



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

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Legislative File No: 2008-0596

TO: Mayor and City Council Members
FROM: Ed Anzek, Planning & Development Department, 248-656-4660
DATE: November 10, 2008
SUBJECT: Historical Preservation Ordinance Amendments

REQUEST:

Accept for First Reading an Ordinance amending various Sections of Chapter 118 (Historical Preservation) to bring the City's Ordinance into compliance with Public Act 169 as required by the State Historic Preservation Office. The amended Ordinance will allow the City to pursue certification as a Certified Local Government.

BACKGROUND:

For many years the City of Rochester Hills has been continuously striving to be approved for certification as a Certified Local Government. The Certified Local Government (CLG) Program is jointly administered by the National Park Service and the State Historic Preservation Office (SHPO).

Upon submission of an Application for Certification, SHPO responded by indicating that several Sections of the City's Historical Preservation Ordinance would have to be amended to comply with Public Act 169 before certification would be considered. Copies of both the January 8, 2004 and July 21, 2006 SHPO Staff Review comments are attached.

City Attorney John Staran reviewed the SHPO comments, and prepared the appropriate Ordinance Amendments. The City's Historic Districts Commission and the Historic Districts Study Committee reviewed the proposed Amendments, and concurred with SHPO that the Amendments should be requested.

The amendment to *Section 118-26 (Definitions)* include some revised definitions, as well as the elimination of some definitions.

The amendment to *Section 118-64 (Proceedings)* contains some housekeeping revisions.

The amendment to *Section 118-129 (Initial Determination and Investigation)* has been revised such that City Council would now be the body that decides if the Historic Districts Study Committee should conduct studies.

The amendment to *Section 118-130 (Duties of Study Committee)* contains some housekeeping corrections.

The amendment to *Section 118-169 (Demolition of Hazardous Structures)* includes the elimination of paragraph (e). If this Section is amended, the decision of the City's Historic Districts Commission in matters concerning demolition shall be binding, with appeals made directly to the State Historic Preservation Office and then to Circuit Court. As currently worded, this Section allows City Council intervention and the ability to override the Commission's decision with respect to demolition. The SHPO pointed out that is not the procedure outlined in Public Act 169, and must be corrected if the City wishes to seek certification as a Certified Local Government.

At the time City Attorney Staran prepared the suggested Amendments to the Preservation Ordinance, he prepared a letter, dated November 11, 2008, which includes some background and comments on the proposed amendments. A copy of that letter is attached for your review.

Both the City's Historic Districts Commission and the Historic Districts Study Committee recommend the acceptance of the proposed Ordinance Amendments. Those Boards believe that allowing the City to become a Certified Local Government will be beneficial for a variety of reasons, not the least of which is the eligibility of grant funds.

Each year, the SHPO is required to pass through Ten (10%) Percent of the funds it receives through the Federal Historic Preservation Fund to the State's CLGs. Although these competitive grants must be matched 60/40 with local funds or donations, they may be used to:

- Conduct surveys of historic resources;
- Prepare nominations to the National Register of Historic Places for buildings, sites, structures, objects and districts in the Community;
- Develop design guidelines for local historic districts;
- Preparation of a local preservation plan for managing historic resources;
- Preparation of condition assessment or feasibility studies for restoration of a historic structure;
- Cultural heritage tourism initiatives, such as walking or driving tours;
- Rehabilitation of National Register-listed properties; or
- Education for the Community on historic preservation, such as publication of brochures, a speaker's bureau, or development of a website

Attached is a document provided by SHPO entitled "Michigan's Certified Local Government Program" which outlines the projects in several Michigan Communities funded by CLG Grant monies.

The City's historic resources that may benefit under the CLG Program by becoming eligible to compete for the Federal Grant Funds include the Museum at Van Hoosen Farm; the historic Stoney Creek Cemetery, and the Nationally Registered Stoney Creek Contiguous District. A letter of support for the CLG certification from Patrick McKay, Supervisor of Interpretive Services, is attached.

RECOMMENDATION:

Acceptance for First Reading the proposed Ordinance Amendments to Chapter 118, the Historical Preservation Ordinance.

Attachments: Ordinance Amendment
SHPO Response – 01-08-04
SHPO Response – 07-21-06
Staran Letter – 11-11-08
Michigan’s Certified Local Government Program
11-20-08 McKay Letter of Support

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		