Local Historic Districts

in Michigan

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LOCAL HISTORIC DISTRICTS IN MICHIGAN

Table of Contents

Why Establish a Local Historic District?…….. 1

The Process for Establishing a Local Historic District…….. 3

Historic Resource Survey and Local Historic Districts……. 8

Evaluating Historic Resources……. 13

Defining Boundaries for Local Historic Districts……..19

The Historic District Study Committee Report ……..22

The Local Historic District Ordinance…… 30

The Historic District Commission……..32

The Appeal Process……35

Frequently Asked Questions About Local Historic Districts……..38

Appendix A: Criteria for Evaluating Resources for Inclusion in Local Historic Districts Adopted by the Michigan Historical Center, August 2002

Appendix B: Reference List for Local Historic District Study Committees

Appendix C: Model Historic District Ordinance And Ordinance Checklist

Appendix D: U. S. Secretary of the Interior's *Standards for Rehabilitation*

Appendix E: Sample Study Committee Report: Ferry Court Historic District, Rochester Hills

WHY ESTABLISH A LOCAL HISTORIC DISTRICT?

Time, geography, people and events uniquely shape each community. It is the combination of the individual pieces—houses and yards, stores and public buildings, trees and sidewalks, streets and alleys—that form the community's overall character. The primary reason for establishing local historic districts is to manage how change occurs in a designated area to ensure that as much of the original character as possible remains intact. After all, changes that occur to one property can impact the property next door, the block, and ultimately the neighborhood overall. Local historic district designation provides communities with the legal tools to protect their local landmarks and architectural character.

Michigan's Local Historic District Act

In 1970 the Michigan legislature enacted Public Act 169 (PA 169), Michigan's *Local Historic Districts Act*. PA 169 declares historic preservation a public purpose to safeguard a community's heritage, strengthen local economies, stabilize and improve property values, foster civic beauty and promote history. The law enables local governments to adopt a historic district ordinance that contains design review guidelines based on national standards and to appoint a historic district commission to implement the ordinance. It is the responsibility of each community to decide which resources are significant to its history. Once a community has done so, PA 169 provides the process for preserving and protecting those resources and ensures that the law is fairly and equitably applied to all residents in Michigan's local historic districts.

The Benefits of Local Historic District Designation

Local historic districts provide a wide range of benefits to a community:

- **Legal Protection for Historic Resources -** Local historic district designation is one of the few means of providing legal protection for historic resources. By adopting a local historic district ordinance and designating a local historic district the community is requiring that work to the exterior of a resource, demolition, or new construction in the district be reviewed by the historic district commission before it is undertaken. This ensures that the work is sensitive to the original design and material of the resource.

  People often think that listing a property in the National Register of Historic Places or Michigan's State Register of Historic Sites will protect it. This is not true. **Listing in the National and/or State Registers provides no protection for historic resources.** These are purely honorary designations—they place absolutely no restrictions on what property owners can do to a historic property. **Local historic district designation is one of the few ways to protect historic resources.**

- **Increased Property and Resale Values –** Think of the realtor's motto—location, location, location. Local historic district designation stabilizes neighborhoods by controlling demolition and inappropriate infill in the neighborhood and ensuring that the physical integrity of individual properties is retained. Thus, adopting a local historic district ordinance guarantees that a home's location remains desirable. Studies have shown that both property and resale values either remain they same, or more typically, increase in designated local historic districts and <u>never</u> decrease. Because local historic district designation creates a stable environment, it protects investments. As a result, homeowners are more willing to spend money on the upkeep of their homes and banks are more willing to make loans to property owners in designated districts.

- **Eligibility for Preservation Tax Incentives** - In 1999 the state of Michigan authorized a preservation tax incentive for residential property owners. The incentive provides

homeowners or long-term lessees with a 25 percent tax credit on qualified rehabilitations. For communities with a population of 5,000 or more, to qualify for the incentive a property must be a contributing resource in a locally designated historic district. The credit provides a significant financial benefit for the maintenance and rehabilitation of historic homes. It not only enables the restoration and preservation of a home's historic features; it can also be used for updating mechanical systems, such as heat and air conditioning systems, or for necessary repairs such as replacing a roof.

- **Promotes Economic Development -** Local historic district designation encourages the adaptive reuse of historic buildings and results in the return of underutilized buildings to the community's tax roles. Investment in one historic building commonly sparks investment in other historic buildings nearby. By reusing existing buildings and infrastructure, less municipal dollars are spent on the construction of new roads, sewer and water lines, and other utilities that support sprawl on the edge of town, and more funds can be redirected to traditional neighborhoods and downtowns.

- **Promotes Community Revitalization and Diversity** - The range of housing types, sizes, and costs within historic neighborhoods typically leads to greater diversity in the race, occupation, and education level of the people who live there. Preservation tax incentives encourage developers to adapt old buildings for housing opportunities that bring new populations downtown. Innovative rehabilitation projects include the conversion of schools into senior housing; second story space above retail shops into loft apartments; or factories, mills or warehouses to mixed-use residential/retail development.

- **Certified Local Government Program (CLG) -** Adopting a local historic district ordinance and appointing a historic district commission qualifies a local government (city, township or county) to apply for National Park Service certification. A CLG can apply for competitive matching grant funds to help implement preservation planning at the local level. The funds can be used for the identification and evaluation of historic resources, public education, planning, and rehabilitation projects.

- **Increased Tourism Revenue** – The tourism industry brings billions in revenue to Michigan annually. A 1998 study by the Travel Industry Association of America showed that visiting a historic site was the most popular cultural activity chosen by travelers. Heritage tourists spend $688 per visit vs. $425 spent by other tourists. A historic commercial and/or residential district can serve as a tourist destination or complement other attractions that exist in an area to bring increased tourism dollars to a community.

- **Local Job Creation -** When an existing building is rehabbed, up to 70 percent of the cost is for labor and that means more jobs for local workers. Typically, local laborers purchase their materials from local suppliers, unlike new construction projects where more of the dollars go out of state. Since 1971, historic property rehabilitation has created over 20,000 jobs and generated $1.7 billion in direct and indirect economic impacts in Michigan. In addition, rehabilitated older buildings provide affordable rental spaces for small businesses that are responsible for 85 percent of the new jobs created in America.

- **A Better Quality of Life -** Traditional downtowns and neighborhoods with their trees, parks and sidewalks are walkable communities geared toward people and pedestrians rather than the automobile. Spending less time on roads traveling to restaurants, stores and services on the outskirts of town and spending more time interacting with friends and neighbors helps to increase a community's quality of life and fosters closer-knit communities.

Local historic district designation enables communities to preserve their unique character and use it to create their future.

THE PROCESS FOR ESTABLISHING A LOCAL HISTORIC DISTRICT

It is important that the process for establishing a local historic district be closely followed when creating a local historic district to ensure a solid legal foundation for the district. One of the reasons an existing historic district can be eliminated, if its creation is ever challenged in court, is that it was created using improper procedures. Public Act 169 of 1970, as amended (PA 169) does not stipulate a timeframe for conducting the study. The study process will usually take six months to a year to complete. It is important for the committee to be timely in completing the work. Dragging the process out will result in the community's loss of confidence in and enthusiasm for the project. The study committee should always act in a professional manner. If they are unable to complete the work in a year, at the end of that time they should provide to the local unit of government a written report on the committee's progress to date and include a reasonable timeframe for completion of the work.

Step 1: Obtain Resolution from Local Unit of Government to Conduct a Historic District Study

Any individual or group can approach the legislative body of a local unit of government (city, township, or county) and request that an area be studied to determine its historic significance. If the legislative body votes to approve the request for the study, they adopt a resolution that gives the authority to conduct the study to a historic district study committee. Contact the clerk's office of the local unit of government where the proposed historic district is located to find out the procedure for requesting a resolution for a historic district study.

Step 2: Appointment of a Historic District Study Committee

The legislative body of the local unit of government is responsible for appointing the members of the historic district study committee. PA 169 as amended requires that the study committee "contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation." The individual or group requesting the historic district study may provide the legislative body with the names of potential committee members when the request for a resolution is made since local officials may not be familiar with individuals that have the qualifications to serve on the committee. However, the final decision on membership is up to the local unit of government. If it chooses to do so, a community can appointment a standing committee to study proposed historic districts.

PA 169 does not specify the number of study committee members that should be appointed. This depends on the size and complexity of the district, how much time people have to devote to the project, and the type of expertise needed to complete the study. Typically, study committees range in size from five to seven members. Study committee members do not have to be residents of the proposed district under study or even the local community. For example, if the study required the expertise of a professional on a specific subject, such as railroads, a professor at a university outside of the community could be asked to sit on the committee. It is, however, a good idea to include at least one resident of the proposed district on the study committee so that the neighborhood has input into the official process. Try to include members on the historic district study committee that have a wide range of skills, such as computer technology, photography, planning, research, or knowledge of architectural styles or local history, that will be of use in the collection, analysis, and organization of historic data.

If a community already has a designated local historic district and wishes to establish a new one, it is acceptable to have a representative from the historic district commission serve on a historic district study committee. However, it is **NOT** recommended that the two bodies be made up of exactly the same members. It could be perceived as a conflict of interest if the regulatory body (the historic district commission) and the body making recommendations for a district's establishment (the historic district study committee) are composed of the same individuals.

Step 3: The Historic Resource Survey: Photographic Inventory and Historic Research

PA 169 requires the historic study committee to do a photographic inventory of resources in the proposed district. This inventory is called a historic resource survey and instructions for conducting the survey can be found in the *Manual for Historic and Architectural Surveys in Michigan* (available from the State Historic Preservation Office). Each resource in the district is photographed and the photograph is linked to a data sheet that provides information about the resource and its history. The data sheets are bound together, with a narrative history of the district, to create a historic resource survey report. It is important to remember that the historic resource survey report is **NOT** the historic district study committee report. The survey provides the raw data and background information that is then analyzed and presented in the study committee report. The study committee report should summarize the information found during the survey and highlight specific properties in the district.

The study committee can do the photographic inventory or research work itself or use volunteers. A municipality will often hire a professional consultant to do the work. No matter who collects the data, it is the responsibility of the historic district study committee to monitor the quality of the work to make sure it meets the requirements set forth in Section 399.203 of PA 169.

Step 4: Evaluate the Resources in the Proposed District

Resources in a proposed district are evaluated individually using the criteria established by the Secretary of the Interior for the National Register of Historic Places to determine if they are historic (contributing) or non-historic (non-contributing). These criteria include: association with a significant person or event, significant design and construction, or the ability to yield more information. Evaluation also requires assessing a resource using the seven aspects of integrity established by the Secretary of the Interior: location, design, setting, workmanship, feeling, materials, and association. *National Register Bulletin 15*: *How to Apply the National Register Criteria for Evaluation* discusses the criteria in detail.

The end result of the evaluation will be:

- a list of the historic (contributing) and a list of non-historic (non-contributing) properties in the district by street number and address,
- the proposed boundaries for the district, and
- a significance statement for the district that states which National Register criteria the district meets and why.

There is no set formula or percentage for determining how many individual historic resources a proposed district must have to be determined historically significant. However, the evaluation should show that a strong concentration of resources retaining material integrity exists.

Step 5: Prepare a Preliminary Historic District Study Committee Report

Michigan's *Local Historic Districts Act* cites six minimum requirements for inclusion in the historic district study committee report: 1) charge of the committee, 2) composition of the study committee membership, 3) the name of the historic district studied, 4) a written and visual depiction of the district boundaries, 5) the history of the proposed district, and 6) significance of the district as a whole and individual representative resources in the district. Criteria established by the State Historic Preservation Office in 2002 require that the written boundary description in the report be a legal description and that the report includes a boundary justification statement. The criteria also require the inclusion of streetscape photographs for individual resource districts. A separate chapter on how to write a historic district study committee report is included in this publication.

Step 6: Transmittal and Review of the Preliminary Study Committee Report

PA 169 requires that the study committee report be officially transmitted (mailed) to the following:

- **Local Planning Body.** The purpose of transmitting the report to the local planning body is to call attention to the fact that there is a potential historic district in an area. This allows planners to take historic resources into consideration when reviewing planning issues or development projects that might affect those resources.

- **State Historic Preservation Office (SHPO).** The SHPO reviews the report to ensure that it fulfills the six requirements set forth in PA 169; is a document that can stand up in court should the establishment of the district ever be challenged; is a well-organized, stand-alone document; and provides a strong significance statement and boundary justification so that readers understand why a property was included in or excluded from the district.

- **The Michigan Historical Commission and the State Historic Preservation Review Board.** The members of these boards may have specialized knowledge of the proposed district and can offer comments about where sources of information can be found. Or, they may question how boundaries were determined. The Michigan Historical Commission meets monthly while the State Historic Preservation Review Board meets three times a year. The SHPO serves as the liaison between the historic district study committee and these advisory boards. One copy of the study committee report should be submitted to the SHPO. The SHPO is responsible for distributing the report to the Commission and Review Board.

None of the reviewing agencies is approving or rejecting the report. They are only offering comments and suggestions, based on their areas of expertise, in an effort to strengthen and improve the report.

Step 7: Public Hearing

The historic district study committee is required to hold a public hearing to allow the public to comment on the preliminary historic district study committee report. The study committee must wait at least 60 calendar days after the date the preliminary report is transmitted to the four agencies listed above before the hearing can be held. Property owners in the district must be notified of the hearing by first class mail at least 14 days before the date of the hearing. The hearing must be held in accordance with the Open Meetings Act, Public 276 of 1976.
See Section 399.203 of Public Act 169 of 1970 as amended for details of the hearing notification process.

Educating the public about the historic significance of the proposed district is a primary responsibility of the historic district study committee. The public hearing should not be the first time the public is informed of the study. The committee should include the public in the study process from the beginning, as soon as the decision is made by the local unit of government to undertake the study. Including the public in the process will help to increase their understanding and acceptance of the district designation.

At the public hearing, in addition to presenting the history of the district the study committee should be prepared to answer questions about what it means to live in a historic district—the benefits and drawbacks, how a historic district commission operates, and the type of work the commission reviews. Committee members should be prepared for both positive and negative responses to establishing a district. It may be helpful to have on hand a representative from an existing historic district commission that can speak with experience about procedures and issues relating to local historic districts.

Step 8: Prepare the Final Historic District Study Committee Report and Draft Historic District Ordinance

The historic district study committee has up to one year from the date of the public hearing to prepare a final report that incorporates the comments and suggestions from the public and the four agencies to which the report was officially transmitted. During that time, a historic district ordinance must be prepared so that it is ready and available for the local unit of government to adopt should it vote to establish the historic district. The historic district study committee, in conjunction with the attorney for the local unit of government, usually prepares the local historic district ordinance. The SHPO has developed a model historic district ordinance that can be adapted for a community. A local historic district ordinance should follow the language of Public Act 169 as closely as possible to ensure procedures are consistent with the law.

Step 9: Adoption of the Historic District Ordinance and Appointment of the Historic District Commission

The local unit of government makes the decision to adopt or reject the establishment of the local historic district at the time the final report is presented to them. If the local unit votes to establish a local historic district, then a historic district ordinance must be adopted and a historic district commission must be appointed at the time the district is approved.

The study committee should provide a list of potential historic district commission candidates that meet the qualifications set forth in PA 169 to the local unit of government along with the ordinance.

The process for establishing a local historic district is found in Section 399.203 of Michigan's *Local Historic Districts Act*, Public Act 169 of 1970, as amended.

HISTORIC RESOURCE SURVEY AND LOCAL HISTORIC DISTRICTS

Michigan's *Local Historic District Act*, Public Act 169 of 1970, as amended (PA 169) requires that a historic district study committee conduct a photographic inventory of the historic resources in a proposed district. This inventory is called a historic resource survey. A survey is the systematic collection of data about a specified geographic area and consists of two parts:

- **Fieldwork** - site visits to the proposed district to take photographs of each resource. During the site visits, the surveyor records basic information about each resource including the architectural style, building materials, and any distinguishing architectural features. It is during this phase of the survey that the boundaries for the proposed historic district are determined.

- **Research** - use of primary and secondary sources to find out about the district's history and to place it in the broader historic context of the city, region, state or nation. Research requires visiting libraries, archives, historical societies, and city or county offices to utilize county histories, census data, building permits, city directories, fire insurance maps, and other sources to document the history of the district.

Historic resource surveys should be conducted according to the *Manual for Historic and Architectural Surveys in Michigan*, available free from the State Historic Preservation Office.

Purpose of the Survey

The purpose of the photographic inventory for a historic district study committee report is to create a pictorial record of what the resources in the district looked like at the time the district was established. The historic district commission will use this record when it reviews proposed projects for work in the district. SHPO staff will use the report to make environmental review decisions. It is important to think about how the survey data will be used when undertaking the work. Don't just take a photograph to fulfill the obligation. Be sure each photograph shows the resource clearly and that the viewer is able to discern the existing original material and significant features of individual resources.

Who Conducts the Survey

It is the responsibility of the historic district study committee to oversee the historic resource survey. Many study committees do the survey work themselves, others train volunteers to assist them. Sometimes, the local unit of government will have funding to hire a paid consultant to conduct the survey. All are acceptable methods. No matter who actually undertakes the work of the survey, it is the responsibility of the study committee to make sure the finished product is of good quality and meets the standards set forth in the *Manual for Historic and Architectural Surveys in Michigan*.

Type of Survey

To establish a local historic district, the historic district study committee must conduct an intensive level survey of the proposed district. An intensive level survey requires that a photograph be taken of each resource in the proposed district. It also requires that each historic property in the district be researched to determine who lived there or what businesses operated there and to connect significant people and events to the buildings themselves. Intensive level survey should provide enough information to evaluate the historic significance of the individual resources in the proposed district.

What Resources Are Surveyed

Since the historic district commission reviews work to both historic and non-historic resources in local historic districts, then all resources in the district must be photographed. In addition, significant secondary resources such as garages, carriage barns, smokehouses, etc. that will be reviewed by the commission should be photographed. Significant historic landscape features such as stone walls, fences, historic trees, fountains, etc. that will be reviewed by the commission should be photographed as well.

Photographic Documentation

A survey involves walking the proposed district with a clipboard and camera photographing all the resources within in it—both historic and non-historic—in as systematic a fashion as possible such as east to west or north to south. You may have to return to the site more than once to get, good clear photographs. Pay attention to the location of the sun and do not take a photograph if glare is washing out the building's detail—come back when the sun is at a different angle. It is helpful to have a map of the proposed district that includes lot lines and street addresses with you in the field so that you can mark what properties have been photographed should you need to return to the site.

Survey work should be done in the early spring or late fall when leaves are not on the trees to obscure buildings. Resources should not be unobstructed by trees, bushes, cars, or car mirrors. People should not appear in the photographs. The photograph should be taken from an oblique angle to capture the front and one side of the resource. The resource should fill the frame of the photograph—don't take the picture from a car window, instead get as close as you legally can by standing in the right of way. Take at least one photograph of each of individual resource. Whenever possible, only one building should appear in a photograph. In addition to photographs of each individual resource in a district, a few representative streetscape shots should also be taken to show how the resources relate to each other in terms of set back, height, vegetation, etc.

Color electronic images using digital cameras are acceptable for local historic district survey work. Digital photographs should be in JPG format at 300 dpi. If traditional 35 mm photography is used, black and white film is required as it is more archivally stable than color film. Use a fine grain film such as Plus-X, Tri-X or T-Max. Prints should be 2" x 3" or 3" x 5 " in size. The standards for survey photography are found in the *Manual for Historic and Architectural Surveys in Michigan.*

Survey Data Form

Information about the physical appearance of the resource being photographed should be recorded on a survey form. For convenience, a copy of the survey form that appears in the *Manual for Historic and Architectural Surveys in Michigan,* has been included here. You may want to photocopy the form and take the copies into the field to make notations about the architectural style or the materials used for the roof, siding, and foundation of resources in the district. The rough data gathered during the site visit is later entered into a database and linked to the photograph of the resource. Thus, digital photograph files should be named by street address and name, (Example: 123OakSt) so they can be easily linked to the data sheet record for that resource. The State of Michigan has developed a historic resource data entry program called RUSKIN that is available free to the public. RUSKIN is a Microsoft ACCESS based database.

Researching Historic Properties

PA 169 requires that the study committee research and write a history of the proposed district. The history of the district should incorporate the important trends, themes, time periods, people, and events that shaped it. The purpose of the history is to provide the legal foundation for the

significance of the district if it is ever challenged in court. Therefore the history should be concise and include relevant, documented information about the district's history. When writing the history, it should be assumed that the audience knows nothing about the community. The report should always explain **why** a person or an event was important. Researching the history of the proposed district should be done in conjunction with the photographic inventory as the research often provides leads about what to look for out in the field.

A good place to start your research is with general histories of the region or area such as county histories, historic county atlases, plat books, and commercial histories. This will provide basic information that will help to direct your more detailed research using city directories, state gazetteers, building permits, tax records, census records, photograph and postcard collections, and Sanborn insurance maps. Newspaper research can be very helpful but it can also be time consuming. Be sure you have determined the specific dates for events in order to help you narrow your search. Local history collections can be found in local, regional or university libraries. The community's local historical society may also have an archive. The Library of Michigan in Lansing has a large collection of books on individual counties and communities as well as microfilm of newspapers from around the state and microfilm of Sanborn Insurance Maps. Ask people in the community about other potential sources of information.

Mapping

Mapping is an important function of the historic resource survey. Make sure that the base maps that are used for the survey are clear and show appropriate detail. We recommend working with the planning department of your local unit of government to get the best maps possible. The purpose of the map is to enable residents of the community to visually determine if their property is located within the historic district boundaries. Therefore, the map must provide enough information and detail so that it is easy to determine if an individual property is or is not in the district. At a minimum maps must include:

- Name of the historic district
- Name of the community
- County and township Name
- Date the map was completed
- North arrow
- Street names
- Street numbers
- Lot lines

The district boundary must be boldly and clearly drawn on the map so that if it is copied, the boundary is still visible.

You may need to include more than one map depending on the size of the district. A map that shows the location of the district in relation to the overall community should be included in the report in addition to the map of the individual properties in the district. If the district is large, then detailed maps should be used and keyed to a general map. Remember, the point is for street addresses and numbers to be clearly visible on the maps. When working with an individual resource or a farmstead, estate, or church complex, a site map showing the location of resources on the site should be included.

Historic Resource Survey Report

The end product of the historic resource survey will be a survey report that will contain the following elements:

- A title page that includes, at a minimum, the name of the district, county, municipality, the name of the surveyor and the date of survey.

- A narrative history of the district that provides an overview of its development and includes important people, events, and time periods and a discussion of the architecture found in the district.
- A completed Survey Data Sheet for each resource in the district with a photograph of the resource
- Map(s) of the proposed district with the district boundary clearly drawn

The survey report is the raw data that serves as the support documentation for the historic district study committee report. **The survey report is NOT a historic district study committee report**. It is the responsibility of the historic district study committee to analyze the data in the report, summarize it, and highlight the most significant details and resources in the district for the study committee report.

MICHIGAN ABOVE-GROUND SURVEY FIELD FORM

ADDRESS
Number | Direction | Street
City/Village | Township

SURVEY INFO
Survey Date | Surveyor

NAME
Historic Name
Common Name

DATE/PROPERTY TYPE/STYLE
Date Built | Source of Date
Style | Property Type

MATERIALS
Foundation
Walls
Roof

DESCRITPIVE NOTES

OTHER BUILDINGS/FEATURES

HISTORY

COMMENTS

PHOTO INFO
File Name
Roll No. | Frame No.
Photographer

EVALUATING HISTORIC RESOURCES

Once the historic district study committee has completed the historic resource survey of the proposed district, the study committee analyzes the data to determine:

- Historic (contributing) and non-historic (non-contributing) resources in the district
- National Register of Historic Places significance criteria the district meets
- Boundaries for the historic district

Study committees must follow the criteria and guidelines developed by the U.S. Secretary of the Interior for the National Register of Historic Places when evaluating historic resources. This summary is based on the National Park Service's *National Register Bulletin 15: How to Apply the National Register Criteria.*

What is a Historic Resource?

A historic resource is typically at least fifty years old, although resources of lesser age may qualify if they can be shown to have exceptional significance. A historic resource can be a building, structure (bridge, water tower), object (fountain, sculpture), site (battlefield, cemetery), district (a group of related resources), feature (street lights, clock tower), or open space (park, village green) that is significant in history, architecture, archaeology, engineering, or culture at the local, state, or national level. A historic resource should retain a high degree of integrity that is comprised of seven qualities: location, design, setting, materials, workmanship, feeling, and association.

The Secretary of the Interior provides the following definitions for historic and non-historic resources in Bulletin 15.

> A contributing **(historic)** resource, is one that adds to the historic association, historic architectural quality, or archaeological values for which a property is significant because it was present during the period of significance, relates directly to the documented significance, and possesses historic integrity.
>
> A non-contributing **(non-historic)** resource is one that does not add to the historic architectural qualities or historic association of a district because it was not present during the period of significance, does not relate to the documented significance, or due to alteration, additions, and other changes it no longer possesses historic integrity.

A **historic district** is defined as a significant concentration, linkage, or continuity of resources united historically or aesthetically by plan or design. The district's identity is a result of the interrelationship between individual resources that work together to create a visual sense of its history.

Historic Resources and their Broader Context

Individual resources and historic districts typically have little meaning when considered in isolation; they must be viewed in the larger context of the history and culture of their time and place. The history of a district identifies the significant themes and trends, time periods, people and events that shaped the development of a historic resource or district.

- **Historic Themes**

  The U.S. Secretary of the Interior has identified thirty broad themes under which the majority of historic resources can be classified. They are:

Agriculture
Architecture
Archaeology
Art
Commerce
Communication
Community Planning & Development
Conservation
Economics
Education
Engineering
Entertainment/Recreation
Ethnic Heritage
Exploration/Settlement
Health/Medicine
Industry
Invention
Landscape Architecture
Law
Literature
Maritime History
Military
Performing Arts
Philosophy
Politics/Government
Religion
Science
Social History
Transportation
Other

Choosing the categories that best apply to the district under study will help the historic district study committee focus their research when developing the history of a district. Typically, more than one theme will apply to a resource or district. **Example:** a downtown commercial district may require researching the following themes to develop a complete history for the area: **Commerce** to determine the types of businesses that once existed there; **Architecture** to understand if the building styles are typical or unique or if the work of a noted architect is located in the district; **Ethnic Heritage** if the buildings display a construction style or technique associated with a specific culture such as German or Dutch; and **Transportation** if there is a major highway or a decorative bridge in the downtown.

The relationship of the existing resources to a theme should be noteworthy. For example, just because a doctor's office was located in a proposed district would not mean that the theme of health/medicine should be explored. However, if the doctor had done something of unusual significance, such as used his office building to start the county's first hospital or to develop a vaccine for small pox, then that theme should be researched.

These themes should serve as general guidelines to help give focus to the research effort. Do not try to slavishly fit every theme to your community—concentrate only on those that stand out and are important.

Significant Time Periods

Significant time periods for the district and the resources in it should be identified in addition to the historic themes. A significant time period is the length of time a property was associated with an important event, activity or person. It can be one year or a range of years. There can be one or more period of significance for a resource or district. **Examples:** If a subdivision was platted in 1910 and houses continued to be built there at a steady rate until the Depression hit in 1930 when construction abruptly stopped, then the period of significance for the neighborhood would be 1910 to 1930. If a house is significant because of its association with a person, such as the Gerald Ford home in Grand Rapids, then the period of significance would be the time that the person lived there. If a downtown came into being because of a nearby lumbering operation, fell on hard times when the trees had all been cut, was revitalized at the turn of the century due to the rise of fruit farming in the surrounding area, suffered severe losses during the Depression but again saw boom times when a small factory was built in 1939 to aid war production during World War II, the periods of significance for the town might be 1870-1890 for the lumbering era; 1900-1930 for the agricultural era; and 1939-1946 for the World War II years. If a resource is significant because of a single event, such as a sit down strike that changed the way Michigan's automobile plants operated, the significant date would be the year of the event, such as 1932.

Significant People

In addition to the significant themes and time periods, any significant people associated with a resource or district should be identified. **Example:** For an early twentieth century residential neighborhood the study committee might identify the original land owner who platted the subdivision; developers who promoted the subdivision; architects that designed houses, schools, or churches in the neighborhood; the landscape architect that planned the street patterns and parks; and people that lived in the subdivision and how they were influential in shaping the development of the community. This could range from the president of a major local industry to the company's workers who lived in a concentrated area.

It is important to be inclusive of women, minorities, and ethnic groups to give an accurate portrayal of the community's history.

Significant Events

An event can be a specific, one-time occurrence such as the site of Martin Luther King's "I Have a Dream" speech or the introduction of the assembly line to Ford's Piquette Avenue Plant in Detroit. It can also be a pattern of events such as the development of the railroad and the construction of railroad depots along the Michigan Central Railroad line.

When writing the history narrative for the study committee report, ask the basic questions of who, what, when, where, and why about the individual resources and/or district. Some sample questions to consider might be:

Who was the original owner? Did he/she hold a position of leadership or influence in the community and how? Who else is associated with the property and why were they important? Who was the architect or engineer? Is their work known at the state or national level? Were specialized craftsmen involved in the construction of the resource? If so, who were they and how did they come to be involved?

What events happened that helped to establish and shape the resource or district? Do the events reflect a regional trend or activity (copper mining, fishing or fruit farming) or a national trend such as the work done through federal relief projects like the WPA or CCC? What noteworthy events happened at the site? What part of its history makes the district stand out from other areas in the community? What are the character defining features of the resource that reflect its period of significance?

When was the resource/district constructed? When was it significant to the community? When did an important person or significant event occur there? Is there more than one significant time period related to the resource?

Where was the resource originally located? Is it on its original site? How does its physical or geographical location relate to its historic significance?

Why is this resource important to the community? Is the resource significant as a representative example of broad trends that occurred or because it is unique and the only example of a certain type of resource?

Evaluating the Physical Integrity of the Resource

In addition to developing the historic context for the district and determining how the individual resources fit within it, the study committee must assess the physical condition of the individual resources within the district.

The Secretary of the Interior has identified seven qualities that work together to comprise integrity. They are:

- **Location** – the place where the resource was originally constructed or where a historic event took place. Moving a resource from its original location, except in rare cases, destroys the relationship between the resource and its historic association resulting in the loss of its integrity.

- **Design** – the combination of elements that create the form, plan, space, structure and style. Design is a result of planning, function, technology, and/or aesthetics. **Examples:** The footprint, massing, and scale of a Queen Anne home compared to that of a 1940s ranch house. A planned subdivision of curvilinear streets compared to the grid street pattern commonly found in Midwestern towns.

- **Setting** – the physical environment of a historic property. Setting is how and where a resource is situated in relationship to natural or man-made elements such as topography, vegetation, paths, open space or relationships to other buildings. **Example:** The old growth trees and historic streetlights and street signs lining a street in a 1920s residential suburb combine to create the setting for the neighborhood's houses. A small historic commercial fishing village built in 1890 is composed of one-story wood frame buildings fronted by a series of short wooden docks. The setting of this fishing village would be destroyed if a ten-story, glass hotel tower and a concrete and steel boat ramp were introduced.

- **Materials** – the combination of physical elements of a particular time period and/or pattern. When evaluating materials look at roofing, foundation, siding, windows and doors, porches and architectural details. A property should retain the majority of its original materials and distinguishing features that date from its period of historic significance. **Example:** The proposed district contains an 1870s Italianate house that retains its full-length front porch, segmental arched windows and window hoods, and decorative brackets, but its cupola has been removed. The cupola is just one of the major features that make this an Italianate-style house. Because the house still retains the majority of the stylistic elements that define it as Italianate, it would still be considered a contributing historic resource. However, if all the detail elements (porch, window hoods, cupola and brackets) had been removed when the house was vinyl sided in the 1980s and an addition was placed on the house so that its massing was changed, it would no longer retain its material integrity and would be considered non-historic.

  Some additions and changes to historic properties acquire historic significance over time. **Example:** if an 1870s storefront was modernized in 1932 with Art Deco carrerra glass, the alteration has probably become significant in its own right as an example of the Art Deco style.

  It is sometimes difficult to assess changes to simple vernacular buildings such as an upright and wing gable front house that has been vinyl sided. In this situation an assessment might include determining the amount of ornamentation the property originally had and what is now missing. Chances are there weren't many "extras" on the property in the first place and if it retains its original window and door openings and massing it might still be considered historic.

- **Workmanship** – the physical evidence of the craft of a particular culture or people during any given period in history or prehistory. This could include stone masonry, carving, joinery, and decorative finishes. **Example:** In 1880 stonemasons from Italy were brought to a Michigan town to lay marble flooring and create carved decorations for a county courthouse. When that work was completed, some of the craftsman remained in the

community and their work can be found in mansions, churches and other civic buildings in the town.

- **Feeling** – the expression of the aesthetic or historic sense of a particular period of time. Feeling is the result of the combination of the presence of design, materials, workmanship and setting. **Example:** In the 1930s, Michigan's state park buildings built by the CCC were designed in a "rustic" architecture of log and stone that was intended to blend into the natural landscape. Demolishing a stone CCC constructed bathhouse and replacing it with a prefabricated metal structure would alter the rustic feeling of the park that was achieved through the use of natural materials.

- **Association** – the direct link between a resource and a historic event or person.

To qualify as a historic resource, a resource should retain a high degree of the distinctive physical materials and definitive features that reflect the way it looked during its period of significance. A few examples of the types of questions to ask when assessing a resource's integrity are:

- What are the essential physical features or characteristics that must be present for the property to have maintained its integrity? Are these physical characteristics visible enough to convey the resources significance? All resources undergo change over time so some change is inevitable. But what is the extent of the change?

- Should the resource be compared to other resources of a similar type in the proposed district or at the regional, state or national level? Is it a common or unique resource? **Examples:** A stone church is one example of the work of a local artisan that built schools, homes, and other buildings in a three county area. His work is unique to the region. Another example might be a barn type that is uncommon in Michigan but is commonly found in Vermont where the builder came from.

- Which of the seven aspects of integrity are most relevant to the significance of the property? Not all will weigh equally. If the resource is important for its association with an event, not its architecture, then it may not be as important that it has retained all its significant architectural features. It must, however, retain enough integrity that you still get a sense of what it was like during the period of its significance.

National Register of Historic Places Evaluation Criteria

Developing the historic context of a district through determining the significant events, people and time periods associated with it and assessing the physical integrity of the resource will enable the study committee to apply the eligibility criteria developed by the Secretary of the Interior for the National Register of Historic Places. The four main criteria are:

Criterion A: Events - association with events that have made a significant contribution to the broad patterns of our history; or
Criterion B: People - association with the lives of persons significant in our past; or
Criterion C: Design/Construction - embodies the distinctive characteristic of a type, period, or method of construction or that represents the work of a master or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction
Criterion D: Information - yields or may be likely to yield information important in prehistory or history. *(Note: this typically applies to archaeology sites.)*

More than one of the criteria may apply to the district. The study committee report should contain a clear statement of which of the above criteria the district meets and why.

Historic Resource Evaluation Results

Once the significant themes, time periods, people and associations have been identified, the historic district study committee will be able determine which resources have historic significance and then assess their physical integrity to determine if they still reflect that significance. The result will be:

- **Resource Lists**

  - A list of historic resources by street number and address
  - A list of non-historic resources by street number and address

- **Significance Statement**

The study committee will be able to develop a significance statement that clearly states which of the National Register eligibility criteria the overall district meets. **Example:** "The Howard Street Historic District is significant under National Register Criterion B for its association with Henry Ford who constructed these homes for workers in his Howard Street auto plant. It is also significant under National Register Criterion C as a representative example of the Arts and Crafts bungalow style homes popular in the early twentieth century."

- **District Boundaries**

Boundaries for historic districts are determined by geography, the concentration of resources that retain their integrity, and historic significance. Evaluating the individual resources within their historic context and for their material integrity will greatly facilitate the determination of the final boundaries for the proposed district.

DEFINING BOUNDARIES FOR LOCAL HISTORIC DISTRICTS

When defining local historic district boundaries historic district study committees must use the guidelines developed by the U. S. Secretary of the Interior for determining historic district boundaries for the National Register of Historic Places. While the complete guidelines can be found in *National Register Bulletin 15: How to Apply the National Register Criteria* and *National Register Bulletin 21: Defining Boundaries for National Register Properties* available from the National Park Service, a summary is provided below.

According to *National Register Bulletin 15: How to Apply the National Register Criteria*:

> A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district. (p. 6)

Historic districts are typically a concentrated area of contiguous resources. Historic district boundaries should be based on three factors: historic significance, physical integrity of the resources, and/or the location of significant geographic features. While boundaries based on integrity and geography are determined by observation, boundaries based on historic significance are identified on the basis of research. Some issues to consider when determining boundaries for historic districts are:

- Start with a map that shows the original or historic boundaries for the area you are studying, such as the original plat of a subdivision or the legally recorded boundaries of a farmstead. Changes that have occurred in the area over time should be evaluated against the original boundaries.

- Look for distinctive visual geographic barriers that mark a change in the character of the area or that interrupt the continuity of the resources in the district. **Example:** a river, ravine, or lake or the construction of a major highway that bisected a district.

- Look for visual changes in the character of the area due to different architectural styles, building types, or periods. **Example:** the distinct change from a concentration of nineteenth century Queen Anne homes to a subdivision of twentieth century brick ranch houses or a change in the type and character of resources due to differentiated patterns of historical development such as commercial, residential or industrial.

- Look for visual changes that are the result of the significant loss of historic materials due to inappropriate alteration or the loss of historic resources through demolition. When selecting boundaries for historic districts, include the area that contains the highest concentration of intact resources. Exclude the peripheral areas where integrity has been compromised.

- District boundaries should not include “buffer zones,” acreage or open space that does not directly contribute to the significance of the district. However, surrounding land that does contribute to the district, such as the farmland associated with a farmstead or a park included in the original plan for a subdivision, should be included.

- Include small areas of non-historic resources when they are completely surrounded by a concentration of historic resources. Drawing “donut holes” around non-historic resources within the district is not allowed. Non-historic resources within the boundaries of the district should be included but identified as non-contributing resources.

- Owner consent should not be a consideration in determining a local historic district boundary. The *Secretary of the Interior's Guidelines* state that a historic district is a "significant concentration" of resources "united by plan or design" not limited by "current parcels of ownership."

Discontiguous Districts

A historic district is typically a concentrated area of contiguous resources. Occasionally there will be situations where resources are related by significance but separated by geography. A discontiguous district can be established when:

- Visual continuity is not a factor of historic significance. For example, a cemetery that is located a short distance outside of a rural village.

- Resources are geographically separate and the space between them is not related to the significance of the district. For example, a mineshaft, and the headquarters of the company that operated it, are separated by a mile or so of unrelated geographical space.

- Manmade resources that are interconnected by natural features, such as a canal system that incorporates natural waterways.

The discontiguous district should **NOT** be used to include an isolated resource or group of resources that have been cut off from the district due to demolition or new construction.

Single Resource Districts

Michigan's *Local Historic Districts Act*, Public Act 169 of 1970, as amended, (PA 169) defines a historic district as:

> An area or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archeology, engineering, or culture.

To clarify how this applies to the work of the historic district study committee and the creation of single resource districts, the Michigan Historical Center adopted *Criteria for Evaluating Resources for Inclusion in Local Historic Districts* in August 2002 (see Appendix A). These criteria state that study committees shall use the *Secretary of Interior's Guidelines* for establishing historic district boundaries. If the *Secretary's Guidelines* are appropriately applied, then a single resource district is one in which the resource meets the criteria for eligibility for the National Register of Historic Places <u>on its own merit</u> for its association with a significant person, event or as an example of significant design or construction technique. Appropriate single resource districts would include Michigan's State Capitol Building; a house designed by Frank Lloyd Wright; Ernest Hemingway's summer cottage; a round barn; or an outstanding example of the Art Deco style.

Thus, it would **NOT** be appropriate to single out one bungalow in the middle of a neighborhood of bungalows as a single resource district. It would **NOT** be appropriate to single out one commercial building in a three block commercial district, if the building had no special significance. Instead, such resources would be considered to be historic (contributing) resources in larger historic districts.

When determining boundaries for a single resource district it is important to consider the setting of the resource and to include the features that define the character of the resource, such as the view shed of a house built on a hill or a historic garden, drive, or entry posts associated with a resource. Don't limit the district boundary simply to the footprint of a building.

In September 2001 the State of Michigan Court of Appeals ruled in *Draprop v City of Ann Arbor* that the city limits could not be used as a boundary to designate an Individual Properties Historic District if those properties were unrelated in terms of their historic significance. The city had attempted to designate over seventy disparate individual resources such as apartment buildings, churches, gas stations, a bus station, etc. in one district. The important factor in this case is that the resources in the district were unrelated by history, architecture, archaeology, engineering, or culture. Though each of the properties would qualify as an individual resource on its own merit, they could not be lumped into one "individual properties" district. It is appropriate, however, to use a thematic approach to link individual or related resources within a city into one district. **Example:** all apartment buildings built between 1900 and 1930 or farmsteads constructed between 1860 and 1920.

Boundary Justification

The historic district study committee must be able to justify each individual directional boundary of the proposed district according to the guidelines developed by the U.S. Secretary of the Interior. Justifying the boundaries is important because properties within local historic districts will qualify for preservation incentives while those outside will not. The boundary justifications should include a concise explanation of why the boundaries were chosen, based on geography, integrity and/or significance, and address any irregularities in the boundaries and why they are there (loss of integrity).

THE HISTORIC DISTRICT STUDY COMMITTEE REPORT

Purpose of the Report

The purpose of the historic district study committee report is to establish the legal basis for the creation of a local historic district. Historical data about a proposed district that has been collected, analyzed, and summarized is presented in the report in a clear and concise manner to illustrate the historic significance of a district. The report should justify why a local historic district is being established and why the proposed boundaries for the district were chosen. When writing the report, remember that it serves as a source of information for a variety of audiences including:

- the historic district commission as it fulfills its duties as the regulatory body for the district
- planners when decisions on development projects are made within the community
- professional consultants hired to do historic reviews for federally funded projects
- the State Historic Preservation Office (SHPO) when reviewing state preservation tax credit applications
- teachers and others in the community interested in using the information to create educational programs about a community's heritage

Most importantly, the report is a legal document. It should make a solid case for the district's significance, follow the criteria and guidelines as required, and be as professional as possible in appearance.

Required Components of the Report

Section 399.203 of Public Act 169 of 1970, as amended, (PA 169) *Michigan's Local Historic Districts Act,* requires that a historic district study committee report contain, at a minimum, the following items:

- charge of the committee
- composition of the committee membership
- name of the proposed historic district(s)
- written and visual boundaries of the district
- history of the proposed district
- the significance of the district highlighted by information on a sufficient number of the individual resources to fully represent the variety of resources within the district

In addition to the minimum requirements listed above, the Michigan Historical Center established criteria in August 2002 that require the inclusion of the following information in the historic district study committee report:

- a boundary justification
- total count of the number of resources in the proposed district and the percentage of historic (contributing) to non-historic (non-contributing) resources.
- a list of historic (contributing) and a list of non-historic (non-contributing) resources in the district
- current photographs of the resources that are highlighted in the report, including streetscapes that show how individual resources relate to each other

A sample cover sheet has been included at the end of this chapter to help you to incorporate the necessary information needed to fulfill the requirements set forth in PA 169. Below is an explanation of the type of information that should be included in each component of the report.

Historic District Study Committee Report Components

1. Charge of the Committee

The local unit of government, through a resolution, must appoint the members of the historic district study committee. In the study committee report, the charge should contain the following information:

- Name of the municipal body that appointed the historic district study committee
- Date the resolution to appoint the historic district study committee was adopted
- A short verbal description roughly describing the boundaries of the geographic area the committee was directed to study

2. Composition of Committee Membership

The name of each study committee member should be listed in the report. Because PA 169 requires that the majority of study committee members have a "demonstrated interest" in historic preservation, it is a good idea to show how committee members fulfill this requirement by listing their historic preservation interests and affiliations. This need not be a lengthy description.
EXAMPLE:

John Douglas, member, Elk County Historical Society
Lee Ann Pratt, architect, Smith and Wells, Inc.
Tom Baker, property owner, proposed Lincoln Heights Historic District
Sue Richards, planner, Lincoln City
Eileen Jones, compiled a comprehensive history of Lincoln City for the city's centennial celebration
Brian Harris, teacher, Lincoln City Elementary School, developed local history program for 4th graders
Todd Baron, archaeologist, Westphalia College, Westphalia, OH

3. Name of the Historic District Studied

This is simply the name given to the proposed district that results from the study. **Example:** "Lincoln Heights Historic District" or the "Adolph Stephens Farmstead Historic District." District names are typically based on the historic name associated with the property or area. Be sure the name is descriptive of the specific area being designated is not too generic should the city wish to designate other local historic districts in the future. The district name should appear prominently on the cover and at the beginning of the report.

4. Boundaries of the Proposed District

PA 169 requires that the historic district study committee report include both a written boundary description and a visual depiction of the boundary on a map. The purpose of the map(s) is to enable readers of the report to determine which individual properties in a given area are or are not included in the district. Thus, the maps should be of a level of detail and quality where this can clearly be seen.

a. Verbal Boundary Description

The verbal boundary description must be a <u>legal description</u> of the district boundary. The description should be written so that a property owner or federal, state, or

city planning agencies can clearly identify the district's boundaries and the resources it contains. Depending on the size of the district the verbal boundary description of the district could be:

- Block and lot number
- Metes and bounds, or
- Dimensions of a parcel of land, reckoning from a landmark, such as a natural or cultural feature. The description should begin at a fixed reference point and then follow the perimeter of the district, including dimensions and directions.
- Legal parcel number. While parcel numbers make it easy to identify properties and are what most communities use, they should **NOT** be the sole source of identification for the district boundaries. Parcels can be merged or eliminated which may cause confusion when trying to identify the boundaries of a district in the future. When parcel numbers are used, a metes and bounds description of the district's boundaries should also be included.

b. Visual Boundary Description

The visual boundaries of the proposed district should be clearly and boldly drawn on a map so they are easily distinguishable in the original report and on any copies that are made. The final map(s) should be of a size and format that will allow them to be bound within the body of the report: 8 ½ by 11 inches for most districts or 11 x 17 inches with 2 vertical folds for larger districts. Each map should include all of the following:

- Name of the proposed district
- Name of the community and county
- Date the map was created
- Key identifying any symbols used on the map
- North arrow
- All streets in the proposed district with their names clearly labeled
- Street addresses for all properties in the proposed district
- Lot lines
- Building footprints or a representational outline (rectangles or squares) of the individual resources surveyed in the proposed district
- The boundary of the proposed district clearly drawn in a bold line on the map

For small districts one map may suffice. For larger districts, a series of maps may be required. These should include one overview map that shows the location of the proposed district within the community and a series of other maps that show smaller areas of the district in more detail. For example, if you are designating a large district that includes 200 residential properties and a park, you would include an overview map of the whole district that shows the district's boundaries within the larger community; maps (keyed to the larger map) that each show a portion of the district that enables the reader to see street numbers and addresses, until the entire district has been depicted; and a site map of the park indicating the location of existing historic features, such as paths, fountains, historic plantings, and monuments. For complex single resource districts such as an estate or a farmstead, in addition to marking the boundary of the district on a plat map, it will be necessary to draw and include a site plan to indicate where historically significant features such as orchards, farm fields, silos, barns, gardens, garages and outbuildings are located in relation to the main building.

c. Boundary Justification

The report should include a boundary justification that addresses each directional boundary of the proposed district. Boundaries should be justified using three guidelines:

geographical features, the historic significance of the district, and/or the integrity of the resources in the proposed district. **Example:** The northern district boundary is the Redwood River; the eastern boundary is I-59 which, when it was constructed in 1957, bisected the original plat for the Cherry Heights neighborhood; Elm Street was chosen as the southern boundary because it marks a change in housing types from a concentration of Victorian era homes to the north and a neighborhood of post-World War II brick ranch houses to the south; Green Street was chosen as the western boundary as there is a significant loss of material integrity in the resources located west of Green Street.

For a single resource district a simple statement may be sufficient. **Example:** The boundaries are those of the original lot platted in 1887.

5. History of the Proposed District

The purpose of the history is to place the district and its resource(s) within its historic context at the local, state, or national level, as need be. The historic context incorporates the significant time periods, the significant people, and the important trends that shaped the development of the proposed district. The history should be based on facts that can be documented through primary and secondary sources. Do not include oral traditions that have been passed down for generations but cannot be substantiated through written documentation. The history is one of the most important pieces of the historic district study committee report as it serves as the legal foundation for the establishment of the district by showing how the district is historically significant.

The history included in the study committee report must be able to stand on its own. It is the responsibility of the study committee to analyze the data it collects during the survey and condense it into a concise and useful format. Simply copying newspaper articles or brochures and submitting them as the report is not acceptable. Submitting only the survey data forms from the resource survey as the study committee report is also not sufficient. The survey forms are support documentation—they provide no analysis or general overview of the history of the district. If a National Register nomination has already been completed for the district, it can serve as the basis of the report but the report must still address the six minimum requirements set forth in Section 3 of Public Act 169. In addition, National Register nominations written prior to 1990 are sometimes vague and lacking in detail and may need to be supplemented with other information to meet current standards.

When writing the report, existing resources in the district should be linked directly to the district's historic significance by including the street address of a specific resource when appropriate in the history statement. Be sure to focus on the resources that exist in the district today. Do not spend a lot of time in the report on resources that have been demolished or that no longer exist. While these will be discussed in terms of the development of the district, the purpose of the report is to show how extant buildings represent the history of the district. **Example**:

In the early 1900's Middletown became the center of the developing automobile industry in Michigan. Travis Jones, whose "Tourister" became the largest selling car in America between 1910 and 1930, built a factory at 915 Washington Street in 1910 (demolished 1977). Construction of the factory resulted in a boom in population for Middletown as workers left the surrounding farms to take advantage of the high wages offered in the Jones factory. To house these workers, Dorian Blue, a prominent real estate agent in the city, platted the Oakdale neighborhood adjacent to the factory site. Oakdale is made up of six blocks of single story, gable front frame houses, all in the Arts and Crafts style. The homes have little ornamentation but are distinguished by their pressed tin roofs, shingle siding, wide stone porches and exposed rafter ends. This was the first subdivision developed in Middletown in response to the needs of the rapidly expanding automobile industry. Each house was built with a detached garage at the rear of the property, an unusual feature in an early twentieth century neighborhood. The Jones factory provided a

> credit plan to its workers enabling them to purchase an automobile over time thus ensuring that every Jones worker drove a “Tourister” automobile manufactured by the company. Construction of homes in the Oakdale neighborhood virtually stopped in 1930 with the onset of the Great Depression and the subsequent closing of the factory.
>
> In addition to the Jones factory, one other car manufacturer built a plant in Middletown The Casey Steam-Powered Automobile Company built in 1904 was only in production for two years (1904-1906) and thus did not have much impact on the development of the automobile or the city of Middletown. However, its founder, James Casey, became President of Jones Automobile in 1912 and was responsible for the design of the company’s most popular car, the “Tourister” which led to Middletown’s boom. Casey was also a founding member of the Good Roads Movement in Michigan and was directly responsible for the construction of the first paved highway between Middletown and Detroit. James Casey’s large limestone, Prairie-style home, with its canopy of old oak trees and landscaped rose garden, is located at 12 Addison Street on the western edge of the Oakdale district. Casey Park, located in the northeast section of the district was created on land donated to the city of Middletown by James Casey in 1923. Casey hired the nationally known landscape architect, Jens Jensen, to develop the naturalistic plan for the park.

If properties in the district are significant because of a specific architectural style, they should be discussed in terms of similar resources in the proposed district or in the community overall. You do not need to write lengthy descriptions of the various architectural styles found in the district—there are plenty of architectural stylebooks that already do that. Instead, identify the style and summarize the distinguishing characteristics of the style that are found on a specific property or that are common in the district. **Example:**

> The Ira George House at 15 Lincoln Avenue is an excellent example of the Italianate style. The 2-story structure has a square floor plan and is distinguished by its decorative full-length front porch, cupola, round arch windows, and large, ornamental roof brackets. This high style building is one of only 6 Italianate style homes found in the district and the only one constructed of brick.

Do not fall into the trap, as many communities do, of only explaining the significance of the proposed district in terms of its architecture. It is very important to include information on the significant people (both men and women) and events that shaped the district as well.

PA 169 states that the report must highlight individual resources within the proposed district. A current photograph and a history statement should be included for each of the individual resources highlighted in the report. A representative example of *all* the property types found in the district should be included in the report. **Example:** if a predominately residential district includes three schools, two churches, a park and six commercial structures, then at least one of each of these types of resources should be highlighted in the report along with a variety of the residential homes. When discussing residences, be sure that the report includes a sample of the representative examples of the housing styles most commonly found in the proposed district—don’t just concentrate on the unique, special, or high style properties. **Example:** if the majority of the homes in the district are bungalows or simple upright and wing homes, include one or more as representative examples of these resources in addition to highlighting the high style or architect designed homes found in the district. The reader should get a good sense of the district’s resource composition from the report.

6. Statement of Significance

Each resource needs to be evaluated using the evaluation criteria for the National Register of Historic Places. There are four primary criteria:

Criterion A: Association with Significant Events
Criterion B: Association with Significant People
Criterion C: Design/Construction Significance
Criterion D: Information Potential

A full explanation of the criteria can be found in *National Register Bulletin 15: How to Apply the National Register Criteria*.

In the report, the significance statement should clearly state which of the criteria that the district meets—there may be more than one—and how it meets the criteria. **Example:** The Oakdale District is significant under National Register Criterion A for its association with the developing automobile industry in Michigan; Criterion B for its association with early automobile pioneers Travis Jones and James Casey, also a Good Roads advocate, who lived in the district from 1911 to 1936; and Criterion C for its representative examples of early twentieth century architecture.

7. Photographs

The photographs included in the report should be taken from the photographic survey conducted by the study committee. Digital photographs may be used. Photographs should follow the standards set forth in the *Manual for Historic and Architectural Surveys in Michigan* available free from the State Historic Preservation Office. The report should include a current photograph for each of the resources the study committee chooses to highlight in the report. Historic photographs can be included when available, but not to the exclusion of current photographs. Representative streetscape photographs should also be included in the report to show how individual properties and features in the district relate to each other. For a single resource district, streetscape photographs that show the property in relation to surrounding resources are required. The photographs MUST be clear and readable in the original and in copies. The report filed with the SHPO will be used by consultants and others and they must be able to see the resource and its significant details.

8. Resource Counts and Percentage

Historic resources are typically those that are fifty years of age or older, unless the resource is proven to have exceptional significance. Historic resources should retain their integrity—the physical features that represent the period in which the property was built and/or its period of historic significance. Integrity is determined by looking at seven qualities: location (is the property on its original location), design, setting, materials, workmanship, feeling, and association (with people and events).

Each resource in the proposed district should be evaluated to determine if it is a historic (contributing) or non-historic (non-contributing) resource. To make that determination, evaluate the resource in terms of how it relates to the historic context that was developed for the proposed district, the National Register Criteria for Eligibility, and the resource's integrity.

The total number of resources in the district as well as the breakdown of the total number of historic and the total number of non-historic resources must also be included in the report. Public Act 169 requires that the percentage of historic to non-historic properties be developed. This percentage must be included in the report. In addition to the primary buildings, outbuildings, structures, and landscape features that are substantial in size and scale should be included in the historic resource count. Examples might include garages, carriage barns, fences, entry posts, drives, windmills, gardens, etc. Any feature that adds significantly to the setting of the resource, and therefore should be reviewed by the historic district commission, should be included in the count.

9. Lists of Historic and Non-Historic Resources

A list of the historic (contributing) properties by street name and address and a list of the non-historic (non-contributing) properties by street name and address in the district must be included in the report. It is one of the most functional features of the report and will greatly facilitate its use by the historic district commission, building officials, and local planners. It will also enable residents and city officials to see at a glance if a particular property qualifies for state historic preservation tax incentives.

10. Bibliography

Each report should include a bibliography of the resources used to develop the history of the district. The bibliography should be presented in any standard, accepted format such as the *Chicago Manual of Style*.

The Final Report

Michigan's *Local Historic Districts Act* only requires that the historic district study committee submit a preliminary report to the State Historic Preservation Office (SHPO) for review and comment. However since the state preservation tax credit was established in 1999, it has become increasingly important for the SHPO to receive a copy of the final report. Once the local unit of government votes to establish a district, a copy of the final report and the historic district ordinance should be sent to the SHPO. This ensures that the district will be added to the state's historic resource database and that the SHPO has the most updated information on file.

LOCAL HISTORIC DISTRICT STUDY COMMITTEE REPORT COVER FORM

Historic District Name:

City/Village:

Township: **County:**

Date Transmitted: **Report Type:** ☐ **Preliminary** ☐ **Final**

Total Number of Resources: Historic: Non-Historic: Percentage:

District is Significant under the Following National Register Criteria:

☐ **Criterion A: Significant Event(s) - Reason:**

☐ **Criterion B: Significant Person(s) - Reason:**

☐ **Criterion C: Design/Construction- Reason:**

☐ **Criterion D: Information Potential - Reason:**

☐ **Criterion Consideration(s) – Reason:**

Legal Boundary Description:

Charge of the Committee:

Committee Members:

Contact Name (City Official):
Address:
Phone: **E-Mail:**

THE LOCAL HISTORIC DISTRICT ORDINANCE

Michigan's *Local Historic Districts Act,* Public Act 169 of 1970, as amended (PA 169) is the state legislation that enables a community to adopt a local historic district ordinance. Any local unit of government (village, city, township, or county) can adopt a historic district ordinance.

PA 169 declares historic preservation to be a public purpose with the goals of safeguarding a community's heritage, stabilizing and improving property values, fostering civic beauty, strengthening the local economy and promoting the use of historic buildings for the education, welfare and pleasure of the citizens of Michigan. Adopting a local historic district ordinance and declaring preservation a public purpose gives the local unit of government the power to regulate work in designated local historic districts to ensure that the physical integrity of historic resources is retained.

The local historic district ordinance sets forth the administrative procedures that must be followed when establishing a local historic district. It also establishes the membership requirements and the duties and powers of the historic district commissions, the design review standards by which work in historic districts is reviewed, and a process for appealing historic district commission decisions. The procedures set forth in PA 169 ensure that all property owners in designated local historic districts in Michigan receive the same treatment under the law, protecting their constitutional right of due process.

The local historic district ordinance is a land use regulatory tool similar to a zoning ordinance. It enables the community to say that resources in a specific, designated area are of such importance to the community overall that work in the district must meet established standards and guidelines.

Who Writes the Historic District Ordinance

Typically, the historic district study committee in conjunction with the municipal attorney will write the historic district ordinance. A model ordinance is included in Appendix C. When creating an ordinance, communities are encouraged to utilize as closely as possible the language set forth in PA 169 to ensure that definitions and procedures are consistent with the law. Don't paraphrase, simplify, or rewrite the language. Experience has show that this results in discrepancies that can have serious consequences. **Example:** One community only included the term building in its definition of resource. When the city's power company erected large electrical towers in the historic district without getting approval from the historic district commission, the commission took them to circuit court. The power company won the case. The judge ruled that the city had limited the review powers of the commission by only including the term building and not the other terms (object, site, structure, district, feature and open space) found in the definition of a resource in PA 169 in the local ordinance.

PA 169 contains a number of duties and procedures and procedures that are required for inclusion in the ordinance. These are typically identified by the use of the word <u>shall</u>. **Example:** "The commission shall follow the U.S. secretary of the interior's standards. . . .".

In addition, PA 169 includes a number of powers that <u>may</u> be included in the historic district ordinance such as the power to:

- delegate the review of minor classes of work,
- review work in a proposed district,
- declare a moratorium on work in a district, or
- establish fines for violation of the ordinance.

These powers provide the real teeth of the ordinance. Experience has shown that it is best to create a strong ordinance that includes all of the powers set forth in PA 169. Never write an

ordinance to accommodate the conditions that exist in the community today. Instead, write the ordinance with thoughts of the future when the community may face development pressures that could never be imagined today. If the powers available to the local unit of government are limited or curtailed in the ordinance, so is the community's ability to protect its history. Including these powers in the ordinance will enable the community to invoke them should the need arise. It is the decision of the local unit of government to exercise the powers or not, but if the powers are completely omitted from the historic district ordinance they will not have that option should the need arise.

Adopting the Historic District Ordinance

A local unit of government must adopt a local historic district ordinance when it votes to establish a local historic district. However, it does not have to establish a local historic district in order to adopt a historic district ordinance. **A historic district ordinance can be adopted at any time. Adopting an ordinance does not require a community to create a local historic district.** Having an ordinance in place and undertaking a historic resource survey will provide the community with the legal foundation to invoke the protective powers given them in PA 169, such as a moratorium on work in a proposed district, should a threat to a historic resource or district ever arise. *(Note: The historic resource survey is merely the collection of data about a historic area. It differs from the historic district study process that starts the administrative clock for establishing a local historic district.)* This would give the community time to work on an alternate plan to save the resource.

An Ordinance Pursuant to PA 169

Occasionally revisions are made to the state enabling law, Public Act 169 of 1970. To date, this has occurred in 1980, 1986 and 1992. The 1992 revisions were significant and added many clarifications and new powers. Communities are encouraged to update their ordinances as soon as possible after Public Act 169 of 1970 is amended to ensure they are following correct procedures and have the maximum powers allowed them under the law at their disposal.
A checklist is provided in Appendix C that will help in developing or updating an ordinance.

In order for a community to qualify for the state historic preservation tax incentives or for Certified Local Government status, the historic district ordinance must be in compliance with Michigan's *Local Historic Districts Act.* At the very minimum the ordinance must contain the appropriate definitions for historic district, historic resource, resource, and work. It must contain the appropriate procedure for establishing a local historic district and the appropriate appeals process. Most importantly, the commission must have the power of binding design review using the *Secretary of the Interior's Standards.* The ordinance cannot contain clauses that restrict the historic district commission's review of resources in a designated local historic district.
Examples:

- Owner consent clauses of any type
- Voluntary participation in the review process
- Limiting review to a specified portion of a resource such as the front façade or to portions visible from the right away
- Limiting review to work that requires a building permit
- Limiting review to specific types of resources such as buildings only
- Different levels of review in a historic district
- Provisions where hospitals, churches, or publicly owned buildings are exempt from commission review
- Provisions where the building inspector or city council have final approval for demolitions in local historic districts
- Sunset clause that specifies a date when a district will be terminated

THE HISTORIC DISTRICT COMMISSION

The historic district commission is the regulatory body that reviews work in local historic districts. Commission members are appointed by the local unit of government and serve three-year terms. Depending on the size of the community, the historic district commission consists of five to seven-members who are residents of the community and have a demonstrated knowledge of history, architecture and historic preservation. When a local unit of government votes to establish a local historic district, it must adopt a historic district ordinance and appoint a historic district commission to carry out the procedures set forth in the ordinance.

The Role and Responsibilities of the Historic District Commission

It is the role of the commission to ensure that due process is fairly and equitably applied to all property owners living in a historic district. In *Defensible Decision-Making: Preservation Commissions and the Law,* produced by the Maryland Historical Trust, it states:

> Defensible decision-making is important to preservation commissions so that their decisions stand up in court. It requires the preparation of a solid record that reflects positively on the professionalism and integrity of the Commissions.

Though commissioners may face pressure from individuals—and sometimes government officials— to make a certain decision, commissioners must remember that their role is to protect the community's historic resources. That is why they were appointed. Commissioners should keep in mind that they are only reviewing the proposed work that is presented to them—not the personal life or the financial situation of the applicant. The commission should always make their decisions based on the *Standards.* It should be aware of any precedence it may be setting with its decisions and work to develop a record of consistency. To that end it is each commissioner's responsibility to:

- Know the *Secretary's Standards for Rehabilitation*
- Know the local ordinance and state enabling law
- Be familiar with architectural styles and their distinctive features
- Be familiar with the community's history
- Know the Open Meetings Act and conduct meetings accordingly
- Avoid the appearance of conflict of interest and excuse themselves from voting on projects in which they have any involvement
- Follow rules of procedures during the entire review process. **EXAMPLE:** Site visits should be conducted according to the Open Meetings Act and made a part of the record

At a minimum, the commission's role is to maintain the historic integrity of the district at the level it was at when the district was created. However, the best commissions are those that are proactive. They realize that by providing advice and education, publishing easy to understand design review guidelines, developing a resource list of contractors and materials, and sponsoring seminars and workshops about preservation practices, the commission can help property owners become better informed about the history and architecture of their buildings. As a result, the projects presented to the commission for review will be more compatible with the original design elements found in the district. Continuously reminding property owners that they are in a historic district through quarterly newsletters, annual mailings to property owners, and the installation of signs at the entrance to a local historic district will benefit everyone.

Historic District Commission Review

The commission reviews any work that changes the exterior appearance of a resource in a local historic district using the *Secretary of the Interior's Standards for Rehabilitation.* The commission can develop additional guidelines that deal with specific features, but these guidelines must be approved by the State Historic Preservation Office. Work is described as construction, addition,

alteration, repair, moving excavation or demolition. A resource can be a building, structure, object, site, feature or open space. The commission reviews:

- proposed work to all sides of the resource whether they are visible from the right of way or not
- proposed work to both historic and non-historic resources in a designated district
- the open space that ties buildings together in a district. **Examples**: old growth street trees planted along a boulevard, a park, or a garden designed by a famous landscape architect.
- work that would affect small features or ancillary buildings that have been determined to be significant to the district such as street lights, stone walls, brick pavements and garages
- all resources in the district at the same level of review using the same standards and guidelines

It is important to note that historic district commissions use the *Secretary of the Interior's Standards for Rehabilitation* when reviewing work in a local historic district. The Secretary has established four treatments for historic resources: preservation, rehabilitation, restoration, and reconstruction. Rehabilitation is defined as:

> The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Many people think of historic preservation only in terms of restoration—taking a resource back to what it looked like at a specific period of time. The restoration treatment applies mainly to museum quality projects and is **NOT** the treatment that is used for local historic districts. Rehabilitation allows for change while protecting as much as the historic material as possible.

What the Commission Does Not Review

The commission does not review ordinary maintenance—any work that alleviates the effects of weathering but does not change the appearance of a resource. Typically, this is "like for like" replacement such as a clapboard of the same size and wood type as the original.

The commission does not review interior work unless it will affect the exterior. **Example:** moving a kitchen cabinet may require the removal of a window opening.

Historic District Commission Decisions

When a project is presented to a commission, the commission has four options. It can **Table** the request if it feels more information is needed to make an informed decision or it can issue a:

- **Certificate of Appropriateness (COA).** A COA means that the work meets the *Secretary's Standards for Rehabilitation* and any other guidelines adopted by the commission. A national study has shown that 95 percent of all work is approved the first time it comes before a historic district commission.

- **Denial.** A Denial means the work does not meet the *Secretary's Standards*. Denials must be accompanied by an explanation in writing as to why the project was considered inappropriate. The commission should work with an applicant to help them modify the proposed project so that it meets the *Standards*. The modified project can be resubmitted to the commission for approval.

- **Notice to Proceed.** A Notice to Proceed means that the commission approves work that is inappropriate for the historic district and does not meet the *Standards* but the

> Commission finds it is necessary to substantially correct a safety problem, to enable a significant improvement project that is of substantial benefit to the community, or to alleviate economic hardship on a property owner that is caused by an act of God or of the government.

The commission is required to notify an applicant of its decisions in writing.

It is important that commissioners always base their decisions on the *Secretary's Standards*. They should always make it clear to the applicant why the project does or does not meet the *Standards*. Commissioners should be careful that the language they use during commission meetings reflects the application of the *Standards* and not personal opinion. For example, saying "I don't like it" in response to a project is not acceptable. Instead, it is better to say "the project does not meet Standard # 2 because . . . ." and provide a clear explanation of how the project does not meet the standard.

Appeal Process

If an applicant does not agree with the commission's decision, the applicant can appeal to the State Historic Preservation Review Board and ultimately to the circuit court. Non-applicants that do not agree with a commission's decision can appeal directly to circuit court.

THE APPEAL PROCESS

If a local historic district commission has issued a Denial for proposed work in a historic district, the applicant shall not proceed with any exterior work on a resource, including demolishing or moving the resource, until the commission's decision is reversed or modified by a higher authority.

Before filing an appeal, every effort should be made to resolve all issues locally. An appeal should not be initiated when emotions are heated—appellants should make sure they have a reasonable case based on evidence before filing an appeal. If an applicant has:

- obtained new information to present to the historic district commission that may affect the commission's original decision, then the applicant should reapply for a certificate of appropriateness and present that information to the commission before filing an appeal.
- received a permit to do specified work and then changed the scope or the work without going back to the commission for approval, the applicant should strongly consider the merits of his/her case
- Done work without first obtaining a permit, the applicant should strongly consider the merits of his/her case

It is also important to remember that ignorance of the law is not a supportable defense.

Michigan's *Local Historic Districts Act*, enables an applicant aggrieved by a decision of a historic district commission to appeal that decision to the State Historic Preservation Review Board. The Review Board is an agency of the Michigan Department of History, Arts and Libraries (HAL). Its members are architects, architectural historians, historic preservationists, historians and archaeologists. The Review Board has authority to affirm, modify, or set aside a commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed. The Review Board meets three times a year and typically decides an appeal at its next meeting after the date the appeal was filed.

HOW TO FILE AN APPEAL

The aggrieved party must send a written claim of appeal, in any form or format, within 60 calendar days after receiving a written notice of denial from the commission to: State Historic Preservation Review Board, Michigan Historical Center–SHPO, PO Box 30740, 702 W. Kalamazoo Street, Lansing, MI 48909-8240.

The claim of appeal must clearly state that it is an appeal, include a copy of the written denial from the historic district commission, and include the reason(s) the aggrieved party believes the commission's decision should be overturned. After a written claim of appeal has been received, the Review Board will direct HAL's Regulatory Affairs Office to schedule an administrative hearing for the purpose of receiving evidence and hearing arguments. The aggrieved party and the commission will be notified in writing of the scheduled time and date for the appeal hearing. Questions regarding submission of an appeal should be directed to 517-373-1630 or preservation@michigan.gov.

THE ADMINISTRATIVE HEARING

The administrative hearing is designed so that the aggrieved party may verbally present evidence and arguments to a presiding hearings officer in a quasi-judicial setting. The historic district commission is also allowed to present evidence and arguments at the hearing. This is the only time that evidence will be presented. Typically, the Review Board will not accept any evidence or hear any additional arguments at its regular meetings. Hearings are scheduled weekdays at 9:30 a.m. or at 1:30 p.m., or at other times upon order of the presiding officer. An average hearing

typically lasts one to two hours although some hearings may last considerably longer. The hearing begins with opening statements and the submission of evidence, including sworn testimony and questions from both the aggrieved party and the commission's legal representative, and ends with closing remarks. These hearings are tape recorded, and a copy of the transcript is available for a transcription fee. The presiding officer does not make a decision on the appeal at the time of the hearing. The hearing is simply the aggrieved party's opportunity to present evidence and arguments associated with the appeal. The presiding hearing officer will issue a recommended decision later in the case.

As an alternative to attending a hearing, an aggrieved party may choose to submit his/her evidence and argument to the presiding officer entirely in written form.

EVIDENCE

The aggrieved party has the burden of proof throughout the appeal process. He/she must be prepared to show how the commission has erred and why the commission's decision should be set aside or modified. To do this, a party must present evidence by mail or orally by attending an administrative hearing. If a party plans on attending a hearing, the party should prepare his/her evidence in advance and be able to present it in an orderly fashion. The party should make at least two copies of each proposed piece of evidence planned as an exhibit, one for the presiding officer and the second for the other party.

An aggrieved party <u>must</u> present certain evidence in every case:

- A copy of the written denial from the commission in response to the application
- A copy of any document that verifies that the aggrieved party has a legal interest in the property, such as a deed, purchase agreement, land contract, or long-term lease.
- Photographs that clearly show any work undertaken. All photographs should be labeled or have some form of written description next to the photo.

Evidence may consist of documentary materials pertinent to the case, such as plans and drawings, maps, repair estimates from a licensed contractor or appraiser, and other similar materials, and sworn testimony by a person who has inspected the resource and knows its condition.

If photographs of what is perceived to be similar work undertaken on other buildings in the district is to be used as evidence in support of a case, then the photographs must be accompanied by the date the work was undertaken (before or after the historic district was established) and a copy of the certificate of appropriateness that was granted by the commission. Simply presenting photographs of other resources in the neighborhood is not sufficient evidence.

THE APPELLANT AND LEGAL REPRESENTATION

An aggrieved party may represent themselves or have legal representation during the appeal process. An attorney representing an aggrieved party should file an appearance with the presiding officer before or at the administrative hearing. An attorney may assist the aggrieved party with filing the party's claim of appeal.

HISTORIC DISTRICT COMMISSION REPRESENTATIVE

The local historic district commission will send at least one representative to the administrative hearing. This representative may be a staff member who will testify, or it may be an assistant municipal attorney who will act as the commission's legal representative. Typically it is both. In addition, commissions usually submit file documents for entry into the official hearing record. The commission's legal representative will be expected to submit a copy of any applicable local

historic district ordinance, as well as any other pertinent local ordinance, local design review guidelines, or other local guidelines that are relevant to the case.

THE DECISION PROCESS

After the hearing, the presiding hearing officer will review the evi dence and prepare a written Proposal for Decision. Copies of the proposal will be mailed to the members of the Review Board, to the aggrieved party or the party's attorney, and to the commission's legal representative prior to the Review Board meeting. If either party is dissatisfied with any aspect of the proposal, one or both may file written "exceptions to the proposal" with the Review Board. The Review Board will consider the case, along with the proposal and any exceptions filed, at its next regularly scheduled meeting and, after consideration of all materials, will issue a Final Decision and Order on the appeal. HAL's Regulatory Affairs Office will send copies of the Final Decision and Order to the parties and all legal representatives promptly upon issuance of that document. Typically, these decisions are issued within two to four months after receipt of the aggrieved party's claim of appeal.

APPEALS OF REVIEW BOARD DECISIONS

Any permit applicant who is dissatisfied with a Final Decision and Order may appeal to a court of competent jurisdiction. The circuit court with jurisdiction over the commission whose decision was appealed to the Review Board has jurisdiction in such court cases. Appeals to court must be filed within sixty calendar days after the Review Board has issued its Final Decision and Order.

APPEALS BY NON-APPLICANTS

Any citizen severely aggrieved by a historic district commission decision may appeal that decision to circuit court. Applicants for a certificate of appropriateness aggrieved by a historic district commission decision must first appeal to the State Historic Preservation Review Board according to the procedures above.

FREQUENTLY ASKED QUESTIONS
ABOUT LOCAL HISTORIC DISTRICTS

We already have a National Register Historic District, why do we need to establish a local historic district?

There are three types of historic district designations: The National Register of Historic Places, the State Register of Historic Sites, and local historic districts. National and State Register designations are purely honorary. They do not protect historic properties from alteration or demolition. Local historic district designation is the only way to protect historic properties. This is done by adopting a historic district ordinance and appointing a historic district commission. The commission reviews work to the exterior of a resource in a district to ensure that original historic materials are retained and that a proposed project's design is in keeping with the massing, materials, style, and time period of the house.

In a community with a population of 5,000 or more, in order for a property to qualify for the state historic preservation tax credit, it must be located in a designated local historic district.

Can a property owner "opt out" of being included in a local historic district?

No. Michigan's *Local Historic Districts Act* declares historic preservation to be a public purpose. To that end, Michigan's Attorney General issued Opinion 6919 that states a community may not enact a historic district ordinance that requires the consent of an owner before a property is included in a local historic district. Once a community decides to establish a local historic district it must follow the standards and guidelines created by the U.S. Secretary of the Interior for the National Register of Historic Places. The Secretary's guidelines for determining historic district boundaries state that boundaries are based on geography, integrity, and the significance of the resource, not on political boundaries or ownership. They also state that "donut holes" cannot be cut in the district to intentionally exclude properties.

How old does my property have to be to be considered historic?

Age is just one consideration when determining if a property is historic. The U.S. Secretary of the Interior has developed eligibility criteria for the National Register of Historic Places that are also used for evaluating properties in local historic districts. According to the criteria, a historic resource is typically fifty years old or older though it can be younger if it has special significance. The resource should also be noteworthy for its association with a significant person or event, for its design or construction techniques, and/or for its information potential. A historic resource must also retain its physical integrity that is comprised of seven qualities: materials, design, workmanship, location, setting, feeling, and association.

What repairs can I do to my property that don't require me to go before the historic district commission?

Michigan's *Local Historic District Act* states that the historic district commission does not review ordinary maintenance. The Act defines ordinary maintenance as "keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance <u>does not change the external appearance</u> of the resource except through the elimination of the usual and expected effects of weathering." For example, if you replace some rotted clapboards on the side of your house with clapboards of the same wood, width and thickness it would be ordinary maintenance. However, if you planned to remove your twenty-inch diameter porch posts and replace them with five-inch diameter posts you would be altering the appearance of the resource. That would constitute work and must be reviewed by the commission. In the Act, work is defined as "construction, addition, alteration, repair, moving, excavation, or demolition."

What is a Certificate of Appropriateness?

The historic district commission has four options when a project comes before it for review. It can table the project if more information is needed or it can issue a Certificate of Appropriateness, a Denial, or a Notice to Proceed**.** A **Certificate of Appropriateness** is a permit that states that the proposed work meets the *Secretary of the Interior's Standards for Rehabilitation* and is appropriate for the resource. A **Denial** means that the proposed work does not meet the Standards and is inappropriate for the style or time period of the building. A **Notice to Proceed** means that the work is inappropriate but the commission has found that the work is necessary to correct a public safety hazard, enable a major improvement project that will substantially benefit the community, or correct an act of God or of the government that has created a financial hardship for the owner.

Is work on "non-historic" resources in a local historic district reviewed by the Commission?

Yes. The commission reviews all work to the exterior of all resources in the district. A non-historic (non-contributing) resource is one that is less than fifty years old or a building that is over fifty years old that has lost its integrity. The commission applies the same standards to all resources in the district. Typically, because historic material does not exist or has been lost, when the commission reviews work on non-historic buildings it is looking at issues like size, massing, and placement to determine how these affect the adjacent resources and the district overall.

Once my property is included in a local historic district, do I have to restore my house back to the way it was when it was originally built?

No. When reviewing proposed work in the local historic district, the historic district commission uses the *Secretary of the Interior's Standards for Rehabilitation*. The Secretary has guidelines for four treatments that can be applied to historic buildings: preservation, restoration, rehabilitation, and reconstruction. Rehabilitation is defined as "the process of returning a property to a state of utility, through repair, or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property what are significant to its historic, architectural and cultural values." The purpose of local historic district designation is to retain as much of the original historic material that existed in the district at the time it was established while still making the resource comfortable and useful for modern living. The restoration treatment, which would restore a property to the way it looked during a specified time period, applies to museum quality projects not properties in local historic districts.

In addition, the historic district commission only reviews work that is initiated by the property owner. Unless lack of repair has led to demolition by neglect, the commission has no authority to require that any work to be done to a property.

Is work on the interior of a building reviewed by the historic district commission?

No. The historic district commission only reviews work to the exterior of a resource. If the work you are doing on the interior will affect the exterior of the resource, such as closing up a window or moving a doorway, you may have to show the commission the plans for the interior work to explain why the changes are being made to the exterior. This would be viewed as supporting documentation. The commission does not review interior work.

Are yard or landscape features reviewed by the Commission?

Yes. Michigan's *Local Historic District Act* includes open space in the definition of a historic resource. It defines open space as "undeveloped land, a naturally landscaped area, or a formal or

man-made landscaped area that provides a connective link or a buffer between other resources." Significant historic landscape features that the commission will review should be identified when the district is established. This could include large trees that line the streets of a subdivision, historic fences, drive and walk ways, stone walls, old shrubs that define property lines in a neighborhood, a historic garden designed by a known landscape architect, a park or green, an orchard or the farmland associated with a farmstead. The key word is **significant**. The commission does not review every plant or garden but it does review major historic landscape features or landscape features that have been determined to be character defining for the district.

Can the Commission tell me what color to paint my house?

There is no "yes or no" answer to this question. Some communities do regulate paint colors while others do not. If paint color has been documented to be a significant feature of the historic district then the commission should review it. For example, a 1910 subdivision may have had a rule that all house trim had to painted one of five colors. Or, Henry Ford might have built a subdivision of worker's housing in which every house was painted white with green trim. Typically, however, paint is viewed as a temporary application that does not damage original material and therefore is not regulated. It is not appropriate to regulate paint colors just to give the district a "historic" look without supporting documentation as to the significance of the paint colors. As an alternative to regulation, a commission can develop a palette of paint colors that are appropriate for the style and time period of the houses in the district and make it available to property owners.

Isn't it more expensive to preserve historic features than to replace them?

There is no "yes or no" answer to this question since it depends on the feature, its design, and material. However, there are some things that a property owner can do to ensure that they are getting the best advice and best price when repairing historic features. First, it is important to get an estimate on the work from a contractor that has experience working with historic resources. Contractors without historic preservation experience typically recommend wholesale replacement of historic materials because they do not have an understanding of how they work or where to get them. Sometimes more simple solutions that are more cost effective can be found. The Michigan Historic Preservation Network's Construction Trades Council provides information on contractors with historic preservation experience. Second, it is important to find companies that manufacture features that are compatible with historic buildings at reasonable costs. Such companies can be found through the Internet or advertisements in magazines like the *Old House Journal*. You may not be able to walk into a chain home improvement store like Home Depot or Lowe's to get the material you need, though even they are beginning to carry more products for historic buildings. Third, preservation isn't about the cheap quick fix, it is about investing in a property so that it will withstand the test of time. Investing in quality materials up front is often more cost effective in the long run. After all, the wood windows in a historic home have probably been in service for over a hundred years--and that is a pretty good return on the initial investment.

Are demolitions allowed in local historic districts?

Yes. The historic district commission can issue a Notice to Proceed for demolition of a building. However, the commission must find that retaining the resource is a hazard to public safety, will deter a major improvement project of significant benefit to the public, or cause undue financial hardship to the property owner due to an action beyond the owner's control, such as an act of God or a governmental action, created the hardship. A building can also be demolished if it is determined not to be historically significant or if it has lost its historic integrity.

Is vinyl an appropriate siding for a historic building in a local historic district?

No. The purpose of the district is to preserve as much original material as possible. The *Secretary of the Interior's Standards for Rehabilitation* state that historic materials should be repaired rather than replaced. So if the property has wood siding it should be repaired and painted rather than

covered over with vinyl. In addition, historic features, details, and trim are often removed when vinyl siding is applied which violates the *Secretary's Standards*. Use common sense when considering vinyl siding. Vinyl siding can trap in water vapor and hide serious problems that result from moisture and condensation. It also burns more rapidly than wood. While vinyl companies claim that vinyl is maintenance free and lasts about twenty years, experience has shown that it only lasts about ten years and that it does fade, warp, blow off, and require repair. Typically, wood siding lasts five to ten times longer than vinyl. Two good paint jobs cost about the same as the installation of vinyl siding. Vinyl siding is a quick fix that doesn't preserve original material or provide lasting value—and that is contrary to the purpose of local historic district designation.

Does the commission review work done on the back of a building or work that can't be seen from the public right of way?

Yes. According to Public Act 169 of 1970, the commission reviews ANY work to the exterior of the building—it does not distinguish as to the location of the work.

Are there penalties for not getting a Certificate of Appropriateness from the Commission or for not doing work appropriately?

Yes. Michigan's *Local Historic District Act* enables a local unit of government to charge a maximum fine of $5,000 for inappropriate work in the district. The individual community determines the level of the fines that are imposed. The historic district commission can also require that the inappropriate work be undone or modified to meet the *Secretary's Standards*. In extreme situations, the historic district commission can get a court order from the circuit court to have the inappropriate work corrected. If the property owner does not comply with the court order then the commission can have the work done and the local unit of government can charge the owner for the work or levy a special assessment against the property.

Will local historic district designation hurt my property values?

No. A number of states across the country, including Texas, Georgia, Wisconsin, Virginia, and Michigan, have conducted studies comparing property values in a designated local historic district to the property values in a comparable non-designated district. The results are consistent. Property values never decrease in designated districts. They sometimes remain the same but more typically they increase—sometimes significantly. In the Heritage Hill Historic District in Grand Rapids, where whole blocks of the neighborhood were once slated for demolition under urban renewal, property values increased 1200% between 1974 and 2002. Local historic district designation is regarded as a protection on the investments made to properties in the district. Because reviewing work in the district stabilizes the neighborhood, historic districts become desirable locations and resale values also increase.

Are there tax breaks available to property owners in local historic districts?

Yes. In 1999, the state of Michigan established the state historic preservation tax credit that enables property owners or long-term lessees to claim a tax credit of up to 25% of qualified rehabilitation expenditures. Eligible work includes not only restoring historic features, but also work such as updating furnaces, installing air conditioning, or applying a new roof. To qualify for the tax credit, a property must be a contributing resource in a local historic district in communities with a population of over 5,000. (In communities with a population of less than 5,000 the property must be listed on the National or State Register or be a contributing resource in a National Register historic district.)

Can a property owner “opt out” of having his property reviewed by the historic district commission if he/she does not intend to use the state preservation tax credits?

No. A property owner cannot “opt out” of having his/her property reviewed by the commission once a local historic district has been designated. One of the purposes of the historic district ordinance is to ensure that due process is followed for every person that owns property in a local historic district. While one of the qualifications of participating in the state tax credit program is that a property must be a contributing resource in a local historic district in communities with a population of 5,000 or over, the state tax credit program is a separate incentive program. State preservation tax credit projects undergo review by the state’s tax credit coordinator. This is a separate review from, and not contingent upon, the historic district commission’s review. Whether you intend to use the tax credit program or not, any work done in a district must be reviewed by the commission.

Once my house is in a designated local historic district, if I invest in my home by making improvements and my property values increase, will I have to pay more in property taxes?

No. In Michigan, Proposal A of 1994 provides for annual increases based on a consumer price index. Inclusion in a local historic district will not be reflected in the homes assessed value. In addition, under the Mathieu-Gast Act (MCL 211.27 (2)) a tax assessor cannot consider any increase in the true cash value of the property resulting from normal repair, replacement, or maintenance until the property is sold.

Is it possible to expand or modify a historic district or to remove one once it is created?

Yes. Section 14 of Public Act 169 of 1970, as amended establishes the procedure for modifying a district boundary, establishing a new district or eliminating a district. It is basically the same procedure set forth in Section 3 of the Act for creating a historic district and requires that a study committee be appointed and research be conducted. If a community wants to eliminate a district then the study committee report must show how the district has lost its integrity, is no longer significant in the way it was when the district was created, or that there were defective procedures in its establishment.

Our community has a historic district ordinance in place so why don’t the properties in our local historic district qualify for the state preservation tax incentive?

There are a number of communities in Michigan that have passed historic district ordinances that are not in compliance with the state enabling law. Some of these ordinances were passed years ago and have not been updated to incorporate the changes that have occurred in the state enabling law since 1970. Other ordinances contain voluntary review or owner consent clauses that are not pursuant to the law. The SHPO determines if an ordinance is in compliance with Public Act 169 of 1970, as amended. If an ordinance is found to be not in compliance, then the property owners cannot participate in the state tax incentive program until the ordinance is modified to meet the requirements of Public Act 169.

APPENDIX A

CRITERIA FOR EVALUATING RESOURCES FOR INCLUSION IN LOCAL HISTORIC DISTRICTS

Michigan Department of History, Arts and Libraries
Michigan Historical Center
State Historic Preservation Office

Criteria for Evaluating Resources for Inclusion in Local Historic Districts

Legal Authority

Section 3(1) of Michigan's *Local Historic Districts Act*, 1970 PA 169 (MCL 399.203) states that counties, cities, villages and townships may, by ordinance, establish one or more local historic districts. The section further states that before a district is created, the legislative body of the local unit of government must appoint a historic district study committee. The section says that in evaluating the significance of historic resources to be included in districts, a committee shall:

> be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the department (of history, arts, and libraries), if any.

Applicable Definitions

The United States Secretary of the Interior promulgated a definition of the word "district" at 36 C.F.R. § 60.3, as follows:

> A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Section 1a(*i*) of the *Local Historic Districts Act* (MCL 399.201a) indicates that the term "historic district" means:

> an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

Criteria for Historic District Boundary Determinations

The criteria that a historic district study committee must apply when determining the historic significance of historic resources and the boundaries of historic districts are the criteria and considerations developed by the U.S. Secretary of the Interior for the creation of historic districts, as set forth in 36 CFR § 60.4 of the Historic Preservation Grant Manual and the guidelines published by the National Park Service (NPS) in *National Register Bulletin 15: How to Apply the National Register Criteria* (pp. 5-6), *National Register Bulletin 16A: How to Complete the National Register Registration Form* (pp. 56-57), and *National Register Bulletin 21: Defining Boundaries for National Register Properties* (p. 2) [see Appendix].

Criteria for Establishing Single Resource Districts

The criteria that a historic district study committee must apply when establishing a single resource district are those set forth in the preceding paragraph, plus the criteria set forth below.

A single resource historic district in Michigan is one in which the single resource is determined to have individual historic significance using the criteria for eligibility established by the U.S. Secretary of the Interior for inclusion in the National Register of Historic Places.

As with any historic district, the selection of the boundaries for a single resource is based on the nature of the resource's significance, integrity, and/or physical setting. A single resource historic district must be distinguishable from its surrounding resources and stand on its own merit.

Examples of single resource historic districts would be: a county courthouse; a fire station; an armory; an isolated, intact farmstead; a significant house designed by a noted architect such as Frank Lloyd Wright; the summer cottage of a nationally important figure, like Ernest Hemingway; or the first automobile plant where Henry Ford utilized mass production techniques.

Therefore if applying the secretary's criteria and guidelines a single resource historic district cannot:

- share its significance of historic development or association with surrounding resources. If the resource does share those characteristics with surrounding resources, then the single resource district does not stand alone and should be included as part of a larger district. Examples of inappropriate and thus impermissible single resource districts include one bungalow in the middle of a neighborhood of bungalows, or one Queen Anne or Italianate house in a larger neighborhood of Victorian style homes.
- be one contributing resource in a National Register of Historic Places designated district if the resource cannot stand on its own merit when using the national register criteria
- be based solely on property ownership. A historic district is seldom defined by the limits of current parcels of ownership/management or by planning boundaries.
- be based solely on the consent of property owners.

Single resource historic districts that the Michigan Historical Center determines to be inappropriately designated will not qualify for the state historic preservation tax credit.

Boundary Description

Each historic district study committee must issue reports. The historic district study committee report must include a written boundary description that is a legal description. Examples include: a legal parcel number; block and lot number; metes and bounds; or the dimensions of a parcel of land, reckoning from a landmark, such as a natural or cultural feature.

Boundary Justification

A historic district study committee report must also include a boundary justification statement. The boundary justification statement shall be a brief and concise explanation of the reasons for selecting the proposed historic district boundaries. Each directional boundary shall be individually addressed in the boundary justification statement. A boundary's justification must be based on physical geography, historic significance, or physical integrity.

Photographic Documentation for Single Resource Districts

Streetscape photographs showing the resources located on both sides of the block on which a single resource district is being designated must be included with the historic district study committee report.

Additional Information and Questions

Requests for additional information, as well as questions about the criteria listed here, may be directed to the State Historic Preservation Office, Michigan Historical Center, Department of History, Arts and Libraries.

Approvals and Issuance

Approved:

Brian D. Conway
State Historic Preservation Officer
June 24, 2002

Established and Issued:

Sandra S. Clark
Director, Michigan Historical Center
Department of History, Arts and Libraries
August 19, 2002

Appendix

National Register Bulletin 15: How to Apply the National Register Criteria states:

> A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
>
> A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. (p. 5)
>
> A district . . . is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.(p. 6)

National Register Bulletin 16A: How to Complete the National Register Registration Form discusses in detail how criteria are to be applied, and states:

> A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcel ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district. (p. 56-57)

National Register Bulletin 21: Defining Boundaries for National Register Properties states that boundary selection is "based on the nature of the property's significance, integrity and physical setting." Therefore, an individual property located within a larger area that meets the criteria for a multi-resource district, should not be singled out for designation as a single resource district. (p. 2)

APPENDIX B

REFERENCE LIST FOR LOCAL HISTORIC DISTRICT STUDY COMMITTEES

REFERENCE LIST FOR LOCAL HISTORIC DISTRICT STUDY COMMITEES

The following resources will provide technical assistance to historic district study committees, historic district commissioners, property owners, municipal officials and others interested in local historic districts.

Research and Photography

A Manual for Historical and Architectural Surveys In Michigan. Hard copies are available from the State Historic Preservation Office free of charge. It is not available on-line.

The National Park Service publishes a number of informational bulletins for the National Register of Historic Places that should be used by historic district study committees when developing the historic district study committee report. These include:

Bulletin 15: How to Apply the National Register Criteria
Bulletin 18: How to Evaluate and Nominate Designed Historic Landscapes
Bulletin 21: Defining Boundaries for National Register Properties
Bulletin 23: How to Improve the Quality of Photographs for National Register Nominations
Bulletin 30: Rural Historic Landscapes
Bulletin 39: How to Research Your Historic Property
Historic Residential Suburbs

Downloadable versions of National Register Bulletins are available on the National Park Service (NPS) Links to the Past website at www.cr.nps.gov/nr/publications/bulletins.htm. Hard copies of the bulletins are also available: National Register of Historic Places, National Park Service, 1849 C Street, NW #2280, Washington, DC 20240.

Technical Services

The NPS has also developed a website that addresses issues related to local historic districts:

Working on the Past in Local Historic Districts at www2.cr.nps.gov/workingonthe past

The NPS Technical Preservation Services for Historic Buildings publishes a series of *Preservation Briefs* that describe historic materials and the best methods for repairing and preserving them. Preservation Briefs are located at www2.cr.nps.gov/tps/briefs/presbhom.htm.

The National Alliance of Preservation Commissions (NAPC) is a non-profit organization that provides training and information to historic district commissions. The NAPC has established a database of design guidelines from around the country which can be accessed on their website at www.arches.uga.edu/~napc/

Architectural Styles

A number of architectural styles guides are readily available at bookstores and libraries including:

McAlester, Virginia and Lee. *A Field Guide to American Houses.* New York: Alfred A Knopf. 1995.
Longstreth, Richard. *The Buildings of Main Street: A Guide to American Commercial Architecture.* Washington, DC: The Preservation Press, National Trust for Historic Preservation. 1987.

APPENDIX C

MODEL HISTORIC DISTRICT ORDINANCE

MODEL

1.0 HISTORIC DISTRICT ORDINANCE
CITY OF _____, MICHIGAN

1.1 Section 1. SHORT TITLE

This Ordinance shall be known as the "Historic District Ordinance of the City of _____".

1.2 Section 2. STATEMENT OF PURPOSE

Historic preservation is hereby declared to be a public purpose and the City Council of the City of _____ may hereby regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. The purpose of this Ordinance is to:

1. Safeguard the heritage of the City of _____ by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.

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

3. Foster civic beauty.

4. Strengthen the local economy.

5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City of _____ and of the State of Michigan.

The City of _____ may by Ordinance establish one or more historic districts. The historic district(s) shall be administered by the Historic District Commission and pursuant to this Ordinance.

1.3 Section 3. DEFINITIONS

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

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

c. **"Commission"** means the Historic District Commission of the City of _____.

d. **"Committee"** means a historic district study committee appointed by the city council.

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

f. **"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.

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

h. **"Department"** means the department of history, arts and libraries

i. **"Fire Alarm System"** means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

j. **"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.

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

l. **"Historic Resource"** means a publicly or privately owned building, structure, site, object, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the city of _____, state of Michigan, or the United States.

m. **"Notice to Proceed"** means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.

n. **"Open Space"** means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or buffer between other resources.

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

p. **"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 or a standing 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.

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

r. **"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.

s. **"Smoke Alarm"** means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, a "single-station alarm" means an assembly incorporation a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.

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

1.4 Section 4. HISTORIC DISTRICT STUDY COMMITTEE AND THE STUDY COMMITTEE REPORT

Before establishing a historic district(s), the City Council shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

A. Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office of the Michigan Historical Center.

B. Conduct basic research of each proposed historic district and historic resources located within that district.

C. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office of the Michigan Historical Center.

D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
2. The composition of Committee membership.
3. The historic district(s) studied.
4. The boundaries of each proposed historic district in writing and on maps.
5. The history of each proposed historic district.
6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

7. Transmit copies of the preliminary report for review and recommendations to the local planning body, the State Historic Preservation Office of the Michigan Historical Center, the Michigan Historical Commission, and the State Historic Preservation Review Board.
8. Make copies of the preliminary report available to the public pursuant to Section 399.203 (4) of Public Act 169 of 1970, as amended.

E. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.

F. After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:

1. The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).

2. After receiving a final report that recommends the establishment of a Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

G. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

1.5 Section 5. ESTABLISHING ADDITIONAL, MODIFIYING, OR ELIMINATING HISTORIC DISTRICTS

1. 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. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203 (1-3) of Public Act 169 of 1970, as amended. To conduct

these activities, the City Council may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.

2. In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203 (1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

   a. The historic district has lost those physical characteristics that enabled the establishment of the district.
   b. The historic district was not significant in the way previously defined.
   c. The historic district was established pursuant to defective procedures.

1.6 Section 6. THE HISTORIC DISTRICT COMMISSION

The City Council may establish by ordinance a commission to be called a historic district commission. The Commission may be established at any time, but not later than the time the first historic district is established. Each member of the Commission shall reside within the city limits. The Commission shall consist of seven (7) members. Members shall be appointed by the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Members shall be appointed for a term of three (3) years, except the initial appointments of three (3) members for a term of two (2) years and two (2) members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment. In the event of a vacancy on the Commission, interim appointments shall be made by the City Council within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the State of Michigan.

The City Council may prescribe powers and duties of the Commission, in addition to those prescribed in this Ordinance, that foster historic preservation activities, projects, and programs in the local unit.

1.7 Section 7. HISTORIC DISTRICT COMMISSION MEETINGS, RECORDKEEPING & RULES OF PROCEDURE

1. The Historic District Commission shall meet at least quarterly or more frequently at the call of the Commission.

2. The business that the Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. 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.

3. 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, Public Act 442 of 1976, as amended.

4. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.

1.8 Section 8. DELEGATION OF MINOR CLASSES OF WORK

The commission may delegate the issuance of Certificates of Appropriateness for specified minor classes of work to its staff, or to another delegated authority. The Commission shall provide to its delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. The Commission shall review the Certificates of Appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

1.9 Section 9. ORDINARY MAINTENANCE

Nothing in this Ordinance shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the Ordinance was enacted.

1.10 Section 10. REVIEW BY THE COMMISSION

The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the City Council or unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not prescribed in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

1.11 Section 11. DESIGN REVIEW STANDARDS AND GUIDELINES

1. In reviewing plans, the Commission shall follow the U.S. Secretary of 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 Historic Preservation Office of the Michigan Historical Center.

2. In reviewing plans, the Commission shall also consider all of the following:

   A. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
   B. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
   C. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
   D. Other factors, such as aesthetic value, that the commission finds relevant.
   E. 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, MCL 12.1501 to 125.1531.

1.12 Section 12. PERMIT APPLICATIONS

1. A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. 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. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along 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 Ordinance. A commission shall not issue a certificate of appropriateness unless the applicant certifies 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, MCL 125.1501 to 125.1531.

3. The Commission shall file Certificates of Appropriateness, Notices to Proceed, and Denials of applications for permits with the inspector of buildings. A permit shall not be issued until the Commission has acted as prescribed by this Ordinance.

4. If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City of _____, the state of Michigan, or the 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 the preservation of the resource.

5. The failure of the Commission to act on an application within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension is agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.

6. The local unit may charge a reasonable fee to process a permit application.

1.13 Section 13. DENIALS

If a permit application is denied, the decision shall be binding on the inspector or other authority. A Denial shall be accompanied by a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be re-submitted for Commission review when the suggested changes have been made. The Denial shall also include the notification of the applicant's right to appeal to the State Historic Preservation Review Board and to the circuit court.

1.14 Section 14. NOTICE TO PROCEEED

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:

A. The resource constitutes a hazard to the safety of the public or to the structure's occupants.

B. 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.

C. 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.

D. Retaining the resource is not in the interest of the majority of the community.

1.15 Section 15. APPEAL OF A COMMISSION DECISION

1. An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The State Historic Preservation Review Board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the State Historic Preservation Review Board.

2. Any citizen or duly organized historic preservation organization in the City of _____, 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 this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

1.16 Section 16. WORK WITHOUT A PERMIT

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 that 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 done shall be charged

to the owner, and may be levied by the City of _____ as a special assessment against the property. When acting pursuant to an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

1.17 Section 17. DEMOLITION BY NEGLECT

Upon a finding by the Commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with Demolition by Neglect, the Commission may do either of the following:

1. 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 necessary to prevent Demolition by Neglect. The costs of the work shall be charged to the owner, and may be levied by the City of _____ 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.

1.18 Section 18. REVIEW OF WORK IN PROPOSED DISTRICTS

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission as prescribed in Section 12 of the Ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

1.19 Section 19. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the City Council may by resolution declare an emergency moratorium on all such wok for a period not to exceed six (6) months. The City Council may extend the emergency moratorium for an additional period not to exceed six (6) 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.

1.20 Section 20. PENALTIES FOR VIOLATIONS

1. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than $5,000.00.

2. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or

replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

1.21 Section 21. ACCEPTANCE OF GIFTS OR GRANTS

The City Council may accept state or federal grants for historic preservation purposes; may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may appoint the Historic District Commission to accept and administer grants, gifts, and program responsibilities.

1.22 Section 22. ACQUISITION OF HISTORIC RESOURCES

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 the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. 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, the City may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

1.23 Section 23. HISTORIC DISTRICT BOUNDARY

Josiah Smith House Historic District 3180 East Street

That part of the NW ¼, Section 13, T6N, R11W, City of _____, ____County, Michigan, described as: Beginning at a point on the West line of said NW ¼, which is N 02D 22’ West 25.0 feet from the West ¼ corner of Section 13; thence N02D 22’ West 200 feet along said West line; thence S 89D 59’ 20” East 233.0 feet parallel with the South line of said NW ¼; thence S 02D 22’ East 200.0 feet’ thence N 89D 59’ 20” West 233.0 feet to the Place of Beginning. Subject to highway right-of-way for East Paris Avenue over the Westerly 33 feet thereof. This parcel contains 1.069 acres, including highway right-of-way.

HISTORIC DISTRICT ORDINANCE CHECKLIST

This checklist was designed as an aid for updating or creating a local historic district ordinance. Each of the items listed should appear in the ordinance. The section numbers on the checklist correspond to the section numbers in Michigan's *Local Historic District Act*, Public Act 169 of 1970 (PA 169), as amended. This is just a checklist, the official language for the ordinance should be taken directly from PA 169.

Community:_____ **Reviewer:**_____ **Date**_____

Section 1. Definitions
Ordinance contains, at a minimum, these selected definitions as they are worded in PA 169:
☐ Demolition by neglect
☐ Historic district
☐ Historic resource
☐ Notice to proceed
☐ Ordinary maintenance
☐ Proposed district
☐ Resource
☐ Work

Section 2. Public Purpose
The ordinance contains, at a minimum, at least one of the following purposes:
☐ Safeguard heritage
☐ Stabilize and improve property values
☐ Foster civic beauty
☐ Strengthen local economy
☐ Promote education, pleasure and welfare

Section 3. Historic District Study Committee
(1) Membership & Preliminary Report
Study committee membership requirements:
☐ Members appointed by the local unit of government
☐ Majority have demonstrated interest in historic preservation
☐ Representation from one or more local organized preservation groups
Study committee responsibilities:
☐ Conduct a photographic inventory
☐ Conduct basic research
☐ Count and percentage of historic and non-historic resources
☐ Shall be guided by the *U. S. Secretary of Interior's Standards and Guidelines for Inclusion in the National Register*
Study committee preliminary report must include at a minimum:
☐ Charge of the committee
☐ Composition of the committee
☐ Name of historic district(s) studied
☐ Boundaries of district in writing and on maps
☐ History of each proposed district
☐ Significance of each district and sufficient resources to fully represent district

(2) Official Transmittal and Public Hearing
☐ Official transmittal of the preliminary study committee report to:
  ☐ Local planning unit
  ☐ Michigan Historical Center (State Historic Preservation Office)
  ☐ Michigan Historical Commission
  ☐ State Historic Preservation Review Board
☐ Public hearing not less than 60 days after report transmittal

- ☐ Notice of time, date and place of hearing per Open Meetings Act (PA 267)
- ☐ Written notice of hearing to property owners First Class not less than 14 calendar days before hearing
- ☐ Study committee has one year after public hearing to submit a final report
- ☐ Draft ordinance included with final report

(3) Final Report and Ordinance

- ☐ Local unit of government, at its discretion, may introduce, pass or reject ordinance
- ☐ If district passed, file ordinance must be sent to register of deeds.
- ☐ If written petition used to establish district, local unit shall not pass an ordinance establishing a contiguous district less than 60 days after receipt of the petition

(4) Study Committee Meetings

- ☐ Study committee report made available to the public per Freedom of Information Act (PA 442)

Section 4. Establishing the Historic District Commission

Commission Members:

- ☐ Must reside in the local unit of government
- ☐ 5-7 members for populations less than 5,000 ☐ 7-9 members for populations more than 5,000
- ☐ Majority must have a demonstrated interest in preservation
- ☐ Appointed by head of local government
- ☐ 3-year terms ☐ Initial appointments staggered
- ☐ Eligible for reappointment
- ☐ Commission vacancy filled within 60 calendar days
- ☐ Appointed from list from organized local preservation group: ☐ 1 member if population less than 5,000 ☐ 2 members if population more than 5,000
- ☐ 1 member with architecture degree, if available
- ☐ Commission meets at least quarterly
- ☐ Procedure for terminating members

Section 5. Permits, Appeals, Design Review, Rules of Procedure, Delegation of Work, Demolition by Neglect

(1) Permits

- ☐ Permit required for any work on the exterior of a resource in a historic district
- ☐ Certificate of Appropriateness (COA) filed with building inspector, commission or designated authority
- ☐ Person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing work must file permit
- ☐ Building inspector shall refer all work to the commission
- ☐ Permit shall not be issued and no work done until commission issues a COA or Notice to Proceed
- ☐ Local unit may charge an application fee

(2) Appeal by Applicant

- ☐ Applicant for COA may appeal to the State Historic Preservation Review Board
- ☐ Appeal shall be filed within 60 calendar days after commission decision
- ☐ Applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal to circuit court.

(3) Design Review Standards & Guidelines

- ☐ Commission shall follow the *Secretary of Interior Standards and Guidelines for Rehabilitating Historic Buildings* as set forth in 36 CFR 67 when reviewing plans. The Commission shall also consider:
  - ☐ Historic/architectural value and significance to the surrounding area
  - ☐ Relationship of any architectural features to rest of resource and area
  - ☐ General compatibility of the design, arrangement, texture, and materials

- ☐ Other factors, such as aesthetic value, the commission finds relevant
- ☐ Standards and guidelines for special design characteristics must be approved by State Historic Preservation Office

(4) Review Exterior Work Only

- ☐ Commission shall review only exterior features unless otherwise authorized by the local unit of government

(5) Economically Feasible Plan

- ☐ If work will adversely affect the exterior of a resource that the commission deems valuable commission shall attempt to establish an economically feasible plan to preserve it

(6) Notice to Proceed

- ☐ Commission can issue a Notice to Proceed for inappropriate work if it finds retaining resource:
  - ☐ is a hazard to public safety
  - ☐ is a deterrent to major improvement program
  - ☐ will cause undue financial hardship to owner
  - ☐ is not in the interest of the majority of the community

(7) Commission Meetings

- ☐ Commission meetings held per Open Meetings Act (PA 267)
- ☐ Meeting notices shall include time, date & place, agenda, list of permit applications under review

(8) Commission Records

- ☐ Commission records shall be kept per Freedom of Information (PA 442)

(9) Rules and Procedures

- ☐ Commission adopts own rules and procedures and design review guidelines and standards

(10) Delegation of Minor Classes of Work

- ☐ Commission may delegate issuance of COA for minor work
- ☐ Commission must provide delegated authority with written standards
- ☐ Commission must review delegate's work on at least a quarterly basis

(11) Demolition by Neglect

If commission finds a resource in district is threatened by demolition by neglect it may:

- ☐ Require the owner to repair all contributing conditions
- ☐ Get a circuit court order to enter property after a reasonable time to make repairs
- ☐ Local unit can charge owner or levy special assessment against property for work done

(12) Work Done without a Permit

- ☐ Commission can require owner to restore property to condition before work
- ☐ Commission must get circuit court order to enter property & make repairs
- ☐ Cost of repairs can be charged to owner or levied as special assessment on property

Section 6: Gifts and Grants

- ☐ Legislative body may accept grants and gifts or participate in preservation programs and may appoint the commission as the agent to accept and administer such responsibilities

Section 7: Acquisition of Historic Resources

- ☐ Historic resource may be purchased by local unit upon commission recommendation
- ☐ Commission or standing committee responsible for maintaining resource
- ☐ Under commission recommendation, the local unit may sell acquired resources with protective easements

Section 9. Filings

- ☐ Commission shall file a COA, Notice to Proceed, and Denials with the building inspector or delegated authority
- ☐ Denial by commission is binding on the building inspector
- ☐ Denial must be accompanied by a written explanation and notification of right to appeal and notice that applicant can resubmit request with changes
- ☐ Failure of commission to act within 60 calendar days is considered approval

Section 10. Ordinary Maintenance

- ☐ Nothing in the ordinance shall be construed to prevent ordinary maintenance

Section 11. Appeal by a Non-Applicant

- ☐ Any citizen or organized preservation organization can appeal a commission decision to circuit court

Section 14. Establishing, Eliminating, or Modifying a District

(1) Procedure for establishing, eliminating, or modifying a district

- ☐ Local unit of government may modify or eliminate a historic district
- ☐ Must appoint a study committee and follow procedure set forth in Section 3

(2) Elimination of a District

Study committee must consider if the district:

- ☐ Lost the physical characteristics that made it significant
- ☐ Is no longer significant as defined
- ☐ Was established pursuant to defective procedures

(3) Review of Work in a Proposed District

- ☐ Local unit of government can adopt resolution enabling commission to review work in a proposed district for 6 months but not more than 1 year

(4) Emergency Moratorium

- ☐ Local unit of government can declare a moratorium of up to one year on all work

Section 15: Violations/Fines

- ☐ Violators can be fined up to $5,000
- ☐ Violators may be ordered by court to make repairs

In order for a community to qualify for the state historic preservation tax incentives or Certified Local Government status, a historic district ordinance cannot contain clauses that restrict the historic district commission's review of resources in a designated local historic district. Some examples of such clauses include:

- ☐ A sunset clause where a district will be terminated on a specific date
- ☐ Owner consent clauses of any type
- ☐ Clause that allows voluntary participation in the review process
- ☐ A clause that limits review to a specified portion of a resource such as the front façade or to portions of the resource that are visible from the right away
- ☐ A clause that limits the review to work that requires a building permit
- ☐ Limiting review to specific types of resources such as buildings only
- ☐ A clause that results in different levels of review in a historic district
- ☐ Provisions where hospitals, churches, or publicly owned buildings are exempt from commission review
- ☐ Provisions where the building inspector or city council have final approval for demolitions in local historic districts

APPENDIX D

U.S. SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

Secretary of the Interior's Standards for Rehabilitation

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Distinctive historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be impaired.

APPENDIX E

SAMPLE STUDY COMMITTEE REPORT

FERRY COURT HISTORIC DISTRICT
ROCHESTER HILLS, MI

PRELIMINARY HISTORIC DISTRICT STUDY COMMITTEE REPORT
FERRY COURT HISTORIC DISTRICT
ROCHESTER HILLS, MICHIGAN

CHARGE OF THE HISTORIC DISTRICTS STUDY COMMITTEE

The historic districts study committee was appointed by Rochester Hills City Council on December 15, 1999, pursuant to the Rochester Hills Code of Ordinances, Chapter 118, as amended in 1999. The study committee is a standing committee charged with conducting the duties and activities of a study committee on a continuing basis. These duties include inventory, research, and preparation of a preliminary historic district study committee report for a proposed historic district. Study committee members serve two year terms. A list of current committee members follows.

STUDY COMMITTEE MEMBERS

John Dziurman, a registered architect with a practice focused on historic preservation, meets the federal professional qualification standards for historic architect. He has served on the Rochester Hills Historic Districts Commission for fifteen years, many of those years as chairperson.

Linda Raschke served for six years on Rochester Hills City Council and is interested in the city's planning and development. During her six years on city council she was a member of the historical committee, among others.

Richard Stamps is associate professor of anthropology at Oakland University. A professional archaeologist with a strong interest in history, he is also a member of the Rochester Hills Historic Districts Commission

Lavere Webster is an art and antiques conservator who lives in one of the city's designated local historic districts. He has served on the board of directors of the Rochester-Avon Historical Society for more than six years.

Pamela Whateley is a minister and healing counselor interested in the city's building and development. She served for two years on the subcommittee for the city's Earl Borden Historic Preservation Award.

Jane C. Busch, historic preservation consultant, assisted the study committee in its work.

INVENTORY

A photographic inventory of the proposed district was conducted in 2002 as part of the Rochester Hills Historic Districts Survey. Copies of the inventory forms are located at the

Rochester Hills Planning Department, the Rochester Hills Museum, and the State Historic Preservation Office.

DESCRIPTION OF THE DISTRICT

Ferry Court is located in section twenty-three on the east side of the city of Rochester Hills. Built on flat land, the housing complex centers on a short, oval boulevard called Wayside Park (formerly Ferry Court) that extends northward from East Hamlin Road (photo 1). Six single and four double houses line both sides of the boulevard. Two larger residences, one single family and one multi-family, face Hamlin Road. Stone walls mark the entrances to the boulevard and to the multi-family residence. Mature trees line the boulevard and the perimeter of the complex. The proposed district contains twelve contributing buildings, two contributing structures, and one contributing site. There are two non-contributing buildings.

Fieldstone walls between shaped concrete posts flank the entrance to Ferry Court (photo 2). The fieldstone walls, now painted white, are unpainted in a historic photo (figure 1). Iron rings attached to the two inside posts once held metal gates that closed over the roadway. Vertical wood plank walls connect the middle concrete posts with the outer posts. The wood planks have replaced metal gates that closed over a pedestrian walkway on each side of the road.

The large, stucco Ferry boarding house stands just east of the Ferry Court entrance, facing Hamlin Road (321 E. Hamlin Road; photo 3). Built in 1912, the boarding house is two and one half stories tall with an H-plan and entrances in front and on each side. Stickwork decorates the front and side gables. Prior to its conversion to apartments the building contained fourteen rooms plus a kitchen and a large recreation and dining area.[1] The dirt driveway is entered from Hamlin Road. The concrete, fieldstone, and wood plank walls flanking the driveway are more modest versions of the walls at the entrance to the court.

A two story, rectangular plan brick house stands west of the Ferry Court entrance, facing Hamlin Road (267 E. Hamlin Road; photo 4). The full width front porch has Doric columns. The house was constructed in the late nineteenth century on a sixty-seven acre farm and acquired by D. M. Ferry Company in 1912.[2] A concrete post at the southwest front corner of this parcel matches the posts at the Ferry Court entrance and marks this property as part of the housing complex.

The oval boulevard at the center of Ferry Court is a dirt roadway, paved with asphalt only near the entrance (photo 5). The road encloses a grass lawn marked by a row of boulders at the southern end. The trees lining the edges of the lawn are clearly the young trees shown in historic photos (figures 1 & 2). Missing are the sidewalks and some of the trees

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[1] James Ball, property owner, in Minutes of Rochester Hills City Council Meeting, 12 August 1987, 11.
[2] The Michigan Rural Property Inventory gives an 1889 construction date for this house. This is feasible based on style and construction. The 1872 atlas map shows a house that could be this one but neither map nor inventory provides conclusive evidence.

in front of the houses and the well in the center of the oval.[3] A hydrant may mark the well site. Despite the changes, the entrance walls combine with the trees and the overall plan to give a strong sense of the historic landscape.

Alternating double and single houses, four on each side, line the boulevard. An additional ranch house at the north end of each side brings the total number of houses on the boulevard to ten. The first eight houses were built in 1912. They are small houses, one story tall, with vinyl siding over the original stucco. The side by side double houses have hipped roofs (photo 6). Steps lead up to the front doors, which are sheltered by gable roofs supported by square columns. The single houses have pyramidal roofs, and curved brackets support the gable roofs over the front doors (photo 7). Although these houses are relatively simple in design, the use of stucco and the brackets on the single houses suggests an Arts and Crafts influence. Originally each house had a garden plot and probably a privy in the rear yard. The small ranch houses, built ca. 1950, have aluminum siding, probably original (photo 8).

There are two non-contributing resources in the proposed district. A two car, prefabricated metal garage stands behind the brick farmhouse at 267 East Hamlin Road. A small storage shed with particle board walls stands behind the double house at 1965/1971 Wayside Park. Although the garage is more visible than the shed, neither detracts significantly from the overall design and feeling of the district. Ferry Court exemplifies the historic district where the whole is greater than the sum of its parts. The vinyl siding over the stucco on the single and double houses diminishes the integrity of the buildings as far as materials. But the form of these small worker houses; their relationship to each other, the boulevard, and the boarding house (which retains its original stucco); together with landscape features of trees and entrance walls all give a strong sense of history and place to Ferry Court. It stands apart from its surroundings and from all other housing—historic and non-historic—in Rochester Hills.

RESOURCE LIST

East Hamlin Road, west to east

267 East Hamlin Road. Two story side gabled painted brick house. Full width front porch with Doric columns. Built ca. 1870s–80s. Contributing. Two car gable roof metal garage. Non-contributing.

321 East Hamlin Road. Two and a half story H-plan gable roof multi-family house with stucco cladding. Front facade has cross gable at roof line and entry porch with square posts and brackets. Decorative stickwork in front and side gables. Built 1912. Contributing. Pair of fieldstone and wood plank walls with shaped concrete posts flanking driveway entrance. Constructed ca. 1912. Contributing.

Wayside Park, center

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[3] Although only one well is visible in the historic photos, there were two wells according to informant Floyd Cobb. Neither well is extant.

Entrance walls. Pair of fieldstone and wood plank walls with shaped concrete posts flanking entrance to Wayside Park. Constructed ca. 1912. Contributing.

Boulevard and median. Oval boulevard paved with asphalt near entrance, remainder of road dirt. Mature trees line grass median in center. Constructed 1912. Contributing.

Wayside Park, west side, south to north

1964 and 1970 Wayside Park. One story hipped roof double house with vinyl siding. Two gable roof entrance porches with square posts. Built 1912. Contributing.

1948 Wayside Park. One story pyramidal roof house with vinyl siding. Decorative brackets support gable roof over front entrance. Built 1912. Contributing.

1926 and 1932 Wayside Park. One story hipped roof double house with vinyl siding. Two gable roof entrance porches with square posts. Built 1912. Contributing.

1910 Wayside Park. One story pyramidal roof house with vinyl siding. Decorative brackets support gable roof over front entrance. Built 1912. Contributing.

1894 Wayside Park. One story side gabled ranch house with aluminum siding. North wing addition. Built ca. 1950. Contributing.

Wayside Park, east side, south to north

1965 and 1971 Wayside Park. One story hipped roof double house with vinyl siding. Two gable roof entrance porches with square posts. Built 1912. Contributing. Gable roof storage shed with particle board walls. Non-contributing.

1949 Wayside Park. One story pyramidal roof house with vinyl siding. Decorative brackets support gable roof over front entrance. Built 1912. Contributing.

1933 Wayside Park. One story hipped roof double house with vinyl siding. Two gable roof entrance porches with square posts. Built 1912. Contributing.

1911 Wayside Park. One story pyramidal roof house with vinyl siding. Decorative brackets support gable roof over front entrance. Built 1912. Contributing.

1895 Wayside Park. One story side gabled ranch house with aluminum siding. Rear ell. Built 1950. Contributing.

COUNT OF HISTORIC AND NON-HISTORIC RESOURCES

The proposed Ferry Court historic district contains fifteen historic (contributing) and two non-historic (non-contributing) resources.

BOUNDARY DESCRIPTION

The proposed Ferry Court historic district consists of the following parcels:
15-23-300-025
15-23-300-026
15-23-300-029
15-23-300-030

BOUNDARY JUSTIFICATION

The proposed historic district contains the entire employee housing complex laid out and developed by D. M. Ferry & Company in 1912. It includes the late nineteenth century farmhouse that Ferry incorporated into the complex after the company acquired the property and the two ranch houses added at the end of the boulevard ca. 1950. When Ferry Court was built it was surrounded by farmland. Ferry's farms were north, east, and south of Ferry Court, and another privately owned farm was to the west. Today the Christian Memorial Cultural Center Cemetery is north and east of Ferry Court (photo 9). Across Hamlin Road to the south is an apartment complex built in 1986 (photo 10). The small house to the west of Ferry Court was probably built as part of the Hamlin Place Farms subdivision, platted in 1916 (photo 11). West of this house is commercial development at the intersection of Hamlin and Rochester Roads.

HISTORY OF THE DISTRICT

D. M. Ferry & Company

Dexter Mason Ferry came to Detroit from western New York State in 1852. After working for a few years as a bookkeeper for Milo T. Gardner's seed company, Ferry became a partner in the company. With a third partner, Eber F. Church, they established Gardner, Ferry & Church in 1856. Following some changes in partnership the company became D. M. Ferry & Company in 1867. The company flourished as a result of Ferry's innovations in seed breeding and marketing. Before Ferry, only the Shakers packaged seeds in small packets. Ferry introduced the commission box—an assortment of seed packets in a display rack for retail sale. To ensure reliability the company obtained high quality seed and took what was leftover off the market at the end of the growing season. Before long, Ferry's brightly printed seed packets had a national reputation. The company's bulk seed business grew as well, supplying farmers who produced fruits and vegetables for commercial markets including the growing canning industry. By the time Dexter M. Ferry died in 1907, D. M. Ferry & Company was the largest garden seed business in the world. In 1930 D. M. Ferry & Company merged with the C. C. Morse Company of California—the largest seed producer on the West Coast—to become the Ferry-Morse Seed Company. Dexter M. Ferry Jr. became president of the merged company, which kept its headquarters in Detroit until 1959. In that year Ferry-Morse Seed Company moved their home garden division to Kentucky and their headquarters to California.

Ferry Seed Farm and Trial Gardens

In the late 1860s D. M. Ferry & Company established a stock seed farm and trial gardens outside of Detroit. By the 1880s the farm and gardens were within the city limits and inadequate for the company's needs. The stock seed farm was moved to Pontiac, but before long it proved inadequate as well. Ferry sold its land in Pontiac and in 1902 bought approximately 568 acres of land in section twenty-six of Avon Township, south of Hamlin Road, establishing Oakview Farm for breeding and growing stock seed.[4] In 1912 the company bought 113 acres in section twenty-three, north of Hamlin Road, for its experimental and trial gardens, replacing the gardens in Detroit.[5] During the 1920s Ferry bought the remaining 169 acres in section twenty-six, enlarging its Avon Township operation to 850 acres.

On the stock seed farm Ferry grew seed that was shipped to the company's growers, who then grew the seed that Ferry sold. Farm employees worked to maintain the purity of the plant varieties and to develop new and improved varieties. At the experimental and trial gardens workers compared and tested different plant varieties, recording such characteristics as the percentage of germination for each seed lot. As suburban development proceeded in Avon Township cross pollination from home gardens made it increasingly difficult to isolate the seed crops. In 1944 Ferry-Morse sold its seed farm—all of section twenty-six—to Howard McGregor Sr., who used it to produce feed for his Great Oaks Stock Farm.[6] The company continued to operate the experimental and trial gardens north of Hamlin Road into the 1950s. In the 1960s Ferry-Morse sold the remainder of its land in Avon Township.[7]

Ferry Court

D. M. Ferry & Company built Ferry Court shortly after they purchased the acreage north of Hamlin Road in 1912.[8] They built four single houses and four double houses on Ferry Court (figure 2) and a boardinghouse (figure 3) on Hamlin Road, on the opposite side of Ferry Court from the existing brick farmhouse. As described in the 1938 rural property inventory, all of the buildings (except the brick farmhouse) were constructed of concrete

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[4] "Means Much for Rochester," *Rochester Era*, 21 November 1902; Oakland County Register of Deeds, Liber 203, p. 221, Liber 205, pp. 445, 446, 470, and others, available at Register of Deeds Office, Pontiac; Geo. A. Ogle & Co., *Standard Atlas of Oakland County, Michigan* (Chicago: Geo. A. Ogle & Co., 1908), 42.

[5] Oakland County Register of Deeds, Liber 248, p. 23, available at Register of Deeds Office, Pontiac.

[6] "McGregor Buys Ferry-Morse Farm," *Rochester Era*, 28 September 1944.

[7] Oakland County Register of Deeds, Liber 4517, p. 757, Liber 4840, p. 359, available at Register of Deeds Office, Pontiac.

[8] Michigan State Tax Commission and Works Progress Administration, "Rural Property Inventory, Oakland County, Avon Township," Code No. 23N, 1938, Record Group 72-76, State Archives of Michigan, Michigan Historical Center, Lansing, Michigan. Although construction dates given in the rural property inventory are not always correct, the 1912 construction date listed in the inventory is close to that given by Eula Pray in her *History of Avon Township* (Ann Arbor: Nonce Press, 1986), 53. Pray lists the single and double houses and boarding houses among those the company constructed in 1914 and 1915. However Pray incorrectly gives 1913 as the year of purchase for the 113 acres north of Hamlin Road.

block with stucco cladding and had a telephone, electricity, hot air furnace, and indoor plumbing. The small houses had four rooms per dwelling unit and the boardinghouse had twenty rooms. Although the houses had indoor plumbing by 1930, there is anecdotal evidence that they had privies earlier on.[9] Two small ranch houses were added at the north end of Ferry Court ca. 1950, not long before the company ended its Avon Township operation.

Floyd Cobb Jr. lived in what is now 1933 Wayside Park from 1929 until he went into the service in 1943. Cobb was six years old when his father, Floyd Cobb Sr., got a job doing paperwork for two Ferry geneticists—Gordon Morrison and Harold Coulter, the latter superintendent of the experimental and trial gardens. Cobb's memories of growing up in Ferry Court provide a vivid picture of life there during this time period. Cobb lived in the four room house—the right side of a double—with his sister and parents (figure 4). The front door opened directly into the living room, with the kitchen behind. The two bedrooms were on the left side of the house. The bathroom, with bathtub, was in the basement where it shared space with the coal bin and furnace. Heat from the furnace entered the living quarters through a grate in the left corner of the living room. Although Floyd Cobb Sr. worked in the office, the remainder of the houses were occupied by farm workers and their families. During the summer, students from Michigan State University who worked on the farm lived in the boardinghouse.[10] During the winter the boardinghouse was vacant though it provided a venue for parties for the Ferry Court community. Gordon Morrison and his family lived in the brick house.

Cobb believes he recalls his father saying in the late 1930s that their rent was six dollars a month. They had a vegetable garden, supplemented by seasonal produce that the company left on the porches of Ferry Court residents. In addition, Cobb's father brought home extra vegetables that were unneeded after he recorded information about them. On Fridays he distributed them to other families in the court. Although the Cobb family was not affluent—Cobb's mother worked part time as a waitress—Cobb said of growing up in Ferry Court "we were like millionaires." They played games in the center of the court, playing around the two wells there. They played ball and ran track in the field to the north of Ferry Court. And further back, in the woods, a pile of stone removed from the farm fields and an ice house provided additional opportunities for recreation.

After Ferry-Morse sold the property in the 1960s successive property owners operated Ferry Court as rental housing. Low income tenants occupied the single and double houses and a group of "social reformers" created a commune in the boardinghouse, where they operated a food co-op and publishing business.[11] In the late 1960s the property owner changed the name of the complex to Christian Court in an effort to improve its image. Current owner James Ball purchased the property in 1987. He renovated the deteriorated

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[9] Richard Stamps, conversation with Derek Delacourt, 5 September 2002. The basement location of the bathrooms also suggests that they were added later.

[10] Other accounts state that single male employees lived in the boardinghouse. It may have served different functions during different time periods.

[11] Sharon Dargay, "Wayside Park Has 'Seedy' History," *The Eccentric*, 19 November 1992.

buildings, installing vinyl siding on the small houses and converting the boardinghouse into apartments.

SIGNIFICANCE OF THE DISTRICT

The Ferry Court Historic District is significant under National Register Criterion A, for its association with a pattern of historical events, and under Criterion C, for its embodiment of the distinctive characteristics of a type of architecture and planning. The areas of significance are agriculture, architecture, and community planning and development. The district's period of significance is from 1912, when Ferry Court was constructed, to the late 1950s, when the Ferry-Morse Seed Company ended its operation in Avon Township.

The National Register Criteria

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history.

D. M. Ferry & Company is nationally significant in American agricultural history as the largest garden seed business in the world in the early 1900s and an innovator in seed breeding and marketing. From shortly after 1912 until the merger with the C. C. Morse Company in 1930, Oakview Farm in Avon Township was Ferry's only facility for seed breeding, growing, and research. With eight hundred and fifty acres at its peak from the mid-1920s to the mid-1940s, Oakview Farm occupied a prominent position in Avon Township's agricultural economy. The farm also represents the trend in Avon Township agriculture toward large farms growing specialized commercial crops. Oakview Farm, along with Parke, Davis, and Company's Parkedale Biological Farm, occupies an even more specialized niche in American and Avon Township agricultural history than the more typical dairy farm. Oakview and Parkedale produced crops and products for specialized branches of agriculture-based industry. Today no buildings or landscapes remain from Parkedale Farm. Ferry Court is one of only two remnants of Oakview Farm; the other is a group of three barns at Hampton Golf Course. Ferry Court is an important surviving piece of Avon Township's agricultural history, of which relatively little remains.

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Ferry Court embodies the distinctive characteristics of company housing in the early twentieth century. Although too small to be called a company town, Ferry Court clearly belongs to the same category, with houses and land owned by the company and rented to company employees. The designer of Ferry Court was aware of progressive planning ideas of that time period, particularly the garden city movement. This is evident in the placement of the houses on a cul-de-sac, the landscaped median, and the rustic stone entrance walls and well with flared roof. The cul-de-sac is an unusual feature in a company town and part of Ferry Court's distinctive character.[12] Ferry Court's location on a farm was also unusual for company housing and met the garden city ideal of a rural location away from the crowded industrial city, although the straight rows of crops in the trial gardens were hardly picturesque. Unlike other company housing, where this ideal could only be met by moving the community away from the factory or mine where the employees worked, in this case the "garden" and the workplace were the same.

The houses and boardinghouse show the influence of the Craftsman aesthetic in their stucco cladding and bracketed entries. Although the houses lack the front porch that defines a bungalow according to today's architectural historians, small houses of this type (the single houses) were commonly called bungalows in the early twentieth century. Small, simple four room houses such as these were promoted for worker housing. The integrity of the single and double houses has been diminished by the application of vinyl siding over the stucco. Nevertheless, the form of these small worker houses, the boardinghouse with its intact exterior, and the boulevard with median, trees, and entrance walls combine to create a historic landscape that is unique in Rochester Hills. In a larger context, Ferry Court is an unusual and significant variant of company housing.

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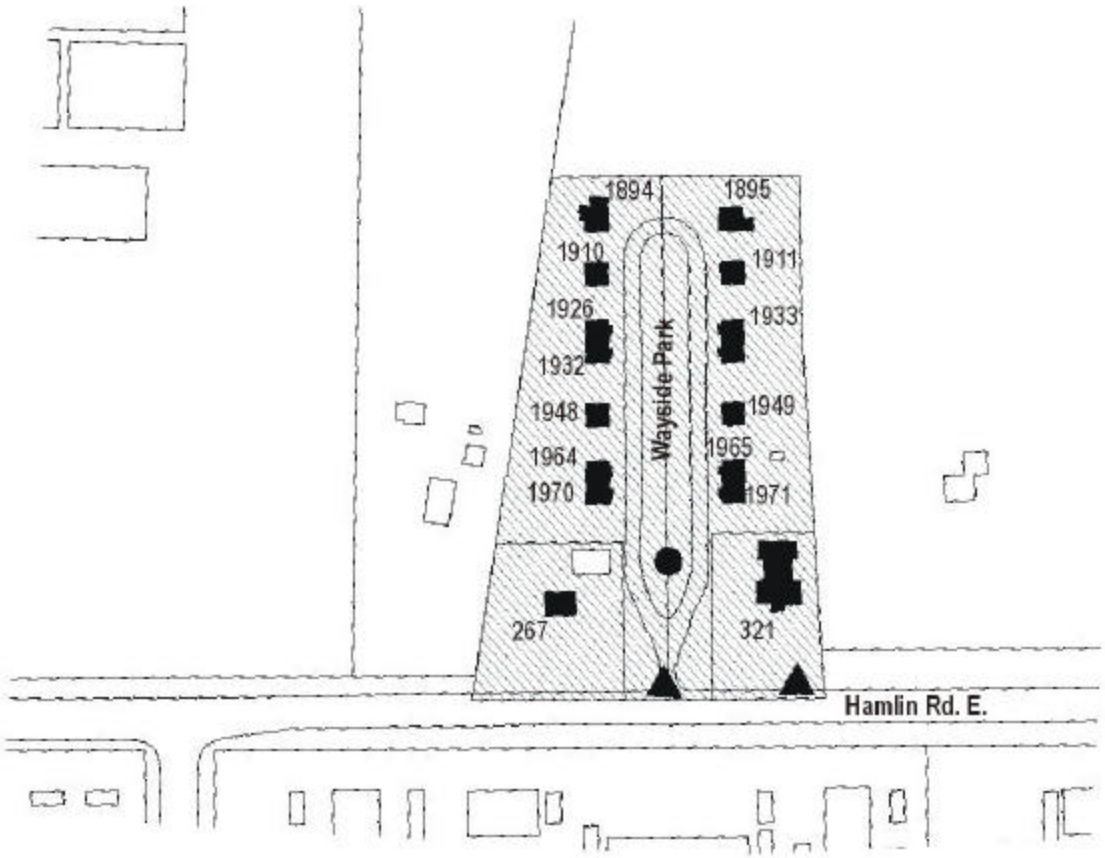
Photo 1: Ferry Court, looking northeast from entrance

Photo 2: Entrance walls; boardinghouse in background

Photo 3: Ferry boardinghouse, 321 East Hamlin Road

Photo 4: Former farmhouse, 267 East Hamlin Road

Photo 5: Ferry Court, looking north



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Resources

- Contributing
- Non-Contributing
- Building (Footprint Varies)
- Structure
- Site
- Proposed District

Map by Hamilton Anderson Associates
2002

Proposed Ferry Court Historic District
City of Rochester Hills
Oakland County

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