

# HOUSE BILL No. 5275

October 17, 1991, Introduced by Reps. Varga and Joe Young, Jr. and referred to the Committee on State Affairs.

A bill to amend sections 2, 5, 7, and 10 of Act No. 169 of the Public Acts of 1970, entitled as amended

"An act to provide for establishment of historic districts; to provide for the acquisition of land and structures for historic purposes; to provide for preservation of historic and nonhistoric sites and structures within historic districts; to provide for the creation of historic district commissions; and to provide for the maintenance of publicly owned historic sites and structures by local units,"

sections 2 and 5 as amended by Act No. 230 of the Public Acts of 1986, being sections 399.202, 399.205, 399.207, and 399.210 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2, 5, 7, and 10 of Act No. 169 of the  
2 Public Acts of 1970, sections 2 and 5 as amended by Act No. 230  
3 of the Public Acts of 1986, being sections 399.202, 399.205,  
4 399.207, and 399.210 of the Michigan Compiled Laws, are amended  
5 to read as follows:

1       Sec. 2. Historical preservation is declared to be a public  
2 purpose and the legislative body of a local unit may by ordinance  
3 regulate the construction, alteration, repair, moving, and demo-  
4 lition of historic and nonhistoric structures AND INTERIOR FIX-  
5 TURES OF HISTORIC STRUCTURES in historic districts within the  
6 limits of the local unit. The purpose of the ordinance shall be  
7 to DO 1 OR MORE OF THE FOLLOWING:

8       (a) Safeguard the heritage of the local unit by preserving a  
9 district in the local unit ~~which~~ THAT reflects elements of the  
10 unit's cultural, social, economic, political, or architectural  
11 history.

12       (b) Stabilize and improve property values in that district.

13       (c) Foster civic beauty.

14       (d) Strengthen the local economy.

15       (e) Promote the use of historic districts for the education,  
16 pleasure, and welfare of the citizens of the local unit and of  
17 the state.

18       Sec. 5. (1) Before construction, alteration, repair,  
19 moving, or demolition affecting the exterior appearance of an  
20 historic or nonhistoric structure OR AN INTERIOR FIXTURE OF AN  
21 HISTORIC STRUCTURE is done within an historic district for which  
22 a permit is required by ordinance, the person, individual, firm,  
23 or corporation proposing to do that construction, alteration,  
24 repair, moving, or demolition shall file an application for  
25 permission. The application shall be referred together with  
26 plans pertaining to the application to the historic district  
27 commission, and the commission shall review the plans and

1 application. A permit shall not be granted until the commission  
2 has acted on the application as prescribed in this act. If  
3 ~~present~~ EXISTING ordinances do not require ~~the taking out of~~  
4 a permit, ~~then applications~~ AN APPLICATION shall be made  
5 directly to the legislative body or appointed authority which  
6 shall refer the application to the commission for review.

7 (2) In reviewing plans, the commission shall consider the  
8 following:

9 (a) The historical or architectural value and significance  
10 of the structure OR INTERIOR FIXTURE and its relationship to the  
11 historical value of the surrounding area.

12 (b) The relationship of the exterior architectural features  
13 of the structure OR OF THE INTERIOR FIXTURE to the rest of the  
14 structure and to the surrounding area.

15 (c) The general compatibility of the ~~exterior~~ design,  
16 arrangement, texture, and materials proposed to be used.

17 (d) Other factors, including aesthetic value, ~~which~~ THAT  
18 the commission considers ~~pertinent~~ RELEVANT.

19 (3) ~~The commission shall consider only exterior features of~~  
20 ~~a structure and shall not consider interior arrangements unless~~  
21 ~~specifically authorized to do so by the local legislative body.~~  
22 The commission shall not disapprove an application due to consid-  
23 erations not prescribed in subsection (2).

24 (4) If an application is for repair or alteration affecting  
25 the exterior appearance of a structure OR AN INTERIOR FIXTURE or  
26 for the moving or demolition of a structure ~~which~~ OR INTERIOR  
27 FIXTURE THAT the commission considers so valuable to the local

1 unit, state, or nation that its loss adversely affects the public  
2 purpose of the local unit, state, or nation, the commission shall  
3 attempt to establish with the owner of the structure an economi-  
4 cally feasible plan for ~~preservation of~~ PRESERVING the struc-  
5 ture OR INTERIOR FIXTURE.

6 (5) An application for repair or alteration affecting the  
7 exterior appearance of an historic or nonhistoric structure OR AN  
8 INTERIOR FIXTURE OF AN HISTORIC STRUCTURE within an historic dis-  
9 trict, or for moving or demolition of the structure OR FIXTURE,  
10 shall be approved by the commission if any of the following con-  
11 ditions prevail and if, in the opinion of the commission, the  
12 proposed changes will materially improve or correct these  
13 conditions:

14 (a) The structure ~~constitutes~~ OR INTERIOR FIXTURE IS a  
15 hazard to the safety of the public or to the structure's  
16 occupants.

17 (b) The structure OR INTERIOR FIXTURE is a deterrent to a  
18 major improvement program ~~which~~ THAT will be of substantial  
19 benefit to the community.

20 (c) Retention of the structure OR INTERIOR FIXTURE will  
21 cause undue financial hardship to the owner.

22 (d) Retention of the structure OR INTERIOR FIXTURE is not in  
23 the interest of the majority of the community.

24 (6) The business ~~which~~ THAT the commission may perform  
25 shall be conducted at a public meeting of the commission held in  
26 compliance with the open meetings act, Act No. 267 of the Public  
27 Acts of 1976, as amended, being sections 15.261 to 15.275 of the

1 Michigan Compiled Laws. Public notice of the time, date, and  
2 place of the meeting shall be given in the manner required by Act  
3 No. 267 of the Public Acts of 1976, as amended.

4 (7) The commission shall keep a record of its resolutions,  
5 proceedings, and actions. A writing prepared, owned, used, in  
6 the possession of, or retained by the commission in the per-  
7 formance of an official function shall be made available to the  
8 public in compliance with the freedom of information act, Act  
9 No. 442 of the Public Acts of 1976, as amended, being sections  
10 15.231 to 15.246 of the Michigan Compiled Laws.

11 (8) The commission shall adopt its own rules of procedure  
12 and shall adopt design review standards for structure treatment  
13 to carry out its duties under this act.

14 Sec. 7. If all efforts by the historic district commission  
15 to preserve an historic structure OR INTERIOR FIXTURE OF AN HIS-  
16 TORIC STRUCTURE fail, or if it is determined that public owner-  
17 ship is most suitable, the local legislative body, if ~~deemed~~ IT  
18 CONSIDERS ACQUISITION OF THE PROPERTY to be in the public inter-  
19 est, may acquire ~~such~~ THE property using public funds, gifts  
20 for historical purposes, grants from the state or federal  
21 ~~governments~~ GOVERNMENT for acquisition of historic properties,  
22 or proceeds from revenue bonds issued for historical preservation  
23 purposes. ~~Such acquisitions~~ THE ACQUISITION shall be based on  
24 the recommendation of the historic district commission. The his-  
25 toric district commission ~~has responsibility~~ IS RESPONSIBLE for  
26 ~~the maintenance of~~ MAINTAINING publicly owned historic  
27 structures using its own funds, if not specifically ~~earmarked~~

1 APPROPRIATED for other purposes, or those public funds committed  
2 for this use by the local legislative body.

3       Sec. 10. Nothing in this act shall be construed to prevent  
4 THE ordinary maintenance or repair of any structure OR INTERIOR  
5 FIXTURE within the historic district, ~~, nor~~ OR to prevent THE  
6 construction, alteration, repair, moving, or demolition of any  
7 structure OR INTERIOR FIXTURE under a permit issued by the  
8 inspector of buildings ~~prior to~~ BEFORE the ~~passage~~ EFFECTIVE  
9 DATE of the ordinance.