



TO: Mayor and City Council Members
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: November 30, 2005
SUBJECT: Proposed Amendments to Chapter 13- Historic Preservation

Through the provisions of Chapter 13 of the City of Troy ordinances, which are expressly authorized by state statute (MCL 399.201 et. seq.), the City of Troy is able to limit construction, alteration, repair, moving, or demolition to historically significant properties that are identified as local historic districts. These districts are set forth in Section 3 of Troy's ordinance. Any owner of a designated local historic district can request a modification or the elimination of their property from the regulations. According to Section 14, any such request would be submitted to the Historic District Study Committee for review and recommendation. The Historic District Study Committee is required to prepare a preliminary report, and to hold a public hearing concerning the request to modify the historic district designation. The report is then forwarded to the Planning Commission for its review. The Troy City Council has the final authority in making any changes to designated local historic districts.

Brian and Mary Ann Wattles have recently made a request to modify the historic district designation of their property at 3864 Livernois Road. The current designation covers the entire parcel of property. However, the parcel has been split into two parcels- Parcel A has the Livernois Road frontage and is where the historic structures are located. Parcel B is the rear portion of the property, which may be sold for possible development. However, development of Parcel B could be precluded if it remains as a local historic district. Therefore, Mr. and Mrs. Wattles have requested a modification to Chapter 13 that would eliminate only Parcel B from the local historic district designation.

As evidenced by the minutes of the public hearing, the Troy Historic District Study Committee recommends the requested modification to remove Parcel B of the property at 3864 Livernois Road. The Planning Commission has also reviewed the matter, and has no objection to the proposed modification, as indicated in the attached minutes.

In addition, City Council may also wish to amend the ordinance to incorporate recent amendments to the state statute that occurred subsequent to Troy's last amendment to Chapter 13, as well as suggestions from the State Historic Preservation Office. Specifically, MCL 399.201(a) and MCL 399.205 now requires certification of a fire alarm system or smoke alarm system (compliant with the State Construction Code Act) prior to any work in a local historic district. Council may also wish to entertain revisions to Chapter 13 that were suggested by the State Historic Preservation Office that were recommended in their review of Troy's application for Certified Local Government (CLG) status. These proposed revisions have been incorporated into the attached draft, and have the support of the Troy Historic District Commission. City Administration recommends that City Council approve the requested modifications to Chapter 13, as set forth in the attached draft.

Please let us know if you have any questions about these proposed amendments.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 13 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 of the Code of the City of Troy.

Section 2. Amendment

Sections 2, 3, 4, and 7 of Chapter 13 – Historic Preservation, are amended as follows:

(Underlining denotes amended language).

1. PURPOSE

The purpose of this Chapter is to 1) safeguard the heritage of the City of Troy by preserving historic resources in the City which reflect elements of its cultural, social, economic, political and architectural history; (2) stabilize and improve property values; 3) foster civic beauty; 4) strengthen the local economy; 5) promote the use of historic resources for the education, pleasure and welfare of the citizens of the City.

2. DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply:

- A. **ALTERATION:** work that changes the detail of a resource but does not change its basic size or shape.
- B. **CERTIFICATE OF APPROPRIATENESS (COA):** written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.
- C. **COMMISSION:** the historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic preservation ordinance for the City of Troy.
- D. **COMMITTEE:** a historic district study committee appointed by the city council.
- E. **DEMOLITION:** razing a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.
- F. **DEMOLITION BY NEGLECT:** 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. FIRE ALARM SYSTEM: a system designed to detect and annunciate the presence of fire or by –products of fire. Fire alarm system includes smoke alarms.
- GH. HISTORIC DISTRICT: in accordance with Act 169, Public Acts of 1970, the term "Historic District" shall mean an area or group of areas not necessarily having contiguous boundaries, created by the City for the purposes of this Chapter. This shall include any historical or cultural site or structure (including significant trees or other plant life located thereon) of particular historic or cultural significance to the City of Troy, the State of Michigan, or the U.S.A., where cultural, political, spiritual, economic or social history of the community, state or nation is reflected or exemplified with historic personages or with important events in local, state, or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, or style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.
- HI. HISTORIC LANDMARK: any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.
- IJ. HISTORIC RESOURCE: a structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.
- JK. NOTICE TO PROCEED: authorization to perform work that does not qualify for a COA but may legally be accomplished following criteria set forth in this ordinance.
- KL. OPEN SPACE: undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.
- LM. ORDINARY MAINTENANCE: keeping a resource unimpaired and in good condition through ongoing minor intervention to the exterior of a resource. Ordinary maintenance does not change the exterior appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.
- MN. PROPOSED HISTORIC DISTRICT: 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.
- NO. REPAIR: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes an alteration for purposes of this act.

OP. RESOURCE: a building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.

Q. Smoke Alarm: a single-station or multiple- station alarm responsive to smoke and not connected to a system As used in this ordinance “single-station alarm” means an assembly incorporating 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 two or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

PR. WORK: construction, addition, alteration, repair, moving, excavation or demolition.

3. REGULATION OF RESOURCES AND ESTABLISHED HISTORIC DISTRICTS

A. There shall be no construction, alteration, repair, moving or demolition of the exterior features of a Historic Resource unless a certificate of appropriateness or a notice to proceed is issued in accordance with this chapter. The following Historic Districts are hereby established.

Troy Union Cemetery, 1199 E. Square Lake (Tax ID: 88-20-02-301-009) T2N, R11E, SEC 2, PART OF SW ¼ OF SW ¼ BEG AT PT DIST S 89-44-00 E 750 FT FROM SW COR SEC 2, TH S 89-44-00 E 573.57 FT, TH N 00-24-30 W 446.10 FT, TH N 88-46-00 W 365.25 FT, TH S 40-53-00 W 133.60 FT, TH S 89-27-30 W 29.8 FT, TH S 14-06-00 W 360.89 FT TO BEG 4.66 A

6890 Norton (Tax ID: 88-20-03-226-033) T2N, R11E, SEC 3 PART OF NE ¼ BEG AT PT DIST S 01-15-30 E 809.30 FT & S 88-59-30 W 276.15 FT FROM N 1/8 COR, TH S 88-59-30 W 250 FT, TH N 01-35-15 W 136.63 FT, TH N 88-59-30 E 250 FT, TH S 01-35-15 E 136.63 FT TO BEG 0.78 A

770 W. Square Lake (Tax ID: 88-20-04-354-011) T2N, R11E, SEC 4 PART OF SW ¼ BEG AT PT DIST N 00-17-56 E 259.88 FT & S 89-45-00 E 160 FT & S 79-23-48 E 273.17 FT & S 69-02-36 E 300 FT & S 79-29-59 E 232.30 FT & S 89-57-22 E 136.66 FT FROM SW SEC COR, T N 00-12-04 E 226.40 FT, TH N 73-29-54 E 14.90 FT TH ALG CURVE TO RIGHT, RAD 60 FT, CHORD BEARS N 86-20-14 E 26.67 FT, DIST OF 26.89 FT, TH ALG CURVE TO LEFT, RAD 60 FT, CHORD BEARS N 74-27-32 E 50.18 FT, DIST OF 51.77 FT, TH S 40-15-30 E 40.45 FT, TH S 89-57-22 E 9.96 FT, TH S 00-06-01 W 215 FT, TH N 89-59-22 W 125.75 FT, TO BEG 0.67 A5-3-90 FR 008

330 W. Square Lake (Tax ID: 88-20-04-451-029) T2N, R11E, SEC 4 E 169.92 FT OF W 856.08 FT OF S 300 FT OF SE ¼, EXC S 60 FT TAKEN FOR RD 0.941A 2-6-93 FR 025

6091 Livernois (Tax ID: 88-20-04-478-013) T2N, R11E, SEC 4 TROY ACRES S 70 FT OF LOT 1

6071 Livernois (Tax ID: 88-20-04-478-017) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 1 EXC E 27 FT TAKEN FOR RD 6-11-96 CORR

6059 Livernois (Tax ID: 88-20-04-478-018) T2N, R11E, SEC 3, 4, 9 & 10, SUPERVISOR'S PLAT NO. 7 LOT 2

90 West Square Lake (Tax ID: 88-20-04-478-022) T2N, R11E, SEC 4, TROY ACRES NO. 1 SLY 150 FT OF LOT 20 EXC BEG AT SW LOT COR, TH N 89-30-00 E 93 FT, TH N 41 FT, TH S 88-15-21 W 93.04 FT, TH S 38.98 FT TO BEG 6-13-96 CORR

Former Stone School, 3995 South Boulevard (Tax ID: 88-20-06-101-001) T2N, R11E, SEC 6 W 165 FT OF N 264 FT OF NW FRC $\frac{1}{4}$ EXC PART TAKEN FOR HWY DESC AS BEG AT NW SEC COR, TH ELY 91 FT ALG SEC LINE, TH SWLY TO PT IN W SEC LINE DIST OF 91 FT SLY FROM BEG, TH NLY 91 FT ALG SEC LINE TO BEG 0.90 A

Beach Road Cemetery (Tax ID: 88-20-07-451-001) T2N, R11E, SEC 7 N 147 FT OF 167 FT OF SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ 0.57A
5875 Livernois (Tax ID: 88-20-09-232-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 13

46 East Square Lake Road (Tax ID: 88-20-10-101-002) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7, PART OF LOT 26 BEG AT NW COR, T S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT TO BEG, ALSO ALL OF LOT 27

54 East Square Lake Road (Tax ID: 88-20-10-101-003) T2N, R11E, SEC 3, 4, 9 & 10 SUPERVISORS PLAT NO. 7 LOT 26 EXC BEG AT NW LOT COR, TH S 89-43-00 E 1.32 FT ALG N LOT LINE, TH S TO PT ON S LOT LINE 6 FT E OF SW LOT COR, TH S 89-15-00 W 6 FT ALG S LOT LINE, TH NLY 116.30 FT ALG W LOT LINE TO BEG

90 East Square Lake Road and 110 East Square Lake Road (Tax ID 88-20-10-101-004) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 25

126 East Square Lake Road (Tax ID: 88-20-10-101-005) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISOR'S PLAT NO. 7 LOT 24

138 East Square Lake Road (Tax ID: 88-20-10-101-006) T2N, R11E, SEC 3, 4, 9, & 10 SUPERVISORS PLAT NO. 7 LOT 23

160 East Square Lake Road (Tax ID: 88-20-10-101-043) T2N, R11E, SEC 10 PART OF NW $\frac{1}{4}$ BEG AT PT DIST N 00-14-00 W 33 FT FROM NE COR OF LOT 23 OF 'SUPERVISOR'S PLAT NO 7', TH S 89-43-00 E 145 FT, TH S 00-14-00 E 300 FT, TH N 89-43-00 W 145 FT, TH N 00-14-00 W 300 FT TO BEG 1 A

101 East Square Lake Road (Tax ID: 88-20-03-301-077) T2N, R11E, SEC 3, SUPERVISOR'S PLAT NO. 7 E 30 FT OF LOT 20 EXC S 41 FT TAKEN FOR RD, ALSO LOT 21 EXC S 41 FT TAKEN FOR RD, ALSO N 73.43 FT OF LOT 22

Sylvan Glen Clubhouse, 5725 Rochester Road (Tax ID: 88-20-10-200-001) T2N, R11E, SEC 10 NE /4 160 A

5871 Hilmore (Tax ID: 88-20-11-103-014) T2N, R11E, SEC 11 PART OF NW ¼ BEG AT PT DIST S 01-33-00 E 833 FT FROM NE COR OF W ½ OF NW ¼, TH S 88-55-00 W 330 FT, TH S 01-33-00 E 200 FT, TH N 88-55-00 E 330 FT, TH N 01-33-00 W 200 FT TO BEG 1.55 A

2356 East Long Lake (Tax ID: 88-20-13-127-020) T2N, R11E, SEC 13 PART OF NW ¼ BEG AT PT DIST S 89-53-00 W 492.80 FT FROM N ¼ COR, TH S 00-11-45 E 505.60 FT, TH S 89-53-00 W 510 FT, TH N 00-11-45 W 505.60 FT, TH N 89-53-00 E 510 FT TO BEG 5.92 A

Hill House, 4320 John R (Tax ID: 88-20-13-303-014) T2N, R11E, SEC 13 PART OF SW ¼ BEG AT PT DIST N 00-49-43 E 1544.71 FT FROM SW SEC COR, TH S 89-10-17 E 220 FT, TH N 00-49-43 E 200 FT, TH N 89-10-17 W 220 FT, TH S 00-49-43 W 200 FT TO BEG EXC W 50 FT TAKEN FOR RD 0.77 A

4820 Livernois (Tax ID: 88-20-15-102-010) T2N, R11E, SEC 15 BELZAIR SUB NO 1 OUTLOT C EXC THAT PART DESC AS BEG AT NE COR OF OUTLOT C, TH S 00-06-40 W 164.45 FT ALG E LINE OF OUTLOT C, TH S 89-46-10 W 24.14 FT, TH N 00-00-16 W 97.30 FT, TH N 89-59-44 E 3.00 FT, TH N 00-00-16 W 36.52 FT, TH S 80-03-40 W 3.04 FT, TH N 00-00-16 W 27.00 FT TO N LINE OF OUTLOT C, TH N 80-03-40 E 24.54 FT TO BEG

Emerson Church – Unitarian Universalist, 4320 Livernois (Tax ID: 88-20-15-351-002) T2N, R11E, SEC 15 & 16 MC CORMICK & LAWRENCE LITTLE FARMS SUB LOTS 46 & 47 EXC W 27 FT TAKEN FOR RD, ALSO ALL OF LOT 48, ALSO W 85.58 FT OF LOT 49

Museum Properties - Caswell House, Poppleton School, Old City Hall, Old Troy Church and Parsonage, 60 W. Wattles (Tax ID: 88-20-16-478-033) T2N, R11E, SEC 16 LAKEWOOD SUB LOT 89 TO 92 INCL, ALSO LOTS 131 TO 134 INCL EXC S 27 FT TAKEN FOR RD, ALSO N 30.75 FT OF LOT 138, ALSO LOTS 139 TO 142 INCL, EXC E 27 FT TAKEN FOR LIVERNOIS RD

2955 Quail Run (Tax ID: 88-20-18-101-035) T2N, R11E, SEC 18 STRAWBERRY HILL LOT 37 EXC BEG AT NE LOT COR, TH S 00-16-39 W 191.86 FT, TH N 89-43-00 W 44.61 FT, TH N 13-22-02 E 196.97 FT TO BEG

4800 Beach (Tax ID: 88-20-18-203-011) T2N, R11E, SEC 18 PART OF

NW ¼ OF NE ¼ BEG AT PT DIST S 02-48-55 E 945.50 FT & N 89-05-05 E 43 FT FROM N ¼ COR, TH N 89-05-05 E 152.73 FT, TH ALG CURVE CONCAVE SLY, RAD 250 FT, CHORD BEARS S 85-09-38 E 50.14 FT, DIST OF 50.22 FT, TH S 79-24-20 E 13.04 FT, TH S 02-48-55 E 203.88, TH S 87-11-05 W 215 FT, TH N 02-48-55 W 218.65 FT TO BEG 1.06 A

Crooks Road Cemetery (Tax ID: 88-20-20-226-022) T2N, R11E, SEC 20 PART OF NE ¼ BEG AT PT DIST N 00-43-30 E 1101.84 FT FROM E ¼ COR, TH N 88-08-30 W 310.03 FT, TH ALG CURVE TO RIGHT, RAD 100 FT, CHORD BEARS N 43-08-30 W 141.42 FT, DIST OF 157.08 FT, TH N 01-51-30 E 180 FT, TH ALONG CURVE TO LEFT, RAD 180 FT, CHORD BEARS N 43-08-30 W 254.56 FT, DIST OF 282.74 FT, TH N 01-51-30 E 179.31 FT, TH S 87-06-30 E 577.09 FT, TH S 00-43-30 E 629.54 FT TO BEG 6.71 A

3645 Crooks (Tax ID: 88-20-20-226-038) T2N, R11E, SEC 20 TROY HIGHLANDS NO. 1 LOT 70

839 W. Wattles (Tax ID: 88-20-21-101-024) T2N, R11E, SEC 21 PART OF NW ¼ BEG AT PT DIST S 89-58-00 E 535.00 FT FROM NW SEC COR, TH S 89-58-00 E 287.00 FT, TH S 00-13-00 W 607.22 FT, TH N 89-58-00 W 287.00 FT, TH N 00-13-00 E 607.22 FT TO BEG EXC N 245 FT OF W 150 FT THEREOF, ALSO EXC N 60 FT TAKEN FOR RD 2.97 A

3864 Livernois (~~Part of~~ Tax ID: 88-20-22-101-005) ~~T2N, R11E, SEC 22 PART OF NW ¼ OF NW ¼ BEG AT PT DIST N 1771.6 FT FROM W ¼ COR, TH N 330 FT, TH E 660 FT, TH S 330 FT, TH W 660 FT TO BEG 5 A~~
Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

36551 Dequindre (Tax ID: 88-20-25-230-032) T2N, R11E, SEC 25 PART OF NW ¼ BEG AT PT DIST S 00-00-08 E 1028.22 FT & S 89-23-59 W 60 FT FROM NE SEC COR, TH S 00-00-08 E 300 FT, TH S 89-23-59 W 245 FT, TH N 00-00-08 W 300 FT, TH N 89-23-59 E 245 FT TO BEG 1.69 A

1934 Livernois (Tax ID: 88-20-27-351-016) T2N, R11E, SEC 27 ADDISON HEIGHTS SUB N 81 FT OF W 108 FT OF LOT 53

Perrin Cemetery (Coolidge) (Tax ID: 88-20-32-152-002) T2N, R11E, SEC 32 PART OF W ½ BEG AT W ¼ COR, TH N 00-03-00 E 165 FT, TH E 140 FT, TH S 00-03-00 W 165 FT, TH S 88-44-30 E 25 FT, TH S 01-06-30 W 67.5 FT, TH N 88-31-00 W 165 FT, TH N 00-03-00 E 66 FT

TO BEG 0.78

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 14 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

4. HISTORIC DISTRICT COMMISSION

- A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.
- B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The majority of the members will have a clearly demonstrated interest in or knowledge of historic preservation. The Commission shall include at least two (2) people ~~one (1) person~~ chosen from a list submitted by a duly organized history group or groups, the Troy Historical Society, one (1) person nominated by the Troy Historical Commission, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accept the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.
- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in

the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum and Historic Village shall include, but are not limited to, those Historic Districts established in Section 3 of this Chapter and listed as Old City Hall, Caswell House, Poppleton School, Old Troy Church, and Parsonage. It is the intent of this section that the Commission shall be lenient in its judgment of plans for a new construction or for alteration or demolition of historic resources of little historic value, except where such construction, alteration or demolition would seriously impair the historic value and character of the resource and the surrounding resources and area. 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.

In reviewing the plans, the Commission shall follow the United States Secretary of the Interior's standards for rehabilitating historic buildings as set forth in 36 CFR 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 Michigan Department of History, Arts, and Libraries. The Commission shall also consider the following:

1. The historical or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;
2. The relationship of the exterior architectural features of the resource to the rest of the resource and to the surrounding area;
3. The general compatibility of exterior design, arrangement, texture and materials proposed to be used;
4. Any other factor, including aesthetic, which it deems to be pertinent.

The Commission shall review and act upon exterior features of a historic resource and shall not consider interior arrangement, unless interior work will cause visible change to the exterior of the resource. The Commission shall not disapprove an application due to considerations not set forth above.

- C. In those situations where the Commission finds the proposed work adversely affects the exterior of a resource the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the city, state or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- D. Work within a historic district shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
 2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
 3. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 4. Retaining the resource is not in the interest of the majority of the community.
- E. The Commission may recommend to the City Council certain incentive programs to encourage preservation of landmark buildings in the City.
- F. The Commission may accept, in the name of the City of Troy, any grant, loan or aid of any character from Federal, State or private sources, to be expended for the purposes contemplated by this chapter, including, but not limited to the making of surveys of historical structures and/or sites, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Such funds shall be administered in accordance with the Charter of the City of Troy, but a separate accounting shall be made of them and a copy of such accounting given to the Commission at least quarterly.
- G. Budget: There may be appropriated in the annual budget of the City of Troy a sum of money which may be expended and accounted for in accordance with the Troy City Charter and the Uniform Budgeting and Accounting Act of the State of Michigan.

6. RULES OF THE COMMISSION

- A. The Commission shall elect from its membership a Chair, Vice- Chair and Secretary at the first meeting each year. The Chair shall preside over the Commission and have the right to vote. The Vice-Chair shall perform the duties of the Chair in his or her absence. The Secretary shall keep an accurate record of the proceedings of the Commission.

(Rev. 11.17.03)

- B. The Commission should meet at least quarterly, and at the call of the Chair, Secretary, or two (2) members of the Commission, if matters are referred to it by the Director of Building and Zoning.

(Rev. 11.17.03)

- C. At least four (4) members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding meetings. All meetings of the Commission shall be open to the public, and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its decision.

(Rev. 11.17.03)

- D. The Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings and actions. The concurring affirmative vote of four (4) members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the City Council.

7. PROCEDURES FOR REVIEW OF PLANS

- A. Application for a building permit to construct, alter, move or demolish any resource in a Historic District shall be made to the Director of Building and Zoning. Plans shall be submitted showing the resource in question and also showing its relation to adjacent resources.
- B. Upon the filing of such application, the Director of Building and Zoning or his or her representative shall immediately notify the Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission.
- C. The Commission shall review the plans according to the duties and powers specified herein. In reviewing the plans, the Commission may confer with the applicant for the building permit, and with the Director of Building and Zoning, and with the City Planning Director.
- D. The Commission shall approve or disapprove such plans, and, if approved, shall issue a certificate of appropriateness or a notice to proceed, which is to be signed by the Chair or Vice- Chair, attached to the application for a building permit and immediately transmitted to the Director of Building and Zoning. The Chair shall also stamp all plans submitted to the Commission signifying its approval or disapproval.
- E. If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Director of Building and Zoning and to the applicant. The Commission shall advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to the plans and shall have the right to resubmit the application at any time after so doing. If the requested permit is denied by the Commission, the Director of Building and Zoning shall disapprove the application.
- F. The failure of the Commission to approve, conditionally approve or disapprove of such plans within sixty (60) days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the Commission, shall be deemed to constitute approval and the Director of Building

and Zoning shall proceed to process the application without regard to a certificate of appropriateness or notice to proceed from the Commission.

G. After a building permit is granted, the Director of Building and Zoning or his or her representative shall inspect the construction or alteration in accordance with the procedures established by the Building Department of the City of Troy.

~~H. If the Commission denies a request for a demolition permit, it shall have the privilege of publicizing the imminent destruction of this structure, and may make an effort to find a private or corporate purchaser interested in preserving the property. Failing to find such a purchaser, the Commission may then recommend that the City of Troy purchase the property. Conclusive action must be taken within sixty (60) days of the date of the request.~~

~~H.~~ In cases where approval of demolition is granted for reasons other than public health or safety, the certificate of appropriateness or notice to proceed shall not become effective until sixty (60) days after the date of issuance, in order to provide a period of time within which it may be possible to relieve a hardship or transfer the property to another owner who will retain the resource. At the discretion of the Commission, this waiting period may be waived.

~~J.~~ If the Commission grants a permit for demolition, it may notify the Troy Historical Commission so that that body may consult with the owner about obtaining anything of historical significance from the property.

~~K.~~ If an applicant seeks immediate approval to alter, repair, move or demolish a resource to prevent an imminent hazard to the safety of the public or a structure's occupants, the Chair of the Commission shall call a special meeting as early as possible, in compliance with the Open Meetings Act, to make a decision on the applicant's request.

~~L.~~ Upon a finding by the commission that a historic resource within an historic district, subject to its review and approval, is threatened by demolition by neglect, the commission may do either of the following:

1. The commission may require the owner of the resource to repair all conditions contributing to the demolition by neglect.
2. If the owner does not make repairs within a reasonable time, the commission or agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

~~L. The Historic District Commission shall not issue a certificate of appropriateness or notice to proceed unless an applicant certifies in the application that the property where the 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 state construction code act, MCL 125.1501 et seq., as amended.~~

8. DEMOLITION OR MOVING HISTORIC RESOURCES

The demolition or moving of resources located in Historic Districts shall be discouraged. The Commission shall not approve demolition except when deemed a hazard to public health or safety by a responsible public agency, but may issue a certificate of appropriateness for moving said resource.

The Commission may issue a certificate of appropriateness or notice to proceed for the moving or demolition of any resource. An application for the moving or demolition of a resource shall be approved by the Commission if any of the following conditions prevail, and if in the opinion of the Commission the proposed work will materially improve or correct these conditions:

1. The resource is a deterrent to a major improvement program which will be of substantial benefit to the community;
2. Retention of the resource would cause undue financial hardship to the owner; or
3. Retention of the resource would not be in the interest of the majority of the community.

9. PROPOSED HISTORIC DISTRICT

Upon receipt of substantial evidence showing the presence of historic architectural, archeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Historic District Commission for review as provided in this ordinance. The Historic District Commission shall review permit applications with the same powers that would apply if the proposed historic district were 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.

10. EMERGENCY MORATORIUM

If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district, City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permanent application concerning a resource subject to an emergency moratorium may be summarily denied.

11. YARD VARIANCES

Due to peculiar conditions of design and construction in Historic Districts, where structures were often built close to the lot lines, it is in the public interest to retain the District's appearance by making variances to normal yard requirements. Where it is deemed that such variances will not adversely affect neighboring properties, the Commission may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be granted.

12. EXCEPTIONS

Nothing in this chapter shall be construed to prevent ordinary maintenance, repair or sale of any resource within an historic district. Nor shall anything in this chapter be construed to alter, amend or delete provisions of other Troy City ordinances, or the Troy City Charter pertaining to the administration, control, or ownership of property owned by the City of Troy.

13. APPEALS

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan Historical Commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:
 - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
 - b. Conduct basic research of each proposed historic district and the 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 the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
 - d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - i. The charge of the Committee;
 - ii. The composition of the Committee membership;
 - iii. The historic district or districts studied;
 - iv. The boundaries for each proposed historic district in writing and on maps;
 - v. The history of each proposed historic district;
 - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
 - e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
 - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
 3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
 4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.
3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

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

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

15. ENFORCEMENT; VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A

person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a misdemeanor and subject to penalties as provided by law for misdemeanors. The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.

- C. 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.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2005.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

The Troy Historic District Study Committee was established April 2004 pursuant to the Sec. 14.A of Chapter 13 of the City Code as amended February 16, 2004. Owners of historic resources were notified that this committee would review requests for changes in designation of their properties. A request to redefine the boundary of the historic district of the property at 3864 Livernois Road was received. Brian Wattles and Mary Jean Wattles own this property.

The following is the preliminary report by the Troy Historic District Study Committee and their recommendation to de-list a portion of the property.

Composition of Committee:

Kevin Lindsey:	Historical Commission and historic property owner
Linda Rivetto:	Graduate Student, EMU, Historic Preservation
Marjorie Biglin:	Historic District Commission
Kinda Hupman:	Troy Historical Society Board of Directors
Charlene Harris:	Historic Homeowner
Paul Lin:	Architect, Historic District Commission
Bob Miller:	Historic Homeowner

Description of Resource:

3864 Livernois
Referred to as the Wattles House

Legal Description of Parcel A of 3864 Livernois:

(Tax ID: 88-20-22-101-005)

Part of the NW ¼ of Sec 22, T.2N R11E, City of Troy, Oakland County, Michigan beginning at the point which is N 00°20'25" E 1771.60 ft. along the West line of Sec. 22 from the West ¼ corner of Sec. 22, T2N R11E; thence, continuing along the West line of Sec. 22 N 00°20'25" E 330.00 ft.; thence S 89°25'55" E 225.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 225 ft. to the point of beginning. Containing 74,247 square feet – 1.705 acres, and subject to an easement over the North 30 ft. for ingress and egress and public utilities.

Legal Description of Parcel B of 3864 Livernois:

Part of the NW ¼ of Sec 22, T2N R11E, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point which is N 00°20'25" E 1771.60 ft. along the West line of Sec 22 and S 89°25'55" E 225.00 ft., from the West corner of Sec. 22, T2N R11E; thence N 00°20'25" 330.00 ft.; thence S 89°25'55" E 435.00 ft.; thence S 00°20'25" W 330.00 ft.; thence N 89°25'55" W 435.00 ft. to the point of beginning. Containing 143,544 square feet – 3.295 acres.

Boundary Justification:

The historic district at 3864 Livernois, referred to as the Wattles House received local historic designation on April 11, 1977. Prior to designation, the previous owner, Morris Wattles, had legally divided the property into these two parcels. The current owners, Mr. Brian Wattles and Ms. Mary Jean Wattles request the boundary be revised to only include parcel A as legally surveyed and divided.

History of District:

The original foundation of the home was built in 1846, most likely by Clark Beardsley. Harry Wattles, a relative of the current owner, purchased it in 1876. The home was extensively remodeled to its present appearance in 1909. It was know as the Sunnycrest Dairy. Morris Wattles, former Troy Township Supervisor, also owned the property prior to the present owner. The house was listed on the State's Historic Register (site p24419) on 04/11/1977.

Statement of Significance:

The historic significance of the house is its association to the Wattles family. Harry B. Wattles was considered an innovator in dairy farming. Morris Wattles was locally significant as a township supervisor, a charter member of the Troy Historical Society, and respected educator. Morris Wattles was also instrumental in founding the Troy Museum & Historic Village.

It was Morris Wattles who divided the property into 2 parcels. While both are currently on the district, due to financial hardship Brian Wattles has requested Parcel B be eliminated from the district so it may be sold and developed. All of the historically significant structures and surroundings are located in Parcel A. There are no significant structures in Parcel B, and it does not contribute to the district. It is the conclusion of the Historic District Study Committee that removing Parcel B from the list would not impede the historical significance or the integrity of the resource.

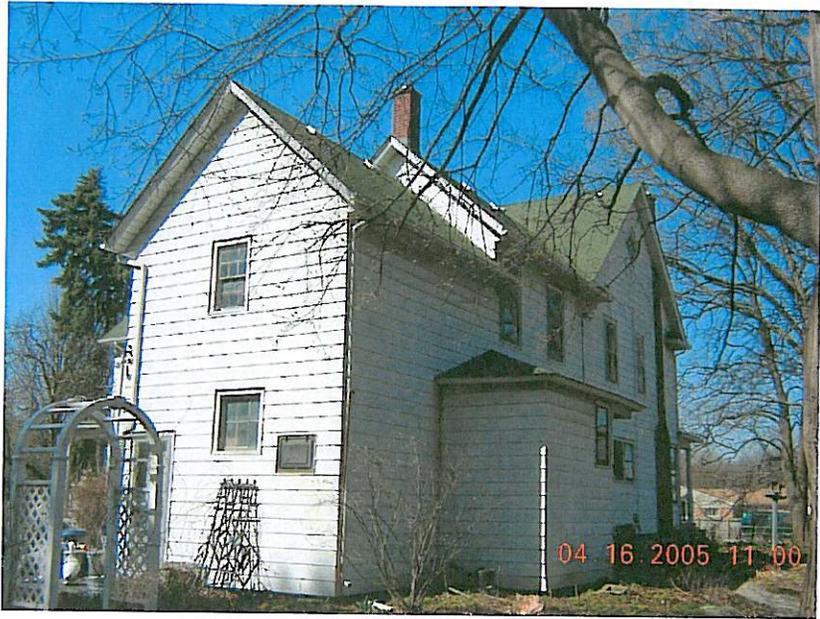
It is therefore the recommendation of the Troy Historic District Study Committee with the consent of the property owner that the boundary be revised so that Parcel B may be eliminated from the Historic District.

Photo Documentation









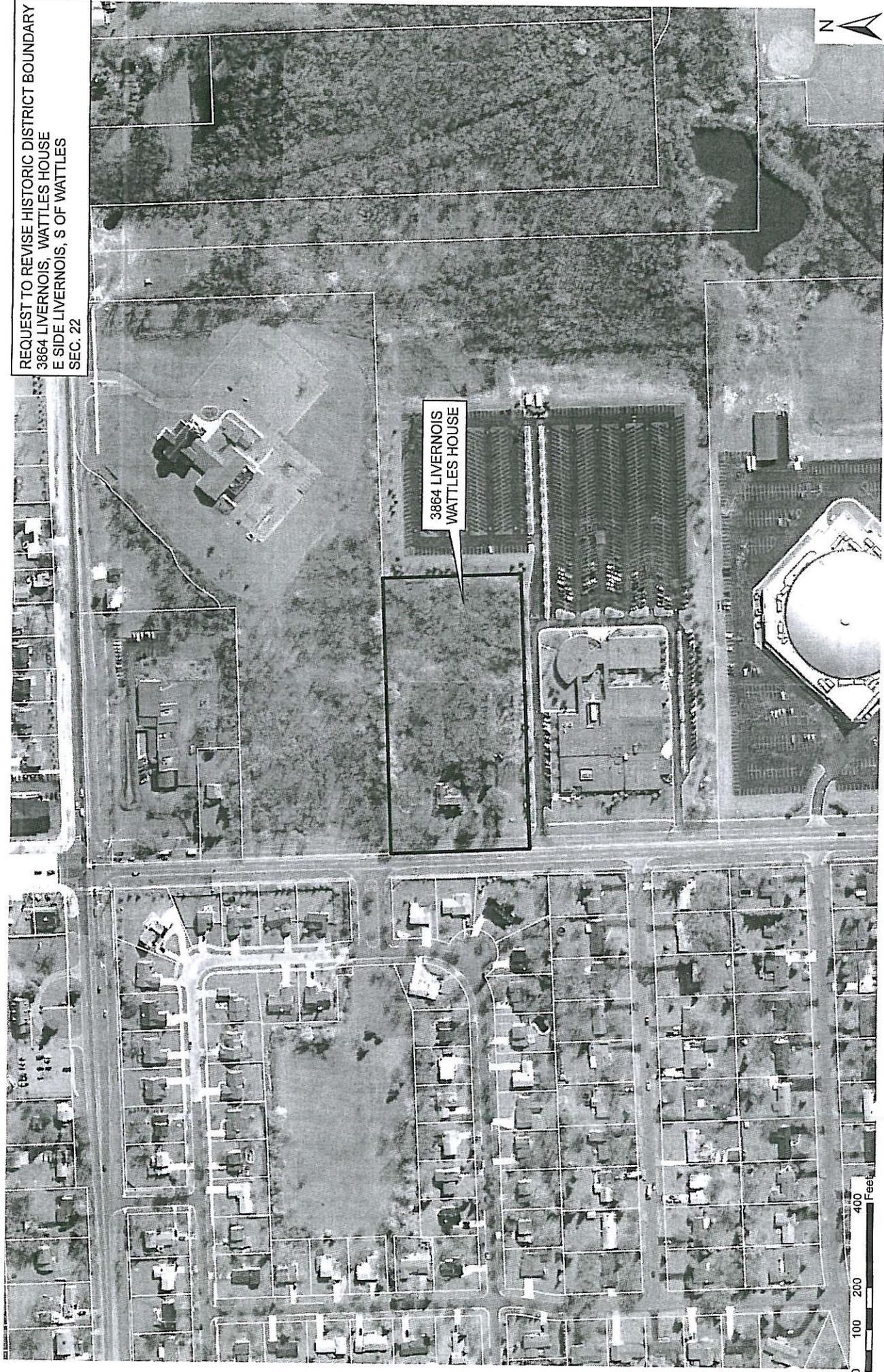


REQUEST TO REVISE HISTORIC DISTRICT BOUNDARY
3864 LIVERNOIS, WATTLES HOUSE
E SIDE LIVERNOIS, S OF WATTLES
SEC. 22

3864 LIVERNOIS
WATTLES HOUSE



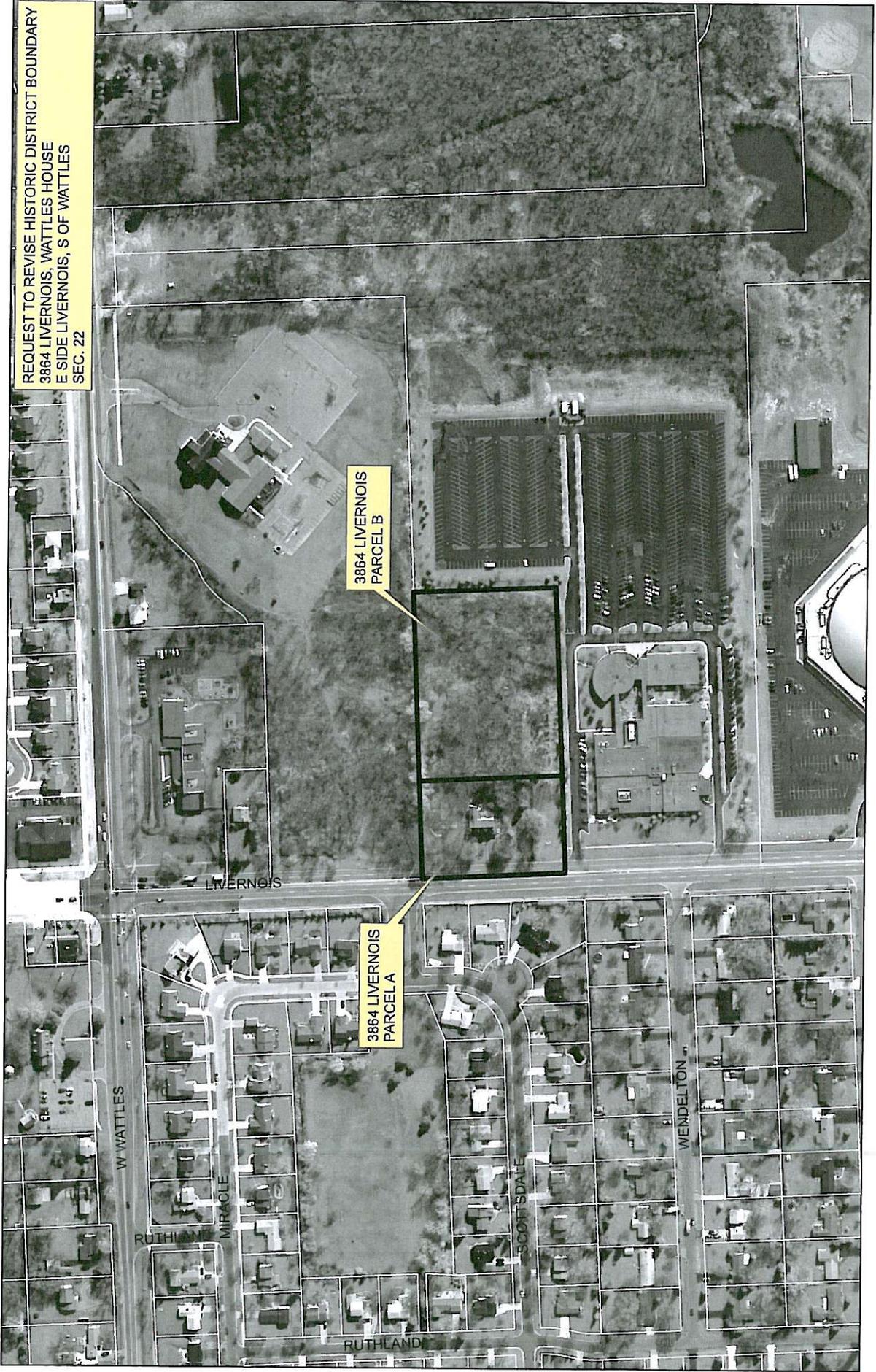
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REQUEST TO REVISE HISTORIC DISTRICT BOUNDARY
3864 LIVERNOIS, WATTLES HOUSE
E SIDE LIVERNOIS, S OF WATTLES
SEC. 22

3864 LIVERNOIS
PARCEL B

3864 LIVERNOIS
PARCEL A



2. PUBLIC COMMENTS (Items not on the Agenda)

There was no one present who wished to speak.

3. PLANNING AND ZONING REPORT

Mr. Miller reported on the following items:

- Proposed PUD 5, Caswell Town Center
- Rezoning Application Z 706 – South side of Long Lake Road, west of Calvert Drive, Section 14, from R-1C to CR-1 – Approved by City Council on 9/12/05
- Joint DDA and City Council Meeting – October 17, 2005

Mr. Waller mentioned the Crain's article on Sterling Corporate Center (PUD 3). The article states the development continues to seek tenants while it is on the market for sale.

Mr. Schultz provided construction updates on Morton's Restaurant and National City Bank (formerly Top of Troy) and reported the Maple Road improvements are completed.

It was noted that the Ford & Earl Building, owned by the City's Pension Board, is for sale.

Chair Strat brought to the attention of the members that amendment of the Future Land Use Plan for the project area which includes the Rochester Road corridor, between South Boulevard and Square Lake Road, per City Council's direction, is pending.

Mr. Motzny reported that a lawsuit has been filed against the City on the Binson's rezoning matter.

4. REQUEST TO REVISE HISTORIC DISTRICT BOUNDARIES – 3864 LIVERNOIS – Preliminary Report by Historic District Study Committee concerning the Brian and Mary Jean Wattles Property

Mr. Miller reviewed the information provided by the Historic Resources Study Committee on the request to revise the historic district boundaries for 3864 Livernois.

Mr. Motzny reported that the Commission is not required to make a recommendation and noted the recommendation is advisory only. Mr. Motzny stated that should the Commission wish to make a recommendation, State law does not mandate when that recommendation would have to come forward. He said the Commission could make its recommendation prior to the Public Hearing and Final Report of the Historic District Study Committee.

There was general consensus by the Planning Commission that this item did not need to come back for consideration following preparation of the Final Report.

Resolution # PC-2005-10-156

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission has no objection to removing the Parcel B of the Wattles property from the Historic District boundaries.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

MOTION CARRIED

5. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT** – Articles 02.50.01, 02.50.02, 02.50.03 and 02.50.04 Municipal Civil Infractions

Mr. Motzny reviewed the advantages in designating a violation of the Zoning Ordinance as a municipal civil infraction as opposed to a misdemeanor. He said the penalties imposed on a municipal civil infraction might sound less stringent than those posed on a misdemeanor, but a municipal civil infraction would be a good enforcement tool. Mr. Motzny said it is the recommendation of the Legal Department to set a Public Hearing for the proposed zoning ordinance text amendment.

A brief question and answer period followed.

Resolution # PC-2005-10-157

Moved by: Wright

Seconded by: Schultz

RESOLVED, That the Planning Commission set a Public Hearing at the November 29, 2005 Regular Meeting for proposed ordinance text to amend Chapter 39 of the Code of the City of Troy, Sections 02.50.01, 02.50.02, 02.50.03, and 02.50.04, to be amended as put forward to the Planning Commission on this date.

Yes: All present (7)

No: None

Absent: Chamberlain, Vleck

MOTION CARRIED