

**State Historic Preservation Office
Michigan Historical Center**

**Staff Comments, July 21, 2006
Rochester Hills Historic District Ordinance**

Definitions

The definition of the term "historic" that the SHPO provided the city in 2004 staff comments is taken from *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (see pages 2, 3 and 44)

should indicate that a historic resource must be fifty years old or older, if less than 50 years old

The definition of a noncontiguous district in the ordinance is incorrect according to the Secretary of the Interior's definition (see page 6 of NR Bulletin 15). We are concerned that the definition that appears in the ordinance could have serious consequences. Please see the circuit court decision for *Draprop Corporation vs. the City of Ann Arbor*. This decision states that the city cannot use city boundaries as the boundaries for a historic district comprised of disparate individual resources unrelated by their historical significance. It would be better use a term such as "Landmark Historic District" and define it as "a single resource district that individually meets the Secretary of the Interior's criteria for eligibility to the National Register of Historic Places on its own merit" (see attached criteria for Evaluating Resource for Inclusion in Local Historic Districts adopted the MHC in 2002) than to use the term discontiguous district and imply that it is a district of disparate individual resources.

The definition of the term "structure" should match that of the Secretary of the Interior on page 4 of *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. A structure is a created for something other than human shelter.

Section 118-129 Even if you have a standing study committee, they cannot undertake a study unless they receive approval to do so from city council. The way the ordinance reads, someone can approach the study committee and the study committee determines if a study should be undertaken. That is not correct. The process could be that individuals can approach the standing study committee and the study committee could take the request to the city council and provide the council with its recommendations, but ultimately, it is the city council that makes the final decision on whether a study should be undertaken not the study committee.