

ORDINANCE NO. 558

AN ORDINANCE ADDING A HISTORIC DISTRICT TO THE ZONING ORDINANCE OF THE TOWN OF OAK GROVE AS ARTICLE XIV.

WHEREAS, the City Council is desirous of promoting the educational, cultural and economic welfare of the city by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the city, region, state and nation, and furthermore it is in the purpose of the ordinance to strengthen the economy of the city by stabilizing and improving property values in historic areas;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Oak Grove, in legal session convened, as follows, to wit

ARTICLE XIV - OAK GROVE HISTORIC DISTRICT

SECTION 1. For amendment to be made adding this Ordinance to the Zoning Ordinance of the Town of Oak Grove for a Historic District to be set up and added to existing district.

SECTION 2. Purpose

The purpose of this Ordinance is the preservation and stewardship of all structures in the designated Historic District of the City and the guardianship of those structures which have architectural and historical value which should be preserved for the benefit of the people of the City and State.

SECTION 3. Definition of Historic District

The following area of the City of Oak Grove is hereby designated as the “Oak Grove Historic District,” to wit: Along and adjacent to Main Street beginning at its intersection with Horner Street, thence in a westerly direction along Main Street to the point of Main Street intersects with Front Street, at which point ends the designated area of the Oak Grove Historic District and to and including all buildings and properties fronting upon Main Street within this designated area.

SECTION 4. Submission of Plans to Commission for Exterior Changes

A. The owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Oak Grove Zoning Commission before commencement of “work” as herein used includes erecting new structures, alterations, remodeling, relocation or demolishing of any existing buildings within the Oak Grove Historic District. If the requirement is violated penalties shall be imposed as provided in Section 8.

B. Application shall be made to the Commission, accompanied by a full set of plans as providing the proposed structure or alterations to the proposed appearance, color, material and architectural design of the exterior, including the front, sides and alterations or additions to any building or outbuildings, party wall, courtyard, sidewalk, driveway and parking area.

C. Where, by reason of topographical conditions, irregularly shaped lots, or unusual circumstances applicable solely to the particular application strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the Commission, in passing upon the application, shall have the power to vary or modify adherence to this Ordinance provided always that its requirement insure harmony with the general purpose hereof, and not adversely affect the Historic District as a whole.

SECTION 5. Commission Recommendations and Actions.

The Oak Grove Zoning Commission shall render its decision concerning approval or disapproval of issuance of permit in writing to the applicant within forty-five (45) days of receiving the application, which may include such changes, if any, as in its judgment are necessary to comply with this Ordinance.

SECTION 6. Appeals.

Any person or persons aggrieved by the decision, act or proceedings of the Oak Grove Zoning Commission shall have the right to apply in writing to the City Council for a reversal or modification thereof, and the Mayor, or presiding officer shall have the right to stay all further action until the City Council shall have the opportunity to rule on the matter. Any such appeal shall be made within ten (10) days of the decision and the City Council must consider the said appeal at their next regular meeting or by special meeting, but in any event, within forty-five (45) days. The City Council shall have the right to reserve, change or modify any decision of the Zoning Commission by a majority vote.

Any person or persons aggrieved by the decision of the City Council shall have the right to file a civil suit within thirty (30) days of the decision in a court of competent jurisdiction.

SECTION 7: Injunctions.

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Commission, and/or the Mayor may make application to appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the Commission or the City that such person has engaged or is about to engage in such an act or practice, a permanent or temporary restraining order, or other appropriate order shall be granted without bond.

SECTION 8: Penalties.

Any owner, agent, lessee, or other person acting for or in conjunction with the owner or agent who violates the provisions of this Ordinance or rules, regulations or decision of the Commission shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars for each infraction. Each day that a violation continues shall constitute a separate offense.

SECTION 9. New Construction.

Proposals for new construction in the Oak Grove Historic District should seek compatibility with existing structures through the appropriate use of site planning materials, decorative details, architectural elements and scale. A proposal should not draw attention to itself by failing to relate to neighboring styles. But neither should it copy these styles. The object is to compliment the context of the Oak Grove Historic District.

The Oak Grove Zoning Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for preserving, Rehabilitating, Re-Storing, and Reconstructing Historic Buildings in considering all proposals for new construction.

SECTION 10. Floodlights.

The exterior of buildings and properties within the Oak Grove Historic District shall not be illuminated by privately controlled floodlights or other illumination except as approved by the Commission or as permitted specially by the Ordinance. This shall not prohibit merchants and owners from providing illumination within its own store front windows nor from illumination for decorations in holiday season.

SECTION 11. Signs.

A. Definitions

1. SIGN shall include any symbol, device, image, poster, flag, banner, billboards, design or directional sign used for advertising purposes, whether painted upon, attached to,

erected on or otherwise maintained on any premises containing any words, letters, emblems, devices, trade names or trade marks by which anything is made known to designate an individual, firm, corporation, profession, a business or a product, which is visible from any public street and is used to attract attention.

2. DISPLAY includes erect, paint, repaint, place, hang, re-hang, repair, maintain paint directly upon a building or other structure, inlay, embed in, or otherwise exhibit in public view.

B. Signs Must Conform to Character of Historical District.

In addition to the prohibitions contained in this section, approval of the display of a sign in the Oak Grove Historic District of the City shall be granted by the Commission only when such signs and the plans therefor, so far as they relate to appearance, color, size position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of Oak Grove Historic District and/or do not injuriously affect it or impair the value of the community of those buildings having architectural or historical worth.

C. No signs to be Displayed in Certain Places.

No sign shall be displayed or placed in any manner whatsoever so as to disfigure or conceal any significant architectural feature or detail of any building.

D. Number of Primary Signs.

In general, one primary sign is allowed per place of business, except on a corner building and where multiple businesses occupy one building.

E. Surface Area of Signs.

The surface area of any sign shall be in direct proportion to the amount of front footage.

F. Secondary Signs.

In addition to the primary sign, small secondary signs may be used to identify entrance doors, operating hours and temporary signs.

G. Temporary Signs.

Temporary signs of a promotional nature may be used on the store windows. In no case may they remain longer than sixty days. A permit is not required for placement of a temporary sign. Temporary signs may be used on the exterior of the building for the following reasons. 1. For the identity of real estate for sale.

**SECTION 12. Minimum Maintenance Requirements and Demolition
By Neglect.**

In order to insure the protective maintenance of resources, the exterior feature of the properties shall be maintained to meet the requirements of the City's Minimum Housing Code and the City's Building Code. Any resource, which is a landmark, and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have legal custody or control. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall notify the City's Building Official. See Section 4-66, et seq. Of Oak Grove Code of Ordinances.

BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof is declared to be unconstitutional by judgment of the Court, then in that event, only that particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 13. No Effect on Use District Classification.

The Provision of this Ordinance shall not affect and shall be supplemental and additional to the designation of “use districts” as set forth in the Zoning Ordinances and the official zoning map of the Town of Oak Grove.

Motion was made by Council Member Holland, seconded by Council Member McFarlin, and unanimously passed, to adopt this Ordinance supplementing the Zoning Ordinance of the Town of Oak Grove, as Article XIV, Sections 1 - 13, on the 8th day of February, 2005.

LAVELLE BROWN, MAYOR

ATTEST:

SANDRA B. MILLER, CLERK