be no less than 4 feet in width and 8 feet in depth. Island landscape shall be covered with no less than 75% plantings.
- B. A continuous landscape strip at least 8 feet wide shall be provided every two rows of parking. Vehicles shall not overhang into the landscape strip more than 1 foot.
- C. All islands and strips shall be planted with a combination of over story and understory trees, in addition to shrubs, living groundcover, and mulch.
- D. All islands and strips shall be protected by a concrete curb.

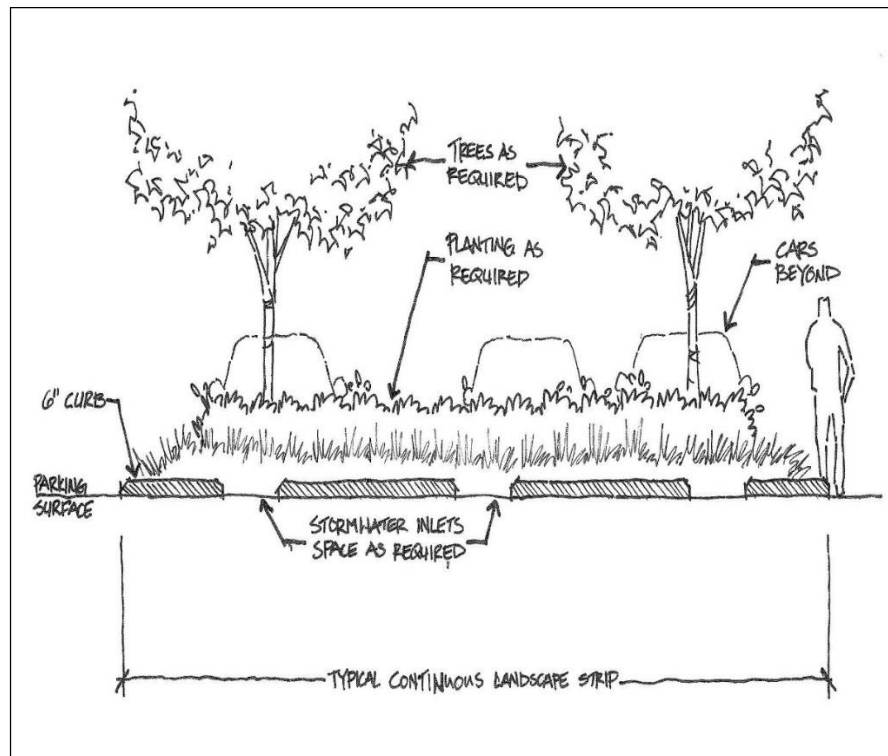
5. Perimeter

- A. When parking is adjacent to a public right-of-way, landscaping and buffering of not less than four (4) feet shall be provided to minimize the visual impact.
- B. Parking and drive areas adjacent to public rights-of-ways shall provide a minimum of 10 foot contiguous landscape strip.
- C. A buffer and landscape zone of not less than 20 feet is required adjacent and parallel to the ROW of US Hwy 43. If a property has frontage on another ROW the buffer shall be a minimum of 10 feet.
- D. Parking lots or other improvements for vehicle use shall not encroach into the required buffer(s).
- E. Over story and understory trees shall be planted in the strip at a rate of one tree for every 25 feet, 30 percent of which shall be understory trees.
- F. Evergreen shrubs of at least 30" in height at the time of planting shall be installed adjacent to all public ROW.
- G. A minimum 5 foot side yard landscape set-back is required in the B-1, Working Waterfront and Shipyard Village districts.
- H. Over story trees shall be planted side yard set-back at a rate of one tree for every 50 feet.
- I. Over story and understory trees shall be planted rear yard set-back at a rate of one tree for every 25 feet, 30 percent of which shall be understory trees.

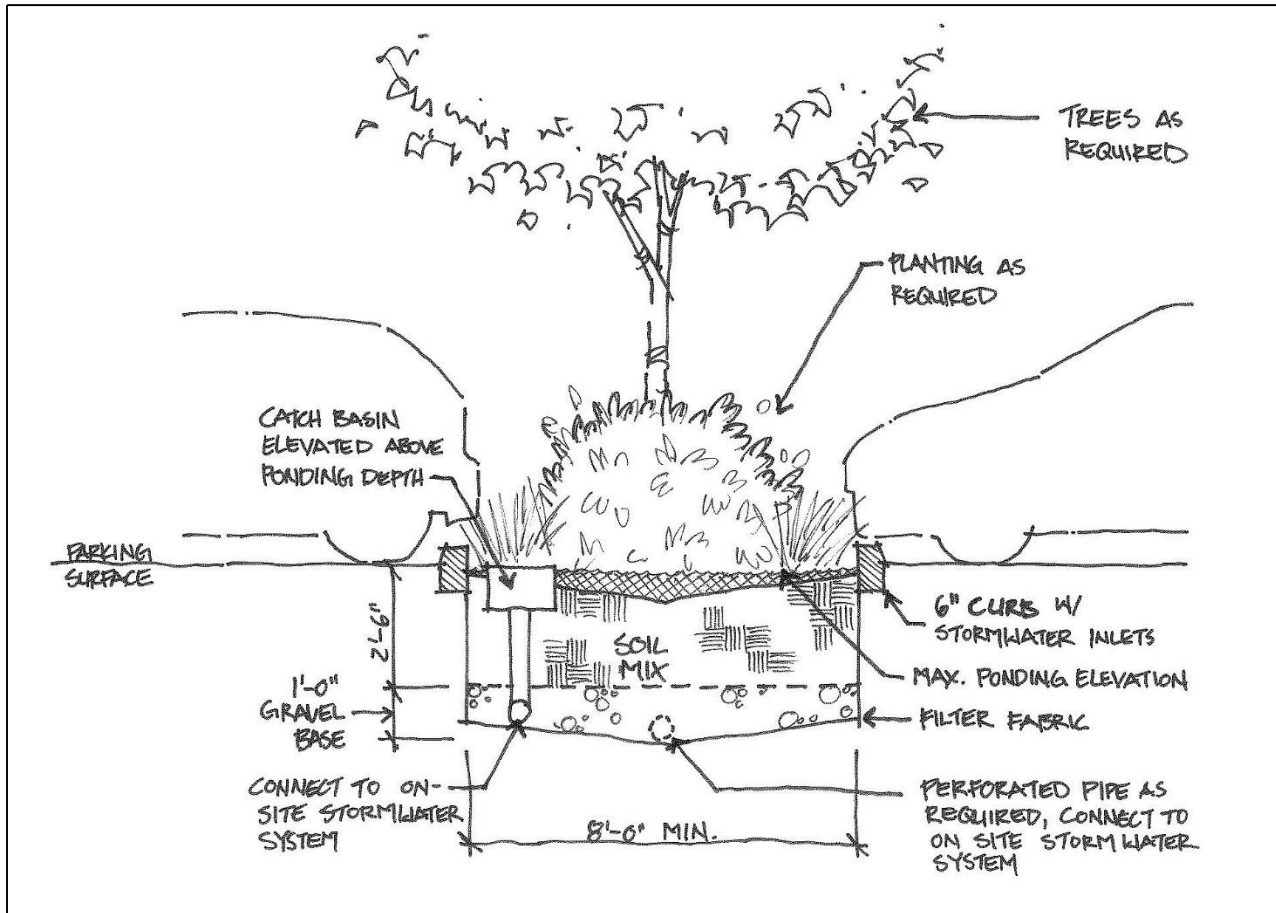
6. Low Impact Design

The City encourages low-impact design for parking lots and parking lot landscaping. This includes alternative paving materials, ecologically sensitive stormwater management, and use of creative and water-saving landscape materials. The purpose is to allow and encourage sensible and sensitive stormwater management that contributes to the ecological diversity of the city while protecting Chickasabogue Creek and other neighboring waterways.

- a. Examples of low-impact design that may be considered by the city are rain gardens, bio-retention, sand and gravel filters and other appropriate designs. All low impact designs shall be certified by the project engineer and the Building Official.
- b. Low-impact design that manages stormwater, will be counted as appropriate stormwater facilities based upon the engineers certification.
- c. Overall pre-development and post-development differential runoff is required to be managed in accordance with the stormwater section of these regulations.



Parking Lot Landscaping — Low Impact Design Example

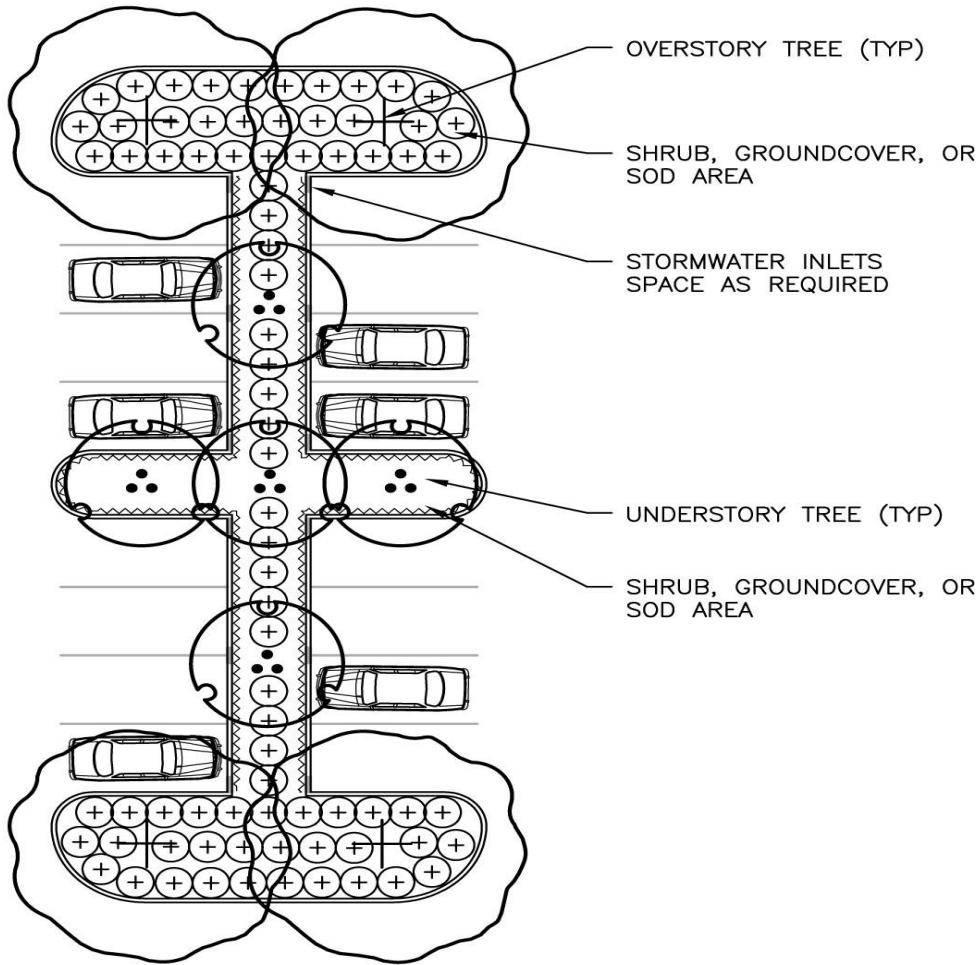


Parking Lot Landscaping — Low Impact Design Example Section

1. Landscaping Requirements and Percentages

Trees planted in accordance with this Article shall meet the following criteria:

- A. A minimum of four (4) different species shall be planted on each site: Two (2) species shall be over story (large) trees and two (2) species shall be understory (medium) trees in order to promote species richness.
- B. Large (over story) trees shall have at least three (3) inches or greater in caliper and ten (10) feet in height at planting.
- C. Medium (understory) trees shall have at least three (3) inches in caliper and eight (8) feet in height at planting.
- D. Multi-stemmed understory trees shall be a minimum of ten (10) feet in height and must have at least three (3) stems; each with a minimum caliper of one (1) inches.
- E. Shrubs shall be a minimum of 3 gallons at planting. Shrubs pruned into tree form variations shall not be credited toward tree planting requirements. Ground cover planting shall be established with pots sized four inches or greater.
- F. Grass shall be composed of solid sod on top of a minimum of 4" of top soil. Seed and mulch shall not be accepted at final inspection.



## **SECTION 14 LIGHTING**

Appropriate site lighting is important to the design, safety, and appeal of projects in the city. However, because inappropriate lighting can be an issue for adjoining property owners and the general public, lighting is subject to the following:

1. **Purpose and Intent**

The purpose of this section of the ordinance is to ensure that all exterior lights are designed, located, installed and directed in such a manner as to prevent objectionable light trespass and glare across the property lines, and /or direct glare at any location on or off the property.

2. **Applicability**

The standards in this section shall apply to all new construction and development within the City of Chickasaw.

3. Parking Areas

All parking area lighting shall consist of full cut-off type fixtures, each installed in a horizontal position to avoid direct glare.

- Fixtures are to be placed in curbed islands wherever possible
- Fixture mounting height to be no greater than 10 ft
- Maximum to minimum ratio shall be no greater than 10:1

**Note:** The Working Waterfront and Shipyard Village Districts have additional and/or alternate lighting standards and requirements that compliment the districts.

4. Standards

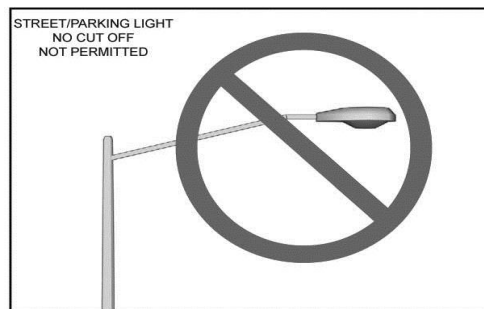
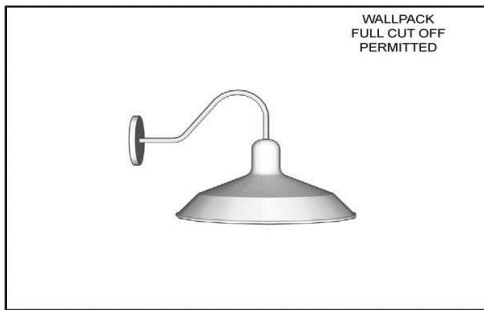
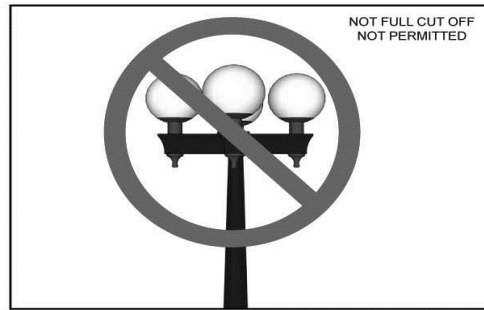
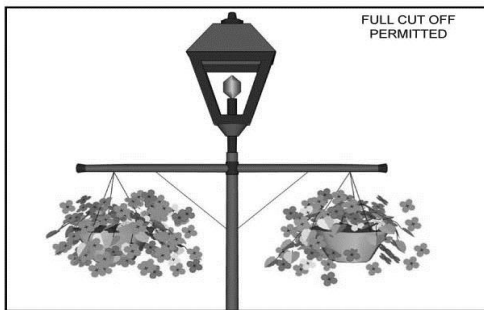
Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be shielded to prevent direct glare and/or light trespass in excess of 0.2 foot-candles.

- A. All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Flood lighting is discouraged, and if used, must be able to prevent:
    - i. Direct glare for drivers or pedestrians,
    - ii. Light trespass beyond property lines, and
    - iii. Light above a 90-degree, horizontal plane. Unshielded wallpack type fixtures are prohibited.
  - B. Landscape Lighting: Lighting embedded in landscaping for the purpose of visual enhancement and beautification is permitted, even if they are uplights.
  - C. Low Voltage Lighting: All low voltage lighting is exempt from these regulations.
  - D. Adjacent to residential property, no direct light source shall be visible at the property line at ground level or above
  - E. Residential Security Lights: Security lights for residential purposes are permitted provided that the light is not installed within 10 feet of a side or rear property line.
  - F. Commercial Lighting: The applicant shall submit to the City sufficient information, to enable the city to determine that the provisions of this ordinance will be satisfied.
  - G. Parking Lot/Open Area Lighting: Parking lots with 50 or fewer spaces and open area requiring lighting for general purposes shall have light poles that do not exceed 10 feet overall height. Parking lots having more than 50 spaces shall have light poles that do not exceed 20 feet overall height.
  - H. Lighting of Gas Station/Convenience Store Aprons and Canopies. All of the above standards shall apply, as well as the standards below:
    - i. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area
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- I. When an outdoor lighting installation is being modified, extended, expanded or added to, the entire outdoor lighting installation shall be subject to the requirements of this section.
- J. Electrical service to outdoor lighting fixtures shall be underground.
- K. Proposed lighting installations that are not covered in this section may be approved if they are designed to minimize glare, do not direct light beyond the boundaries in excess of 0.2 foot-candles of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels.

5. General Lighting Preferences

Lighting is an important element in site design. In order to facilitate the use of appropriate lighting standards and to encourage sensitive design the following examples are provided:



## **SECTION 15 SIGNS**

**Purpose:** The City of Chickasaw recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Section to:

- Set standards and provide controls that permit reasonable use of signs and enhance the character of the City.
- Support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes.
- Avoid excessive competition for large or multiple signs, so that permitted signs provide identification and direction while minimizing clutter, unsightliness, confusion, and hazardous distractions to motorists.
- Protect the public from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City.
- Encourage sign design that builds on the traditional town image and visual environment the City of Chickasaw seeks to promote.

These regulations are not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, except for the Working Waterfront District and the Shipyard Village District, which have different regulations that are specific to the District.

**General:** All signs shall be designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Section. The regulations are as follows:

1. No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.

2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead, or confuse traffic.
  3. No illuminated sign shall be permitted within twenty-five (25) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
  4. No business or advertising sign shall be erected to exceed fifty (50) feet in length nor shall any sign be erected to exceed the allowed height of the district in which it is located, provided, that in B-2, General Commercial Districts, signs otherwise in conformity with this ordinance and applicable federal and state regulations may be erected to a height which will make them visible to traffic on Interstate Highway 65. 3. Pylon (pole) signs will only be permitted within 500 feet of Interstate 65 and must be engineered to withstand 135 mph winds.
  5. New signage must be in the monument style, which means a freestanding sign with a base affixed to the ground which measures no more than 10 feet in height and a maximum of 50 square feet on each side which may or may not be lighted and is compatible with the commercial establishment which it is advertising.
  6. Monument signage must be professionally built and the lighting contractor must provide a declaration that the lighting does not exceed the maximum brightness for daylight and night time hours.
  7. A monument sign is to be a minimum of ten ( 10) feet from any right of way.  
  
All outdoor advertising structures shall be erected in conformity with the side and rear yard requirements of the district in which located, and shall be set back from the established street right-of-way line so as to not block the view of an adjacent building.
  8. Temporary signs shall not be erected or otherwise fixed to any pole, tree, fence, building, structure or any object within the right-of-way of any street. No temporary sign shall be erected at the intersection of any street in such a manner as to obstruct vision, or be confused with any authorized traffic sign, signal or device. No temporary sign shall exceed fifty (50) square feet in area. A temporary sign shall not be suspended across public streets or other public places.
  9. Signs projecting from building or extending over public property shall maintain a clear height of eight (8) feet above the sidewalk or pavement and all such signs shall not project upon or over any public highway or over any sidewalk more than thirty (30) inches.
  10. For multiple family and group dwellings, identification signs, not to exceed twenty-four (24) square feet in area, shall be permitted; such signs shall indicate nothing other than name and/or address of premises and name of the management.
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11. Announcement of church, school, or public building - bulletin boards not to exceed twenty-four (24) square feet in area shall be permitted; such bulletin board shall not be located in a manner so as to obscure or impair vision of persons operating vehicles entering or leaving the premises. Such bulletin board may contain indirect illumination.
12. The aggregate total of all signs on one lot shall not exceed one hundred (100) square feet, except in certain zoning districts where sign requirements may be specific and complimentary to the District.
13. Public use signs consisting of identification signs containing only the name of the public use of institution shall be permitted; but shall not exceed one hundred and fifty (150) square feet of area.
14. Flashing or intermittent illumination is prohibited.
15. In commercial districts, there shall be permitted for public uses, utilities and clinics, bulletin boards not exceeding forty (40) square feet in area.
16. Billboards and other outdoor advertising structures are permitted in B-1 and B-2 Commercial Districts along Lee Street and Highway 43 only ; however, billboards must be one thousand (1,000) feet apart from each other.
17. One (1) non-illuminated “for sale” sign not exceeding nine (9) square feet in area advertising the sale, rental or lease of the premises on which the sign is located is allowed. A larger sign shall be permitted for two or more lots, provided such sign does not exceed seventy five (75) square feet.
18. For construction or development of a lot, one (1) sign per contractor, not more than twelve (12) square feet in area, or one (1) sign not exceeding one hundred and twenty (120) square feet in area, giving the names of the contractors, engineers, or only during the time that construction is not complete.
19. One (1) sign not more than twelve (12) square feet pertaining to the sale of agriculture products.
20. For all businesses with at least 50 linear feet of street frontage, signage will be limited to 100 square feet.
21. No sign is to be outfitted with any flashing lights in any area, and all lighted signs whether on-premise or off-premise must not exceed a maximum brightness of 5000 nits of light during daylight hours and 500 nits of brightness between sunset and sunrise.

**Sign Styles:** The following identifies the categories, types and general description of signs permitted in the city. Any other type of sign not listed shall be considered for approval by the Building Official and the Planning Commission.

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- **Banner:** Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.
  - **Billboard:** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
  - **Building or Wall Sign:** A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, wall signs, projecting signs, and signs suspended from buildings are considered types of building signs.
  - **Bulletin Board:** Sign placed on the premises of any school, public agency, church, institution or any other similar organization for the posting of non-commercial notices and messages.
  - **Canopy or Awning Sign:** Sign that is painted on, applied to, or otherwise is a part of a fabric or other non-structural awning.
  - **Construction Sign:** Sign pertaining only to the construction, alteration, rehabilitation or remodeling of buildings and other structures for the purpose of identifying only those parties involved in the construction and type of construction activity occurring on the premises and future activity for which the construction is intended.
  - **Commercial Sign:** When describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.
  - **Development Sign:** Any sign, of a temporary nature, used at the entrance to a subdivision, office park, or similar development that indicates lots being sold, the name of the developer, financial institution or other development parties.
  - **Digital Sign:** A form of electric display that shows programming, menus, information, advertising and/or other messages. Digital signs utilize technologies such as LCD, LED, plasma and projected images to display content.
  - **Directional Sign:** Sign, other than an official sign, not displaying any commercial message. Designed and created solely for the purpose of traffic or pedestrian direction and placed on the property.
  - **Directory Sign:** Sign listing only the names and addresses of tenants or occupants of, and the name of, a permitted multiple occupancy commercial building or group of buildings.
  - **Door Sign:** Sign attached to, painted on or etched into a door. A sign in a window that is part of a door is a door sign rather than a window sign.
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- **Double Face Sign:** A sign with two (2) display areas against each other. The sign must be identical on both sides, where one face is designed to be seen from one direction and the other side from another direction.
  - **Ground or Free Standing Sign:** Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area.
  - **Incidental Sign:** Sign other than an official sign, containing no commercial message, providing only information or direction for the convenience and necessity of the public.
  - **Marquee:** A permanent roof like structure extending from part of the wall of a building but not supported by the ground; designed to have changeable copy, either manually or electronically which may overhang the public way.
  - **Monument Sign:** A permanent sign whose base is on the ground, is generally wider than the sign, and is contiguous to the top of the sign. Monument signs shall not exceed five (5) feet above the natural ground level. See *Figure 8-9*.
  - **Noncommercial Sign:** A sign which is not an on-premise or off-premise *commercial* sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.
  - **Non-Official Flag:** Any flag other than an Official Flag
  - **Official Flag:** Official federal, state, or local government flags. Also, any flags or insignia of a religious, charitable, fraternal, academic, corporate or civic organization shall be allowed as well. Official flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Ordinance.
  - **Off-Premise Sign:** A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located
  - **On-Premise Sign:** A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.
  - **Pole Sign:** A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure.
  - **Political Signs:** Any temporary sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue.
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- **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels, A-frame or T-frame signs, signs attached to vehicles that are not part of the normal day-to-day operation of a business, and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than real estate signs.
  - **Projecting Signs:** Projecting signs may not project into a public pedestrian way no more than six feet. Signs projecting over pedestrian ways shall provide a minimum of eight (8) feet vertical clearance. See *Figure 8-8*.
  - **Reader Board Sign:** Permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a building sign or an integral part of a freestanding sign.
  - **Real Estate Sign:** A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
  - **Sidewalk or Sandwich Board Sign:** A movable sign, not permanently secured or attached to the ground or surface upon which it is located, but supported by its own frame. These signs are known by various names based on the manufacturer and include names such as wind signs, rolling, folding, tin 'n roll, swinger, sidewalk, or equivalent.
  - **Subdivision Identification Marker Sign:** A sign marking an entrance to a residential subdivision, office park, or industrial park.
  - **Temporary Sign:** A sign designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the lease or vacancy of rental units in multiunit residential developments. Symbols, figures, balloons, and other similar items shall be considered temporary signs.
  - **Utility Sign:** Sign showing the location of a public telephone, or sign placed by a regulated public utility to indicate location of facilities, and includes no commercial message.
  - **Vehicle Sign:** Any sign affixed to a vehicle.
  - **Wind Sign:** Any signs, pennants, flags (other than official flags), ribbons, spinners, streamers, captive balloons or inflatable figures, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind and drawing attention to a business, product, service or activity whether it contains a message or not.
  - **Window Sign:** Any sign located on the inside or outside of a window and is visible from the street or adjoining properties. Signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or
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offered, upon the premises where such sign is located and shall not occupy more than 25% of the glass area.

**EXAMPLES OF DIFFERENT SIGN STYLES:**

**Figure 8-4:** Awning/Canopy Sign



**Figure 8-5:** Wall/Building Facade Sign



**Figure 8-6:** Ground Sign



**Figure 8-7:** Window Sign



**Figure 8-8:** Projecting Sign



**Permits:** It shall be unlawful to erect, alter or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to change, alter or otherwise deviate from the approved permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.

**Exceptions:** The following signs do not require a permit:

- i. The changing of copy on signs specifically designed for the use of replaceable copy;
- ii. One general identification sign per building entrance such as a nameplate, street number, not to exceed three square feet;

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- iii. Decorative flags, banners and bunting authorized by the City Council
  - iv. Memorial Signs, tablets or corner stones, names of buildings and date of erection when consisting of a cut masonry surface or when constructed of bronze or similar materials not exceeding three square feet;
  - v. Up to four incidental signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel or property not to exceed two square feet in area per sign;
  - vi. Identification signs at the entrance drive of residences which do not exceed three square feet, located on private property.
  - vii. One non-illuminated, double faced, temporary, real estate for sale sign per street frontage not exceeding in face area;
    - In residential zoning districts eight square feet where the property being advertised has a front line of less than 500 linear feet, or 16 square feet where the property being advertised has a front lot line of 500 linear feet or more.
    - In all other districts, 16 square feet where the property or structure being advertised has a front line of less than 200 linear feet, or 32 square feet where the property or structure being advertised has a front line of 200 linear feet or more.
  - viii. One construction sign per street frontage located on property where construction is actually in progress under a current building permit. This shall be a ground sign not to exceed 16 square feet for residential structures and 32 square feet for non-residential structures. This sign shall be removed before a certificate of occupancy is issued;
  - ix. Addresses are required on the face of buildings fronting the public ROW. The numbers are to be a total of no more than 3 square feet. This addressing signage does not impact the total allowable sign area.

**Nonconforming Signs.** A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Chickasaw on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of, these regulations.

A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, however, it shall not be:

- A. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
  - B. Structurally altered to prolong the life of the sign, except to meet safety requirements.
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- C. Expanded or altered in any manner that increases the degree of nonconformity.
- D. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Building Official.
- E. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- F. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

**Digital Signs.** The use of electronic or digital technology in off-premise signs is permitted and allowed, subject to the following limitations and restrictions, which are in addition to and intended to supplement all other applicable requirements, and are as follows:

- 1. All off-premise electronic or digital signs shall be programmed so that the message or image on the sign changes no more often than once every eight (8) seconds.
- 2. All off-premise electronic or digital signs shall be programmed so that there are no effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual images.
- 3. All off-premise electronic or digital signs shall be programmed so that the image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.
- 4. All off-premise electronic or digital signs shall be equipped with automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:
  - a. All such signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
  - b. Brightness levels is measured in nits, which is defined as the total amount of light emitted from a sign divided by the surface area of the sign (candelas per square meter).
  - c. The maximum brightness levels for such signs shall not exceed five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours.
  - d. The maximum brightness levels for such signs shall not exceed five hundred (500) nits when measured from the sign's face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
  - e. Written certification from the sign manufacturer must be provided at the time of application for a building permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section, and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.

5. All off-premise electronic or digital signs shall contain a default design that will freeze the device and message in one position with no more than a maximum illumination of five hundred (500) nits if a malfunction occurs.
6. Any off-premise electronic or digital sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing or any similar effects, shall be restored to its normal operation conforming to the requirements of this section within twenty-four (24) hours.
7. Existing conforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section. The conversion of any existing conforming billboard requires permitting from the city's land use/code administration department.
8. Existing nonconforming billboards and structures may be converted to accommodate electronic or digital technology, subject to compliance with all other provisions and requirements of this section, and provided that such structures are structurally able and capable of supporting the conversion. The conversion of any existing nonconforming billboard requires permitting from the city's land use/code administration department.
9. The minimum spacing between electronic or digital signs facing the same direction of travel, or that are otherwise visible to the same direction of travel, shall be three thousand (3,000) linear feet measured radially.
10. For each off-premise electronic or digital billboard erected or constructed or for each existing billboard that is converted to electronic or digital technology after the effective date of this Ordinance, the permittee shall remove three (3) existing sign faces from nonconforming signs owned by the permittee or any subsidiary, parent or other company affiliated with the permittee within six (6) months of the issuance of the building permit. The permittee shall make written certification to the land use/code administration department no later than six (6) months following the issuance of the permit identifying the location of the sign faces that were removed and the date of their removal.
11. No off-premise electronic or digital sign shall be located less than five hundred (500) linear feet from a residential (R-1, R-2, or R-3) property line.
12. Permitting. All off-premise electronic or digital signs, including the conversion of any existing billboard to electronic or digital technology, shall require permits as follows:
13. Application for a building permit shall be made to the land use/code administration department, and shall be accompanied by such drawings, plans, specifications, and engineering designs as may be necessary to fully advise and acquaint the department personnel with the proposed sign and sign location. The application shall be accompanied with the deed, lease, or other agreement by which the applicant has the right to erect, use or maintain the proposed sign at the stated location. Further, said application shall contain the following information:
  - a. distance from proposed sign to closest off-premise sign on the same side of the street and on the opposite side of the street;
  - b. distance from proposed sign to closest residentially zoned (R-1, R-2, R-3 or SV) property;
  - c. location of all other digital billboard signs within a radius of one mile of the proposed location;

- d. written certification from the sign manufacturer certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this subsection, and that the preset intensity level is protected from end used manipulation by password protected software or other approved method;
  - e. and an identification of the signs that will be removed within six (6) months of the issuance of the building permit as required by this section.
14. A permit application fee of two hundred fifty dollars (\$250.00) per structure shall be paid by each person or corporation seeking a building permit under this section. This fee shall be in addition to, and not in lieu of, any other fees or licenses required.
15. Electrical permits are also required.
16. No electronic or digital or video display message shall be mounted, affixed or attached to any vehicle, motor vehicle or trailer operated, maneuvered or towed on or upon any street, avenue, alley, road, or right of way within the corporate limits of the city. This prohibition shall include vehicles, motor vehicles or trailers designed, built, or used specifically for and as mobile advertising billboards. Any person operating or using a vehicle, motor vehicle or trailer in violation of this section shall be subject to the issuance of a municipal offense ticket and punishment in the same manner and in accordance with the schedule of fines and other procedure for a municipal offense.

**Abandoned Signs.** Except as otherwise provided in this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property. The frame of an abandoned sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).

Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

**Illegal Signs.** The following signs shall be considered to be illegal and a violation of the terms of this article:

- A. A sign erected or maintained after the effective date of this article inconsistent with the terms contained herein;
- B. A nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection;

C. An abandoned sign.

Upon determination by the Building Official that a certain sign is illegal, the Building Official shall act to remedy the violation, which may include:

- A. Causing the issuance of a notice of violation to the individual who owns, is responsible for or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the individual is afforded to accomplish such action;
- B. The removal of any illegal sign located on public property or on private property located on public property, including any such sign located within a street right-of-way in which case the City shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

Failure to bring any illegal sign into conformance with the terms contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Chickasaw and shall be subject to the remedies and penalties provided by such ordinance and by state law.

**SECTION 15 STORM WATER MANAGEMENT & WATER POLLUTION CONTROL**

Owners, particularly developers of the larger paved areas such as those in connection with apartment complexes, shopping centers, etc. shall be responsible for increased runoff resulting from these developments which may cause flood damage to neighboring property. The Building Official shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage have been made in the applicant's design per the *City of Chickasaw's Post-Construction Stormwater Management Ordinance*, which fulfills requirements for protecting environmentally sensitive areas of the city by managing storm water runoff during the construction and post-construction phases of a development project through design criteria and long term maintenance schedules.

Whenever one (1) acre or more of land will be disturbed for construction purposes, the developer is required to demonstrate a Storm Water Management Plan that ensures the protection of water quality and prevents sedimentation from occurring in Chickasabouge Creek and other neighboring waterways. If such reasonable provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance. Contact Building Official's office for detailed information regarding said Ordinance and required procedures.

## **ARTICLE 10 GENERAL REVIEW & ZONING PROCEDURES**

### **SECTION 1 PURPOSE**

A zoning site plan review is a procedure designed to assure that the proposed development conforms to the requirements of the current Zoning Ordinance. A master plan shall be required for all projects with multiple phases and/or multiple principal structures. It is the responsibility of the Building Official and Planning Commission to review the site plan and/or master plan. The site plan is the development plan for one or more lots on which is shown the existing and proposed conditions of the lot, along with site design details that include:

1. *Parking layout,*
2. *Landscape design*
3. *Lighting*
4. *Fencing and buffers*
5. *Signage*
6. *Storm water management & environmental protection*

### **SECTION 2 APPLICABLE PROJECTS THAT REQUIRE A SITE PLAN REVIEW**

Except as otherwise required in this Ordinance, a site plan shall be required for the following and shall be reviewed by the Building Official and the Chickasaw Planning Commission to ensure full compliance of the Zoning Ordinance:

1. Any new construction of all residential projects involving the construction of two (2) or more dwelling units, accessory buildings excluded;
2. The new construction of all non-residential structures, accessory buildings excluded;
3. Any construction project that includes demolition, remodeling or the refurbishing of existing structures that increases the exterior building footprint or changes the requirements of off-street parking, yards, height limits, buffers, screening, or landscaping;
4. Any change of occupancy or use of any structure for a non-residential or multi-family project.

**\*\*NOTE:** *A Master Plan shall be required for all projects with multiple phases and/or multiple principal structures.*

### **SECTION 3 SITE PLAN/MASTER PLAN CONTENTS**

Site plans shall be submitted to the Building Official and Planning Commission for review. All site plan and/or master plan elements shall be drawn to scale and all dimensions provided. The following items should be considered minimum standards and additional improvements not listed may be required for site plan approval at the discretion of the Planning Commission after proper

review. Additionally, the Planning Commission may waive certain requirements that may not be necessary for said project after thorough review.

The site plan shall contain at minimum, the following elements:

<sup>2</sup> See Appendix I for an official site plan application, list of required elements and check off list.

**\*\*NOTE: Additional standards and review will be required for properties located within the Historic District of Chickasaw, see City Ordinance No. 1599 and Zoning Map for boundary.**

1. An accurate plat drawn to scale with the actual shape and dimensions of the lot to be built upon, including the location and size of the site and legal description.
2. Most recent survey showing all property parcels with parcel number, boundaries and easements.
3. A vicinity map showing the site relation to surrounding property.
4. Placement and dimensions of proposed and existing structures.
5. Yard and setback requirements.
6. All bordering streets, avenues, roadways, or other public ways.
7. Parking and access to include dimensions of lots, ingress and egress, and proposed and existing landscaping, including all trees, existing and proposed to be removed.
8. Construction details for all proposed or altered structures to include building orientation, floor plan, roof plan, height, elevations, exterior design details and color.
9. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
10. Lighting
11. Landscaping, buffers & fencing
12. Trash receptacles, dumpster location (if applicable) and required screenings and buffers.
13. Signage-location of all proposed signage shall be noted on the site plan, including all existing signage.
14. Zoning and existing uses of adjacent parcels.
15. Sidewalks shall be a minimum of four (4) feet wide in residential and five (5) feet wide in commercial areas. The cross-section for a sidewalk shall be in accordance with standard details found in the City's Subdivision Regulations.
16. Driveway guidelines, see City of Chickasaw Subdivision Regulations.
17. Approval by the Chickasaw Utility Department as to availability of services and capacity.
18. Approval by the Chickasaw Building Official ensuring that all storm water management and environmental protection requirements have been met.

#### **SECTION 4 SITE PLAN/MASTER PLAN REVIEW PROCEDURE**

The following procedure must be conducted and submitted to the City of Chickasaw Building Official and/or city staff and the Chickasaw Planning Commission for review before the issuance of a building permit.

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<sup>2</sup> Refer to Appendix I for the city's official forms, and Appendix II for the city's Fee Schedule

1. Pre-Application Conference. A Pre-Application Conference is not required but strongly recommended for projects subject to Site Plan Review. In said conference the applicant may meet with Building Official Department staff to receive information on and discuss all applicable requirements for the anticipated project. It is the intent of said conference to ensure that the applicant has all necessary information regarding applicable regulations and fees associated with project, and to ensure the proper completion of required submittals to enable timely, efficient review and response.
2. Application. Any person may file a request for a Site Plan review by filing with the Building Official and/or staff, the completed application upon forms furnished by the Building Official and/or city staff. The signature of the owner or authorized agent must be on the application signifying their knowledge and approval of the proposed plan and project.
3. Submittal. Site plans shall be submitted no less than fifteen (15) days prior to the next regularly scheduled Planning Commission meeting at which they are to be reviewed. Copies will be distributed to Building Official's office which will review the plans and make recommendations regarding any deficiencies in the plans. These recommendations will be conveyed to the applicant (and to the Planning Commission where such review is required). After staff comments have been received and responded to by the applicant, a corrected Site Plan, as applicable, shall be prepared by the applicant and presented to the Planning Commission for formal review.
4. Formal Review. In addition to reviewing the site plan for all required elements, the Planning Commission may establish additional design standards acceptable for Site Plan development to ensure good site planning and to protect the health, safety and welfare of local citizens. The Commission may attach other conditions to the approval of the Site Plan where necessary to assure that the use of land in question will be consistent with the purpose and intent of the Comprehensive Master Plan and this Ordinance.
5. Approval. After reviewing the site plan, the Planning Commission shall either:
  - Recommend application for approval;
  - Approve with conditions;
  - Do not recommend application for approval

Site plan approval must be granted prior to commencing any site preparation and/or construction activities. Following any formal review process, the staff will advise the applicant of the specific changes, if any, that will be required in order to comply with the zoning ordinance. Such changes shall be accomplished prior to the issuance of a land disturbance and/or building permit.

6. Post Approval of Site Plan: Upon approval, the applicant shall file with the Building Official, two (2) copies of the approved Site Plan. If the Site Plan is disapproved, notification of such shall be given to the applicant within ten (10) days after such action. The Building Official shall not issue a Building Permit or Certificate of Occupancy until he has received a certified approved Site Plan.

7. *Expiration:* The Site Plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Building Official has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under a Site Plan certificate.

## **SECTION 5 PROCEDURE FOR REQUESTING A ZONING AMENDMENT**

The City Council may, occasionally after examination, review and hold public hearing thereon, amend, supplement or change the regulations of the zoning districts herein or subsequently established. Proposals for zoning amendments, whether initiated by an Applicant, City Council, or the Planning and Zoning Commission, shall be treated in accordance with the following procedure:

1. An application must be submitted on appropriate forms and in writing at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission and must be accompanied by a site plan of the proposed use included in any petition for a zoning amendment.
2. Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper legal notice published in a newspaper of general circulation in the jurisdiction, at least fifteen (15) days prior to the said public hearing. In addition, the subject property is to be posted by the City building Official fifteen (15) days before the Planning commission meeting stating the property's present zoning, proposed zoning, and the date, time, and place of the public hearing. The posting shall remain in place until such time as the City Council makes its final determination.
3. The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment, and shall take action on said proposed zoning amendment within 45 days from the date of the public hearing.
4. Any petition for zoning amendment may be withdrawn prior to action thereon by the Council or Planning Commission at the discretion of the person, firm or corporation initiating such a request upon written notice to the Clerk.
5. A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more than once every twelve (12) months.

## **SECTION 6 PROCEDURE FOR REQUESTING A HEARING**

Request for a hearing before the Board Adjustment for an administrative review, special exception or a variance shall observe the following procedure:

1. A completed application form must be filed with the zoning enforcement officer from whom the appeal is taken and the Board of Adjustment, at least two (2) calendar weeks prior to the regular meeting of the Board of Adjustment. The application must include all specified pertinent data including an explanation of the grounds on which the appeal is being made.
2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning enforcement officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing proposed structures; yard dimensions and the use of structures; easements (private and public), water course, and if existing and proposed, fences, street right-of-way lines; and such other information regarding abutting property as directly affects the application.
3. The Board of Adjustment shall hear the appeal of its next regularly scheduled meeting, or, if for good reason this is not feasible, shall fix a reasonable time within twenty (20) days after the date of their regularly scheduled meeting for hearing the appeal. Public notice of the hearing shall be given by all of the following methods:
  - a. A printed notice in one or more newspapers of general circulation in the area affected by the appeal, in conformance with applicable state law and at least fifteen (15) days prior to the date of the hearing; such notice shall be printed in a type size easily readable by a person with normal vision, and,
  - b. Notice by registered mail to the owners of all adjacent property of the affected property on the same side of the street, across the street, and to the rear of the affected property.
4. The Board of Adjustment shall render a decision on any appeal or other matter before it within forty-five (45) days from the date of the public hearing on it.
5. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning enforcement officer certifies to the board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by said Board or by a court of record on notice to the official from whom the appeal is taken and on due cause shown.
6. In exercising the powers granted the Board of Adjustment said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the

Zoning Enforcement Officer and may issue or direct the issuance of a Zoning Compliance Permit.

7. Limitation, Withdrawal, Citizen Appeals:

- a. A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than one every year or twelve (12) months on the same variance.
- b. Any petition for a hearing before the Board may be withdrawn prior to action thereon by the Board at the decision of the person initiating such a request upon written notice to the Secretary of the Board.
- c. Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may take, within fifteen (15) days thereafter appeal to the circuit court or like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment of decision from which appeal is taken.

**SECTION 7 PROCEDURE FOR ANNEXING LAND**

Municipal Annexation is a process by which a municipality expands its boundaries into adjacent areas not already incorporated into the municipality. The process may occur because the neighboring urban areas seek city services or because a city seeks control over its suburbs or neighboring unincorporated areas to ensure proper development standards are achieved in the municipal planning jurisdiction.

The City Council may, after thorough examination, review and public hearing thereon, consider proposals for annexation, whether initiated by the City Council, the Planning Commission, or any person, firm, or a corporation.

All applications shall be treated in accordance with the following procedure:

(a) An application on the prescribed form shall be submitted in writing to the City Clerk thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.

(b) The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

(c) Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law.

(d) Said notice shall be published in full for one (1) insertion and an additional insertion of a synopsis of the proposed amendment one (1) week after the first insertion in a newspaper of general circulation published in the municipality, both insertions shall be at least fifteen (15) days prior to the said public hearing; or, if no newspaper is published in the municipality, then said notice shall be posted in four (4) conspicuous places within the municipality at least fifteen (15) days prior to the said public hearing. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

(e) Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

(f) In such case, the Council shall not make any change in or departure from the text or maps, as recommended and certified by the Planning Commission, unless such change or departure can be first resubmitted to the Commission for an additional review and recommendation. The Commission shall have thirty (30) days to resubmit its recommendation.

(g) Any petition for annexation may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the City Clerk.

## **SECTION 8 PROCEDURE FOR ZONING NEWLY ANNEXED LAND**

Unless otherwise requested at time of annexation, any new land annexed into the City of Chickasaw, hereafter shall be classified with a zoning designation of R-1. Annexed land with an established zoning shall at the time of annexation be rezoned to a use compatible with the City's own zoning district or to an entirely new zone consistent with established procedure.

## **SECTION 9 REVERSIONARY CLAUSE**

Any parcel or parcels of land rezoned to another use classification under the amendment authority of this ordinance, shall revert back to the prior zoning classification after one (1) year from the date of approval of the rezoning if, by that time, said land is not actually being used for a permitted use in the classification to which it was rezoned, provided that an extension of such time not to exceed six (6) months, may be granted by the Building Official under special circumstances upon written request by the applicant.

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## **ARTICLE 11**

### **ZONING ADMINISTRATION, ENFORCEMENT & FEES**

#### **SECTION 1 REVIEW BODIES**

1. **CITY COUNCIL**

The City Council shall exercise all final legislative authority over zoning matters as provided in this Ordinance.

2. **PLANNING COMMISSION**

The Planning Commission shall exercise the authority granted by the Code of Alabama and the Zoning Ordinance.

3. **BUILDING OFFICIAL & ZONING ENFORCEMENT**

The Zoning Enforcement Officer shall be the City Building Official as designated by the City Council whose duties shall be to enforce the provisions of this Ordinance.

4. **BOARD OF ADJUSTMENT**

The Board of Adjustment provides relief to regulations in this Ordinance that when literally interpreted, would render property useless.

#### **SECTION 2 POWERS AND DUTIES OF THE PLANNING COMMISSION**

The Planning Commission of the City of Chickasaw, Alabama, is hereby established according to Title 11, Chapter 52 of the Code of Alabama (1975), as amended. The members are responsible for preparing the Comprehensive Plan, advising Council on developmental policies and issues and administering developmental regulations. Their role is mainly advisory, except in relation to the city's Subdivision Regulations for which they have sole decision making power.

1. **Membership:** The Planning Commission shall consist of nine (9) members; The mayor, or a person representing and appointed by the mayor, six (6) mayoralty appointed citizens, one (1) administrative official, appointed by the mayor and one (1) elected official, appointed by the City Council.
2. **Rules of Procedure:** The Planning Commission shall observe the following procedures:
  - a. The commission is charged with the responsibility to review, apply, and monitor the enforcement of this Ordinance in accordance with the adopted comprehensive plan or portion therefore which are adopted.
  - b. The Planning commission shall hear matters "on review" or require Commission "approval" as herein specified.
  - c. The Commission shall hear and recommend to the City Council on all matters of zoning, rezoning and annexation.

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- d. Requests before the Commission shall adhere to the requirements specified herein and as may be established by the Commission for the lawful rendering of its duty.

### **SECTION 3 POWERS & DUTIES OF ZONING ENFORCEMENT OFFICER**

1. The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance.
2. The Zoning Enforcement Officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings before the Board of Adjustment, the Planning Commission, and/or the City Council.
3. The Zoning Enforcement Officer shall keep records of all and any permits, the Certificates of Occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of the office and shall be made as a public record.

### **SECTION 4 BUILDING PERMITS & CERTIFICATES OF OCCUPANCY**

Permits and certificates shall be issued in accordance with the following provisions:

1. **Building Permits:** It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official of the City has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conforms with the provisions of this Ordinance. Additionally, in any instance where one (1) acre or more of land will be disturbed, the applicant is required to submit a Stormwater Management Plan, see City of Chickasaw's Post-Construction Stormwater Management Ordinance, for detailed information regarding procedure. Application for the building permit shall be made to the Building Official of the City on forms provided for that purpose.
  - A. **Approval of Plans and Issuance of Building Permit.** The Building Official is authorized to issue building permits for single-family residences without referral to the Planning commission but shall not issue any building permit for structures other than single-family residences without the prior approval of the Planning Commission in the manner herein after described. It shall be unlawful for the City Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected

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such plans in detail and found them in conformity with this Ordinance. To this end, the City Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing sufficient detail to enable the City Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

- (a) To actual shape, proportion and dimensions of the lot to be built upon.
- (b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot.
- (c) The existing and intended use of all such buildings or other structures.
- (d) The location of off-street parking spaces, and, wherever applicable, off-street loading areas.
- (e) The adequacy of provisions to control surface drainage.
- (f) The provision for control of traffic, if required.

If the proposed excavation, construction, moving or alteration as set forth in the application, are in conformity with the provisions of this Ordinance, the Building Official of the City shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official of the City shall state in writing on the application the cause for such disapproval. Issuance of a building permit, shall, in no case, be construed as waiving any provision of this Ordinance.

- B. Filing for Permit. The filing deadline for consideration at the next regular or specially scheduled meeting of the Planning Commission can be determined by consulting the Building Inspection Department of the City, which may require filing fifteen (15) days prior to such scheduled meeting in order to carry out its responsibilities of examining the life-safety factors, and Health Department requirements. During this fifteen (15) day period, all members of the Commission shall try to familiarize themselves with all aspects of the application for a building permit so that they may be in a position to act on it with dispatch when the Building Inspection department provides them with its findings and recommendations.

- 
2. Issuance of Permit: Approval by the Commission on any project shall be in the form of two (2) stamped and signed sets of drawings and specifications returned to the Building Inspection Department (one for files, and one for the owner). Either the chairman or the secretary of the Commission shall sign the approval. Only the Building Inspection Department may issue the building permit. Conditions may be applied under the approval when the proposed building or structure does not comply with the criteria in this ordinance and shall be such as to bring said structure or project in to conformity.
  
  3. Expiration of Building Permit: A building permit shall not be transferable and shall be issued only to the applicant. It shall expire if the foundation work for the entire scope of the permitted project has not been completed within one (1) year after issuance of the building permit. Request for a single one-year extension will be considered upon the applicant's request if made prior to the permit expiration.
  
  4. Certificate of Occupancy: No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the building Official of the City shall have issued a certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance and the currently adopted ICC codes. Within three (3) days after the owner or his agent has notified the Building Official of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official of the City to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

## **SECTION 5 CONTINUANCE OF PREVIOUSLY ISSUED PERMITS**

All permits which were previously issued shall not be affected by the provisions of this Ordinance, except as otherwise provided herein.

## **SECTION 6 ESTABLISHMENT & DUTIES OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment is known by various names, including Board of Zoning Adjustmnet, Zoning Board of Adjustment and Zoning Board of Appeals. Regardless of the exact title, the purpose and function of the Board is the same.

The Board of Adjustment of the City of Chickasaw, Alabama, is hereby established and functions as a means for providing relief to the citizen from the regulations of this Zoning Ordinance, in situations where the literal enforcement or interpretation of regulations renders property useless.

1. Membership: The Board of adjustment shall consist of five (5) members, appointed by the Council of Chickasaw, Alabama, for overlapping terms of three (3) years. In addition, two supernumerary members shall be appointed to serve at the call of the chairman only in the absence of regular members. Such members shall be appointed for three years and shall be eligible for reappointment.

2. Initial Appointment: The initial appointment of the Board of Adjustment shall be as follows: two members for one year; two members for two years; and one member for three years.
3. Vacancies: Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the City Council upon written charges and after public hearing thereon.
4. Public Offices Held: No members shall hold any other public office or position, except that one member may be a member of the City Council.
5. Rules of Procedure: The Board of Adjustment shall observe the following procedures:
  - a. Said Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.
  - b. Said Board shall elect one of its members, other than a member of the Planning Commission, as Chairman, who shall serve for one year or until he is re-elected or his successor is elected. Said Board shall appoint a Secretary.
  - c. The meetings of said Board shall be held at the call of the Chairman and at such other items as said Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance to witnesses by subpoena.
  - d. All meetings of said Board shall be open to the public.
  - e. Said Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the Office of the Clerk and shall be a public record.
6. Duties and Administrative Powers: The function and purpose of the Board of Adjustment is to hear and decide applications on the following three (3) cases pertaining to this Zoning Ordinance. The City of Chickasaw Board of Adjustment shall have the following duties powers:

- a. Appeals: To hear and decide appeals where it is alleged there is error in any determination, decision, order or requirement made by the Zoning Enforcement Officer, or other administrative official, in the enforcement of this Ordinance.
  
- b. Special Exceptions: To hear and consider applications for the approval of certain uses of land, which are listed as *Special Exceptions* land uses in the Zoning Ordinance.
  
- c. Variances: To hear and decide applications for variances from the requirements of this Zoning Ordinance in cases where it is claimed that the literal enforcement or interpretation of said regulations would result in the unnecessary *hardship* to the property owner. To authorize upon appeal in specific cases, such variance from the terms of this Ordinance, as it will not be contrary to the public interest, and where public safety, health and welfare are secured. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
  - (b) The application of this Ordinance to the particular piece of property would create an unnecessary hardship;
  - (c) Such conditions are peculiar to the particular piece of property involved; and,
  - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance.
  
- d. Uses Not Provided For: Whenever, in any District established under this Ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the zoning officer for such use, the zoning officer shall refer the application to the Board of Adjustment which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this Ordinance.

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**SECTION 7 ENFORCEMENT, PENALTIES & REMEDIES**

- A. Enforcement: Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance *per se*. The Zoning Official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Zoning Official has declared a structure to be nonconforming with the provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Zoning Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.
  
- B. Penalties: Any person violating any provision of this Ordinance shall be fined upon conviction, not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense, and could incur a jail sentence of up to six (6) months jail time. Each day such violation continues shall constitute a separate offense.
  
- C. Remedies: In case any building or structure is to be erected, constructed, reconstructed, altered, or converted, in violation of this Ordinance, the Building Official, legal officer, or other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or to prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offence.

**SECTION 8 FEES**

See *Appendix II: Schedule of Fees* of this Ordinance for a complete list of application fees as adopted by the City of Chickasaw.

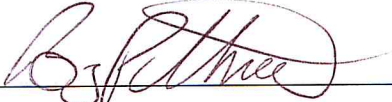
Fees required for applications for filing of appeals, variances, special exceptions, amendments, site plan review and signs shall be established as follows:


- 1. Applications for zoning amendment.....\$60.00
- 2. Applications for variance, appeals or special exceptions.....\$60.00
- 3. Application for Site Plan/Master Plan review.....\$50.00
- 4. Sign permit..... \$250.00
- 5. Sign inspection.....\$10.00
- 6. Fees for sign permits shall be forty cents (\$0.50-\$1.00) per square foot per face, but in no case less than twenty-five dollars (\$25.00).
- 7. In addition the fees identified here, the actual costs for legal advertisement of the request and notification of parties in interest shall be paid by the applicant prior to any decision by the Board of Adjustment or the Building Official.

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**ARTICLE 12**  
**ADOPTION OF ORDINANCE**

This ordinance was adopted by the City of Chickasaw, Alabama, on the 22<sup>nd</sup> day of March, 2016.

  
Signed: Byron Pittman, Mayor

  
Attested: Rachael Stubbs, City Clerk

I, Rachael Stubbs, City Clerk of the City of Chickasaw, Alabama, certify that the document described herein, identified as the "Zoning Ordinance Of The City of Chickasaw, Alabama, is a true and correct copy of the Ordinance number 2016-03, adopted by the City of Chickasaw, this 22<sup>nd</sup> day of March, 2016.

Seal of the City of Chickasaw, Alabama.

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# **APPENDIX I**

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## **OFFICIAL FORMS & APPLICATIONS**





## **PLANNING OFFICIAL FORMS**

### **CHICKASAW PLANNING COMMISSION**

The City of Chickasaw's Planning and Zoning Department forms may be obtained at the Building Official's office or downloaded from the city's website at [www.cityofchickasaw.org](http://www.cityofchickasaw.org). It is the responsibility of the applicant to verify that all submissions are made in a complete and timely sequence and to present the issue before the Planning Commission at the regularly scheduled meetings, which occur on the first Monday of every month at 6:00 p.m. at City Hall.

***INCOMPLETE SUBMISSIONS WILL NOT BE PLACED ON THE AGENDA.***

#### **FORMS TO BE REVIEWED BY PLANNING COMMISSION AND/OR CITY COUNCIL:**

- Application for Site Plan Review or Land Use Approval and Checklist
- Application for Preliminary Subdivision Plat and Checklist
- Application for Final Subdivision Plat and Checklist
- Application Requesting the Rezoning of Property and Checklist
- Application for Annexation Request and Checklist

#### **FORMS TO BE REVIEWED BY BOARD OF ADJUSTMENT:**

- Application for Zoning Variance
- Application for Administrative Review & Appeal
- Application for *Special Exception* land use

To verify the correct amount for fees and postage or for additional information, please contact the Chickasaw Building Official's office.

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APPLICATION FOR REVIEW  
BY  
PLANNING COMMISSION

CITY OF CHICKASAW, ALABAMA

Application date: \_\_\_\_\_ Planning Commission Review Date \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. Home: \_\_\_\_\_ Business; \_\_\_\_\_ Pager: \_\_\_\_\_

REQUESTED TYPE OF REVIEW:

Zoning Change     New Business     Business Expansion     Home Business  
 Business License     Site Plan     Subdivision

PROPERTY LOCATION:

Street: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Present Property Use: \_\_\_\_\_

Business Name: \_\_\_\_\_ Business Type: \_\_\_\_\_

Number of Employees: \_\_\_\_\_

Wetlands on property:     Yes     No     Possibility     Don't know

PRESENT ZONING:

<u>Symbol</u>	<u>District</u>
___ R-1	Single Family Residential
___ R-2	One and Two Family Residential
___ R-3	Multi-Family Residential
___ B-1	Neighborhood Commercial
___ B-2	General Commercial
___ TC	Tourist Conservation
___ WW	Working Waterfront
___ SV	Shipyard Village

\_\_\_ I-1 Light Industrial  
\_\_\_ I-2 Heavy Industrial

PROPOSED ZONING: \_\_\_\_\_ PROPOSED USE: \_\_\_\_\_

Business Name: \_\_\_\_\_ Business Type: \_\_\_\_\_

**REQUIRED INFORMATION:**

See Building Official's office for list of requirements for each application.

**DOCUMENTATION:**

Four copies of all documentation attached to application is required. Documentation larger than 11 x 17 inches cannot be reproduced at City Hall and may delay action if not provided with the application.

**APPLICATION SUBMITAL:** The Planning Commission meets the 1<sup>st</sup> Monday of each month at 6:00 P.M. at City Hall. Application and complete documentation must be submitted 15 days prior to a meeting to be placed on the agenda. Applications submitted less than 15 days before a Planning Commission meeting will be placed on the following agenda.

**CERTIFICATION:**

It is understood and agreed by this application that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intent on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any alteration, or change in the accompanying plans or specifications shall constitute sufficient ground for the revocation of Planning Commission approvals.
---

Owner/Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**DATE RECEIVED BY THE CITY OF CHICKASAW**

Date: \_\_\_\_\_ By: \_\_\_\_\_

PLANNING COMMISSION RECOMMENDATION: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Business Name: \_\_\_\_\_ Business Type: \_\_\_\_\_

**Action:**

\_\_\_ Approved      \_\_\_ Held Over      \_\_\_ Additional Information Needed

Denied       Denial Reason(s)

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Date: \_\_\_\_\_  
Chairman, Planning Commission



CITY COUNCIL ACTION:

Meeting Date: \_\_\_\_\_ Action:

Approved       Held Over       Additional Information Needed

Denied       Denial Reason(s) \_\_\_\_\_

---

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Date: \_\_\_\_\_  
Mayor, City of Chickasaw, AL



**APPLICATION FOR SITE PLAN REVIEW AND/OR LAND USE**  
**City of Chickasaw, Alabama**

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APPLICANT NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
(IF OTHER THAN PROPERTY OWNER)

STREET ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE \_\_\_\_\_ ZIP: \_\_\_\_\_

TAX PARCEL NUMBER: \_\_\_\_\_ UNIT & LOT NUMBER \_\_\_\_\_ SUBDIV. NAME \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: \_\_\_\_\_

---

DESCRIBE PROPOSED IMPROVEMENTS OR USE OF THE PROPERTY: \_\_\_\_\_

---

CURRENT ZONING OF PROPERTY: \_\_\_\_\_ CURRENT USE OF PROPERTY: \_\_\_\_\_

IS CURRENT USE OF PROPERTY IN CONFORMITY WITH THE ZONING ORDINANCE \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ N/A \_\_\_\_\_

IF NO, PLEASE EXPLAIN ON A SEPARATE SHEET ANY NON-CONFORMITIES THAT EXIST ON YOUR PROPERTY.

PROPOSED SETBACKS (IN FEET) RIGHT SIDE: \_\_\_\_\_ LEFT SIDE: \_\_\_\_\_ FRONT: \_\_\_\_\_ REAR: \_\_\_\_\_

OTHER INFORMATION: # OF STORIES: \_\_\_\_\_ BUILDING HEIGHT: \_\_\_\_\_ PROPERTY SIZE IN S.F. OR ACRES: \_\_\_\_\_

PERCENT OF LOT COVERAGE: \_\_\_\_\_ # OF UNITS PER LOT OR ACRE: \_\_\_\_\_

**NOTE: IF MORE SPACE IS REQUIRED OR IF ADDITIONAL INFORMATION IS BEING SUBMITTED, PLEASE ATTACH DOCUMENT (S) TO BACK OF APPLICATION.**

I (WE), THE UNDERSIGNED APPLICANT (OWNER), DO HEREBY UNDERSTAND THAT THIS APPLICATION ALONE DOES NOT CONSTITUTE APPROVAL OR PERMISSION TO CONSTRUCT ANY BUILDING OR STRUCTURES ON THE ABOVE REFERENCED PROPERTY, NOR DOES THE PAYMENT OF ANY FEES ENTITLE ME (US) TO APPROVAL OF THIS APPLICATION.

\_\_\_\_\_  
(SIGNATURE OF OWNER/APPLICANT OF PROPERTY  
OR OFFICIAL REPRESENTATIVE OF OWNER)  
\_\_\_\_\_  
(DATE)



**SITE PLAN REVIEW CHECKLIST**  
**CHICKASAW PLANNING COMMISSION**

**GENERAL REQUIREMENTS**

The Zoning Ordinance of the City of Chickasaw requires that the Planning Commission review and approve site plans for various construction developments prior to obtaining building permits and commencement of construction. Certain required information must be provided to the Chickasaw Planning Commission by the developer, contractor or owner of the property for the Commission to properly act on a site plan review application. Applications and supporting documentation for site plan reviews must be submitted to the Building Official's office no later than 15-days prior to the regularly scheduled meeting of the Planning Commission. The following checklist is provided as a guide to ensure that certain minimum sit plan information is provided to the Planning Commission for their review and/or approval.

---

Project: \_\_\_\_\_

Date: \_\_\_\_\_

Engineer: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

*Please provide or address the following topics that are applicable to project.*

- Application/Review fees (IF APPLICABLE)
- An accurate plat drawn to scale with the actual shape and dimensions of the lot to be built upon, including distance, in feet, of proposed structure(s) from all property lines (front, rear and sides), the location and size of the site, legal description, north arrow and legend.
- Most recent survey showing all property parcels with parcel number, boundaries and easements.
- A vicinity map showing the site relation to surrounding property.
- Placement and dimensions of proposed and existing structures, drainage and utilities.
- Yard and setback requirements.
- All bordering streets, avenues, roadways, or other public ways.
- Parking and access to include dimensions of lots, ingress and egress, location and size of curb cuts, and proposed and existing landscaping, including all trees, existing and proposed to be removed.
- Dimensions and location of required off-street parking spaces, to include off-street loading and unloading areas.

- Construction details for all proposed or altered structures to include building orientation, floor plan, roof plan, height, elevations, exterior design details and color.
- Drainage Easements are shown
- Details on proposed property enhancements, including provisions for open space and tree protection
- Lighting
- Landscaping & buffer requirements
- Fencing
- Trash receptacles, dumpster location (if applicable) and required screenings and buffers.
- Signage-location of all proposed signage shall be noted on the site plan, including all existing signage.
- Zoning and existing uses of adjacent parcels.
- Details of sidewalk installments and location. shall be a minimum of four (4) feet wide in residential and five (5) feet wide in commercial areas. The cross-section for a sidewalk shall be in accordance with standard details found in the City's Subdivision Regulations.
- Driveway guidelines, see City of Chickasaw Subdivision Regulations.
- Topographical details, before and after development (using 1' contours), to include the first-floor elevations of the proposed structure(s).
- An indication if wetlands are present.
- Details on any proposed fencing and/or retaining walls to be constructed (if not part of an erosion plan) and details on natural barriers that are to remain on the property during and after construction.
- For property located in any Flood Hazard Zone, details of which address waterway, water course and flood hazard protection, elevation certificates and information on permits obtained or required to be obtained from state and federal regulatory agencies.
- Approval by the Chickasaw Utility Department as to availability of services and capacity.
- Approval by the Chickasaw Building Official ensuring that all storm water management and environmental protection requirements have been met.

**APPLICATION FOR RE-ZONING/ZONING AMENDMENT**  
**City of Chickasaw, AL**

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Application Number: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

The undersigned owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

- 1) Name of Applicant: \_\_\_\_\_
- 2) Mailing Address: \_\_\_\_\_
- 3) Phone Number: Home: \_\_\_\_\_ Work: \_\_\_\_\_
- 4) Description of property for which amendment is requested:
  - a) Property Address: \_\_\_\_\_
  - b) Subdivision Name: \_\_\_\_\_
  - c) Lot numbers involved in change: \_\_\_\_\_
  - d) Total acreage of change: \_\_\_\_\_
  - e) Recorded in Map Book Number: \_\_\_\_\_ Page Number: \_\_\_\_\_
  - f) Owned in whole by the undersigned? \_\_\_\_\_
  - g) If owned in part, name(s) of co-owner(s): \_\_\_\_\_  
\_\_\_\_\_
- 2) Zoning change requested:
  - a) Present classification of property: \_\_\_\_\_
  - b) Reclassification desired: \_\_\_\_\_
  - c) Character of neighborhood: \_\_\_\_\_
- 3) Reason(s) for requesting zoning change: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4) The following attachments must accompany the request for zoning amendment:
- a) Two copies of a list of the names and addresses of the owners of all properties lying within one hundred (100) feet of any part of the property proposed to be rezoned.
  - b) Two copies of a map or plat, drawn to scale, showing the existing and proposed zoning reclassification and other pertinent information.
  - c) Two copies of the legal description of the property to be rezoned.
  - d) A check for the required fees in compliance with Zoning Ordinance.

5) Certifications:

- a) Applicant's Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_
- b) Date \_\_\_\_\_

\_\_\_\_\_

Owner

\_\_\_\_\_

Owner

**PETITION FOR ANNEXATION APPLICATION**

**CITY OF CHICKASAW, AL**

APPLICANT(S) NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

**OWNERSHIP  
CONFIGURATION:**

- single parcel/single ownership       multiple parcels/single ownership
- single parcel/multiple ownership       multiple parcels/multiple ownership
- single parcel/corporate ownership       multiple parcels/corporate ownership

Mobile County Revenue Commission Parcel(s) Number(s) \_\_\_\_\_

**GENERAL DESCRIPTION OF PROPERTY** (Include Acreage, Subdivision Name, Lot Number, etc.)

\_\_\_\_\_

Applicant must attach a copy of the deed(s) covering the entire subject property. Please supply all metes and bounds descriptions in a compatible electronic format (Microsoft Word) with a copy of the deed.

**THE FOLLOWING INFORMATION IS REQUIRED BY THE U.S. JUSTICE DEPT. AND BUREAU OF THE CENSUS.**

Answers to the following questions should reflect the conditions existing on the subject property at the time of annexation.

1. A. Is this property your principal residence?    YES \_\_\_\_\_ NO \_\_\_\_\_      (If "yes;" answer part B)
- B. Applicants Marital Status:    Married \_\_\_\_\_ Separated \_\_\_\_\_ Divorced \_\_\_\_\_ Widowed \_\_\_\_\_ Single \_\_\_\_\_
2. A. Total number of buildings on subject property: \_\_\_\_\_      Number of houses \_\_\_\_\_
- B. Number of persons living on subject property: \_\_\_\_\_
- C. Of all persons residing on the property, how many are of voting age (18 years or older)? \_\_\_\_\_
- D. Of all persons residing on the property, how many are:    White \_\_\_\_\_ Black \_\_\_\_\_ Hispanic \_\_\_\_\_  
Asian or Pacific Islander \_\_\_\_\_ American Indian/Eskimo/Aleut \_\_\_\_\_ Other \_\_\_\_\_
- E. Number of children in household: \_\_\_\_\_      Ages: \_\_\_\_\_
- F. Requested zoning of property if other than R-1 Low Density Single Family Dwellings: \_\_\_\_\_

I, the applicant(s), certify that all of the above facts are true and correct to the best of my knowledge on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

**PETITION FOR ANNEXATION**

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To The City of Chickasaw, Alabama:

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file with the City of Chickasaw this written petition requesting that our property as described be annexed to the City of Chickasaw, Alabama, under the authority of § 11-42-20 through § 11-42-20, Code of Ala. 1975.

We further certify that said property is contiguous to the city limits of the City of Chickasaw, Alabama, and that none of the property lies within the corporate limits of another municipality. We further certify that all of the property included in the preceding description which lies within the police jurisdiction of both the annexing municipality and another municipality is located closer to the annexing municipality than to the other municipality as required by § 11-42-21, Code of Ala. 1975. A map and legal description of said property is hereto attached.

Initials: \_\_\_\_\_

We, the undersigned, fully understand that the City will provide police and fire protection and, if available, the City may provide water and sewer service under our current adopted procedures. **The City makes no commitment to extend water and sewer lines to property that is annexed into the City, or to upgrade drainage or roads by virtue of an annexation. Further the City is prohibited from improving private property.**

Initials: \_\_\_\_\_

Furthermore, we certify that we understand fully that, following annexation, **the subject property shall be subject to all laws and codes administered by the City of Chickasaw**, including, but not limited to, the zoning code and the subdivision regulations of the City of Chickasaw, AL.

Initials: \_\_\_\_\_

We do hereby request that the City give notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Chickasaw, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Applicant's Signature \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

**STATE OF ALABAMA  
COUNTY OF MOBILE**

I, the undersigned, a Notary Public in and for said County in said State hereby certify that \_\_\_\_\_

\_\_\_\_\_,  
whose name(s) is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_.

(seal)



**BOARD OF ZONING ADJUSTMENT**  
**REQUEST FOR ADMINISTRATIVE REVIEW & APPEAL**

**Notice to Applicants**

An **Administrative Review** is a refining mechanism available to the Board of Zoning Adjustment to review and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official, Zoning Enforcement Officer, Code Enforcement Officer, or other administrative official involved in the enforcement of this Ordinance.

**DATA ON APPLICANT AND/OR OWNER**

Name of Applicant(s)

\_\_\_\_\_

Address of Applicant(s)

\_\_\_\_\_

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip Code)

\_\_\_\_\_  
(Phone Number)

Name of Owner(s)

\_\_\_\_\_

**DESCRIPTION, USE, AND ZONING OF PROPERTY**

Location

\_\_\_\_\_

Lot Size \_\_\_\_\_ X \_\_\_\_\_ ft. = \_\_\_\_\_ Sq. Ft.

\_\_\_\_\_  
(Vacant, Residence, Grocery, Factory, Etc.)

Present Zoning

\_\_\_\_\_

The undersigned, hereby petitions the Board of Zoning Adjustment to hear and determine the appeal for Administrative Review of the following decision:

Made by: \_\_\_\_\_ Building Official  
\_\_\_\_\_ Code Enforcement Officer  
\_\_\_\_\_ Other Administrative official

Date of Decision: \_\_\_\_\_

The applicant or the agent (if an agent is authorized) must be present at the hearing.







**BOARD OF ZONING ADJUSTMENT**  
**REQUEST FOR SPECIAL EXCEPTION**

**Notice to Applicants**

A *Special Exception* land use, sometimes referred to as a "Special Use," is a refining mechanism available to the Board of Zoning Adjustment.

The Chickasaw Zoning Ordinance provides for the division of the City into zoning districts where there are specific uses which may be permitted if there are compatible with the character of the neighborhood. In addition to these permitted uses, there are other uses which may be necessary or desirable to allow in the zoning district, but because of their actual or potential impact on neighboring uses need to be carefully regulated with respect to their location. Such uses, because of their peculiar needs or the nature of the service offered, may be established in a zoning district in which they may not be reasonably allowed as a permitted use, but are generally specified in the District Requirements under uses “ **Permitted by Special Exception.**”

Under the provisions of Section 11-52-80, Title 11, Code of Alabama, the Board of Zoning Adjustment is empowered "in appropriate cases and subject to appropriate conditions and safeguards, to make a **Special Exception** to the terms of the Ordinance in harmony with its general purposes and interest and in accordance with general or specific rules therein contained."

No **Special Exception** may be granted which may adversely affect the surrounding properties or the character of the neighborhood. A **Special Exception** must be in harmony with the intent and purpose of the Chickasaw Zoning Ordinance and Comprehensive Plan.

**DATA ON APPLICANT AND/OR OWNER**

Name of Applicant(s): \_\_\_\_\_

Address of Applicant(s): \_\_\_\_\_

(Street Address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip Code)

Phone Number: \_\_\_\_\_

Name of Owner(s): \_\_\_\_\_

A **Special Exception** is requested in conformity with the powers vested in the Board to permit the \_\_\_\_\_ on the property described below.

DESCRIPTION, USE, AND ZONING OF PROPERTY

Location: \_\_\_\_\_

Lot Size: \_\_\_\_\_ ft. X \_\_\_\_\_ ft. \_\_\_\_\_ sq.ft.

Present Use of land,(i.e. vacant, residential, commercial, etc.) \_\_\_\_\_

Present Zoning: \_\_\_\_\_

Site Plan: A site plan shall be attached to this application showing the location of the property; all property lines; set backs; location of all buildings (existing or proposed), and areas to be used for parking.

Restrictive Covenants: A copy of the restrictive covenants on this property as recorded on the plat filed in the county courthouse shall be submitted with this application.

The applicant must secure the approval of the appropriate persons or entities, whose duty it is to regulate the land use restrictive covenants on this property. Such approval shall be attached to this application.

Proposed Use Information: In order for the Board of Zoning Adjustment to determine whether the proposed use will be in harmony with the Zoning Ordinance and not detrimental to adjoining land uses, it is necessary to determine the precise nature and impact of the proposed use. The following questions should be answered as explicitly and precisely as possible. If a particular question is not applicable, please state so, and explain why in the space provided.

Proposed Use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the proposed use explicitly identified as a "Use Permitted by *Special Exception*" in the Zoning Ordinance? \_\_\_\_\_YES\_\_\_\_\_NO

If no, why do you believe this use should be considered a "Use Permitted by *Special Exception*?"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed hours of operation: \_\_\_\_\_ A.M. to  
\_\_\_\_\_ P.M.

Proposed days of operation:  
\_\_\_\_\_

Proposed signage of  
operation: \_\_\_\_\_

Will the sign be illuminated after dark? \_\_\_\_ YES \_\_\_\_ NO.

If so, will the sign create lighting nuisance for neighboring properties to require additional  
consideration? \_\_\_\_ YES \_\_\_\_ NO

Will the use involve the employment of individuals? \_\_\_\_ YES \_\_\_\_ NO

If yes, the minimum number of employees \_\_\_\_\_ maximum number of  
employees

Have provisions been considered for off-street parking? \_\_\_\_ YES \_\_\_\_ NO

If yes, number of square feet: \_\_\_\_\_ Number of off-street parking places: \_\_\_\_

Condition of pavement: \_\_\_\_\_ Paved \_\_\_\_\_ Unpaved

If no, number of square feet available for parking: \_\_\_\_\_

Described all processes or operations to be undertaken with this use. Any processes  
involving the utilization of equipment or operations which would generate excessive noise,  
odors, air pollution, or traffic should be identified. Proposals to lessen the impact of any  
detrimental characteristics should be identified.

\_\_\_\_\_  
\_\_\_\_\_

(I/we) hereby certify that all the above statements and the statements contained in any  
papers or plans submitted are true to the best of (my/our) knowledge and belief. I further  
certify that (I/we) am aware that in granting a Special Exception, The Board of Zoning  
Adjustment is authorized to require appropriate conditions and safeguards. Failure to  
comply with these conditions will result in the voiding of the Special Exception.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

The applicant or the agent (if an agent is authorized) must be present at the hearing.



## **BOARD OF ZONING ADJUSTMENT REQUEST FOR VARIANCE**

### **Notice to Applicants**

A **Variance** is a zoning adjustment which permits property owners to use their property in a manner that would not normally be allowed under the terms of the current Zoning Ordinance. The purpose of a variance is to give relief to those owners who, due to unique conditions, would face an unnecessary hardship in using the property in full compliance with the Ordinance. There are two (2) types of variances: (1) Area Variance (2) Use Variance

An **Area Variance** recognizes that the same district requirements do not affect all properties equally. It modifies site development standards of a zoning district by providing relief from the strict application of the dimensional requirements of the Zoning Ordinance that relate to setbacks from property lines, site coverage and floor area ratios, minimum lot sizes, height of buildings, location of accessory structures and parking standards.

In order to be granted a variance, the property owner must prove that his/her land is affected by special circumstances or unusual conditions that prevent the reasonable use of the land as permitted by Zoning District in which the property in question is located, which would result in an unnecessary *hardship* in using the property and unequal treatment under the strict application of the City of Chickasaw's Zoning Ordinance.

Where some general *hardship* conditions extend to other properties, a **Variance** cannot be granted. The remedy for general *hardship* or multiple hardships, is an amendment of the map or the text of the City of Chickasaw's Zoning Ordinance.

The following conditions do not meet the requirements for an Area Variance and therefore **CANNOT** be considered pertinent to the application for a Variance:

- (1) Proof that a Variance would increase the financial return from the land
- (2) Personal *hardship*
- (3) Self-imposed *hardship*

A **Use Variance** allows property to be used for an activity or use that is otherwise not permitted in the zoning district by the Zoning Ordinance. It is potentially damaging to the integrity of the Ordinance because it is essentially the rezoning of property and when it is approved, it could

create piecemeal zoning or spot zoning that is not in conformity with the Comprehensive Plan. Once granted, it remains with the land and it sets a precedence that others may follow.

Both types of variance should be measured against rigorous standards and should be granted sparingly. No **Variance** may be granted which would adversely affect surrounding property or the general neighborhood. All **Variations** must be in harmony with the intent and purposes of the *City of Chickasaw's Comprehensive Plan 2030* and the current Zoning Ordinance.

***\*\*The applicant or the agent (if an agent is authorized) must be present at the hearing.***

**APPLICATION FOR VARIANCE**

BOARD OF ADJUSTMENT  
CHICKASAW, ALABAMA

---

Application No. \_\_\_\_\_

Name of Applicant

\_\_\_\_\_

Mailing Address

\_\_\_\_\_

Home Phone Number \_\_\_\_\_ WORK \_\_\_\_\_

CELL: \_\_\_\_\_

1. Locational Description:

Subdivision Name \_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Other Designation \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

(If not in a platted subdivision attach a legal description)

2. Nature of Variance: Describe generally the nature of the variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In addition, plans in triplicate and drawn to scale must accompany this application showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question.

3. Justification of Variance: In order for a variance to be granted, the applicant must prove to the Board of Adjustment that the following items are true: (Please attach these comments on a separate sheet).

a. Special conditions exist peculiar to the land or building in question

- b. That a literal interpretation of the Ordinance would deprive the applicant of rights enjoyed by other property owners.
- c. That the special conditions do not result from previous actions of the applicant.
- d. That the requested variance is the minimum variance that will allow a reasonable use of the land or buildings.

I certify that the information contained in the application and its supplements is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

# **APPENDIX II**

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## **SCHEDULE OF FEES**



# SCHEDULE OF FEES

Fees required for zoning and subdivision applications assessed by the City of Chickasaw are as follows:

<b>DESCRIPTION</b>	<b>FEE</b>
<b><u>Site Plan</u></b>	
Requiring Review by Engineer	\$250.00
Not Requiring Review by Engineer	\$ 50.00
<b><u>Subdivisions</u></b>	
Requiring Review by Engineer	\$250.00
Preliminary Plat Application	\$ 50.00
Fee per lot	\$ 30.00
Amendments	\$ 50.00
Final Plat Application	\$ 50.00
Fee per lot	\$ 30.00
Advertisement fee and mailing fee	Current Rate
<b><u>Rezone/Zoning Amendment</u></b>	
Advertisement fee and mailing fee	Current Rate
<b><u>Annexation</u></b>	
	\$25.00
<b><u>Signs</u></b>	
Application fee	\$250.00
Permit Fees: Non-illuminated signs:	\$0.50 per square foot (not less than \$10.00 per sign)
Illuminated signs:	\$1.00 per square foot (not less than \$25.00 per sign)
Inventory fee	\$15.00
Inspection fee	\$10.00
Non-compliance fee	\$50.00
<b><u>BOARD OF ADJUSTMENT</u></b>	
Appeal	\$ 25.00
Special Exception	\$ 25.00
Variance	\$ 25.00
Advertisement Fee	Current Rate

In addition to the fees identified here, the actual costs for legal advertisement of the request and notification of parties in interest via certified mail, shall be paid by the applicant prior to any decision by the Planning Commission, Board of Adjustment or City Council.



