

ORDINANCE NO. 04-12-093

TO AMEND TITLE 15 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES WHICH PROVIDES FOR BUILDINGS AND CONSTRUCTION; TO CREATE CHAPTER 15.44 ENTITLED "ARCHITECTURAL REVIEW"; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Title 15 of the Code of Ordinances of the City of Locust Grove, Georgia, is hereby amended by creating Chapter 15.44 entitled "Architectural Review" as follows:

SECTION 2. Title 15, Chapter 15.44 of the Code of Ordinances of the City of Locust Grove, Georgia, is hereby amended by creating Sections 15.44.010 through 15.44.070 as follows:

Section 15.44.010 Purpose and Intent.

The Mayor and Council of the City of Locust Grove intend for this Chapter to regulate the aesthetics, quality of exterior building materials and to the promotion of the health, safety, prosperity and general welfare of the citizens of Locust Grove.

Section 15.44.020. Definitions.

"*Architectural Plans*" - Means a drawing or diagram having or conceived of as having an overall design and form of a building or structure illustrating measurements, colors, materials and exterior architectural features. Such plans shall include a color palate and color rendering of the structure or building. Photographs of similar structures are not required, but may be helpful.

"*Architectural Review Board*" or "*Board*" - Means the Mayor and City Council of the City of Locust Grove, Georgia.

"*Building*" - A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

"*Exterior Architectural Features*" - Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to

the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.

"*Exterior Environmental Features*" - Means all those aspects of the landscape or the development of a site which affects the character of the property, including mechanisms for outdoor advertisements.

"*Material Change in Appearance*" - Means a change that will require a building permit and will affect either the exterior architectural or exterior environmental features of a property or any building, structure, site, object, or landscape feature within the City, such as:

- A. A reconstruction or alteration of the size, shape, color or facade of property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- B. Demolition or relocation of a structure;
- C. A change in the location of advertising visible from the public right-of-way; or
- D. The erection, alteration, restoration or removal of any buildings or other structure within the City, including walls, fences, steps and pavements, or other appurtenant features.

"*Structure*" - A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

Section 15.44.030. Applicability and Prohibition.

- A. Applies to all construction in commercial, industrial, office/institutional and multi-family zoning districts for which a building permit is required.
- B. No building permit shall be issued except when in compliance with this Chapter.

Section 15.44.040. Creation of an Architectural Review Board.

A. Creation of the Board:

There is hereby created a board whose title shall be "ARCHITECTURAL REVIEW BOARD FOR THE CITY OF LOCUST GROVE" (hereinafter "Board").

B. Board Members: The Board shall consist of the Mayor and City Council.

C. Statement of Board's Power: The Board shall be authorized to:

1. Review architectural plans and approve, approve with modifications or deny same in accordance with the provisions of this Chapter;
2. Adopt rules and standards for the transaction of its business and for consideration of architectural plans, design guidelines and criteria in addition to those stated herein;
3. Seek technical advice from outside its members on any set of architectural plans; and
4. Consult with the City Manager, the Better Hometown Director, and/or the Downtown Development Authority or members thereof or any one else it deems proper in the execution of its duties.

D. Conflict of Interest: The Board shall be subject to conflict of interest laws set forth in Georgia Statutes and in the City Charter.

E. Records of Board Meetings: A public record shall be kept of the Board resolution, proceedings and actions.

Section 15.44.050. Exterior Materials Standards.

A. Except where otherwise provided in this Chapter or in the Code of Ordinances, the exterior architectural features of buildings and structures within multi-family, office/institutional, commercial and industrial zoning districts shall adhere to the following minimum standards:

1. All exterior siding materials shall be limited to brick; natural stone including granite, marble, sandstone, field stone, or any other natural stone approved by the Board; manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone approved by the Board; clay tile with baked-on enamel finish; architecturally treated decorative concrete block; architecturally treated slabs or block either fluted or with exposed aggregate; stucco; efis; masonry siding such as hardiplank, wood; or acceptable substitute approved by the Board.
2. All exterior siding material such as aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited except that architectural fiberglass or plastic are allowed to the extent that such material is used in detailing and decorative trim if approved by the Board.
3. Fifty percent (50%) of the width of the front façade of the building at ground level shall consist of fenestration. All fenestration shall be multi-paned in appearance. Single-paned plate glass windows greater than six square feet (6 sq.ft.) in surface area without the appearance of being multi-paned shall be prohibited unless approved by the Board.
4. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be non-primary colors including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan. However, white may be permitted if approved by the Board.
5. Burglar bars and steel roll down doors or curtains shall not be visible from the public street.
6. Service bays shall be designed so that the openings of service bays are not visible from a public street (i.e., side entry).
7. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.
8. All exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but no limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color

variations, decorative cornices, awnings, canopies, murals, and graphics.

- B. The exterior and features of buildings and structures within the industrial zoning classification shall adhere to the following additional requirement:

Except when abutting an existing residential building or district, or public streets, exterior walls are permitted to have plain painted, baked or acrylic finish corrugated metal panels, plain painted concrete or cinder block siding in addition to the materials in subparagraph A.1. above.

- C. The exterior architectural features of buildings and structures within the office/institutional and commercial zoning classifications shall adhere to the following additional requirement:

Front facades and any exterior sides facing public streets shall consist of a minimum of seventy percent (70%) of brick or natural or manufactured stone or a combination thereof.

Section 15.44.060. Application to Board for Approval of Architectural Plans.

- A. Where required.

1. Approved architectural plans shall be required before a building permit may be issued to a person wishing to undertake any material change to the exterior architectural features and/or exterior environmental features of existing property or prior to new construction within the following zoning districts: multi-family, office/institutional, commercial or industrial.
2. Notwithstanding anything herein to the contrary, the following material changes shall not require submission of architectural plans:
 - a. Work to sustain the existing form or to correct deterioration, decay or damage provided that such work does not involve a change in design, material or exterior appearance.
 - b. The removal or replacement of roofing materials, provided that no other significant alterations,

i.e., removal of original architectural features, dormers, and chimneys. Proposed replacement materials must be similar to existing materials.

- B. Submission of Plans to Board: Ten (10) sets of architectural plans shall be submitted by the owner or owner's agent to the City Clerk or her designee for retention of one set of plans and transmittal to the City Manager, Better Hometown Director and Board. The person submitting such plans shall provide his or her contact information, proof of ownership, proof of authorization to submit such plans if not the owner, and pay an administration fee set by the City Council from time to time based on the square footage of the building or structure but no less than fifty dollars (\$50.00).
- C. Interior Alterations: The Board shall not consider interior arrangement or use having no effect on exterior architectural features.
- D. Hearings on Applications for Approval of Architectural Plans, Notices, and Right to Be Heard: The Board shall meet on the fourth Monday of every month, except where rescheduled due to a holiday or other reason, at 7:00 p.m. at Locust Grove City Hall, to discuss architectural plans. This meeting shall be open to the public, but shall not be open for public comment. However, final determination of approval, approval with modifications or denial shall be determined by the City Council during the next regular scheduled public meeting. Notice shall be given to the person who submitted architectural plans for review.
- E. Acceptable Board Action on Architectural Plans:
 - 1. The Board may approve the architectural plans as proposed, approve the architectural plans with any modifications it deems appropriate under the standards of this Chapter, or reject it.
 - 2. The Board shall approve submitted architectural plans if it finds that the architectural plans conform to the requirements of this Chapter.
 - 3. Approval shall be by a majority vote as may be taken by the Board in its capacity as the local governing body of the City.

F. Undue Hardship:

When, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the City Council, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications and interpretations which shall remain in harmony with the general purpose and intent of said provisions, so that the architectural integrity, or character of the property or area, shall be conserved and substantial justice done. In granting variances, the City Council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Chapter. An undue hardship shall not be a situation of the person's own making.

G. Necessary Action to be Taken by Board upon Rejection of Architectural Plans:

1. In the event the Board rejects architectural plans, it shall state its reasons for doing so in the Minutes of the hearing, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Board may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he/she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of architectural plans by the Board shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

H. Requirement of Conformance with Approved Architectural Plans:

1. All work performed pursuant to approved architectural plans shall conform to said plans. In the event work is performed not in accordance with such certificate,

the City Manager or his designee shall issue a cease and stoppage order of all work.

2. The City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance, except those changes made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such property or district.

I. Approval of Architectural Plans Void if Construction not Commenced:

Approved architectural plans shall become void unless a building permit has been issued within six (6) months of approval of said plans. Otherwise, approved architectural plans shall be issued for a period of eighteen (18) months and are renewable without a fee for a single period of six (6) additional months. Failure to renew or after the passage of the first renewal period, approved architectural plans must be resubmitted for review and an administrative fee paid. The Board shall review the plans and approve the plans if there has been no substantial change to said plans.

J. Recording an Approved Architectural Plan:

The City Clerk shall keep a public record of all approved architectural plans and of all the Board's proceedings in connection with said application for a period of no less than three (3) years. The City Clerk shall stamp date the architectural plans when received and date the architectural plans when approved.

Section 15.44.070. Penalty Provisions.

Violations of any provisions of this Chapter shall be punished in the same manner as provided for punishment of violations of validly enacted Ordinances of the City.

SECTION 3. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 5. **Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. **Effective Date.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 6th day of December, 2004.



LORENE LINDSEY, Mayor

ATTEST:



THERESA BREEDLOVE City Clerk

(Seal)

FIRST READING/
ADOPTION: _____

Version 8