

ARCHITECTURAL REVIEW ORDINANCE

An Ordinance of the City of Gluckstadt, Mississippi
Establishing a board of architectural review
Its operation, rules, and regulations.

BE IT ORDAINED BY THE Mayor and Board of Alderman of the City of Gluckstadt, Mississippi that an Architectural Review Ordinance in the following form is hereby adopted.

1. -Purpose of chapter

a. The Board of Alderman of the City of Gluckstadt, Mississippi, hereby find that bizarre, garish or otherwise inappropriate exterior design and appearance of buildings, structures and improvements erected in multi-family residential, commercial and industrial area adversely affects the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties in such area; jeopardizes the economic stability and taxable value of businesses, land and buildings in such areas, and in the City as a whole; prevents the optimum use of real estate in the City; induces physical degeneration of property with general welfare of the citizens; deprives the City of tax revenue and destroys a proper balance between the taxable value of real property and cost of municipal services.

b. Therefore, in order to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of appearance of the City which would tend to create hazards to public health, safety and morals, destroy opportunity for the development of business and industry and thereby deteriorate taxable land values and commerce below levels necessary to finance acceptable levels of municipal services, it is the purpose of this ordinance to provide for the designation of architectural control districts with land areas zoned for residential, other than R-1, R1A and R1B districts which are handled under the subdivision ordinance, commercial, industrial and public building use, to establish a Board to regulate the exterior appearance of buildings, structures and improvements proposed for alteration or erection in such districts and to set standards and procedures to be followed by such Board and on appeal from its decision to the Mayor and Board of Alderman.

2. -Designations of architectural control districts.

All land areas in the City of Gluckstadt, Madison County, Mississippi are designated within an architectural control district, except for any lot, parcel or area of land which is used for residential purposes, and which is also occupied by a single-family dwelling, or a two-family dwelling (duplex) as defined by the City of Gluckstadt Zoning Ordinance of June 14, 2022. All single-family dwellings and two-family dwellings (duplex), which are used for residential purposes, are exempt from the provisions of this Architectural Review Ordinance regardless of the use district in which said structures are located.

3. -Board of Architectural Review.

It is the intent of the Board of Alderman to establish a separate Architectural Review Board. Until such time as there is established by the City of Gluckstadt an Architectural Review Board and the

review of proposed construction under this ordinance shall be a function of the Planning and Zoning Board. The Planning and Zoning Board will take this ordinance, establish procedures pursuant to it and review proposed construction under the criteria established herein.

4. -Meetings-Schedule: special meetings.

- a. The Board shall hold a regular meeting on the fourth Tuesday of each month. Special meetings may be held at other times, provided that all members of the Board are notified at least 24 hours prior to the meeting of the time and place.
- b. No application pending before the Board shall be voted upon at any special meeting unless notice of intention to do so shall be given in the same manner as is required for special meetings of the Board of Alderman.

5. -To be recorded, exception.

All meetings of the Board of Architectural Review shall be recorded by taking of minutes to be maintained by a designated person designated by the Board.

6. -Quorum.

A quorum shall consist of a majority of the members of the Board. In the event a quorum is not obtained at any regular meeting, a special meeting shall thereupon be scheduled within (10) days thereafter.

7. -Conduct

- a. All meetings of the Board shall be conducted by the chairman or, in his absence, by the vice-chairman.
- b. All Members of the Board other than the chairman shall be entitled to vote except in the case of a tie when the chairman shall vote to break the tie and the decision of the Board shall be by majority vote of those members present.
- c. All meetings of the Board shall be open to the public, and all decisions shall be by record vote of the ayes and nays spread upon the minutes. The Board shall comply with all provisions of the Mississippi statutes on open meetings, Miss. Code Ann. 25-41-1 through § 25-41-17.
- d. In matters covering procedures of the Board not specified in this chapter, Robert's Rules of Order shall govern.

8. – Approval of erections, reconstructions and alterations in architectural control districts require, wavier of requirements.

- a. No structure, building, or other improvement or other major landscape features surrounding such building, structure, or improvement located on any land with any architectural control district shall be erected, reconstructed, altered, or restored until

the plan for such shall have been approved by the Board, provided that the provisions of this chapter shall not apply to the regular maintenance of the same as proposed to the reconstruction, alteration, or restoration. For this section, the repainting of a structure or building which results in the complete change of color of the structure of building or a substantial portion thereof shall be deemed an alteration and not regular maintenance. Erection, reconstruction, alteration, or restoration of signs shall be controlled by the Sign Ordinance of the City.

- b. The Board may after hearing the evidence in any case properly before it involving reconstruction or alteration only, waive the requirements of this chapter upon a written finding that the application involves reconstruction or alteration only and will not materially affect the exterior appearance of the structure involved. Such decision regarding waiver shall constitute a final decision of the Board within the meaning of the related sections of this ordinance and shall be appealable.

9. -Application.

- a. Applications for approval by the Board for the construction, reconstruction, alteration, or restoration of any building wherein the total cost of construction will exceed \$10,000.00 or where any exterior alterations, remodeling, or repairs, including but not limited to painting and color of exterior surfaces, are conducted within an architectural control district shall be submitted to the Planning and Zoning Administrator of the City accompanied by:
 - i. An architectural rendering (perspective and /or elevation) and plans of all buildings and structures showing the style of architecture prepared in accordance with the requirement of the building code adopted by the City. All colors, materials, and finishes shall be shown by notation or by use of accepted architectural symbols:
 - ii. The proposed site plan which complies with all other ordinances of the City for site plans including a landscaping plan; and
 - iii. A vicinity map and renderings or photographs of all development on immediately adjacent, properties:
 - iv. An administrative fee of \$100.00.
- b. The applicant may submit such additional material in writing, as he desires. For the purposes of this chapter, no site plan shall be required where no change is proposed in any external dimension or the location of any existing structure. The Board may from time to time waive such other of the above requirements as it may deem proper in the determination of any application.
- c. Upon filing of an application, the Planning and Zoning Administrator, after determining that the requirements of subsection (a) of this section have been satisfied, within five (5) days thereafter, shall forward the application, together with his recommendations on the same to the chairman of the Board.

- d. Upon receipt of any such application, the chairman of the Board shall thereupon place the application on the agenda for consideration at the next regular meeting of the Board.

10. – Hearing.

During the consideration of an application filed under this chapter, the Board shall hear the testimony of any party desiring to be heard in support of or in opposition to the application. Such testimony shall be strictly confined to the question of whether the proposed construction, reconstruction, alteration, or restoration satisfies or does not satisfy the criteria as set forth in this chapter. The Board shall hear any oral testimony that the Planning and Zoning Administrator desires to present.

11. -Decisions; certificate of approval

- a. The Board shall vote and publish its decision in writing on any matter properly before it no later than the next regular meeting after the conclusion of the hearing on the matter unless time is extended by mutual agreement between the Board and the applicant.
- b. In all final decisions rendered pursuant to this chapter, the Board shall briefly state its findings in writing, and, in the case of disapproval, it may make recommendations to the applicant with respect to the design, texture, material, color, line, mass, dimension or lighting of the building involved. In the case of disapproval, accompanied by such recommendations thereon, the applicant may again be heard by the Board if, within ninety (90) days, he can comply with all such recommendations of the Board.
- c. Approval by the Board of any application filed hereunder shall be evidenced by issuance of a certificate, signed by the chairman and attested by the secretary, designating the name of applicant date of approval, identification of property involved, and a brief description of the construction approved.

12. - Appeals hearing.

Whenever the Board shall, in a final decision, approve or disapprove or waive jurisdiction over any application filed pursuant to this chapter, the applicant or any other person with justifiable cause shall be entitled to appeal such decision and be heard thereon before the Board of Aldermen; provided that there is filed with the City Clerk, on or before seven (7) days after the vote of the Board, by the appellant, a notice in writing of such appeal and a fee of fifty dollars (\$50) to at least cover the cost of advertising for the hearing by the Board of Alderman. Upon the filing of a notice of appeal as provided herein, the City Clerk shall cause to be published notice of the public hearing at least once in a newspaper of general circulation within the county. At least seven (7) days before such proposed hearing, and advertisement stating the time, date, and place of the hearing before the Board of Aldermen, the location of the property involved, the name of the applicant and the nature of the building for which approval is sought.

13. -Hearing before the Board of Alderman.

On any appeal to the Board of Aldermen, the final decision of the review Board shall be stayed pending the decision of the Board of Aldermen. The Board of Aldermen shall conduct a full and impartial public hearing on the matter before rendering any decision. The same procedure and standards shall be applied by the Board of Aldermen for the Review Board. The Board of Aldermen may affirm, reverse, or modify the decision of the Board, in whole or in part. The decision of the Board of Aldermen shall be final subject to the provisions of section 11.

14. -Appeals to the circuit court.

Parties aggrieved by the decision of the Board of Alderman, rendered pursuant to section 13, shall have the right to appeal to the circuit court of Madison County in the same manner and form as is required for any other appeal of actions of the Board of Aldermen.

15. -Design criteria.

The intention of the Board of Aldermen is that no proposed structure or alteration shall be deemed to be in violation of this ordinance based upon personal preference, to taste or choice of architectural design of any person or persons involved in the administration and enforcement of this ordinance. Only the below listed criteria will be considered while evaluating proposed construction.

- a. Whether or not the architectural design is suitable for a good suburban community in terms of external architectural features, general design and arrangement, texture, color line, mass, dimension, material, and lighting;
- b. Whether or not the proposed structure, building or improvement is compatible to existing well-designed structures, acceptable to the Board, nearby and in the City as a whole;
- c. Whether or not, and to what extent, the proposed structure, building or improvement would promote the general welfare and protect the public welfare the public health, safety, and morals by tending to maintain or augment the City's tax base, generating business activity, maintaining, and creating employment opportunity, preserving historical sites and structures, and making the City a more attractive and desirable place in which to live;
- d. Whether or not proposed free-standing buildings use the same or architecturally harmonious materials, color, texture, and treatment for all exterior walls; and in the case of partially free-standing buildings, whether the same or architecturally harmonious materials, color, texture, and treatment are used on all portions of all exterior walls;
- e. Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color material, texture, lighting, landscaping and roof line and height conform to accepted architectural principles for permanent buildings as contrasted with engineering standards designed to satisfy safety requirements only; and exhibit external characteristics of demonstrated architectural and aesthetic durability;

- f. Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass or roof line and height, the proposed structure, building or exhibits exterior characteristics are likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonably foreseeable detriment to the community; and
- g. For the purpose of this ordinance, the use of metal or metallic exterior siding is found to be inconsistent with the architectural design standards for the buildings within the City for commercial or residential structures. Though the use of said materials is generally inconsistent with the architectural design standards for the City where the use of such materials may be permitted consistent with the purposes of this ordinance. The use of such materials may be permitted in such areas only on a showing that the characteristics of the area are such as to permit the use of said materials consistent with the purposes of this ordinance or that the materials are utilized in such a manner as to be fully consistent with the purposes of this ordinance. The burden of establishing such conditions shall be on the party seeking to construct a building of metal or metallic siding.

16. -No specific architectural style to be required.

The review Board and the Board of Aldermen on appeal shall not adopt or impose any specific architectural style in the administration of this chapter.

17. -Deviations from approved plans prohibited.

- a. Any person who once having obtained the approval required by section 8 herein deviates substantially from the approved plan shall be guilty of a misdemeanor.
- b. The City Building Official, upon his determination of substantial deviation, shall issue a stop work notice on the building permit. Work shall not be permitted to continue, unless it is continued under substantial compliance with the Certificate issued pursuant to Section 11 herein or the changes have been re-submitted and approved by the Board pursuant to this ordinance.

18. -Separability and Validity Clause.

Should any Section or provision of this ordinance be declared by any court to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

19. -Failure to Enforce Ordinance.

Failure to enforce any provision of this Ordinance shall not constitute a waiver or imply that the action is legal.

20. -Effective Date of Ordinance.

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

Adopted this, the 11th day of October, 2022 at the regular meeting of the Mayor and Board of Aldermen of the City of Gluckstadt, Mississippi.

ATTEST:



LINDSAY KELLUM
City Clerk



WALTER C. MORRISON, IV.
Mayor

