

**CHARTER TOWNSHIP OF PITTSFIELD
WASHTENAW COUNTY, MICHIGAN
ORDINANCE No. 302**

**HISTORIC DISTRICT ORDINANCE
SECOND READING**

**AMENDING CHAPTER 2, ARTICLE IV AND
AMENDING CHAPTER 5, ARTICLE I**

An ordinance to amend the Township Code by revising Chapter 2 Administration, Article IV, Boards and Commissions, Division 3 Historical Commission to eliminate the Historical Commission and revising Chapter 5 Historic Districts, Article 1, to reallocate the Historical Commission duties and authority to the Historic District Commission.

PITTSFIELD CHARTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

That Article IV of Chapter 2, Sections 2-158 through 2-170 are repealed and Article 1 of Chapter 5, Sections 5-101 through Section 5-122 of the Pittsfield Charter Township Code are amended to read as follows:

ARTICLE I. HISTORIC DISTRICT

Sec. 1-101 Short Title

This Ordinance shall be known as the "Historic District Ordinance of Pittsfield Charter Township". *(created under the Local Historic Districts Act P.A. 169 of 1970)*

Sec 1-102 Definitions

1. **"Alteration"** means work that changes the detail of a resource but does not change its basic size or shape.
2. **"Certificate of Appropriateness"** means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.
3. **"Commission"** means the Historic District Commission of Pittsfield Charter Township.
4. **"Demolition"** means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
5. **"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.
6. **"Denial"** means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

7. **"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.
8. **"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.
9. **"Historic Preservation"** means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.
10. **"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 Pittsfield Charter Township, state of Michigan, or the United States.
11. **"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.
12. **"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.
13. **"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.
14. **"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.
15. **"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.
16. **"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.
17. **"Work"** means construction, addition, alteration, repair, moving, excavation, or demolition.

Sec. 1-103 Statement of Purpose

Historic preservation is declared to be a public purpose. The purpose of this Ordinance is to do one (1) or more of the following:

1. Safeguard the heritage of Pittsfield Charter Township by preserving historic districts that 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 Pittsfield Charter Township and of the State of Michigan.
6. To promote township identity through public awareness of the history of Pittsfield Township; to effect a useable and maintainable archive of historic material; and to advance the historical interests of the township.

Sec. 1-104 Establishing, Modifying, or Eliminating Historic Districts

At any time, the Pittsfield Charter Township Board of Trustees may by ordinance establish additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. The procedure for such action will be governed by Section 399.203 (1-3) and Section 399.214 of Public Act 169 of 1970, as amended.

Sec. 1-105 The Historic District Commission

1. The Pittsfield Charter Township Historic District Commission is hereby established. The Commission shall consist of seven (7) members appointed by the Pittsfield Charter Township Board of Trustees. Each member of the commission shall reside within Pittsfield Charter Township. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. Two (2) members shall be appointed from a list submitted by one or more duly organized local historic preservation organizations. If such a person is available for appointment, one member shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is duly registered in the State of Michigan.
2. Terms shall be three (3) years, except the initial appointments of some members shall be for less than 3 years so that the initial appointments are staggered. Members shall be eligible for reappointment.
3. A Commission member may be removed by the Board of Trustees due to acts or omissions of that member on findings by the Board of Trustees that the acts or omissions are inconsistent with or harmful to the spirit of the ordinance or to the interests of the Township.
4. Vacancies on the Commission shall be filled by the Board of Trustees within sixty (60) days to complete the unexpired term.

Sec. 1-106 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. All meetings of the Commission will be open to the public. All meetings and notices of the meetings will conform to the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. 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 or, or retained by the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1967 PA 442 of 1976, MCL 15.231 to 15.246.
4. The commission shall adopt its own rules of procedure in the form of written bylaws, and shall adopt design review standards and guidelines to carry out its duties under this chapter.

Sec. 1-107 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, to the inspector of buildings, or to another delegated authority. The Commission shall provide to the delegated authority specific written standards for issuing Certificates of Appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

Sec. 1-108 Ordinary Maintenance

Ordinary maintenance or repair of a resource within a historic district is allowed. Work on any resource under a permit issued by the inspector of buildings or other delegated authority before the Ordinance was enacted may continue.

Sec. 1-109 Review by the Commission

The Commission shall review and act upon exterior features of a resource only. Except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, the Commission shall not review or act on interior work unless the Board of Trustees has specifically authorized the Commission to do so or unless the interior work will cause visible change to the exterior of the resource. The Commission will only consider the conditions in subsection 399.205 (3) of Public Act 169 of 1970, as amended.

Sec. 1-110 Design Review Standards and Guidelines

1. When reviewing plans, the Commission shall follow the United States secretary of interior's standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 C.F.R. part 67. The Commission may use other

standards and guidelines that address special design characteristics of historic districts administered by the commission 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 State Housing Development Authority.

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 subject 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, MCL 125.1501 to 125.1531.

Sec. 1-111 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. When the inspector receives a complete application, he/she shall immediately refer the complete application, along with all required supporting materials to the Commission. A permit shall not be issued and proposed work shall not proceed until the Commission has issued a Certificate of Appropriateness or a Notice to Proceed as prescribed in this Ordinance.
2. A Certificate of Appropriateness shall not be issued unless the applicant has certified in the application that the subject 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, 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 or other delegated authority.
4. If the proposed work will adversely affect the exterior of a resource the Commission considers valuable to Pittsfield Charter Township and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the township, state, or nation, the Commission shall

attempt to establish with the owner of the resource an economically feasible plan for the preservation of the resource.

5. The failure of the Commission to act 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 Commission may charge a reasonable fee to process a permit application.

Sec. 1-112 Denials

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

Sec. 1-113 Notice to Proceed

Work within a historic district shall be permitted by issuing 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.

Sec. 1-114 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) 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. A permit applicant aggrieved by the decision of

the State Historic Preservation Review Board may appeal the decision to the county circuit court.

2. Any citizen or duly organized historic preservation organization in Pittsfield Charter Township, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this Ordinance may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

Sec. 1-115 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 comply with the court's order. The costs of the work shall be charged to the owner, and may be levied by Pittsfield Charter Township as a special assessment against the property. When acting under an order of the circuit court, the Commission or its agents may enter a property for purposes of this section.

Sec. 1-116 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 Pittsfield Charter Township as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

Sec. 1-117 Review of Work in Proposed Districts

If the Board of Trustees receives substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, it may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission as prescribed in Section 1-112 of the Ordinance. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was

an established district. The review may continue in the proposed historic district for not more than one (1) year, or until such time as the Board of Trustees approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

Sec. 1-118 Emergency Moratorium

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

Sec. 1-119 Penalties for Violations

A violation of this ordinance is a municipal civil infraction and subject to payment of a civil fine as set forth in Chapter 2, Article VI of the Pittsfield Charter Township Code of Ordinances.

Sec. 1-120 Acceptance of Gifts or Grants

The Board of Trustees 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 Board of Trustees may make the Historic District Commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

Sec. 1-121 Acquisition of Historic Resources

If all efforts by the Commission to preserve a resource fail, or if it is determined by the Board of Trustees that public ownership is most suitable, the Board of Trustees, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition will be based on the recommendation of the Historic District Commission. The Historic District 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 Board of Trustees. Upon recommendation of the Historic District Commission, the Township may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

Sec. 1-122 Additional Powers and Duties

The commission shall have all the powers and duties vested in or permitted to be vested in a historical commission by Public Act No 88 of 1976 (MCL 399.171 et seq., MSA 5.3395 et seq.).

Section 1-123 - 150. Reserved

ARTICLE II. DESIGNATED DISTRICTS

Sec. 2-201 Sutherland-Wilson Historic District Boundary

The following area within Pittsfield Charter Township is hereby designated a historic district and shall be subject to the terms, conditions and requirements of the Historic District Ordinance.

The property commonly known as the Sutherland-Wilson Farm and more precisely described as:

Commencing from the Northeast 1/4 corner of said Section 29, thence S 88 degrees 22' 18" W 508.21 feet to the point of beginning; thence S 01 degree 37'42" E 415.32 feet; thence N 88 degrees 22'18" E 125.00 feet, S 01 degree 37'42" E 151.33 feet; thence S 88 degrees 22' 18" W 483.42 feet; thence N 05 degrees 47' 58" E 571.44 feet; thence N 88 degrees 22'18" E 284.55 feet to the point of beginning, containing 4.616 acres more or less, comprising the following amenities:

- House
- Wood Shed
- Pump House
- Ice House
- Carriage House
- Hog House
- Barn
- Landscaping Elements
 - Trees in the front yard
 - Lilac bushes

Sec. 2-202 – 250 Reserved

Sec. 2-251 Severability

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with competent jurisdiction, it shall not affect any portion of the Ordinance except that part or portion affected by the court's decision.

Sec. 2-252 Repealer

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

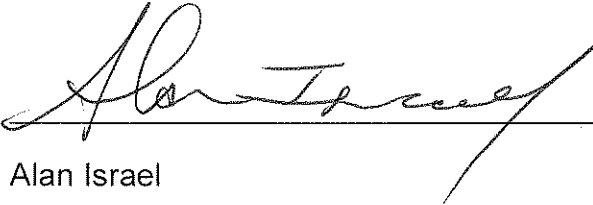
Sec. 2-253 Savings Clause

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Sec. 2-254 Adoption and Effective Date


This Ordinance shall be published in the manner as required by law. Except as otherwise provide by law, this Ordinance shall be effective on the day after final publication.

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the 23rd day of May 2012, and was ordered given publication in the manner required by law.



Alan Israel

Charter Township of Pittsfield Clerk



Mandy Grewal

Charter Township of Pittsfield Supervisor

Dated: 6/5/12

Dated: 6/5/12

First Reading: May 9, 2012
Adoption: May 23, 2012
Ordinance Posted: June 6, 2012
Ordinance Publication: June 14, 2012
Effective Date: July 14, 2012

CLERK'S CERTIFICATE

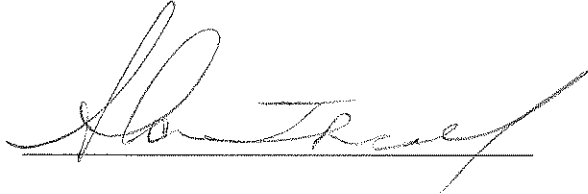
I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 302, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on May, 23 2012, after said Ordinance had previously been introduced at a Regular Meeting of the Board held May 9, 2012, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member Israel moved for adoption of said Ordinance, and that Member Scribner supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Grewal, Israel, Scribner, Brown-Harrison, Hunt, Krone, Yi; and that the following Member voted against adoption of said Ordinance: None, and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

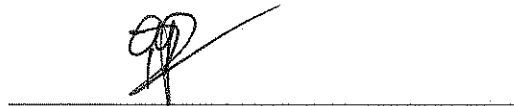
I further certify that after its passage the Ordinance was published on June 14, 2012, in accordance with P.A. 359 of 1947, as amended, by Ypsilanti Courier.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.



Alan Israel
Charter Township of Pittsfield Clerk

Dated: June 6, 2012



Mandy Grewal
Charter Township of Pittsfield Supervisor

Dated: June 6, 2012

Effective Date: May 5, 2012