

**CITY OF SALINE
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 757**

**AN ORDINANCE AMENDING SECTIONS 2-220 AND 2-228 OF THE CITY CODE TO
AUTHORIZE THE HISTORIC DISTRICT COMMISSION TO REVIEW CERTAIN
PROPOSED WORK**

The City of Saline Ordains:

Section 1. Amendment. Sections 2-220 and 2-228 of the City of Saline Code of Ordinances are amended to read as follows:

Sec. 2-220. Permit requirement.

- (a) A permit shall be obtained before undertaking any work described in subsection (d) below. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority. If the inspector of buildings or other authority 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 act. The city may charge a reasonable fee, as established by the city council from time to time, to process a permit application.
- (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. A applicant aggrieved by the decision of the state historic preservation review board may then appeal the decision to the circuit court in Washtenaw County.
- (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 C.F.R. 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 guidance to the secretary of interior's standards and guidelines and are established or approved by the state agency authorized to give such approval. 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.
 - (5) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501 *et seq.*
- (d) The commission shall not disapprove an application due to considerations not prescribed in subsection (c), above. The commission shall review and act only upon proposals for work involving:
 - (1) Exterior changes requiring a building permit.
 - (2) Exterior changes requiring a demolition permit, including both complete or partial demolition.
 - (3) Installation or removal of fences.

- (4) Installation or removal of sheds, barns, garages, carriage houses, or other accessory buildings.
 - (5) Installation or removal of windows, window awnings, or window components (including window sashes and storm windows).
 - (6) Installation or removal of siding.
 - (7) Installation or removal of exterior doors and storm/screen doors.
 - (8) Installation or removal of roofing.
 - (9) Changes to the alignment, width, material or elevation of driveways.
 - (10) Landscaping proposals that result in more than a *de minimis* change in the contouring or elevations of a property, or that incorporate the use of paving and retaining walls. Review is not needed for the selection, placement or movement of plantings.
 - (11) Nothing in this section shall be construed as requiring commission review of activities constituting ordinary maintenance.
- (e) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the city, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, 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 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.
 - (4) Retaining the resource is not in the interest of the majority of the community.
- (g) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 *et seq.*, and public notice of the time, date, and place of the meeting shall also be given in the manner required under the 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.
- (h) 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 the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 *et seq.*
- (i) 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 ordinance.
- (j) 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 subsection. On at least a quarterly basis, the

commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

- (k) Upon a finding by a 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) 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 city 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.
- (l) 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 owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work 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 city as a special assessment against the property. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

Sec. 2-228. Powers and duties of historic district commission.

- (a) The city may prescribe powers and duties of the historic district commission, in addition to those prescribed in Michigan Local Historic District Act, as amended, that foster historic preservation activities, projects, and programs in the city. The intent of the Saline Historic District Commission (HDC) in establishing Local Historic Districts is to preserve the unique character of each district as an integral part of the Saline community. The goal of the HDC's design review is to retain the historic integrity of the resource while allowing for the owner's individuality and creativity. The design guidelines adopt the U.S. Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, and are meant to aid the property owner in making educated decisions about historic resources.
- (b) It is not the intent of the historic district commission to be overly restrictive or burdensome. The process of review is one that aims to assist the property owner in the stewardship of historic resources.

Section 2. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS: TerHaar, Roth, Sibo-Koenig, Girbach, Rhoads, Marl

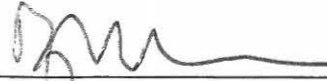
NAYS: _____

ABSTAIN: _____

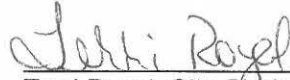
ABSENT: Bourgoin

CERTIFICATION

This is a true and complete copy of Ordinance No. 757 adopted at a regular meeting of the Saline City Council held on Sept 8, 2014.



Brian Marl, Mayor



Terri Royal, City Clerk

Adopted: September 3, 2014
Published: September 18 2014
Effective: October 8, 2014