

ARCHITECTURAL REVIEW ORDINANCE WITHIN THE CITY OF PEARL
AND FOR OTHER PURPOSES RELATED THERETO

WHEREAS, the City of Pearl has enjoyed a rich and colorful past since it was founded;

WHEREAS, the City of Pearl has for many years adopted and followed zoning regulations and provisions in order to insure an orderly and coherent growth of the City;

WHEREAS, the use of reasonable architectural controls as set forth in the ordinance has improved and facilitated the growth and development of the City;

WHEREAS, the City desires to adopt a new ordinance providing for architectural controls and other matters to accomplish the purposes and goals as set forth herein and the Board finds that the adoption of this ordinance shall serve, preserve and protect the health, safety and welfare of the citizens of the City of Pearl.

WHEREAS, the Governing Authorities wish to conduct the affairs of the City in a spirit of transparency and in compliance with Miss. Code Ann. § 21-3-19 (2013) *et seq*;

WHEREAS, the Governing Authorities of the City of Pearl have determined it to be in the best interest of the City and in full compliance with the City of Pearl Ordinances to adopt this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen
of the City of Pearl as follows:

SECTION 1: THE NEED FOR ARCHITECTURAL CONTROLS

The Board of Aldermen hereby finds that:

A. Excessive uniformity and dissimilarity and inappropriateness or poor quality of design in the exterior appearance of residences and buildings erected in a residential, commercial or industrial area adversely affects the desirability of the immediate and adjoining areas for residential, business, and other purposes;

B. It is in the best interest of the City of Pearl to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing visual features and the character of a residential or business area;

C. It is in the best interest of the City of Pearl to provide architectural controls to prevent harm and damage to the City which result, in the absence of architectural control, and manifests itself in lower property values, diminished tourism, decreased economic values, and diminished future opportunities for land use and development;
and

D. Architectural controls promote the general welfare, the mental health and the safety of the City of Pearl, preserve and enhance its cultural values, social responsibility, and citizenship; and enable its citizenry to identify with the municipality and the character of its residential and business community while growing to meet future needs and preserving the features of historical significance in Pearl.

SECTION 2: SUBMISSION OF PLANS WITH ANY
APPLICATION FOR A BUILDING PERMIT

All persons or entities applying for a building permit for the commencement of any work, for the erection of any new building or in the alteration or addition to any existing building, or any portion thereof, shall attach to such application for a building permit the full plans and specifications as prepared by a licensed architect or qualified designer of the type of structure for which the permit is sought which shall depict the visual appearance of the structure from all sides and which shall include a designation of the following items:

- A. Size, including:
 - i. Gross cubical content;
 - ii. Number of stories; and
 - iii. Total square feet including a notation as to the square footage on each floor or level;
- B. Height;
- C. Location on the lot;
- D. Existence of fences, the design thereof and the materials comprising the fence;
- E. General design, style, and architecture of the facility;
- F. Materials utilized in the construction and visible from the exterior of all sides;
- G. Finished grade lines;
- H. Elevation;
- I. Orientation;
- J. Parking and access;
- K. Description of Roof including:
 - i. Pitch;
 - ii. Roof line;
 - iii. Shape and design; and
 - iv. Materials utilized in the construction and visible from the exterior of all sides;

- L. Size and design of yards, courts, or other open spaces;
- M. Terrain;
- N. Type and location of doors, windows, porticos and other openings or breaks;
- O. Colors and façade;
- P. Ornamental features;
- Q. Building projections;
- R. Service areas, utility buildings and accessories; and
- S. Drainage

SECTION 3: REVIEW OF SINGLE FAMILY RESIDENTIAL
CONSTRUCTION PLANS

All plans and specifications so submitted with an application for a building permit for a single family residential structure shall be reviewed by the Pearl Community Development Director. The purpose of this review as it pertains to this Ordinance will be to ascertain whether or not the proposed structure or alteration is excessively similar or dissimilar to any other structure either then existing or for which a building permit has been issued within 500 feet of the proposed site as measured from each lot line of the facility excluding streets, alleys and other public rights-of-way. If the Community Development Director determines such structure or alteration is excessively similar or dissimilar and makes a specific finding in writing that the structure or alteration as proposed would cause or provoke one or more of the harmful effects as set forth in Section 1(c) and that such finding is not based on the Community Development Director's personal preferences to taste or choice or architectural style or design, then the building permit application shall be denied. If the Community Development Director shall fail to disapprove the application within thirty days of its being filed in his office, then the building permit shall be issued

provided it conforms in all respects to other applicable laws and ordinances of the federal government, state, county and city.

If the application for the permit is denied, the party submitting it has the right to amend its plans and specifications and re-submit them to the City. If the Community Development Director shall fail to disapprove the application containing the amended plans within fifteen days of its being filed with him, then the permit shall be issued providing it conforms in all respects to all other applicable laws and ordinances of the federal government, state, county and City.

SECTION 4: REVIEW OF MULTI-FAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSTRUCTION PLANS

All plans and specifications so submitted with an application for a building permit for multi-family residential, commercial and industrial construction shall be reviewed by the Pearl Community Development Director. The purpose of this review will be to ascertain whether or not the proposed structure or alteration is excessively similar or dissimilar to any other structure either then existing or for which a permit has been issued within 500 feet of the proposed site as measured from each lot line of the facility excluding streets, alleys and public rights-of-way. If the Pearl Community Development Director determines such structure or alteration is excessively similar or dissimilar and makes a specific finding in writing that the structure or alteration as proposed would provoke one or more of the harmful effects as set forth in Section 1(c) and that their finding is not based on personal preferences to taste or choice or architectural style or design, then the application for a building permit shall be denied.

The party submitting the application for the permit shall, if the application is denied, have the right to amend its plans and specifications and resubmit them to the City. If the Pearl Community Development Director shall fail to disapprove the application containing the amended plans and specifications within sixty days of their being filed with them, then the permit shall be issued provided it conforms in all respects -to all other applicable laws and ordinances of the federal government, state, county and City.

SECTION 5: APPEAL TO MAYOR AND BOARD OF ALDERMEN

Any person aggrieved by the action of the Pearl Community Development Director in denying a building permit application for a single-family residential structure may appeal to the Mayor and Board of Aldermen, by filing with the City Clerk, a written notice of appeal and designation of record within ten days of the date of the final decision of the Pearl Community Development Director. The Mayor and Board of Aldermen shall consider whether the proposed facility or addition or alteration shall be excessively similar or dissimilar to any other structure existing or for which a permit has been issued within 500 feet of the proposed site as measured from each lot line of the facility excluding streets, alleys and public rights-of-way. If the Mayor and Board of Aldermen determine such structure or alteration is excessively similar or dissimilar and makes a specific finding that the structure or alteration as proposed would provoke one or more of the harmful effects as set forth in Section 1(c) and that their finding is not based on personal preferences to taste or choice or architectural style or designs, then the building permit shall be denied. The Mayor and Board of Aldermen shall act on the appeal within 45 days of the filing of the notice of appeal with the City Clerk.

SECTION 6: APPEAL

Any party aggrieved by the action of the Mayor and Board of Aldermen acting pursuant to this Ordinance may appeal their decision in the manner and time provided by law.

SECTION 7: ENFORCEABILITY

If any term or provision of this Ordinance shall be held to be unconstitutional or otherwise unenforceable; the remainder shall not be affected thereby and shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This ordinance shall be in full force and take effect thirty days from and after its adoption.

* * * * *

The above foregoing ordinance was first reduced to writing and offered by Aldermen Dennis who moved its adoption, which motion was seconded by Aldermen McHenry.

Said ordinance was read, considered and adopted, with the vote on the final passage hereof being as follows:

Alderman McHenry:	yea
Alderman Williams:	yea
Alderman Dennis:	yea
Alderman Steverson:	yea
Alderman Foy:	yea
Alderman Knight:	yea
Alderman Gill:	yea

The subject Motion received the required number of positive votes and became the Order of the Mayor and Board of Aldermen.

SO ORDERED this the 3rd day of October, 2023.

Jake Windham, Mayor

Attest:

Kelly Scouten, City Clerk
City of Pearl, Mississippi

CERTIFICATE

I, Kelly Scouten, the duly appointed, qualified and acting Clerk of the City of Pearl, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance, passed, ordained and adopted by the Mayor and the Board of Aldermen of said City at a public meeting thereof held on the ____ day of October, 2023, and which Ordinance is spread of record in the minutes of said meeting and maintained in my office.

GIVEN under my hand and official seal of office, this the ____ day of October, 2023.

Kelly Scouten, City Clerk

(Seal)