CITY OF GROSSE POINTE FARMS
WAYNE COUNTY, MICHIGAN

Ordinance No. 348

CODE NO. 12-05

HISTORIC DISTRICTS ORDINANCE

AN ORDINANCE TO PERMIT THE DESIGNATION OF ONE OR MORE HISTORIC DISTRICTS WITHIN THE CITY, TO ENCOURAGE THE PRESERVATION OF RESOURCES HAVING HISTORIC SIGNIFICANCE, TO ESTABLISH THE HISTORIC DISTRICT COMMISSION, TO PROVIDE GUIDELINES AND REQUIREMENTS FOR THE EXTERIOR RENOVATION OF DESIGNATED HISTORIC STRUCTURES, AND TO PROVIDE PENALTIES AND REMEDIES FOR VIOLATION THEREOF.

The City of Grosse Pointe Farms Ordains:

Section 1. Purpose of Ordinance. The purpose of this Ordinance is to:

(a) Safeguard the heritage of the City of Grosse Pointe Farms by preserving one or more historic districts in the City which reflect elements of its cultural, social, economic, political, architectural, engineering or archaeological history;

(b) Stabilize and improve property values in each designated district and the surrounding areas;

(c) Foster civic beauty;

(d) Strengthen the local economy;

(e) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the City and of the State of Michigan;

(f) Encourage adaptive reuse of designated structures whose existence is threatened; and

(g) Permit the utilization of tax incentives in connection with the renovation of designated structures.

Section 2. Certain Definitions. As used in this Ordinance:

(a) "Act" means the Michigan local historic districts act, Act 169 of the Public Acts of 1970, as amended.

(b) "Alter" and "alteration" mean work that changes the detail of a resource but does not change the basic size or shape of such resource.

(c) "Certificate of Appropriateness" means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

(d) "Commission" means the Grosse Pointe Farms Historic District Commission, established pursuant to Section 6 of this Ordinance.

(e) "Committee" means a Historic District Study Committee appointed by the City Council, pursuant to Section 11 of this Ordinance.

(f) "Demolition" means the razing or destruction (whether in its entirety or in part) of a resource and includes, but is not limited to, demolition by neglect.

(g) "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.

(h) "Denial" means the written rejection of a permit application for work that would be inappropriate and would adversely affect a resource.

(i) "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, archeology, engineering or culture.

(j) "Historic preservation" means the identification, evaluation, establishment and protection of resources significant in history, architecture, archeology, engineering or culture.

(k) "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 the City of Grosse Pointe Farms, of the State of Michigan, or of the United States.

(l) "Notice to Proceed" means written permission to issue a permit for work, pursuant to a finding under Section 7 of this Ordinance, which work otherwise would adversely affect a resource.

(m) "Open space" means undeveloped land, a naturally landscaped area or a man-made landscaped area that provides a connective link or a buffer between other resources.

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

(o) "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 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.

(p) "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 Ordinance.

(q) "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.

(r) "Review Board" means the state historic preservation review board of the Michigan Historical Commission within the Michigan Department of State, or any successor state agency delegated similar responsibilities.

(s) "Work" means construction, addition, alteration, repair, moving, excavation or demolition of a resource.

Section 3. Boundaries. The boundaries of a Historic District shall be established by separate ordinance or by an amendment to this Ordinance, in each case following completion of the requirements set forth in Section 11 of this Ordinance.

Section 4. Tax Abatements or Credits. By enactment of this Ordinance, the City intends that all persons undertaking appropriate measures to preserve any resource within a designated Historic District, and who would otherwise qualify for tax abatements or credits allowed under existing or future state or federal legislation, be entitled to participate in such abatements and/or credits to the fullest extent of such legislation.

Section 5. Requirement to Obtain Permit for Certain Work. Prior to commencement of any work (including any construction, addition, alteration, repair,

moving, excavation or demolition) at a resource within any designated Historic District within the City of Grosse Pointe Farms, the owner of such resource must submit an application (in addition to any other building permit applications or license applications required by other ordinances or laws), according to the procedures set forth in this Ordinance, to ensure that such work will comply with requirements set forth in this Ordinance; provided that the requirements of this Ordinance pertaining to work at a resource apply only to (a) work that would affect the exterior appearance of the resource when viewed from the street or other public property, or (b) work that would diminish the structural integrity of the resource.

Section 6. Historic District Commission.

(a) Establishment. In order to execute the purposes declared in this Ordinance and to administer certain procedures as set forth in this Ordinance, there is hereby established a commission to be called the Grosse Pointe Farms Historic District Commission.

(b) Membership; Term; Appointments; Vacancies; Removals. The Commission shall consist of seven (7) members. Each member of the Commission shall reside in the City of Grosse Pointe Farms. Members shall be appointed by the City Council for a term of office of three (3) years, except that two (2) of the initial members shall be appointed for a term of office of one (1) year and two (2) of the initial members shall be appointed for a term of office of two (2) years. Members of the Commission shall be eligible for reappointment after their terms expire. A vacancy occurring in the membership of the Commission for any reason shall be filled by the City Council within sixty (60) calendar days of the vacancy, and the person so appointed shall serve for the remaining portion of the applicable term. At least one member of the Commission shall be appointed from a list of citizens submitted by a duly organized and existing local preservation society. Additionally, at least one member of the Commission shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect duly registered in the State of Michigan, if a person with such qualifications resides in the City and is available for appointment and willing to accept such appointment. A majority of the members of the Commission shall have a clearly demonstrated interest in or knowledge of historic preservation. Members of the Commission shall serve without compensation. Any member or members of the Commission may be removed by vote of the City Council for neglect of duty, conflict of interest or malfeasance in office. The City Council shall issue a written notice to any member being considered for removal indicating the time, date and place for consideration by the Council, along with a specification of grounds upon which removal is being considered. At the time and place set, said member shall have an opportunity to be heard and may be represented by counsel. Decisions by the City Council regarding the removal of any member shall be final. A member's absence from three (3) consecutive regular meetings of the Commission shall automatically operate to vacate the seat of such

member, unless the absence is excused by the Commission by resolution setting forth such excuse.

(c) Duties and Powers.

(i) It shall be the duty of the Commission to review all plans for the construction, addition, alteration, repair, moving, excavation or demolition of resources in any Historic District. Such plans shall be approved by the Commission before a permit for such activity can be granted. In reviewing the 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, as modified or supplemented from time to time. The Commission also shall consider all of the following:

(A) The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;

(B) The relationship of any exterior architectural features of such resource to the rest of the resource and to the surrounding area;

(C) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used; and

(D) Any other factor, including aesthetics, that the Commission finds relevant.

(ii) The Commission shall review and act upon only exterior features of a resource visible from the street or other public property, and shall not review or act upon interior arrangements unless interior work will cause visible changes to the exterior of the resource or would diminish the structural integrity of the resource.

(iii) The Commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, to the Building Department or to another authority approved by the City Council. The Commission shall provide to said delegated authorities specific written standards for issuing the Certificates of Appropriateness under this subsection. Following the issuance of one or more Certificates of Appropriateness, said delegated authorities shall appear before the Commission at its next regularly scheduled meeting and the Commission shall review the Certificates of Appropriateness so issued. Such reviews are to serve the purpose of keeping the Commission informed as to what Certificates of Appropriateness for minor work have been issued since the last Commission meeting. On at least a quarterly basis, the Commission shall review the Certificates of Appropriateness, if any, issued by the aforesaid delegated authority to determine whether or not the delegated responsibilities should be continued.

(iv) In case of an application for work affecting the exterior appearance of a resource or for the alteration, moving or demolition of a resource, which the Commission deems so valuable to the City that the loss thereof would adversely affect the public interest of the City and its residents, the Commission shall endeavor to negotiate with the owner of the resource an economically feasible plan for preservation of such resource.

(v) If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts or grants. Such an acquisition shall be based upon the recommendation of the Commission. The Commission 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 City Council. Upon recommendation of the Commission and the approval of the City Council, the City may sell resources acquired under this subsection with protective easements included in the property transfer documents, if appropriate.

(d) Officers; Quorum; Notice of Meetings; Records and Reports.

(i) The Commission shall elect from its membership a Chairperson and a Vice-Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice-Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.

(ii) One member of the Commission shall serve as its Secretary. The Secretary shall keep a record of all resolutions, proceedings and actions of the Commission and submit written reports regularly to the City Council.

(iii) At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. Subject to the provisions set forth in this Ordinance, the Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. The Commission shall provide for the calling of special meetings by the Chairperson or by at least two members of the Commission. All meetings of the Commission shall be open to the public in conformity with the Michigan open meetings act, as amended, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter relevant to the issue(s) before the Commission prior to issuance of its decision.

(iv) Public notice of the time, date and place of meetings shall be given in the manner required by the Michigan open meetings act, as amended. Each notice shall contain the business address and telephone number of the Commission. The

notice must be posted at the principal office of the Commission, in addition to any other location deemed appropriate by the City Council, and may also be given on cable television or other similar medium. A meeting agenda shall be a part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission. Nothing in this subsection shall bar the Commission from meeting in an emergency session should there occur a severe and imminent threat to the health, safety or welfare of the public when two-thirds of the Commission members decide that delay would be detrimental to efforts to lessen or respond to the threat.

(v) The Commission shall keep a record, which shall be open to public 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 adoption of any resolution, motion or other action of the Commission.

(vi) The Commission shall submit a written annual report to the City Council of the general activities of the Commission and shall submit such special reports as may be requested by the City Council from time to time.

(vii) Documents and records prepared or maintained by the Commission shall be subject to the Michigan freedom of information act.

Section 7. Procedure for Review of Plans to Construct, Alter, Repair, Demolish, Etc.

(a) Filing of Application; Fees. Application for a permit to construct, alter, repair, move, add to, excavate or demolish any resource in a Historic District, shall be made to the Building Department. The Building Department shall determine whether the resource or any portion thereof is located within a Historic District. Plans shall be submitted together with the permit application, in such detail and covering such matters as may be required by the Building Department, minimally showing all exterior elevations and facades of the structure in question and also showing its relation to adjacent structures. A fee, in an amount established by resolution of the City Council, shall be charged to the applicant in connection with processing a permit application and shall be paid prior to consideration of the application by the Commission. Upon the filing of such application, the Building Department shall immediately determine the zoning classification of the parcel, and if it is determined to be located within a residential zoning district and for work on a new or existing residence or a new or existing residential accessory structure, the Building Department shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other relevant information to the Commission. If the parcel is determined to be within any zoning classification other than residential or for consideration of any kind of request other than work on a new or existing residence or new or existing residential accessory structure, then additional processing requirements for site plan review must be completed and approved prior to review by the Commission. The City Council (acting pursuant to its

site plan review procedures) may, however, at any time during its review, refer such application to the Commission for the Commission's preliminary review. Upon preliminary approval of the required site plan, the Building Department shall immediately notify the Commission of the application and shall transmit the application to the Commission for its review.

(b) Restrictions on Issuance of Permits. Except with respect to minor classes of work delegated to the Building Department by the Commission, the Building Department shall not issue a permit and no proposed work shall proceed until the Commission has acted on the application by issuing a Certificate of Appropriateness or a Notice to Proceed.

(c) Action Upon Application. The Commission shall meet within thirty-five (35) days after a completed application has been received by the Building Department, and shall review the plans according to the duties and powers specified in this section and in Section 6 of this Ordinance.

(i) Approval of Application. If the Commission approves such plans, it shall issue a Certificate of Appropriateness which is to be signed by the Chairperson, attached to the application for a building permit and immediately transmitted to the Building Department. The Chairperson shall also stamp all prints submitted to the Commission signifying its approval. After the Certificate of Appropriateness has been issued and the building permit granted to the applicant, the Building Department shall, from time to time, inspect the work approved by such certificate and shall take such action as is necessary to ensure compliance with the approved plan.

(ii) Denial of Application. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor, in writing, to the Building Department and to the applicant. The Commission may advise what it thinks is proper if it disapproves of the plan submitted. The applicant, if he or she so desires, may make modifications to his or her plan and shall have the right to resubmit the application at any time after so doing. The denial of the application shall also include a notice to the applicant of his or her rights of appeal to the City Council, the State Historic Preservation Review Board of the Michigan Historical Commission and to the Circuit Court. The Commission's denial of an application shall be binding upon the Building Department.

(iii) Failure to Take Timely Action. The failure of the Commission to approve or disapprove of such plans within sixty (60) calendar days from the date of a completed application for permit, unless otherwise mutually agreed upon by the applicant and the Commission, in writing, shall be deemed to constitute approval, and the Building Department shall proceed to process the application without regard to a Certificate of Appropriateness.

(d) Ordinary Maintenance and Prior Permit Work. Nothing in this Ordinance shall be construed to prevent ordinary maintenance of a resource within a Historic District, or to prevent work on any resource under a permit issued by the Building Department or another duly delegated authority before the effective date of this Ordinance.

(e) Notice to Proceed. 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:

(i) The resource constitutes a hazard to the safety of the public, to the occupants of a structure or to the occupants of nearby properties;

(ii) The resource is a deterrent to a major improvement program which 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;

(iii) Retention of the resource would 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; or

(iv) Retention of the resource would not be in the interests of the community as a whole.

Section 8. Demolition by Neglect. Upon a finding by the Commission that a historic resource, either in a Historic District or in a Proposed Historic District, which is subject to Commission review pursuant to the provisions of Section 7 hereof or otherwise, is threatened by demolition by neglect, the Commission may do either of the following:

(a) Require the owner of the resource to repair all conditions contributing to demolition by neglect; or

(b) If the owner does not make the required repairs within a reasonable time, the Commission or its agents, with the concurrence of the City Council, may enter the property and make such repairs as are necessary to prevent further demolition by neglect. The costs of the work shall be charged to the owner and may be levied by City of

Grosse Pointe Farms 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.

Section 9. Appeals.

(a) Appeals Regarding Permit Applications.

(i) Appeal to the City Council or to the Review Board. A permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may appeal such decision, at such applicant's election, either to the City Council under subparagraph (A) below or to the Review Board under subparagraph (B) below. A permit applicant aggrieved by a decision of the Commission is not required to submit an appeal to the City Council, but instead may elect to appeal directly to the Review Board under subparagraph (B) below (and thereafter may appeal a decision of the Review Board to the circuit court). In the event, however, that the applicant elects to appeal to the City Council under subparagraph (A) below, a further appeal may be taken to the Review Board under subparagraph (B) below and, pursuant to the Act, such further appeal to the Review Board must be exhausted before an appeal can be filed in the circuit court.

(A) An appeal by a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may be submitted to the City Council. Appeals must be in writing and must be filed with the City Clerk within sixty (60) days after the decision of the Commission is furnished to the applicant. The City Council shall fix a reasonable time for a public hearing on the appeal and the City Clerk (or a person designated by the City Clerk) shall cause notice of the public hearing to be sent, not less than ten (10) days prior to the date of the hearing, to all persons to whom real property within three hundred (300) feet of the boundary of the premises in question is assessed, and to the occupants of dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be sent via first-class mail. The applicant shall pay a charge for such mailing in an amount approved by resolution of the City Council. The City Council may, following consideration of such appeal, affirm, reverse or modify the decisions or actions of the Commission, and may order the Commission to issue a Certificate of Appropriateness or a Notice to Proceed.

(B) An appeal by a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance, or an appeal by a permit applicant aggrieved by a decision rendered by the City Council pursuant to an appeal under subparagraph (A) above, may be submitted to the Review Board. Such appeal must be filed within sixty (60) days after the decision of the Commission (or, if applicable, the decision of the City Council on appeal) 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 and act upon such appeal in accordance with its own established procedures and in accordance with the requirements of the Act.

(ii) Appeal to the Circuit Court.

(A) Permit Applicants. A permit applicant aggrieved by a decision of the Review Board may appeal such decision to the circuit court. A permit applicant may not appeal to the circuit court without first exhausting the right to appeal to the Review Board under subsection 9(a)(i)(B) above. An intermediate appeal to the City Council under subsection 9(a)(i)(A) above does not satisfy the applicant's obligation to exhaust administrative remedies before initiating an appeal to the circuit court.

(B) Other Parties. Any citizen aggrieved by a decision of the Review Board, or any duly organized historic preservation organization in the City aggrieved by a decision of the Review Board, or any owner of a resource within a Historic District aggrieved by a decision of the Review Board, or the City (if aggrieved by a decision of the Review Board) may appeal such decision to the circuit court.

(b) Other Appeals.

(i) Appeal to the City Council. Any citizen aggrieved by a decision of the Commission or the Building Department, or any duly organized historic preservation organization in the City aggrieved by a decision of the Commission or the Building Department, or any owner of a resource located within a Historic District aggrieved by a decision of the Commission or the Building Department, may appeal such decision to the City Council (except that a permit applicant aggrieved by a decision rendered by the Commission pursuant to Section 7 or Section 13 of this Ordinance may proceed in accordance with subsection 9(a) above). Appeals must be in writing and must be filed with the City Clerk within sixty (60) days after the decision of the Commission or the Building Department is furnished to the aggrieved party. If the appeal relates to specific premises, the City Council shall fix a reasonable time for a public hearing on the appeal and the City Clerk (or a person designated by the City Clerk) shall cause notice of the public hearing to be sent, not less than ten (10) days prior to the date of the hearing, to all persons to whom real property within three hundred (300) feet of the boundary of the premises in question is assessed, and to the occupants of dwellings within three hundred (300) feet of the boundary of the premises in question, such notice to be sent via first-class mail. The party initiating the appeal shall pay a charge for such mailing in an amount approved by resolution of the City Council. The City Council may, following consideration of such appeal, affirm, reverse or modify the decisions or actions of the Commission and/or the Building Department.

(ii) Appeal to the Circuit Court. Any party aggrieved by a decision of the City Council pursuant to subsection 9(b)(i) above may appeal the decision to the circuit court.

Section 10. Failure to Obtain a Permit; Restoration Orders. When work has been done upon a historic resource without a permit, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission, with the concurrence of the City Council, may require an owner to restore the resource to the condition the resource was in before the inappropriate work was performed 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 specified by the Commission, 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 cost of the work shall be charged to the owner and may be levied by the City of Grosse Pointe Farms as a special assessment against the property. When acting pursuant to said order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

Section 11. Establishment, Amendment or Elimination of a Historic District.

(a) Appointment of Historic District Study Committee. Before establishing, amending, adding properties to, removing properties from or eliminating any Historic District, the City Council 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.

(b) Duties of the Historic District Study Committee. The Committee shall undertake each of the various activities authorized and required by the Act, including the following:

(i) Completion of a photographic inventory of resources within each Proposed Historic District following procedures established or approved by the Bureau of History of the Michigan Department of State;

(ii) Completion of basic research of each Proposed Historic District and the historic resources located within that district;

(iii) Determination of the total number of historic and nonhistoric 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 and criteria established or approved by the Bureau of History of the Michigan Department of State, if any;

(iv) Preparation of a preliminary 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 Proposed Historic District(s) studied;

(D) The boundaries for each Proposed Historic District (both in writing and shown on suitable maps);

(E) The history of each Proposed Historic District; and

(F) The historical significance (relative to the evaluation criteria) of each Proposed Historic District as a whole, the historical significance (relative to the evaluation criteria) of a sufficient number of individual resources within each district to fully represent the variety of resources found within such district;

(v) Transmittal of copies of the preliminary report for review and recommendations to the City Council, to the Bureau of History of the Michigan Department of State, to the Michigan Historical Commission and to the Review Board;

(vi) Holding of a public hearing, not less than sixty (60) calendar days after the transmittal of the preliminary report, in conformity with the requirements of the Michigan open meetings act. Notice will be published of the time, date and place of the hearing, and written notice thereof shall be mailed by first-class mail not less than fourteen (14) days before the hearing to the owners of properties within any Proposed Historic District, as listed on the tax rolls of the City of Grosse Pointe Farms; and

(vii) Preparation and submission to the City Council, as soon as practicable following such public hearing, of a final report with the Committee's recommendation to the City Council.

The City Council shall consider and act upon the recommendations of the Committee according to the procedures established by the Act and as set forth in this Ordinance. Any activities or actions taken by a Committee duly appointed by the City Council prior to the enactment of this Ordinance shall be deemed authorized under and in conformity with

this Ordinance. The Committee shall ensure that all writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function (including any preliminary or final reports as described above) shall be made available to the public.

(c) Removal of Properties from Historic District or Elimination of Historic District. If considering amendment of a Historic District to remove one or more properties or resources therefrom or if considering the elimination of a Historic District, the Committee shall follow the procedures established by the Act and as referenced in subsection (b) above for issuing a preliminary report, holding a public hearing and issuing a final report and recommendation to the City Council. The removal of properties or resources from a Historic District or the elimination of a Historic District shall be based upon one or more of the following findings:

1. The Historic District, or a particular resource therein, has lost those physical characteristics that enabled establishment of the District; or
2. The Historic District, or a particular resource therein, was not significant in the way previously defined; or
3. The Historic District was established pursuant to defective procedures; or
4. The Historic District or the continued inclusion of one or more resources therein is contrary to the interests of the community as a whole.

Section 12. Historic Review Fee. If a property owner in the City of Grosse Pointe Farms reasonably believes his or her property to be of historic value and significance, a Committee appointed pursuant to the provisions of this Ordinance shall, upon written request by such property owner, evaluate the proposed resource to determine if it would meet the requirements for designation as a historic resource or inclusion within a Historic District under the provisions of this Ordinance. Said evaluation shall not commence until the property owner has paid in full a fee in an amount established by resolution of the City Council from time to time in order to defray the expenses of the Committee in connection with such review.

Section 13. Demolition Applications; Fees.

(a) Resources in a Historic District. The procedures applicable to proposed demolition of a resource located in a Historic District are set forth in Section 7 of this Ordinance.

(b) Structures in a Proposed Historic District. If a property owner proposes to demolish any structure in a Proposed Historic District, a permit therefor shall not be issued until the earlier of (i) the date on which the Commission issues a written decision under this section approving the issuance of a demolition permit or (ii) sixty (60) days after the filing of the permit application. The applicant shall be required to pay a fee in an amount established by resolution of the City Council from time to time in order to

defray the expenses of the Commission in connection with a review of the potential historical significance of the resource. Such review shall be undertaken by the Commission as soon as practicable following receipt of the demolition permit application, and in any event within sixty (60) days after the filing of the application. Following such review, the Commission may either (a) issue a written decision approving the issuance of a demolition permit, based upon a finding that the resource either would not qualify for designation as a historic resource or would otherwise meet the criteria for issuance of a Notice to Proceed, or (b) submit a recommendation to the City Council that the resource be designated for inclusion within a Historic District or a Proposed Historic District, in which event, pending action on such recommendation by the City Council, no demolition permit shall be issued.

(c) Other Structures. For all structures other than those located within a Historic District or a Proposed Historic District, the Building Department, upon receiving a demolition permit application, shall make a tentative determination whether the structure(s) in question would meet the criteria of a historic resource. If the Building Department determines that such criteria are not satisfied, then, subject to the applicant's compliance with any other applicable ordinances, a demolition permit may be issued forthwith. If the Building Department determines that the structure might be deemed a historic resource, then the Building Department shall immediately refer the matter to the Commission, in which event the procedures established in subsection 13(b) above shall be followed.

Section 14. Proposed Historic Districts; Emergency Moratorium. Upon receipt of substantial evidence showing the presence of historic, architectural, archeological, engineering or cultural significance of a Proposed Historic District, the City Council may adopt a resolution requiring that all applications for permits within the Proposed Historic District be referred to the Commission as prescribed in Section 7 of this Ordinance, in which event the Commission shall review permit applications with the same powers that would apply if the Proposed Historic District were an established Historic District. Such procedures may continue in the Proposed Historic District for not more than one year (or for a shorter period of time designated by the City Council), or until such time as the City Council approves or rejects the establishment of the Historic District by ordinance, whichever occurs first. 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 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.

Section 15. Amendments. Any amendment to this Ordinance may be made from time to time by the City Council, provided that prior to the adoption of any amendments

establishing, modifying or eliminating one or more Historic Districts, a study committee, appointed pursuant to the provisions hereof, makes the study reports and recommendations required by the Act and by Section 11 of this Ordinance.

Section 16. Acceptance of Gifts, Grants or Bequests. The City may accept gifts, grants or bequests from the State or Federal government for historic restoration purposes or historic purposes; it may accept public or private gifts, grants or bequests for said purposes, provided that such gifts, grants or bequests are not used for the purpose of paying any fees or expenses arising out of any litigation. The Commission shall administer on behalf of the City said gifts, grants or bequests for the purposes herein provided. The City Treasurer shall be custodian of funds of the Commission, and authorized expenditures shall be certified by the City Treasurer and by the Secretary or other officer designated by said Commission. The Commission shall annually report to the City Council any money it shall receive or expend.

Section 17. Violations; Penalties. Any person, individual, partnership, firm, corporation, limited liability company, organization, institution or agency of government that violates any of the provisions of this Ordinance is responsible for a civil violation and may be fined not more than five hundred dollars ($500.00) for each violation or offense. Each day that a violation continues shall be a separate infraction under this Ordinance. The penalties established herein shall not limit or reduce any penalties applicable under the Act (which provides for a civil violation and a fine of not more than $5,000). Any person, individual, partnership, firm, corporation, limited liability company, organization, institution or agency of government that violates any of the provisions of this Ordinance may be ordered to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished. The rights and remedies provided herein are cumulative, and in addition to any other remedies provided by law.

Section 18. Severability. If any provision of this Ordinance shall be held invalid, the remainder of the Ordinance will not be affected thereby.

Section 19 Effective Date. This Ordinance shall take effect twenty (20) days after its enactment or upon its publication, whichever is later.

Enacted: November 15, 1999
Technical Amendments, July 9, 2018, Ord. No. 392

DETROIT 465670-3