

LEGAL BOUNDARIES

Proposed Northville Historic District

Beginning at the Eastern extremity of Cady Street, thence west along Cady Street to Rogers Street, thence north along Rogers Street to the northern extremity of said street, thence east along the north line of lot 439, Northville Assessors Flat, to the west line of lot 450, thence north along the west line of lot 450, to the south boundary of lot 449, thence west along the south line of lots 449, 448, and 447 to the west line of lot 447, thence north along the west line of lot 447 to Randolph Street, thence southeasterly along Randolph street to Center Street, thence south along Center Street to Dunlap Street, thence east along Dunlap Street to Hutton Street, thence south along Hutton Street to Main Street, thence east along Main Street to Park Place, thence southerly along Park Place to the point of beginning, and including all properties within these boundaries and all properties abutting the boundary lines.

Act No. 169
Public Acts of 1970.
Approved By Governor
8/3/70, I.E.

STATE OF MICHIGAN
75TH LEGISLATURE
REGULAR SESSION OF 1970

Introduced by Rep. Thomas J. Anderson
Reps. Hampton, Copeland, Walton, George F. Montgomery, Wierzbicki,
Brennan, Pilch, Mrs. McCollough, Tisdale, Stites, Weber, Sharp, Mittan,
Strange, Roy Smith, Mrs. Hunsinger and Novak named as co-sponsors

ENROLLED HOUSE BILL No. 2966

AN ACT to provide for establishment of historic districts; to provide for the acquisition of land and structures for historic purposes; to provide for preservation of historic sites and structures; to provide for the creation of historic district commissions; to provide for the maintenance of publicly owned historic sites and structures by local units.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

- (a) "Local unit" means a county, city, village or township.
- (b) "Historic district" means an area, or group of areas not necessarily having contiguous boundaries, created by a local unit for the purposes of this act.
- (c) "Historical preservation" means the protection, rehabilitation, restoration, or reconstruction of districts, archaeological and other sites, buildings, structures and objects.

Sec. 2. Historical preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, alteration, repair, moving and demolition of historic structures within the limits of the local unit. The purpose

(110)

of the ordinance is to: (a) safeguard the heritage of the local unit by preserving a district in a local government which reflects elements of its cultural, social, economic, political or architectural history; (b) stabilize and improve property values in such district; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of historic districts for the education, pleasure and welfare of the citizens of the local unit and of the state.

Sec. 3. A local unit may establish by ordinance historic districts. Before such establishment, an historic district study committee, appointed by the legislative body, and containing representation from any existing historical preservation society, shall conduct studies and research and make a report on the historical significance of the buildings, structures, features, sites, objects and surroundings in the local unit. The report shall contain recommendations concerning the area to be included in the proposed historic district. Copies of the report shall be transmitted for review and recommendations to the local planning commission, to the Michigan historical commission, and to the state historical advisory council. Sixty days after the transmittal, the committee shall hold a public hearing thereon after due notice, which shall include a written notice to the owners of all properties to be included in such districts. The committee shall submit a final report with its recommendations and those of the local planning commission and a draft of a proposed ordinance to the legislative body of the local unit.

Sec. 4. The legislative body of a local unit may create a commission to be called the historic district commission. The membership of such a commission in a local unit of 25,000 or more population shall consist of 7 members who reside in the local unit, and in a local unit of under 25,000 shall consist of not less than 3 nor more than 7 members residing in the local unit. Members shall be appointed by the township supervisor, village president, mayor or chairman of the board of commissioners, unless another method of appointment is provided in the ordinance creating the commission. Members shall be appointed for 3-year terms except the initial appointments of some of the members shall be for less than 3 years to the end that the initial appointments shall be staggered and so that subsequent appointments shall not recur at the same time. Members shall be eligible for reappointment. In the event of a vacancy on the commission interim appointments may be made by the appointing authority to complete the unexpired term of such position. The appointing authority of a local unit shall appoint at least 2 members from a list of citizens submitted by a duly organized and existing preservation society or societies, and 1 architect, duly registered in this state, if the person resides in the local unit and is available for appointment. The provisions of this section shall not be applicable to historical district commissions established by charter.

Sec. 5. (1) Before construction, alteration, repair, moving or demolition affecting the exterior appearance of an historic structure is made within such a district and which by present or future ordinance requires the taking out of a permit within such a district, the person, individual, firm or corporation proposing to make such construction or changes shall file an application for permission. The application shall be referred together with plans pertaining thereto to the historic district commission and the commission shall review such plans and applications and no permit shall be granted until the commission has acted thereon as hereinafter provided. If no present ordinances exist which require the taking out of a permit then applications shall be made directly to the legislative body or duly appointed authority which shall refer the application to the commission for review.

(2) In reviewing plans, the commission shall give consideration to: (a) the historical or architectural value and significance of the structure and its relationship to the historical value of the surrounding area; (b) the relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area; (c) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; (d) any other factor, including aesthetic, which it deems to be pertinent.

(3) The commission shall pass only on exterior features of a structure and shall not consider interior arrangements unless specifically authorized to do so by the local legis-

lative body. Nor shall it disapprove applications except in regard to the considerations as set forth in the previous paragraph.

(4) In case of an application for repair or alteration affecting the exterior appearance of a structure or for the moving or demolition of a structure which the commission deems so valuable to the local unit, state or nation, that the loss thereof will adversely affect the public purpose of the local unit, state or nation, the commission shall endeavor to work out with the owner an economically feasible plan for preservation of the structure.

(5) An application for repair or alteration affecting the exterior appearance of an historic structure, or for its moving or demolition, shall be approved by the commission if any of the following conditions prevail, and if in the opinion of the commission the proposed changes will materially improve or correct these conditions: (a) the structure constitutes a hazard to the safety of the public or the occupants; (b) the structure is a deterrent to a major improvement program which will be of substantial benefit to the community; (c) retention of the structure would cause undue financial hardship to the owner; or (d) retention of the structure would not be in the interest of the majority of the community.

(6) All meetings of the commission shall be open to the public and any person or representative of his choice shall be entitled to appear and be heard on any matter before the commission before it reaches its decision. The commission shall keep a record, which shall be open to public view of its resolutions, proceedings, and actions.

Sec. 6. The local legislative body may accept grants from the state or federal governments for historical restoration purposes. It may accept public or private gifts for historical purposes. It may make the historic commission its duly appointed agent to accept and administer grants and gifts for historical preservation purposes.

Sec. 7. If all efforts by the historic district commission to preserve an historic structure fail, or if it is determined that public ownership is most suitable, the local legislative body, if deemed to be in the public interest, may acquire such property using public funds, gifts for historical purposes, grants from the state or federal governments for acquisitions of historic properties, or proceeds from revenue bonds issued for historical preservation purposes. Such acquisitions shall be based on the recommendation of the historic district commission. The historic district commission has responsibility for the maintenance of publicly owned historic structures using its own funds, if not specifically earmarked for other purposes, or those public funds committed for this use by the local legislative body.

Sec. 8. The jurisdiction of a county shall be the same as that provided in Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 through 125.232 of the Compiled Laws of 1948, or as otherwise provided by contract entered into between the county and a city, village or township. If a county historical commission is in existence, coordination between the county commission and municipality commissions shall be maintained. The overall historical preservation plans of cities, villages and townships shall be submitted to the county commission for review, and county plans submitted to cities, villages and townships, having historic district commissions. Day-to-day activities of local commissions concerning alteration and restoration decisions need not be submitted to the county but only those plans which have other than strictly local significance.

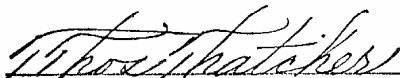
Sec. 9. The commission shall file with the inspector of buildings or other duly delegated authority its certificate of approval or rejection of plans submitted to it for review. No work shall begin until the certificate is filed, but in the case of rejection the certificate is binding on the inspector of buildings or other duly delegated authority, and no permit shall be issued in such case. The failure of the commission to act within 60 days after the date of application filed with it, unless an extension is agreed upon mutually by the applicant and the commission, shall be deemed to constitute approval.

Sec. 10. Nothing in this act shall be construed to prevent ordinary maintenance or repair of any structure within the historic district; nor to prevent construction, alteration, repair, moving or demolition of any structure under a permit issued by the inspector of buildings prior to the passage of the ordinance.

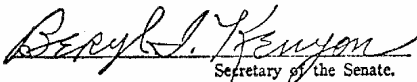
Sec. 11. Any persons jointly or severally aggrieved by a decision of the historic district commission have the same rights of appeal concerning the decision as is granted to an applicant aggrieved by a decision of a zoning board of review.

Sec. 12. This act does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Act No. 213 of the Public Acts of 1957, as amended, being sections 399.171 and 399.172 of the Compiled Laws of 1948, may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 4.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.



RECEIVED

AUG 13 1970

RECREATION RESOURCE
PLANNING
CONSERVATION DEPT.

PROPOSED AMENDMENT TO ZONING ORDINANCE FOR THE CITY OF NORTHVILLE

HISTORIC DISTRICT REGULATIONS

A. PURPOSE

The purpose of this Article is to (1) safeguard the heritage of the City of Northville by preserving a district in said City, which reflected elements of its cultural, social, economic, political, and architectural history; (2) stabilize and improve property values; (3) foster civic beauty; (4) strengthen the local economy; (5) promote the use of historic districts for the education, pleasure and welfare of the citizens of the city.

B. REGULATION OF STRUCTURES

No structure shall be constructed, altered, repaired, moved, or demolished in a Historic District unless such action complies with the requirements set forth in this Article. The following Historic District is hereby established:

Beginning at the Eastern extremity of Cady Street; thence West along Cady Street to Rogers Street; thence North along Rogers Street to the Northern extremity of said street; thence East along the North line of Lot 439, Northville Assessors Plat No. 5 to the West line of Lot 450; thence North along the West line of Lot 450, to the South boundary of Lot 449; thence West along the South line of Lots 449, 448 and 447 to the West line of Lot 447; thence North along the West line of Lot 447 to Randolph Street; thence Southeasterly along Randolph Street to Center Street; thence South along Center Street to Dunlap Street; thence East along Dunlap Street to Hutton Street; thence South along Hutton Street to Main Street; thence East along Main Street to Park Place; thence Southerly along Park Place to the Point of Beginning and including all properties within these boundaries and all properties abutting the boundary lines.

C. HISTORIC DISTRICT COMMISSION

1. Creation of Commission

In order to execute the purposes in this section, there is hereby created a commission to be called the Historic District Commission.

2. Membership of Commission:

The Historic District Commission shall consist of seven members whose residence is located in the City. They shall be appointed by the City Council for terms of office of three years, provided that two of the initial members shall be appointed for

one year, two for two years, and three for three years as terms expire. Members of the Commission may be reappointed after their terms expire. The terms of office of the members shall begin as of the date of passage of this Ordinance Amendment. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term.

The members of the Commission shall serve without compensation.

3. Duties and Powers of the Commission:

It shall be the duty of the Commission to review all plans for the construction, alteration, repair, moving or demolition of structures in a historic district and it shall have the power to pass upon such plans before a permit for such activity can be granted. In reviewing the plans, the Commission shall give consideration to (a) the historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area; (b) the general compatibility of exterior design, arrangement, texture and materials proposed to be used; and (c) to any other factor, including aesthetic, which it deems pertinent.

The Commission shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

The structures to be considered are limited to those within the Historic District described in Section B. It is the intent of this Section that the Commission shall be lenient in its judgment of plans for new construction, or for alteration, repair, or demolition of structures of little historic value except where such consideration, alteration, repair or demolition would seriously impair the historic value and character of surrounding structures or the surrounding area.

The Commission shall have the power to call in experts to aid in its deliberations within the limitations of its budget.

The Commission shall have the power to issue a Certificate of Approval if it approves of the plans submitted to it for its review. The Inspector of Buildings shall not issue a building permit until such Certificate of Approval has been issued by the Commission.

4. Rules of the Commission:

The Historic District Commission shall elect from its membership a chairman, and vice-chairman whose terms of office shall be fixed by the Commission. The chairman shall preside

over the Commission and shall have the right to vote. The vice-chairman shall, in case of absence or disability of the chairman, perform the duties of the chairman. It shall also select or elect a secretary who need not be a member of the Commission.

At least four members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the chairman or by at least two members of the Commission. All meetings of the Commission shall be open to the public, and any other person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The passage of any resolution, motion or other action by the Commission shall be by a majority vote when there is a full Commission in attendance or by the affirmative vote of at least 60% of the members present when there is less than a full Commission in attendance. The Commission shall submit an annual report of its activities of the City of Northville.

D. PROCEDURE FOR THE REVIEW OF PLANS

Application for a building permit to construct, alter, repair, move or demolish any structure in a Historic District shall be made to the Building Inspector. Plans shall be submitted showing the structure in question and also showing its relation of adjacent structures.

Upon the filing of such application, the Inspector of Buildings shall immediately notify the Historic District Commission of the receipt of such application and shall transmit it, together with accompanying plans and other information to the Commission.

The Historic District Commission shall meet within fifteen days after notification by the Building Inspector of the filing, unless otherwise mutually agreed upon by the applicant and Commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit.

The Commission shall approve or disapprove such plans and, if approved shall issue a Certificate of Approval, which is to be signed by the chairman, attached to the application for a building permit and immediately transmitted to the Building Inspector. The chairman shall also stamp all prints submitted to the Commission signifying its approval.

If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor in writing to the Inspector of Buildings and to the applicant. The Commission may advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he so desires, may make modifications to his plans and shall have the right to resubmit his application at any time after so doing.

The failure of the Historic District Commission to approve or disapprove of such plans within forty-five days after the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and Commission, shall be deemed to constitute approval and the Building Inspector shall proceed to process the application without regard to a Certificate of Approval.

After the Certificate of Approval has been issued and the building permit granted to the applicant, the Building Inspector shall from time to time inspect the construction, alteration or repair approved by such certificate and shall take such action as is necessary to force compliance with the approved plans.

E. DEMOLITION OR MOVING OF HISTORIC STRUCTURES

The demolition or moving of structures of historic or architectural worth shall be discouraged. The Commission shall not issue a Certificate of Approval for demolition, except when deemed a hazard to public health or safety by a responsible public agency but may issue such a certificate for moving a structure. The Commission may at its own discretion, issue a Certificate of Approval for demolition or for moving a structure, but shall be guided by the following conditions in exercising its judgment in granting such a certificate: (a) the Building Inspector deems such structure to be a hazard to public safety or health and repairs are impossible; (b) such structure is a deterrent to a major improvement program which will be of substantial benefit to the community; (c) retention of such structure would cause undue financial hardship to the owner, which would be defined as a situation where more funds than is reasonable would be required to retain the structure; (d) the retention of such structure would not be in the interest of the community as a whole. In cases where approval for demolition is granted, for reasons other than public health or safety, such certificate shall not become effective until six months after the date of such issuance in order to provide a period of time within which it may be possible to relieve a hardship or to cause the property to be transferred to another owner who will retain the structure.

F. YARD VARIANCES

Due to peculiar conditions of design and construction in historic neighborhoods where structures were often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the City Planning Commission that such variance to standard yard requirements be made.

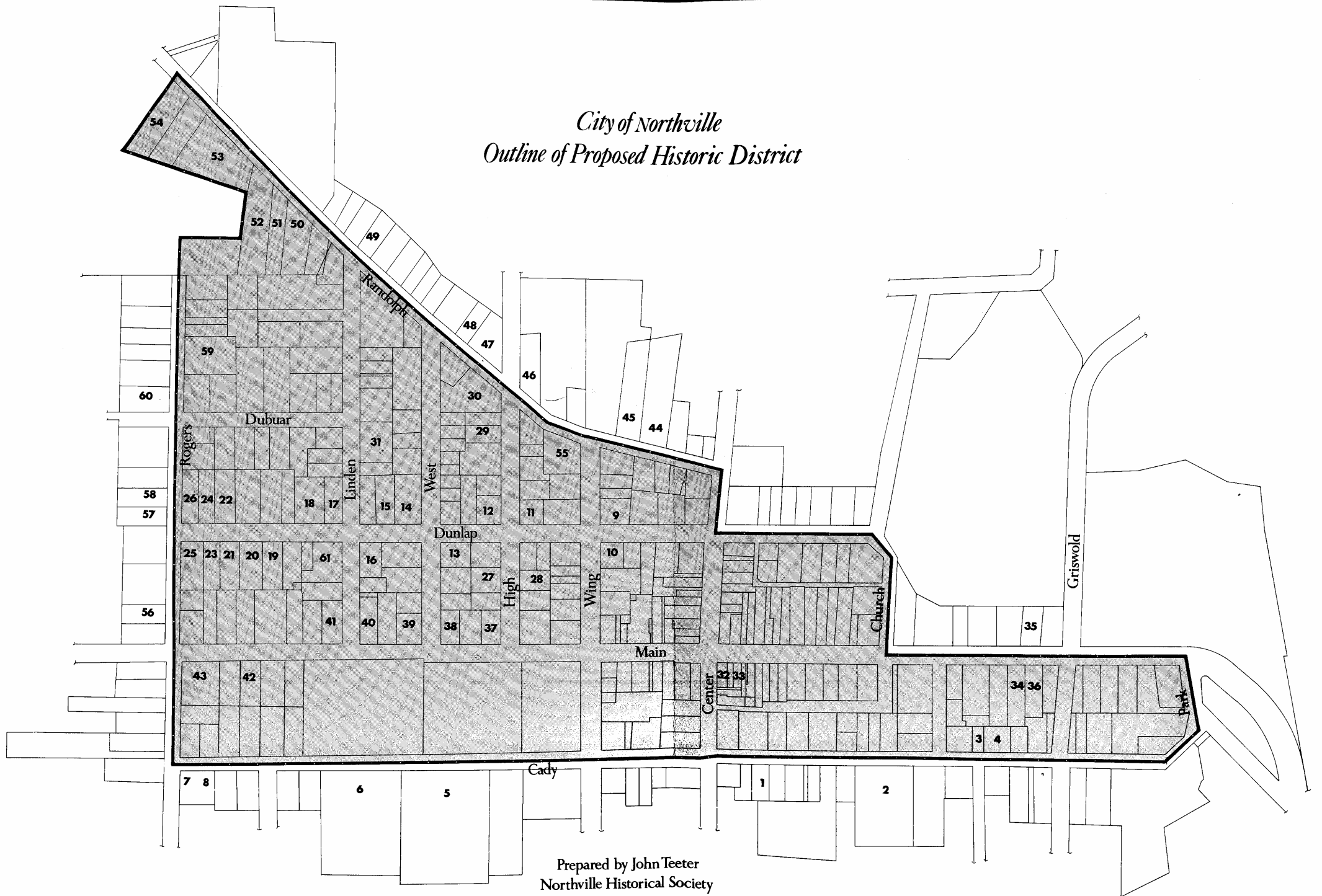
G. EXCEPTIONS

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any structure within the Historic District; nor shall anything in this article be construed to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Building Inspector prior to the passage of the amendment incorporating this Article in the Zoning Ordinance.

H. APPEALS

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the same rights of appeal concerning such decision as are granted to an applicant that is aggrieved by a decision of the City Planning Commission. Such rights are set forth in Article XVII of this Ordinance.

City of Northville
Outline of Proposed Historic District



Prepared by John Teeter
Northville Historical Society