

## Chapter 54 - HISTORICAL PRESERVATION\*

**\*Cross reference(s)**--Buildings and building regulations, ch. 18; environment, ch. 42; zoning, ch. 122.

**State law reference(s)**--Historical records and papers, MCL 399.5, MSA 15.1805; historical activities, MCL 399.171 et seq., MSA 5.3395 et seq.; local historic districts, MCL 399.201 et seq., MSA 5.3407(1) et seq.

### ARTICLE I. IN GENERAL

Secs. 54-1--54-30. Reserved.

### ARTICLE II. HISTORIC DISTRICTS\*

**\*State law reference(s)**--Local historic districts act, MCL 399.201 et seq., MSA 5.3407(1) et seq.

#### DIVISION 1. GENERALLY

##### Sec. 54-31. Definitions.

The following words, terms and phrases when used in this article 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.

*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 a historic district commission created by the city council.

*Demolition* means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect. Destruction by fire when arson by the owner or the owner's agent is proven shall be considered demolition.

*Demolition by neglect* means neglect in maintaining, repairing or securing a resource that results in deterioration of an external 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 or that adversely affects a resource.

*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 district study committee* means a committee appointed by city council for the purpose of making a recommendation as to whether a proposed historic district should be established or added to an established historic district. The study committee's duties are detailed in state enabling legislation Public Act 169 of 1970, as amended.

*Historic preservation* means the identification, evaluation, designation and protection of resources significant in history, architecture, archeology, 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, archeology, engineering or culture of this state or a community within the state or of the United States.

*Notice to proceed* means the written permission to issue a permit for work that is inappropriate and that adversely affects the resource pursuant to a finding under subsection 54-83(c).

*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. Ordinary maintenance does not constitute work for purposes of this article.

*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 a historic district study committee or a standing historic district study committee 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 article.

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

*Work* means construction, addition, alteration, repair, moving, excavation, demolition, reconstruction, restoration, painting, landscaping or color change.

(Code 1983, § 5.325; Ord. No. 948, 9-18-2001; Ord. No. 1001, 3-1-2005)

**Cross reference(s)**--Definitions generally, § 1-2.

**State law reference(s)**--Definitions, MCL 399.201a, MSA 5.3407(1a).

### **Sec. 54-32. Purpose and intent.**

Historic preservation is declared to be a public purpose. The purpose of this article is to safeguard the heritage of the city by preserving districts which reflect elements of its cultural, social, economic, political and architectural history and natural environments; to stabilize and improve property values in such districts; to foster civic beauty and pride; to strengthen the local economy; to promote the use of the historic districts for the education, pleasure and welfare of the citizens of the city and the state; and to encourage new buildings and development which will be harmonious with the existing historic buildings and neighborhoods but will not necessarily be of the same architectural style, the purpose being to develop historic districts as vital living areas in which each succeeding generation may build with the quality and sensitivity of past generations.

(Code 1983, § 5.324; Ord. No. 1003, 5-3-2005)

**Sec. 54-33. Ypsilanti Historic district described.**

- a) The Ypsilanti Historic District is hereby established and is bounded and described as follows:

The Ypsilanti Historic District is bounded on the east by properties on both sides of Grove Street between Cross Street in the north and the intersection of Grove Street and the railroad tracks in the south; from the intersection of Grove Street and the railroad tracks the boundary extends northwest along the railroad tracks to High Street; thence the boundary moves due west to the intersection of Ferrier and River Streets; thence the district is bounded by properties on both sides of River Street between the intersection with Ferrier Street in the north and Michigan Avenue in the south; thence the district is bounded by properties on both sides of Michigan Avenue between River Street in the east and Huron Street in the west; thence the boundary extends south to include properties on both sides of Huron Street between the intersections with Michigan Avenue in the north and Buffalo Street in the south; the southernmost boundary of the district is comprised of properties on both sides of Buffalo Street between the intersections with Huron Street in the east and Washington Street in the west; from the intersection of Buffalo and Washington Streets the boundary extends north to include properties on both sides of Washington Street between Buffalo Street in the south and Ferris Street in the north; thence the boundary extends west to include properties on both sides of Ferris Street between the intersection with Washington Street in the east and Adams Street in the west; thence the boundary moves north to include properties on both sides of Adams Street between Ferris Street in the south and Pearl Street in the north; thence the boundary extends west to include properties on both sides of Pearl Street, between the intersections with Adams Street in the east and Hamilton Street in the west; the westernmost boundary of the district is comprised of properties on both sides of Hamilton Street between the intersections with Pearl Street in the south and Forest Avenue in the north; the northernmost boundary is comprised of properties on both sides of Forest Avenue between the intersections with Hamilton Street on the west and Huron Street on the east; thence the district extends east along Forest Avenue to include properties on the south side only of Forest Avenue between the intersection of Huron Street on the west and Norris Street on the east; thence the district extends east to include properties on both sides of Forest Avenue between the intersections with Norris Street on the west and Prospect Street on the east; thence the district is bounded by Prospect Street to include properties on the west side of Prospect Street between the intersections of Forest Avenue on the north and Cross Street on the south; finally the district boundary closes by extending east to include properties on both sides of Cross Street between the intersection with Prospect Street on the east and the intersection with Grove Street on the west, being the point of beginning.

- b) Where the phrase "properties on both sides of" a street or line is used it shall include lands and premises outside of the area bounded by the foregoing description which shall be adjacent to and within 200 feet of the street or line described. The Ypsilanti Historic District shall also include all properties and premises adjacent to and within 200 feet of any intersection which shall be immediately adjacent to any property included within the boundaries of the district.
- c) Further, the historic district shall include:  
Brown Chapel A.M.E. Church, 401 South Adams;  
The First Ward, or Adams School, 407 South Adams;  
The Becker-Stachlewicz House, 601 West Forest;

The Ypsilanti Water Tower at Washtenaw Avenue and Cross Street.

(Code 1983, § 5.326(1); Ord. No. 1003, 5-3-2005)

**Sec. 54-34. - Starkweather Historic District.**

The following designated area within the city is hereby designated a historic district and shall be subject to the terms, conditions and requirements of this chapter:

The Starkweather Historic District is hereby established and is bounded and described as follows:

Parcel number: 11-11-05-220-018

Property Address: 1266 Huron River Drive

Description: COM AT SE COR LOT 27, TH N 75-36-00 W 230.00 FT TO A POB, TH CONT N 75-36-00 W 70.00 FT, TH N 14-24-00 E 240.00 FT, TH S 75-36-00 E 60.00 FT, TH S 12-00-40 W 237.27 FT TO THE POB. PT OF LOT 24, R.A. NICHOLL'S HURON RIVER HILLS.

(Ord. No. 1003, 5-3-2005)

**Secs. 54-35—54-40. - Reserved.**

**Sec. 54-41. Modification or elimination of districts.**

The city council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected; may modify boundaries of an existing historic district; or may eliminate an existing historic district. The procedure for such action shall be governed by section 3 and section 14 of Act No. 169 of the Public Acts of Michigan of 1970 (MCL 399.203, 399.214, MSA 5.3407(3), 5.3407(14)).

(Code 1983, § 5.326(2); Ord. No. 2003, 5-3-2005)

**Sec. 54-42. Moratorium.**

If the city council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the city council may by resolution declare an emergency moratorium of all such work for a period not to exceed six months. The city council may extend the emergency moratorium for an additional period not to exceed six months upon a 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.

(Code 1983, § 5.340; Ord. No. 2003, 5-3-2005)

**Sec. 54-43. Penalties.**

- a) A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates Section 54-81 or Section 54-85 is responsible for a blight violation, subject to payment of a civil fine as set forth in section 71-73. Repeat offenses under this Article shall be subject to increased fines as set forth in section 71-73.

A person, individual, partnership, firm, corporation, organization, institution or agency of government who violates any other provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 70-38. Repeat offenses under this article shall be subject to increased fines as set forth in section 70-38.

- b) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this article may be ordered by the court to pay the cost to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 1001, 3-1-2005; Ord. No. 2003, 5-3-2005; Ord. No. 1275 §1, 9-20-2016)

**Secs. 54-44--54-50. Reserved.**

**DIVISION 2. HISTORIC DISTRICT COMMISSION\***

\***Charter reference(s)**--Boards and commissions, Art. IX.

**Cross reference(s)**--Boards and commissions, § 2-111 et seq.

**State law reference(s)**--Authority to establish historic district commission, MCL 399.204, MSA 5.3407(4).

**Sec. 54-51. Established; membership; terms; vacancies.**

- a) The historic district commission is hereby established. It shall consist of seven members appointed by the mayor with the approval of the majority vote of city council. The composition of the commission shall include at least one architect, who has two years of architectural experience or is an architect registered in the state if one is available, or a builder with a known interest in historic preservation. At least one member shall be chosen from a list of citizens submitted by one or more duly organized local historic preservation organizations. A majority of the members of the commission shall have a clearly demonstrated interest in or knowledge of historic preservation. All members of the historic district commission shall reside within the city. At least two members shall reside within designated historic districts. In addition, the building inspector or that person's designee shall serve on the commission as a nonvoting member and shall not be counted toward the total of seven members.
- b) Members of the historic district commission shall be appointed for terms of three years. Members of the commission may be appointed to succeeding terms.
- c) Vacancies on the commission shall be filled by the city council within 60 days of the vacancy occurring.

(Code 1983, § 5.327; Ord. No. 2003, 5-3-2005)

**Sec. 54-52. Procedures.**

- a) *Officers.* The historic district commission shall elect from its membership a chair and vice-chair who shall serve for the terms of one year. Each will be eligible for reelection. The chair shall preside over the commission and shall have the right to vote. The vice-chair shall, in the absence or disability of the chair, perform the duties of the chair.
- b) *Meetings.* The historic district commission shall provide for the time and place of holding regular meetings. The commission shall also provide for the calling of special meetings by the chair or by at least two members of the commission and for the proper public notification. All meetings of the commission shall be open to the public. Any person or duly constituted representative shall be entitled to appear and be heard on any matter which is before the commission. Notice of all meetings and the conduct of meetings shall conform to the Open Meetings Act, MCLA 15.261-15.275.
- c) *Record.* The historic district commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions, in compliance with the Freedom of Information Act, MCLA 15.231-15.246.
- d) *Quorum.* Four members of the commission shall constitute a quorum for the transaction of business.
- e) *Voting.* Each member of the historic district commission shall be entitled to one vote. The concurring affirmative vote of a majority of members present at a meeting of the commission shall constitute approval of plans before it for review or for the adoption of any resolution, motion or other action of the commission. A majority of the members present may reject approval of plans before it for review.
- f) *Rules and regulations.* The historic district commission shall adopt appropriate rules and regulations regarding the internal affairs of the commission. Any such rules shall become effective 30 days after their formal submission to the city council and appropriate publication, unless the council within that period of time modifies, rejects or extends the effective date through formal action.

(Code 1983, § 5.328; Ord. No. 1001, 3-1-2005)

**Sec. 54-53. Powers and duties.**

The historic district commission shall have the following powers and duties:

- 1) The power to issue certificates of appropriateness, notice to proceed, denial or no exterior effect for all new construction, reconstruction, restoration, alteration, color change or any other work on any resource located within historic districts.
- 2) The power to issue certificates of appropriateness, notice to proceed or denial for the moving or demolition of any resource located within historic districts.
- 3) The power to recommend to the city council the designation of additional historic districts from resources chosen according to the criteria listed in section 54-66 which, when designated, shall be subject to all the provisions of this article.
- 4) The power to render advice and guidance with respect to any proposed work on a resource located within historic districts.

- 5) The power to accept and administer grants and gifts given for historic preservation purposes within historic districts.
- 6) The power to enter into agreements and contracts with public or private agencies or individuals for the purpose of assisting the commission in carrying out its duties.
- 7) The duty to issue a written report to the city council on or before January 30 of each year concerning the work of the commission during the preceding year.
- 8) The power to disseminate information to the public concerning those resources deemed worthy of preservation and to encourage and advise property owners in the protection, enhancement, perpetuation and use of resources of historic and/or architectural interest.
- 9) The power to conduct a survey and maintain a roster of resources located within historic districts, which shall include a description of the characteristics of the resources which justified its designation, and a description of the particular features that should be preserved, and shall include the location and boundaries of the resource.
- 10) Variances. Due to peculiar conditions of design and construction in historic neighborhoods, it may be in the public interest to retain a neighborhood's historic appearance by making variances to normal requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the commission shall recommend to the zoning board of appeals that such variance to standard requirements be made.

(Code 1983, § 5.329; Ord. No. 1003, 5-3-2005)

**Sec. 54-54. Historic districts study committee.**

For purposes of section 3 of the local historic districts act, Act No. 169 of the Public Acts of Michigan of 1970 (MCL 399.201 et seq.) the City Council shall appoint by resolution an Historic District Study Committee. Such Committee shall meet the requirements and fulfill the duties outlined in Section 3 and 14 of Act No. 169 of the Public Acts of Michigan (MCL 399.203 and 399.214).

(Ord. No. 914, 4-4-2000)

**Sec. 54-55. Conflicts of Interest**

Historic District Commissioners shall be governed by the terms of the City Charter, in particular section 9.01(a) of the City Charter, and by state law.

(Ord. No. 948, 9-18-2001)

**Secs. 54-56--54-65. Reserved.**

### **DIVISION 3. DESIGNATION OF DISTRICTS\***

**\*State law reference(s)**--Procedure for designating district as historic, MCL 399.203, MSA 5.3407(3).

#### **Sec. 54-66. Designation criteria and procedures.**

- a) *Designation procedures.* The historic district commission may recommend to the city council additional resources and historic districts within the city limits to be designated. In such cases, City council shall appoint a historic district study committee to determine the feasibility of establishing additional historic districts or adding resources to an existing district. The duties of the study committee are detailed in state enabling legislation Public Act 169 of 1970 as amended. Upon recommendation of the study committee and any already established historic district commission, city council may, after notice and public hearing, designate additional historic districts or add resources to an existing district. Once designated by the city council, designated properties shall be subject to all the provisions of this article. For the purpose of this article, designation may be placed on any site, natural or improved, any building or structure, or resource, or any area of particular historic, architectural, cultural or aesthetic significance to the city.
- b) *Criteria for selection of historic districts.* A resource, group of resources or district may be designated for preservation if it sufficiently satisfies the following:
  - 1) *Historical, cultural importance.*
    - a. Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past;
    - b. Is the site of an historic event with a significant effect upon society; or
    - c. Exemplifies the cultural, political, economic, social or historic heritage of the community.
  - 2) *Architectural, engineering importance.*
    - a. Portrays the environment in an era of history characterized by a distinctive architectural style;
    - b. Embodies those distinguishing characteristics of an architectural type or engineering specimen;
    - c. Is the work of a designer whose individual work has significantly influenced the development of the city;
    - d. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation.
  - 3) *Geographic importance.*
    - a. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;
    - b. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city; or
    - c. Has yielded, or may be likely to yield, information important in prehistory or history.

(Code 1983, § 5.330; Ord. No. 1001, 3-1-2005)



**Sec. 54-67. Notice and hearing to designate a district.**

- a) *Designation of district.* To designate a district, the city planning and development department shall notify the owners of record, as shown in assessment records, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected at least ten days prior to the public hearing. Notice to these property owners shall be by first class mail. Notice of the hearing shall also be published in the local newspaper of general circulation. The city planning and development department shall provide the historic district commission with its comments on the proposed designation. The city council shall then conduct a public hearing on the proposed action. In addition to the notified persons, the council may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary.
- b) *Investigation and notification.* The historic district commission may conduct an independent investigation into the proposed designation. Within three weeks after the close of the public hearing, the city council may designate the property as included in a historic district. After such action has been taken, notification shall be sent to the property owner or owners and to such other persons who appeared at the public hearing. Notification shall also be given to the city clerk, the city planning and development department, city assessor and building inspection department. The city shall record such designation in the county register of deeds at city expense.
- c) *Petition by owners.* The city council may pass an ordinance not less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, has requested the establishment of the historic district, pursuant to a written petition.

(Code 1983, § 5.331; Ord. No. 1001, 3-1-2005)

**Secs. 54-68--54-80. Reserved.**

**DIVISION 4. CONSTRUCTION, ALTERATION OR MAINTENANCE\***

\***State law reference(s)**--Permits, MCL 399.205, MSA 5.3407(5).

**Sec. 54-81. Permit required.**

- a) *Application.* A permit shall be obtained before new construction, reconstruction, restoration, alteration, color change or any other work affecting the exterior appearance or interior work which will cause visible change to the exterior of the resource within the historic district is performed. The person, individual, partnership, firm, corporation, organization, institution or agency of government proposing to do the work shall file an application for a building permit with the building inspector. Following receipt of a complete application and all supporting documentation, the building inspector shall immediately refer the application and all required supporting material to the historic district commission.
- b) *Review of application.* It shall be the duty of the historic district commission to review all such applications and plans. The commission shall have the power to approve or deny such plans. No permit shall be granted until a certificate of appropriateness or a notice to proceed is issued by the commission.

- c) *Fees.* At the time of making application, the person or entity proposing to do the work shall pay a filing fee as set by resolution of the city council and an additional fee as set by resolution of the city council for each \$3,000.00 in labor or materials expected to be expended to the building inspection department. An application shall not be considered complete until the fee has been paid in full.
- d) *Matters considered.* In reviewing plans, the historic district commission shall follow:
- 1) The U.S. Secretary of the Interior Standards for Rehabilitation and Guidelines for rehabilitating historic buildings as set forth in 36 CFR 67;

Additionally, the commission shall give consideration to:

- 2) The historical or architectural value and significance of the resource and its relationship to the historical value and integrity of the surrounding area;
- 3) The relationship of the architectural features of such landmark or resource to the rest of such landmark or resource and to the surrounding area;
- 4) The general compatibility of design, arrangement, texture and materials proposed to be used; and
- 5) Any other factor including aesthetic, which the commission finds relevant.

(Code 1983, § 5.332; Ord. No. 948, 9-18-2001; Ord. No. 1001, 3-1-2005; Ord. No. 1003, 5-3-2005)

**Sec. 54-82. Design criteria.**

The historic district commission shall be further guided by the following design criteria:

- 1) The proposed height should be within ten percent of the average height of the existing adjacent historic resources.
- 2) The proposed setback should not be more than five percent in front of or behind the existing setback of adjacent historic resources.
- 3) The relationship of the height to the width of the front facade should be consistent with the pattern established by existing adjacent historic resources.
- 4) The relationship of the height to the width of windows, doors and other openings should be consistent with the pattern established by existing adjacent historic resources.
- 5) The rhythm of structural mass to voids (openings) across the front facade should be consistent with the pattern established by existing adjacent historic resources.
- 6) The rhythm of structural mass to open space between structures should be consistent with the pattern established by existing adjacent historic resources.
- 7) The rhythm created by the placement of sidewalks, entrances, steps, porches and canopies should be consistent with the pattern established by existing adjacent historic resources.

- 8) The proposed construction materials should be the same type as those that have already been heavily used in existing adjacent historic resources.
- 9) The proposed textures of the building materials should relate to and complement the predominant textures of the materials used in existing adjacent historic resources.
- 10) The proposed colors, whether of natural materials, such as brick and stone, or applied colors, such as paint and pre colored siding, should relate to and complement the colors used on existing adjacent historic resources.
- 11) No specific architectural style shall be required for the construction of a new building, addition or other structure. The proposed architectural details, including, but not limited to, cornices, lintels, arches, balustrades, chimneys, porches, bays, railings, cupolas, gable ends, brackets and iron work, should be appropriate for the style of the structure on which they are to be used and compatible with other structures in the historic district and particularly to historic resources and sites to which they may be visually related.
- 12) The proposed roof shape and profile should relate to the predominant styles of existing adjacent historic resources.
- 13) The proposed landscape designs and choices of plant material should be appropriate to the character of the historic district and that of the involved historic resources.
- 14) The proposed paving (i.e., brick, block, concrete, slate, etc.) should be of the same types as those already heavily used around existing adjacent historic resources.
- 15) The proposed design shall not conflict with the building code as it relates to the welfare or safety of the occupants.

(Code 1983, § 5.333; Ord. No. 1001, 3-1-2005)

**Sec. 54-83. Action by historic district commission.**

- a) *Approval.* If the historic district commission approves a plan, it shall direct the building inspector to make a notation on the building permit and process the application. The commission must act within 60 calendar days after the date a complete application is filed with the commission. Failure to act shall constitute approval unless an extension is agreed upon in writing by the applicant and the commission.
- b) *Adverse impact on resource.* If an application is for work which will adversely affect the exterior of a resource the historic district commission considers valuable to the local unit, state or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- c) *Notice to proceed.* Work on a resource shall be permitted through issuance of notice to proceed if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the historic district 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 the occupants.
- 2) The resource is a deterrent to a major improvement program 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. The applicant shall provide proof of financial hardship as required and defined by the historic district commission.
- 4) Retaining the resource is not in the interest of the majority of the community.

d) *Regulation of demolition and moving*

- 1) The demolition or moving of resources within the historic district shall be discouraged. The commission may, however, after careful consideration of the effect of the move on the resource in question and on the entire historic district, issue a certificate of appropriateness for moving or demolition of a resource. The commission shall issue a certificate for approval of moving or demolition only if any of the conditions in subsection (c) of this section prevail and if, in the opinion of the commission, the proposed changes will materially improve or correct these conditions.
- 2) Approval to demolish may be issued either with or without reservation. Approval issued without reservation shall become effective immediately. Approval issued with reservation due to the historical/architectural/environmental significance of the involved resource shall not become effective until at least 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 it.
- 3) Demolition by arson proven to be caused by the owner or the owner's agent shall require the restoration of the structure and authorize the commission to proceed under the powers delineated in section 54-85.

e) *Approval of minor classes of work.* The commission may delegate the issuance of a certificate of appropriateness for specified minor classes of work to the inspector of buildings. The commission shall provide specific written standards to the delegated authority for issuing a certificate of appropriateness through its policies. On at least a quarterly basis the building inspector shall submit the certificates of appropriateness, if any, to the commission for review.

f) *Denial of permit application.* In the event the historic district commission denies the permit application, it shall provide a written explanation for the reasons of denial. The denial shall also include notification of the applicant's right of appeal to the state historic preservation review board and the circuit court. A denial shall be binding on the building inspector and other departments in the city.

(Code 1983, § 5.334; Ord. No. 1001, 3-1-2005; Ord. No. 1003, 5-3-2005)

**Sec. 54-84. Appeal from decision of commission.**

- a) *Appeal by applicant.* An applicant aggrieved by a decision of the historic district commission concerning a permit application may file an appeal with the state historic preservation review board of the state historic commission within the department of state. The appeal shall be filed within 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. An applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the county circuit court.
- b) *Appeal by citizen or historic preservation organization.* Any citizen or duly organized historic preservation organization in the city, 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 54-83 may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board pursuant subsection (a) of this section.

(Code 1983, § 5.335; Ord. No. 1003, 5-3-2005)

**Sec. 54-85. Demolition by neglect.**

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

- 1) Require the owner of the resource to repair all conditions contributing to demolition by neglect within a reasonable time set by the commission.
- 2) If the owner does not make repairs within the reasonable time set by the commission, the owner may be charged with a blight violation and/or the commission or its agents may enter the property, after obtaining an order from the circuit court, and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property if the costs remain unpaid 30 days after the owner has been notified of the cost.
- 3) In the event that efforts by the commission to preserve a resource fail, the commission may recommend to the city council that public ownership of the resource is most suitable. The city council may proceed under section 7 of Act No. 169 of the Public Acts of Michigan of 1970 (MCL 339.207).

(Code 1983, § 5.336; Ord. No. 1275, §1, 9-20-2016)

**Sec. 54-86. Work done without a permit.**

- a) *Restoration or modification.* When work has been done upon a resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work was done or to modify the work so that it qualifies for a certificate of appropriateness.

- b) *Application to circuit court.* 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.
- c) *Authority for commission to do work.* 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.
- d) *Assessment of costs.* The costs of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. When acting pursuant to an order of the circuit court, the commission or its agents may enter the property for purposes of this section.

(Code 1983, § 5.337)

Secs. 54-87--54-110. Reserved.

### **ARTICLE III. HISTORICAL MUSEUM\***

\***Cross reference(s)**--Parks and public property, ch. 78.

**State law reference(s)**--The museum disposition of property act, MCL 399.601 et seq., MSA 15.1817(601) et seq.

#### **Sec. 54-111. Established.**

The city hereby establishes a Historical Museum to be known as "The Ypsilanti Historical Museum," and to be located in city property at 220 North Huron Street, Ypsilanti, Michigan.

(Code 1983, § 5.311)

#### **Sec. 54-112. City historian.**

The office of city historian is hereby created, whose duties shall be to collect and preserve items of historical interest concerning the city area. The city historian shall be appointed from a list of nominees recommended by the board of directors of the city historical society for an indefinite term, the city council shall provide an annual budget for such salary and expenses as the council deems advisable for the city historian.

(Code 1983, § 5.313)

#### **Sec. 54-113. Office space for city historian.**

The city historian shall have an office in the Ypsilanti Historical Museum building and shall be provided space for such collection as the city historian assembles and preserves.

(Code 1983, § 5.314)