

AN ORDINANCE TO ESTABLISH A HISTORIC LANDMARK, OR LANDMARK SITE, TO BE KNOWN AS THE AMZIE MOORE HOME; TO DESIGNATE THE DESCRIPTION AND BOUNDARY OF THE SUCH LANDMARK, OR LANDMARK SITE; AND TO PROVIDE FOR THE PRESERVATION, PROMOTION, AND DEVELOPMENT OF SAID LANDMARK, OR LANDMARK SITE, BY REQUIRING THAT NO APPLICATION PROPOSING THE ERECTION, ALTERATION, RESTORATION, DEMOLITION, OR MOVING OF ANY STRUCTURE WITHIN OR UPON SAID LANDMARK, OR LANDMARK SITE, SHALL BE APPROVED UNTIL REVIEWED AND APPROVED BY THE CLEVELAND HERITAGE COMMISSION.

WHEREAS, the Mayor and Board of Aldermen of The City of Cleveland, Mississippi did on June 6, 1995, adopt an Ordinance, now of record on page 28 of Ordinance Book Number 4 creating a historic preservation commission known as the Cleveland Heritage Commission; and,

WHEREAS, said Ordinance authorizes the Cleveland Heritage Commission to conduct or cause to be conducted a study and survey of architectural, archaeological, cultural, and historic resources within the City of Cleveland and to recommend to the Mayor and Board of Aldermen the adoption of ordinances designating landmarks, landmark sites, and historic areas or districts; and,

WHEREAS, said Heritage Commission has completed such study and survey and has recommended unto the Mayor and Board of Aldermen that they adopt an ordinance designating and establishing a historic landmark, or landmark site, to be known as the Amzie Moore Home; and,

WHEREAS, the Amzie Moore Home was designated a “Mississippi Landmark” at the May 10, 2007, meeting of the Trustees of the Mississippi Department of Archives and History; now, therefore, pursuant to the Mississippi Local Government Historic Preservation Act of 1978 (Chapter 472, Laws of Mississippi, 1978, and Section 39-13-3 of the Mississippi Code of 1972, as amended),

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CLEVELAND, MISSISSIPPI, as follows:

SECTION I. DESIGNATION OF LANDMARK OR LANDMARK SITE BOUNDARY

That area within The City of Cleveland, Mississippi, as hereinafter described is hereby designated as the Amzie Moore Home, to-wit:

That property in the Second Judicial District of The City of Cleveland, Bolivar County, Mississippi, and being described as follows:

Lot Four (4) in Block One (1) of the Edgewood Addition to The City of Cleveland, Mississippi, according to a map or plat of said Addition on file in the office of the Chancery Clerk of Bolivar County, Mississippi, at Cleveland, Mississippi.

SECTION II. PROTECTION OF THE LANDMARK OR LANDMARK SITE

In order to promote the general welfare through the preservation and protection of historic resources within this City, and pursuant to said ordinance of June 6, 1995, no exterior feature of any landmark, landmark site, or building or structure within the landmark or landmark site herein designated (including, but not limited to, wall, fences, light fixtures, steps, pavement, trees, or other appurtenant features) or any of the above ground utility structure or any type of outdoor advertising sign, shall be erected, altered, reconstructed, restored, or rehabilitated, moved, cut, or demolished within said landmark or landmark site until after an application for a certificate of appropriateness of such work has been submitted to and reviewed by the Commission and approved by the City, all as set forth in said Ordinance.

SECTION III. DEFINITIONS

All definitions contained in said Ordinance of June 6, 1995, are hereby reference incorporated into this ordinance, and all procedures shall be as therein provided.

SECTION IV. AMENDMENTS

The Mayor and Board of Aldermen may from time to time and upon the recommendation of said Commission amend the boundaries of said landmark or landmark site, all pursuant to said Ordinance.

SECTION V. SEPARABILITY

The provisions of this ordinance are separable. If any section, paragraph, or sentence, or portion thereof be declared by any court of competent jurisdiction to void, invalid, or inoperative in any manner, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or a part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION VI. INTERPRETATION

In interpreting an applying this Ordinance, its provisions shall be held to be the minimum requirements for the protection of the historic resources and the general welfare. It is not the intent of this Ordinance to interfere with, abrogate, or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with an of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance to interfere with, abrogate, or annul any easement, covenant or other agreement between parties, except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

SECTION VII. EFFECTIVE DATE

This ordinance shall be published and shall become effective and be in force one month from and after its passage as provided by law.

ORDAINED, ADOPTED, AND APPROVED this March 4, 2008.

DAVID WORK, Mayor

Attest:

WENDY McCLAIN, City Clerk