

**CHAPTER 23**  
**APPENDIX A. BUILDING ORDINANCES**

**COMMERCIAL ARCHITECTURAL CONTROLS**  
**ORDINANCE**

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**ARTICLE I GENERAL PROVISIONS**

**SECTION 101 – Title** - This ordinance shall be known as “**The Commercial Architectural Controls Ordinance of the City of Florence, Mississippi**” and may be so cited.

**SECTION 102 – Purpose** – The Mayor and Board of Aldermen of the City of Florence, Mississippi, hereby find that bizarre, garish or otherwise inappropriate exterior design and appearance of buildings, structures and improvements erected in commercial areas adversely affect the desirability of immediately adjacent and neighboring properties; impairs the benefits of occupancy as to existing properties 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 attendant deterioration of conditions bearing directly on the public health, safety, morals and general welfare of the citizens; deprives the City of tax revenue and destroys a proper balance between the taxable value of real property and the cost of municipal services.

**SECTION 103 -** 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 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 commence 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 and to establish a Committee 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 Committee and, on appeal from its decision, by the Mayor and Board of Aldermen.

**ARTICLE II DESIGNATION OF ARCHITECTURAL CONTROL DISTRICTS**

**SECTION 201** - All land areas in the City which are zoned commercial and industrial, (HC-1, C-1, C-2, C-3, C-4, C-5, C-6, C-7, I-1, I-2), including uses on any lot, parcel or area of land other than for single family detached residences are hereby designated as an architectural control district. However any single family residence allowed to be constructed in a commercial district must comply with the requirements of the R-1 Single Family Residential District regulations.

**SECTION 202** - All proposed construction shall be in compliance with all Ordinances of the City of Florence including specifically the, Zoning Ordinance, Site Plan Ordinance, Sign Ordinance, Commercial Architectural Control Ordinance, and Commercial Landscape Requirements Ordinance.

**ARTICLE III APPROVAL OF ERECTIONS, RECONSTRUCTIONS AND ALTERATIONS IN ARCHITECTURAL CONTROL DISTRICTS REQUIRED; WAIVER OF REQUIREMENTS**

**SECTION 301** - No structure, building, or other improvements 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 reviewed by the Architectural Review Committee and approved by the Mayor and Board of Aldermen, provided, that the provisions of this ordinance shall not apply to the regular maintenance of the same as opposed to the repainting of a structure or building which results in the complete change of color of the structure or 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.

**SECTION 302** – From the date of approval by the Mayor and Board of Aldermen of any structure, building, improvements, major landscape features surrounding such building, or structure or improvement located on any land within any architectural control district construction must begin and/or a building permit must be obtained no later than one (1) year thereafter. Failure to meet this deadline will nullify prior approval and will require approval by the Mayor and Board of Aldermen.

**SECTION 303** - The Zoning Administrator or his/her designee may, after hearing evidence involving reconstruction or alteration only, waive the requirements of Section 301 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 of waiver shall be approved by the Mayor and Board of Aldermen.

**ARTICLE IV DESIGN CRITERIA**

**SECTION 401** - The intention of the Board of Aldermen of the City of Florence 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 criteria listed in Section 402 below will be considered while evaluating proposed construction.

**SECTION 402** - The following standards and criteria shall be used in consideration of applications filed under this ordinance:

- (A) Whether or not the proposed architectural design is suitable for a 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 with existing well-designed structures, acceptable to the Committee, in the vicinity 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 health, safety and morals by tending to maintain or augment the City's tax base as a whole, 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 or not 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 requirements only; and exhibited external characteristics of demonstrated architecture and aesthetic durability.
- (F) Whether or not, in terms of design, material, texture, color, lighting, landscaping, dimension, line or 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 architecture or aesthetic acceptability, would be plainly offensive to human sensibilities or would otherwise constitute a reasonable foreseeable detriment to the community.

**SECTION 403 - Parking Lots** - All parking lots shall be constructed of either asphalt or concrete, bounded with curb and gutters: Curbs must be fabricated concrete. Specifications must conform to those of the Subdivision Regulations of the City of Florence.

**SECTION 404 – Metallic Buildings** - For the purpose of this ordinance the use of non-architectural metallic roofing and siding shall not be allowed in any Architectural Control District, where any portion of the roofing or siding shall be in the public view from an existing or reasonable anticipated future public right-of-way subject, however, to the following:

- (A) Non-architectural metallic roofing may be appropriate for portions of buildings in excess of 20,000 square feet, if approved by the Mayor and Board of Aldermen based upon the location and intended use of such buildings.
- (B) Properly colored non-architectural metallic siding used in an architectural design that represents less than 20% of any side of the building within public view of any right-of-way may be acceptable, if approved by the Mayor and Board of Aldermen.
- (C) The use of architectural metallic siding may be appropriate for portions of buildings within public view of any right-of-way, if recommended by the Architectural Review Committee and approved by the Mayor and Board of Aldermen.
- (D) In Industrial Zones, (I-1 and I-2) the use of non-architectural metallic roofing and siding may be appropriate for portions of buildings within public view of any right-of-way, if recommended by the Architectural Review Committee and approved by the Mayor and Board of Aldermen.

**SECTION 405 - Utility Service And Equipment** - In an effort to enhance the aesthetic quality of the commercial community, underground communications and electric service building connection lines are encouraged in Architectural Control Districts. Underground communications and electric service lines may be required.

**SECTION 406 - Exterior Equipment** - Air conditioning, heating, electric generators, exhaust duct, exhaust fans, exhaust blowers, refrigeration equipment and any other equipment located on roof, wall or on site shall satisfy the following requirements:

- (A) Exterior equipment should be located out of the public view.
- (B) If the location of equipment must be in public view, a substantial screen, fence and/or landscaping must be used to make the equipment obscure.

**SECTION 407 - Waste Disposal** - In a growing, progressive, commercial community, it is necessary to protect, and to promote the public health, safety and general welfare with aesthetics that will convey to new business and consumers that the City invites and welcomes them to the community. Waste generated by normal business activities and its disposal should be carefully planned to achieve this concept.

- (A) Waste disposal receptacles are to be located on the site, in an area that is not considered the focal point of the complex. Usually this will be in the rear of the

building or structure, or to the rear limits of the property. The waste disposal receptacle site must be readily accessible to Fire Department access.

- (B) Waste disposal receptacles shall be screened from public view by the use of an architectural masonry, brick, ornamental iron or wood closure that is compatible with the aesthetics of the surrounding area. The use of an attractively designed gate is required. Landscaping shall be incorporated in a manner to effectively help obscure the waste disposal receptacle.
- (C) The location, screening and landscaping of waste disposal receptacles shall be approved by the Mayor and Board of Alderman.

**SECTION 408 - Accessory Buildings** - Accessory buildings and structures located in an Architectural Control District shall meet all the requirements set forth in the Architectural Control Ordinance, the International Building Codes, 2006 Edition, as promulgated by the International Code Council, its successors and assigns, and the Flood Management Ordinance.

- (A) Manufactured buildings and structures, mobile homes, temporary office units, manufactured storage sheds or buildings, trucks, truck trailers, buses and other temporary facilities are not allowed to be used as an accessory building.
- (B) Temporary facilities may be allowed on commercial construction sites during and up to completion.

**SECTION 409 - No Specific Architectural Style To Be Required** The Architectural Review Committee and the Mayor and Board of Aldermen on appeal shall not adopt or impose any specific style in the administration of this Ordinance.

## **ARTICLE V BUILDING RELOCATION**

**SECTION 501** - Any building or structure that is moved within or into the commercial community shall meet, or be made to meet, all the requirements of the Commercial Architectural Control Ordinance, Commercial Landscape Requirements Ordinance, Flood Damage Prevention Ordinance, International Building Codes, 2006 Edition, as promulgated by the International Code Council, its successors and assigns, and National Electrical Code (NFPA70) – 2008 Edition, including all Residential, Fuel & Gas, Mechanical, Plumbing, Property Maintenance, Electrical and Fire Codes, as adopted by the City of Florence in Ordinance No. 284, on March 17, 2009.

**SECTION 502** – The Zoning Administrator or his/her designee shall make an inspection on the proposed building or structure to be moved. A written report of this inspection shall be submitted to The Mayor and Board of Aldermen.

**SECTION 503** – An affidavit is required from a Certified Environmental Contractor that the proposed building or structure to be moved is free from asbestos, lead, pesticide, or any other contamination that may be dangerous, harmful, or health concern. This affidavit shall be submitted with the application for approval.

## **ARTICLE VI APPLICATION**

**SECTION 601** - Application for approval by the Mayor and Board of Aldermen for the construction, reconstruction, alteration or restoration of any building in the Architectural Control District shall be submitted to the Zoning Administrator of the City as specified in the Site Plan Ordinance.

**SECTION 602 Design Professional** - Design Professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering, and shall affix his official seal to said drawings, specifications and accompanying data for the following:

- (A) All assembly, educational and institutional occupancies;
- (B) Non-residential building and/or structures two stories or more in height;
- (C) Non-residential buildings and/or structures 5,000 sq. ft. or more in area;
- (D) Any building or structure that is moved within or into the commercial community.

**SECTION 603** - Upon filing of an application, the Zoning Administrator, after determining that the requirements of Section 601 of this section have been satisfied, shall distribute a copy of the application to each member of the Architectural Review Committee.

## **ARTICLE VII ARCHITECTURAL REVIEW COMMITTEE**

**SECTION 701 – Establishment** - There is established by the City of Florence an Architectural Review Committee, consisting to the Public Works Director, Assistant Public Works Director, Building Inspector of the City, Chief of Police or his designee, Fire Chief or his Assistant, or designee, Zoning Administrator, and other persons as designated by the Mayor and Board of Aldermen. The function of said Committee is to review site plans, construction plans and otherwise enforce and implement the provisions of this Ordinance and review proposed construction under said procedures and the criteria established herein. All such procedures shall be approved by the Mayor and Board of Aldermen prior to being used.

**SECTION 702 – Application Review** - The Zoning Administrator shall act as the coordinator for the Site Plan Review process and any other required data to be reviewed by the Architectural Review Committee. The Architectural Review Committee may make recommendations with respect to the design, texture, material, color, line, mass dimension or lighting of the building or structure involved. Each member shall review and return the site plan application or other data to the Zoning Administrator along with their written recommendations within seven (7) days.

**SECTION 703 – Meetings** – The Zoning Administrator at his/her discretion may call an informal meeting of the members of the Architectural Review Committee for the purpose

of discussing any application. The Zoning Administrator may require the applicant or their representative to be present. Any other party desiring to be heard in support of or in opposition to the application may be allowed to be present by filing a written request with the Zoning Administrator. 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 out in this Ordinance. The Architectural Review Committee shall hear any oral testimony that the Zoning Administrator desires to present.

**SECTION 704 – Recommendation** – Within fourteen (14) days after review the Zoning Administrator or his/her designee shall provide the applicant a copy of the application indicating the recommendations of the Architectural Review Committee. If the applicant desires clarification of any of the noted recommendations the applicant shall submit a written request detailing same to the Zoning Administrator, otherwise the applicant shall modify the application accordingly and resubmit the required copies of the application, within ninety (90) days, to the Zoning Administrator.

**SECTION 705 – Approval** - The Zoning Administrator shall submit the application at his/her discretion to the Planning and Zoning Committee for their recommendation or to the Mayor and Board of Aldermen for approval at the next scheduled meeting as provided for in the Site Plan Review ordinance.

## **ARTICLE VIII DEVIATIONS FROM APPROVED PLANS PROHIBITED**

**SECTION 801** - Any person who once having obtained the approval required in Article III deviates substantially from the approved plan shall be guilty of a misdemeanor.

**SECTION 802** - The Zoning Administrator or City Building Inspector, upon a determination of substantial deviation, shall issue a stop work notice on the Building Permit. Work shall not be permitted to continue, unless pursuant to Article VI, the changes have been re-submitted and reviewed by the Architectural Review Committee, and approved by the Mayor and Board of Aldermen pursuant to this Ordinance.

**SECTION 803** - It is the responsibility of those performing work and those directing work to be performed to ensure compliance with this Ordinance. The City of Florence shall not be liable for any special, direct, incidental, or consequential damages resulting from the enforcement of this Ordinance.

**SECTION 804 - Failure To Enforce Ordinance** - Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

## **ARTICLE IX APPEALS; HEARING**

**SECTION 901 – Appeals** – Any applicant aggrieved by or where it is alleged that there is an error in any order, requirement, decision or determination as directly related to zoning and or building compliance by the Zoning Administrator or the Architectural Review Committee may appeal to the Mayor and Board of Aldermen. Such appeals shall

be taken within a reasonable time, not to exceed ten (10) days, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. Appeals from decisions made by the Mayor and Board of Aldermen shall be taken within a reasonable time, not to exceed ten (10) days, by filing with the City Clerk a notice of appeal specifying the grounds thereof, said appeal to be heard by the Circuit Court of Rankin County, Mississippi.

**ARTICLE X SEPARABILITY AND VALIDITY CLAUSE**

**SECTION 1001** - 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 part thereof, other than the part so held to be unconstitutional or invalid.

**ARTICLE XI CONFLICTING ORDINANCES OR PARTS THEREOF**

**SECTION 1101** – Relative to all Ordinances or parts of Ordinance adopted heretofore by the City of Florence, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance the more restrictive shall prevail.

**ARTICLE XII VIOLATIONS**

**SECTION 1201 – Purpose** - The purpose of this section is to provide enforcement of ordinance pursuant to the provisions of the City of Florence Zoning Ordinance.

**SECTION 1202 – ENFORCEMENT**- The City of Florence Police Chief, Fire Marshal/Chief, Zoning Administrator or their designee is directed to enforce all of the provisions of this Ordinance in the following manner:

- (A) – **Violation** – In the event of a violation that the owner refuses to correct, the following action is to be taken:
- (1) Enforcement official or his designee shall complete a “Violation Form” (copy attached) containing all information of the violation, including address of the owner, (if known), description of the violation, city ordinance violated with copy attached, along with any photographs or other evidence of the violation attached.
  - (2) Violation form shall be delivered to the Chief of Florence Police Department with a request for Citation (copy attached) to be issued against the violator.
  - (3) Chief of Police or his designee shall execute the Citation by personally serving said Citation on the violator, requiring appearance of violator at a time and date certain of the Florence City Municipal Court, which has jurisdiction over all Violations of the City Ordinances as found in Section 21-23-7(1), Mississippi Code of 1972, as annotated.
  - (4) Appeals from decisions made by the Municipal Court shall be taken within a reasonable time, not to exceed ten (10) days, by filing with the City Clerk a notice of appeal specifying the grounds thereof, said appeal to be heard by the Circuit Court of Rankin County, Mississippi.

**ARTICLE XIII – PENALTIES**

**SECTION 1301** – Violation of this Ordinance may result in a fine of up to one-thousand dollars (\$1,000.00) and/or imprisonment not exceeding ninety (90) days or both, in accordance with Section 21-13-1. *Mississippi Code of 1972*, as annotated.