

**Original**  
**Architectural Review**  
**Ordinance**



8/12/05

Adopted 10/3/05

Effective 11/3/05

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## ARCHITECTURAL REVIEW ORDINANCE

An Ordinance of Rankin County, Mississippi  
Providing for Architectural Controls and  
Establishing a Board of Architectural Review.

BE IT ORDAINED by the Board of Supervisors of Rankin County, Mississippi that an Architectural Review Ordinance in the following form is hereby adopted:

### Sec. 1. Purposes of chapter:

The Board of Supervisors of Rankin County, Mississippi, hereby find that bizarre, garish, excessively similar or dissimilar or otherwise inappropriate exterior design and appearance of buildings, structures and improvements erected in multi-family residential, commercial and industrial areas adversely affects the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties in such areas; jeopardizes the economic stability and taxable value of businesses, land and buildings in such areas, and in the County as a whole; prevents the optimum use of real estate in the County; induces physical degeneration of property with attendant deterioration of conditions bearing directly on the public health, safety, morals and general welfare of the citizens; deprives the County of tax revenue and destroys a proper balance between the taxable value of real property and the cost of county services.

Therefore, in order to encourage the construction of attractive buildings, to protect and promote the general welfare and to prevent deterioration of the appearance of the County 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 services, it is the purpose of this ordinance to provide for the architectural review of structures in multi-family residential, commercial and industrial zoning districts.

### Sec. 2. Designations of architectural control districts:

All land areas in the County which are zoned for multi-family residential, commercial and industrial uses are hereby designated as an architectural control district, and any

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lot, parcel or area of land within any area zoned for single-family detached residences, which is used for other than single-family detached residences, or which is the subject of an application for a use permit or building involving any other such use, is designated an architectural control district

## **Sec. 3. Board of Architectural Review:**

It is the intent of the Board of Supervisors that the Rankin County Planning Commission will also serve as the Board of Architectural Review and be responsible for the review of all proposed construction in compliance with the Zoning Ordinance, Sign Ordinance, Architectural Review Ordinance.

## **Sec. 4. Approval of erections, additions, reconstructions and alterations in architectural control districts-Required; waiver of requirements:**

No structure, building, or other improvement or other major landscape features surrounding such building, structure, or improvement located on any land within any architectural control district shall be erected, reconstructed, altered or restored until the plans for such shall have been approved by the Board of Architectural Review provided, that the provisions of this chapter shall not apply to the regular maintenance of the same as opposed to the reconstruction, alteration or restoration. Erection, reconstruction, alteration or restoration of signs shall be controlled by the Sign Ordinance of the County.

The Board of Architectural Review may, after hearing the evidence in any case properly before it involving reconstruction or alteration only, waive the requirements of this chapter upon a ruling by the Board of Architectural Review that the application involves reconstruction or alteration only and will not materially affect the exterior appearance of the structure involved.

## **Sec. 5. Application:**

(a) Application for approval by the Board of Architectural Review for the construction, addition, reconstruction, alteration or restoration of any building wherein the total cost of construction will exceed \$10,000 within an architectural control district shall be submitted to the zoning administrator of the County accompanied by:

(1) An architectural rendering (perspective and/or elevation) and plans of all buildings and structures showing style of architecture prepared in accord with the requirements of the Southern Building Code as adopted by the County. All



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colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols;

(2) The proposed site plan which complies with all other ordinances of the County; and

(3) A vicinity map and renderings or photographs of all development on immediately adjacent properties; and

The applicant may submit such additional material in writing, and graphically, 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 of Architectural Review may from time to time waive such other of the above requirements as it may deem proper in the determination of any particular application.

(b) Upon filing of an application, the Director of Community Development, after determining that the requirements of subsection (a) of this section have been satisfied, shall within five (5) days thereafter, forward the application, together with his recommendations on the same to the chairman of the Board of Architectural Review.

(c) Upon receipt of any such application, the chairman of the Board of Architectural Review shall thereupon place the application on the agenda for consideration at the next regular meeting of the Board of Architectural Review.

## **Sec. 6. Hearing:**

During the consideration of an application filed under this chapter, the Board of Architectural Review may hear or cause to 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 for the same set out in this chapter.

## **Sec. 7. Decisions; letter of approval:**

(a) The Board of Architectural Review may vote and publish its decision in writing on any matter property before it no later than the next regular meeting after the conclusion of hearing evidence on the matter, unless time is extended by mutual agreement

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between the Board and the applicant.

(b) In the case of disapproval, the Board of Architectural Review may make recommendations to the applicant with respect to the design, texture, material, color, line, mass, dimension or lighting of the building involved. In case of disapproval, accompanied by such recommendations thereon, the applicant may again be heard before the Board of Architectural Review if, within ninety (90) days, he can comply with all such recommendations of the Board.

(c) Approval by the Board of Architectural Review of any application filed hereunder shall be evidenced by issuance of a letter of approval, signed by the Director of Community Development, designating the name of applicant, date of approval, identification of property involved and a brief description of the construction approved.

## **Sec. 8. Appeals; hearing:**

Whenever the Board of Architectural Review 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 Supervisors; provided, that there is filed with the County Administrator, 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 (\$50.00) to at least cover the cost of advertising for the Board of Supervisors hearing. Upon the filing of notice of appeal as provided herein, the County Administrator shall thereupon schedule a public hearing before the Board of Supervisors, not more than thirty (30) days after the filing of such notice; provided, that no such hearing shall be held unless and until the County Administrator has caused to be published at least once in a newspaper of general circulation within the county, at least fifteen (15) days before such proposed hearing, an advertisement stating the time, date and place of the hearing before the Board of Supervisors, the location of the property involved, the name of the applicant and the nature of the building for which approval is sought.

## **Sec. 9. Hearing before Board of Supervisors:**

On any appeal to the Board of Supervisors, the final decision of the Board of Architectural Review shall be stayed pending the decision of the Board of Supervisors. The Board of Supervisors shall conduct a full and impartial public hearing on the matter before rendering any decision. The Board of Supervisors may affirm, reverse or modify the decision of the Board of Architectural Review, in whole or in part.

## **Sec. 10. Appeals to circuit court:**



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Parties aggrieved by the decision of the Board of Supervisors, rendered pursuant to section 9, shall have the right to appeal to the circuit court of the county in the same manner and form as is required for any other appeal of actions of the Board of Supervisors.

## **Sec. 11. Design criteria:**

The intention of the Board of Supervisors of Rankin County 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.

The Board of Architectural Review and, on appeal, the Board of Supervisors shall use the following standards and criteria in considering applications filed under this chapter:

(a) Whether or not the proposed architectural design is suitable for a good 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 with existing well-designed structures, acceptable to the Board, in the vicinity and in the County 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 health, safety and morals by tending to maintain or augment the County's tax base as a whole, generating business activity, maintaining and creating employment opportunity, preserving historical sites and structures and making the County 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 or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls.

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(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 architecture 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 improvement is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics 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 reasonable foreseeable detriment to the community.

## **Sec. 12. No specific architectural style to be required:**

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

## **Sec. 13. Deviations from approved plans prohibited:**

Any person who once having obtained the approval required by section 7 deviates substantially from the approved plan shall be guilty of a misdemeanor. The County 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 7 or the changes have been re-submitted and approved by the Board of Architectural Review pursuant to this ordinance.

## **Sec. 14. Separability and Validity Cause:**

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

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## **Sec. 15. Repeal of Conflicting Ordinances or Parts Thereof:**

All Ordinances or parts of Ordinances adopted heretofore by Rankin County, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

## **Sec. 16. Penalties:**

Any person who violates the terms of this ordinance or is otherwise in violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and punished by a fine of no more than \$500.00 and six (6) months in jail. Each separate violation of this ordinance constitutes a separate and chargeable offense.

## **Sec. 17. Failure to Enforce Ordinance:**

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

## **Sec. 18. Effective Date of Ordinance:**

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

Adopted this, the \_\_\_\_\_ day of \_\_\_\_\_, 2005 at the regular meeting of the Board of Supervisors of Rankin County, Mississippi.



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\_\_\_\_\_  
President, Rankin County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Chancery Clerk