Chapter 90 - HISTORIC PRESERVATION

Footnotes:

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Cross reference— Community development, ch. 22; environment, ch. 34; utilities, ch. 74; buildings and building regulations, ch. 78; planning, ch. 98; zoning, app. A; historic commission ordinance, app. A, § 2.22.

State Law reference— Historical preservation, MCL 299.201 et seq.

ARTICLE I. - IN GENERAL

Sec. 90-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means work that changes the detail of a resource but does not change its basic size or shape.

Bureau means the bureau of history of the Michigan Department of State.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Commission means the historic district commission.

Construction means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolition means the razing or destruction, whether entirely or in part, of a resource, and includes, but is not limited to, demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Department means the administrative services department.

Historic district means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

Historic preservation means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

Historic resource means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this township or the nation.

Notice to proceed means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under this chapter.

Open space means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not
change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this chapter.

Proposed historic district means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by the commission for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

Resource means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

Standing committee means a permanent body established by the township to conduct the activities of a historic district study committee on a continuing basis.

Work means construction, addition, alteration, repair, moving, excavation, or demolition.

(Ord. No. 117(A), § II, 8-13-1996)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, MCL 399.201a.

Sec. 90-2. - Purpose.

Historic preservation is declared to be a public purpose, and it is hereby determined to be in the best interest of the township to regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts. The purpose of this chapter shall be to do one or more of the following:

(1) Safeguard the heritage of the township by preserving one or more historic districts in the township that reflect elements of its history, architecture, archaeology, engineering, or culture.

(2) Stabilize and improve property values in each district and the surrounding areas.

(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 township and state.

(Ord. No. 117(A), § I, 8-13-1996)


Sec. 90-3. - Exceptions.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the building and inspection services division or other duly delegated authority before August 13, 1996.

(Ord. No. 117(A), § X, 8-13-1996)

Sec. 90-4. - Penalty; additional remedies.

(a) Any person who shall violate or fail to comply with any of the provisions of this chapter, or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor.

(b) The commission may request any appropriate action or proceeding to enjoin, correct, or abate any violation of this chapter.

(Ord. No. 117(A), § XIII, 8-13-1996)

Sec. 90-5. - Acceptance of grants and gifts.

The township board may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The township board may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(Ord. No. 117(A), § VII, 8-13-1996)

State Law reference— Similar provisions, MCL 399.206.

Sec. 90-6. - Acquisition of historic resources by township.

If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the township board that public ownership is most suitable, the township board, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the township board. Upon recommendation of the commission or standing committee, the township may sell resources acquired under this section with protective easements in the property transfer documents, if appropriate.

(Ord. No. 117(A), § VIII, 8-13-1996)

State Law reference— Similar provisions, MCL 399.207.

Secs. 90-7—90-30. - Reserved.

ARTICLE II. - HISTORIC DISTRICT COMMISSION

Footnotes:

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Cross reference— Boards, commissions and authorities, § 2-131 et seq.
Sec. 90-31. - Creation.

To execute the purposes of this chapter, the township historic district commission is created.

(Ord. No. 117(A), § III(A), 8-13-1996)

State Law reference— Authority to create historic district commission, MCL 399.204.

Sec. 90-32. - Membership.

(a) The commission consists of seven members who are residents of the township. The term of office is three years and the terms shall be staggered. Appointments shall be made by the supervisor subject to the approval of the township board. At least two members shall be appointed from a list of citizens submitted by one or more duly organized local historic preservation organizations. A member shall hold office until a successor is appointed. A member may be reappointed. Terms shall expire on March 31. A vacancy shall be filled for the unexpired term by the supervisor, subject to township board approval within 60 days of the vacancy. Members of the commission serve without compensation, and shall be removable for cause by the township board.

(b) A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. At least one member, if available, shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in this state. At least one member shall be a historian or architectural historian, if available. To the extent possible, the remaining members shall have experience in the disciplines of architecture, history, architectural history, planning, archeology, urban planning, American studies, American civilization, cultural geography, cultural anthropology, and other historic preservation related disciplines. If there are additional vacancies on the commission after appointing persons with such experience, appointments shall be made from among persons who have backgrounds in development, law, business, real estate, government, banking, finance, and community organization, or who simply have the demonstrated interest, competence, or knowledge in historic preservation that is required.

(Ord. No. 117(A), § III(B), (C), 8-13-1996)

State Law reference— Membership, MCL 399.204.

Sec. 90-33. - Officers; meeting dates; voting; conflicts of interest.

(a) The commission shall elect from its membership a chairperson, vice-chairperson and secretary at the first meeting each year. The chairperson shall preside over the commission and have the right to vote. The vice-chairperson shall preside in the absence of the chairperson. The secretary shall keep an accurate record of the proceedings of the commission.

(b) The commission shall meet at least quarterly and at the call of the chairperson, the secretary or two members of the commission.

(c) A majority 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 meetings. All meetings of the commission shall be public, and any person shall be entitled to appear and be heard on any matter being considered by the commission.

(d) The commission shall keep a record, which shall be open to the public for view, of its resolutions, proceedings, and actions. The concurring affirmative vote of four members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the commission. The commission shall submit an annual report of its activities to the township board.
(e) No member of the commission shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

(Ord. No. 117(A), § III(D), 8-13-1996)

Sec. 90-34. - Meetings to be public; notice of meetings; records; adoption of rules of procedure and design review standards.

(a) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the meeting shall be given in the manner required by such act. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.

(b) The commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

(c) The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this chapter.

(Ord. No. 117(A), § VI(G)—(I), 8-13-1996)

State Law reference— Similar provisions, MCL 399.205(7)—(9).

Sec. 90-35. - Staff.

The commission shall be provided with reasonable staff assistance, upon the request of the commission. The commission may delegate to the staff such responsibility and authority as it determines will be appropriate to carry out routine activities. The commission also may utilize the services of volunteer consultants and paid consultants, within the limits of available funding.

(Ord. No. 117(A), § III(E), 8-13-1996)

Sec. 90-36. - Budget.

There shall be appropriated in the annual budget a sum of money for historic preservation for or in connection with:

1. The preparation of surveys.
2. The preservation of historic resources or districts.
3. The acquisition by purchase or condemnation of property, structures, easements or other rights. The commission shall make recommendations to the township board concerning such acquisitions.
4. Staff support.
5. Training for all staff and public officials responsible for the implementation of this chapter, especially to provide technical knowledge of the principles, practicality and cost of historic preservation.
(6) Programs of assistance to property owners, including but not limited to education, consultation, research assistance and assistance in locating contractors offering unique services required in historic preservation work.

(7) Programs to recognize property owners' historic preservation achievements, including but not limited to the award of certificates or plaques for display by property owners.

(8) Other activities taken in accordance with the provisions of this chapter.

(Ord. No. 117(A), § III(F), 8-13-1996)

Sec. 90-37. - Powers and duties.

The commission shall have the following powers and duties:

(1) Adopt its own procedural regulations.

(2) Conduct an ongoing survey (using the Michigan Historical Site Survey forms as a guide) to identify properties, structures, and areas that exemplify the cultural, social, spiritual, economic, political, educational, engineering or architectural history of the nation, state, county or township.

(3) Maintain a current listing of potential historic resources and districts and a brief statement of significance for each. The listing shall be made available to the community planner pending official consideration relative to the comprehensive and master plan.

(4) Investigate and recommend to the township board the adoption of ordinances designating areas as "historic."

(5) Keep a register of all designated historic resources and districts, including all information required for each designation.

(6) Determine an appropriate system of markers, and confer recognition upon the owners of historic resources or districts by means of certificates, plaques, or markers.

(7) Nominate historic resources and districts to the state register of historic places and National Register of Historic Places, and review and comment on any nominations submitted to the commission.

(8) Advise and assist owners of property on physical and financial aspects of preservation.

(9) Inform and educate the citizens of the township concerning the historic and architectural heritage of the township by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars.

(10) Review applications for work affecting proposed or designated historic resources and districts and issue or deny certificates of appropriateness.

(11) Develop specific guidelines for work within historic resources and districts, including documentation requirements.

(12) Review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated historic resources or districts. The community planner shall send applications for zoning amendments and special use permits to the historic district commission for comment prior to the date of the hearing by the planning commission. The community planner or the building official shall send applications for zoning variances to the historic district commission for comment prior to the date of the hearing by the zoning board of appeals.

(13) Administer on behalf of the township any property or full or partial interest in real property, including easements, that the township may have or accept as a gift or otherwise, upon authorization and approval by the township board.
(14) Accept and administer on behalf of the township such gifts, grants, and money as may be appropriate for the purpose of this section. Such funds may be administered in accordance with the Charter of the township, but a separate accounting shall be made of them and a copy of such accounting given to the commission at least quarterly.

(15) Call upon available staff members as well as other experts for technical advice.

(16) Testify before all boards and commissions on any matter affecting historically and architecturally significant property, structures, and areas.

(17) Investigate and recommend incentive programs to encourage historic preservation.

(18) Review all township licensed or funded physical development projects affecting designated or proposed historic resources or districts, or which may have demonstrable effects on designated or proposed historic resources or districts.

(19) Oversee periodic inspections of all designated historic resources and districts for violations of this chapter, and request that the building and inspection services division require the correction of the violations.

(20) Develop a preservation component in the master plan of the township and to recommend it to the planning commission and to the township board.

(21) Periodically review the zoning ordinance and recommend to the planning commission and the township board any amendments appropriate for the protection and continued use of historic resources and districts.

(22) Undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this chapter.

(Ord. No. 117(A), § IV, 8-13-1996)

Sec. 90-38. - Delegation of authority for issuance of certificates of appropriateness.

The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this section. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the building and inspection services division or another authority to determine whether or not the delegated responsibilities should be continued.

(Ord. No. 117(A), § VI(J), 8-13-1996)

State Law reference— Similar provisions, MCL 399.205(10).

Sec. 90-39. - Appeal of decisions.

Any citizen or duly organized historic preservation organization in the township, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 90-63(a) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 90-63(b).

(Ord. No. 117(A), § XI, 8-13-1996)

State Law reference— Similar provisions, MCL 399.211.
ARTICLE III. - HISTORIC DISTRICTS
DIVISION 1. - GENERALLY

Sec. 90-61. - Study committee; preliminary report; hearing; final report.

(a) Before establishing a historic district, the township board shall appoint a historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the bureau.

(2) Conduct basic research of each proposed historic district and the historic resources located within that district.

(3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the bureau, if any.

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:
   a. The charge of the committee.
   b. The composition of the committee membership.
   c. The historic districts studied.
   d. The boundaries for each proposed historic district in writing and on maps.
   e. The history of each proposed historic district.
   f. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the township planning commission, to the bureau, to the state historical commission, and to the state historic preservation review board.

(6) Make copies of the preliminary report available to the public pursuant to subsection (d) of this section.

(b) Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with Public Act No. 267 of 1976 (MCL 15.261 et seq.). Public notice of the time, date and place of the hearing shall be given in the manner required by such act. Written notice shall be mailed by first class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(c) After the date of the public hearing, the committee and the township board shall have not more than one year, unless otherwise authorized by the township board, to take the following actions:

(1) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the planning commission to the township board. If the
recommendation is to establish a historic district, the final report shall include a draft of a proposed ordinance.

(2) After receiving a final report that recommends the establishment of a historic district, the township board, at its discretion, may introduce and pass or reject an ordinance. If the township passes an ordinance establishing one or more historic districts, the township shall file a copy of that ordinance, including a legal description of the property located within the historic district, with the register of deeds. The township board shall not adopt an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the township, have approved the establishment of the historic district pursuant to a written petition.

(d) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

(Ord. No. 117(A), § V, 8-13-1996)

Cross reference— Boards, commissions and authorities, § 2-131 et seq.

State Law reference— Similar provisions, MCL 399.203.

Sec. 90-62. - Procedures for establishing, modifying or eliminating districts; restrictions on work in proposed districts; emergency moratorium on pending work.

(a) The township may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of a existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the township board shall, except as provided in subsection (b) of this section, comply with the procedures set forth in subsection (c) of this section and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, the township may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(b) If considering elimination of a historic district, a committee shall follow the procedures set forth in subsection (c) of this section for a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

(1) The historic district has lost those physical characteristics that enabled establishment of the district.

(2) The historic district was not significant in the way previously defined.

(3) The historic district was established pursuant to defective procedures.

(c) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the township board may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 90-63 and 90-64. The commission shall review permit applications with the same powers that would apply if the proposed historic district were an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the township board approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(d) If the township board determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the township board may by resolution declare an emergency moratorium of all such work for a period not to exceed six months.
The township board may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. No. 117(A), § XII, 8-13-1996)

**State Law reference**— Similar provisions, MCL 399.214.

Sec. 90-63. - Approval of work affecting historic resources.

(a) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under subsection (d) of this section, work affecting the interior arrangements of a resource is performed within a historic district. The person proposing to do that work shall file an application for a permit with the building and inspection services division. If the building and inspection services division receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this chapter. The township may charge a fee to process a permit application, and the amount of the fee shall be established by resolution of the township board.

(b) An applicant aggrieved by a decision of the commission concerning a permit application may file an appeal with the state historic preservation review board of the state historical commission within the department of state. The appeal shall be filed with 60 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering the appeal. The review board may affirm, modify, or set aside the commission's decision and may order the commission to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

(c) In reviewing plans, the commission shall follow the U.S. Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 CFR part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guideline to the Secretary of the Interior's standards and guidelines and are established or approved by the bureau. The commission shall also consider all of the following:

1. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
2. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
3. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
4. Other factors, such as aesthetic value, that the commission finds relevant.

(d) The commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the township board or unless interior work will cause visible change to the exterior of the resource. The commission shall not disapprove an application due to considerations not prescribed in subsection (c) of this section.
(e) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the township, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the township, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(f) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
2. The resource is a deterrent to a major improvement that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
4. Retaining the resource is not in the interest of the majority of the community.

(g) Upon a finding by the commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

1. The commission may require the owner of the resource to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the township as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(h) When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an order to restore the resource to the condition the resource was in before the appropriateness work or to modify so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the township as a special assessment against the property. When acting pursuant to an order of the circuit court, the commission or its agents may enter a property for purposes of this section.

(Ord. No. 117(A), § VI(A)–(F), (K), 8-13-1996)

State Law reference— Similar provisions, MCL 399.205(1)–(6), (11), (12).

Sec. 90-64. - Filing of certificates of appropriateness, notices to proceed, and denials of permit applications.
(a) The commission shall file a certificate of appropriateness, notices to proceed, and denials of applications for permits with the building and inspection services division or other delegated authority. A permit shall not be issued until the commission has acted as prescribed by this chapter. If a permit application is denied, the decision shall be binding on the building and inspection services division or other authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(b) Township officials and employees shall provide information and records to committees, commissions, and standing committees, and shall meet with those bodies upon request to assist with their activities.

(Ord. No. 117(A), § IX, 8-13-1996)

State Law reference— Similar provisions, MCL 399.209.

Secs. 90-65—90-90. - Reserved.

DIVISION 2. - SPECIFIC DISTRICTS

Sec. 90-91. - Philander Burd House historic district.

(a) Eligibility for local historic designation. The historic district commission and the township board have determined that the property owned by Gerald and Elaine Gutowski at the location of 46801 Joy Road is eligible for local historic designation under the guidelines established by this chapter.

(b) Purpose. The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.

(c) Certificate of appropriateness. The owner of the designated property will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-1, §§ 1—3, 9-12-1989)

Sec. 90-92. - Jersey Bell Dairy historic district.

(a) Eligibility for local historic designation. The township board has determined that the property owned by Paul and Roberta Ciuello at the location of 7917 Canton Center Road is eligible for local historic designation under the guidelines established by this chapter.

(b) Purpose. The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.

(c) Certificate of appropriateness. The property owner will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-2, §§ 1—3, 2-27-1990)
Sec. 90-93. - Cherry Hill historic district.

(a) **Purpose.** Preservation and rehabilitation of historic sites and districts is declared to be a public purpose, and the township may regulate the following, including but not limited to the construction, reconstruction, alteration, repair, relocation and demolition of historic and architecturally significant structures within the boundaries of the Cherry Hill historic district. Pursuant to the provisions of Public Act No. 169 of 1970 (MCL 399.101 et seq.), the purposes of this section are to:

1. Provide for the establishment of the Cherry Hill historic district.
2. Safeguard the heritage of the township by preserving the Cherry Hill historic district, which reflects elements of the township’s cultural, social, spiritual, economic, educational, political, engineering, or architectural history.
3. Stabilize and improve property values in the district.
4. Foster civic beauty and community pride.
5. Strengthen the local economy.
6. Promote the use of the Cherry Hill historic district for the following, including but not limited to the education, pleasure and welfare of the citizens of the township, the county, the state, and United States of America.

(b) **Definitions.** As used in this section:

*Cherry Hills preservation plan* and *plan* mean the document prepared by the township historic district commission and the department of community and economic development.

*Commission* means the township historic district commission.

*Contributing building* means a building identified in the Cherry Hill preservation plan as lending to the historical character of the Cherry Hill Village.

*Contributing site* means the following, including but not limited to an area, structure, significant landscape feature or surface texture that has been identified in the Cherry Hill preservation plan as lending to the historical character of the Cherry Hill Village.

*District* means the Cherry Hill historic district.

*Historic district* means a district designated by the township board for the purposes of this section. A historic district may include an area or group of areas, sites, or structures, and need not have contiguous boundaries. A historic district may include significant landscape features (including trees or other plant life), surface textures, and street furniture located thereon. A historic district may be either publicly or privately owned.

*Historic preservation* means the protection, rehabilitation, restoration, or reconstruction of districts, archaeological and other sites, buildings, structures and objects.

*Historic site* means a site designated by the board for the purposes of this section. A historic site may include an area, or structure, and significant landscape features (including trees or other plant life), surface textures, and street furniture located thereon. A historic site may be either publicly or privately owned.

*Non-contributing building* means a building identified in the Cherry Hill preservation plan as not lending to the historical character of the Cherry Hill Village.

*Non-contributing site* means an area, structure, significant landscape feature or surface texture than has been identified in the Cherry Hill preservation plan as not lending to the historical character of the Cherry Hill Village.

*Structure* means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings,
fences, walls, gazebos, advertising signs, billboards, backstops, driveways, sidewalks, radio and
television antennas, including supporting towers, utility poles and swimming pools.

(c) Establishment.

(1) The township historic district commission, having found that the Cherry Hill community meets
one or more of the criteria found in this chapter, and all procedures and actions necessary to
make such designation having been effectuated, the Cherry Hill community is hereby
designated and established as a historic district within the township.

(2) The official zoning map of the township shall be amended to show the location of the Cherry
Hill historic district.

(3) This section should be read, cross-referenced, and construed in conjunction with the remainder
of this chapter.

(d) Boundaries. The boundaries of the Cherry Hill historic district are hereby established as illustrated
by the map attached to this ordinance. This map, together with all notations, information and
references appearing thereon, shall be incorporated in this section and made a part of this section by
this reference.

(e) Identification of certain properties within district. The Cherry Hill historic district shall consist of the
following described properties in the township. The attached map of the boundaries of the Cherry Hill
district further identifies these properties. The following descriptions include, for further identification
of the properties, the street address where applicable, and sidwell numbers.

(1) Historic sites.

   a. Cherry Hill Methodist Church. This site has both local and state designation as a historic
      site. South Ridge Road C 21 71 074 99 0007 000
   b. Cherry Hill School. This site has both local and state designation as a historic site. Cherry
      Hill Road C 21 71 071 99 0007 000
   c. Benjamin Huston House. 600 South Ridge Road C 21 71 074 99 0008 006

(2) Contributing buildings and sites.

   a. Cherry Hill Cemetery. Cherry Hill Road C 21 71 074 99 0005 000
   b. Cherry Hill Inn. 50545 Cherry Hill Road C 21 71 074 99 0003 000
   c. Robert Huston House. 50325 Cherry Hill Road C 21 71 073 99 0006 000
   d. Burrell House. 50160 Cherry Hill Road C 21 71 072 99 0019 000
   e. Wilkie House. 50201 Cherry Hill Road C 21 71 073 99 0005 001
50214 Cherry Hill Road. 
C 21 71 072 99 0018 000

g. Lewis House. 
50221 Cherry Hill Road. 
C 21 71 073 99 0004 000

h. Richard Hauk House. 
50305 Cherry Hill Road. 
C 21 71 073 99 0003 000

i. Skinner Cottage. 
50337 Cherry Hill Road. 
C 21 71 073 99 0007 000

j. Buckner House. 
50378 Cherry Hill Road. 
C 21 71 072 99 0017 000

k. Dunstan House/Shop. 
50395 Cherry Hill Road. 
C 21 71 073 99 0009 000

l. Original West Store and House. 
50419 Cherry Hill Road. 
C 21 71 074 99 0001 000

m. West House. 
50475 Cherry Hill Road. 
C 21 71 074 99 0002 000

n. William Hank House. 
50530 Cherry Hill Road. 
C 21 71 071 99 0005 000

o. Cherry Hill Road. 
50625 Cherry Hill Road. 
C 21 71 074 99 0006 000

51160 Cherry Hill Road, 
51252 Cherry Hill Road. 
C 21-71-071-99-0002-702

q. Loebestael House. 
170 North Ridge Road. 
C 21 71 072 99 0016 000

r. North Ridge Road. 
425 North Ridge Road. 
C 21 71 072 99 0011 000

s. Plant Dormitory. 
South Ridge Road. 
C 21 71 074 99 0006 000

t. Church Parsonage. 
341 South Ridge Road. 
C 21 71 074 99 0008 004
The Secretary of the Interior's standards for historic preservation projects that are provided in this chapter shall govern any work or preservation performed on the properties enumerated in this section and the Cherry Hill preservation plan. The issuance of certificates of appropriateness with respect to any of the properties within the district shall be governed by the appropriate sections in this chapter.

(f) **Guidelines governing preservation and future development.**

1. In accordance with the Cherry Hill preservation plan, the historic district commission shall adopt specific guidelines governing the historic preservation and future development of the Cherry Hill historic district.

2. The guidelines shall include, but shall not be limited to, the following issues:
   a. Setbacks.
   b. Facade treatments.
   c. Outbuildings.
   d. Drive treatments.

3. The historic district commission shall define and recommend to the planning commission future development design guidelines to be employed within the Cherry Hill district in order to preserve and safeguard the historical character and significance of the district for the public purposes described in subsection (a) of this section.

(g) **Historical farmstead/events site.** The township may develop a historical farmstead/events site at the 20-acre parcel the township owns which is located within the district for the purpose of fostering the preservation goals and purposes of this section.

(h) **Change of status of properties.** This section may be amended from time to time if properties within the Cherry Hill district are nominated and designated as historical sites by local ordinance or state or national designation.

(Ord. No. 117-3, §§ 1—8, 3-12-1991; Ord. of 11-28-2017, § 1)

Sec. 90-94. - Smith-Hoops historic district.

(a) **Eligibility for local historic designation.** The township board has determined that the property owned by Stuart Hoops, at the location of 3704 Sheldon Road, is eligible for local historic designation under the guidelines established by this chapter.

(b) **Purpose.** The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.
Certificate of appropriateness. The property owner will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-4, §§ 1—3, 8-25-1992)

Sec. 90-95. - Paterson-Barr (Gilmore) historic district.

(a) Eligibility for local historic designation. The township board has determined that the property owned by the township, at the location of 6205 North Ridge Road, is eligible for local historic designation under the guidelines established under this chapter.

(b) Purpose. The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.

(c) Certificate of appropriateness. The property owner will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-5, §§ 1—3, 4-11-2000)

Sec. 90-96. - Penney Property historic district.

(a) Eligibility for local historic designation. The township board has determined that the property located at 44675 Joy Road, owned by Joe Van Esley of 12559 Howard Park Drive, Plymouth, Michigan, is eligible for local historic designation under the guidelines established by this chapter. The property is further described as follows:

PART OF NW 1/4 SEC 3 T2S R8E BEG WLY 507.6FT FROM N 1/4 COR SEC 3 TH SODEG 32M W 303FT TH WLY 240FT TH NODEG 32M W 303FT TH WLY 240FT TH NODEG 32M E 303FT TH ELY 240FT POB 1.67AC

(b) Purpose. The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.

(c) Certificate of appropriateness. The property owner will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-6, §§ 1—3, 1-22-2002)

Sec. 90-97. - Phelps Property historic district.

(a) Eligibility for local historic designation. The township board has determined that the property owned by the township, at the location of 50135 Hanford Road, is eligible for local historic designation under the guidelines established by this chapter. The property is further described as follows:

PART OF SE 1/4 SEC 7 T2S R8E DESC AS BEG N 89D 59M 02S W 1814.87 FT FROM E 1/4 COR SEC 7 TH S 00D 11M 05S E 445 FT TH N 89D 59M 02S W 232.80 FT TH N 00D 11M 05S W 445 FT TH S 89D 59M 02S E 232.80 FT TO POB 2.37AC

(b) Purpose. The purpose of this section is to provide for the preservation and rehabilitation of historic sites and districts which meet criteria set forth in this chapter.
(c) **Certificate of appropriateness.** The property owner will be required to apply for a certificate of appropriateness before commencing any work on the historic site or district. When considering an application, the commission will be guided by the Standards for Rehabilitation set forth by the United States Secretary of the Interior.

(Ord. No. 117-7, §§ 1—3, 5-28-2002)

Sec. 90-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means work that changes the detail of a resource but does not change its basic size or shape.

*Bureau* means the bureau of history of the Michigan Department of State.

*Certificate of appropriateness* means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

*Commission* means the historic district commission.

*Construction* means the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

*Demolition* means the razing or destruction, whether entirely or in part, of a resource, and includes, but is not limited to, demolition by neglect.

*Demolition by neglect* means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

*Denial* means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

*Department* means the administrative services department.

*Historic district* means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

*Historic preservation* means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

*Historic resource* means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this township or the nation.

*Notice to proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under this chapter.

*Open space* means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.

*Ordinary maintenance* means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this chapter.

*Proposed historic district* means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by the commission for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
**Repair** means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

**Resource** means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

**Standing committee** means a permanent body established by the township to conduct the activities of a historic district study committee on a continuing basis.

**Work** means construction, addition, alteration, repair, moving, excavation, or demolition.

(Ord. No. 117(A), § II, 8-13-1996)

**Cross reference**— Definitions generally, § 1-2.

**State Law reference**— Similar provisions, MCL 399.201a.

Sec. 90-2. - Purpose.

Historic preservation is declared to be a public purpose, and it is hereby determined to be in the best interest of the township to regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts. The purpose of this chapter shall be to do one or more of the following:

1. Safeguard the heritage of the township by preserving one or more historic districts in the township that reflect elements of its history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and the surrounding areas.
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 township and state.

(Ord. No. 117(A), § I, 8-13-1996)


Sec. 90-3. - Exceptions.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the building and inspection services division or other duly delegated authority before August 13, 1996.

(Ord. No. 117(A), § X, 8-13-1996)


Sec. 90-4. - Penalty; additional remedies.

(a) Any person who shall violate or fail to comply with any of the provisions of this chapter, or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor.
(b) The commission may request any appropriate action or proceeding to enjoin, correct, or abate any violation of this chapter.

(Ord. No. 117(A), § XIII, 8-13-1996)

Sec. 90-5. - Acceptance of grants and gifts.

The township board may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The township board may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(Ord. No. 117(A), § VII, 8-13-1996)

State Law reference— Similar provisions, MCL 399.206.

Sec. 90-6. - Acquisition of historic resources by township.

If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the township board that public ownership is most suitable, the township board, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the township board. Upon recommendation of the commission or standing committee, the township may sell resources acquired under this section with protective easements in the property transfer documents, if appropriate.

(Ord. No. 117(A), § VIII, 8-13-1996)

State Law reference— Similar provisions, MCL 399.207.

Secs. 90-7—90-30. - Reserved.