

CITY OF DETROIT  
HISTORIC DISTRICT COMMISSION

Rules of Procedure

These rules of procedure are adopted for the City of Detroit Historic District Commission which has been established pursuant to Ordinance No. 161H of the City of Detroit ~~and (herein referred to as “the historic ordinance”)~~, ~~Section 28A~~ Chapter 21 of the 2019 Detroit City Code (herein collectively referred to as “the historic ordinance”) and pursuant to Michigan Public Act 169 of 1970, MCLA S399.201 et seq. ~~(the local historic districts act)~~.

**Article I**  
Organization

Section 1.01 General

Pursuant to the Historic Ordinance, the City of Detroit Historic District Commission shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the Council. Their duties shall be as set forth in Public Act 169 of 1970 and in the historic ordinance.

Section 1.02 Office

The office of the Commission shall be on the ~~13<sup>th</sup>~~ 8<sup>th</sup> Floor, ~~65 Cadillac Square~~ 2 Woodward Avenue, Detroit, Michigan 48226, and shall be open for the transaction of business from 8:30 a.m. to 4:30 p.m. each weekday, except Saturdays, Sundays and holidays.

Section 1.03 Officers

The officers of the Commission shall consist of a Chairperson and a Vice-Chairperson. The Commission shall annually elect, at the first meeting after February 14<sup>th</sup>, these officers from its own membership. The Chairperson and Vice-Chairperson shall take office immediately following their election, and shall hold office for a term of one year, or until their Mayoral appointment expires, or until their successors are elected and assume office.

The Chairperson shall be the chief official of the Commission. The Chairperson shall preside at all hearings and meetings, and subject to these rules, shall decide on all points of order and procedure, and shall have the right to vote. The Chairperson shall sign all contracts and documents required to be signed by the Commission. No such contracts or documents making policy or related to appointments shall be signed on behalf of the Commission, unless the same shall have been approved by the Commission.

The Vice-Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term, and the Commission shall elect a successor to the office of Vice-Chairperson for the unexpired term. All references to the Chairperson in these Rules shall include the Vice-Chairperson, where appropriate.

Section 1.04 Commissioners

It shall be the duty and the responsibility of each retiring Commissioner to turn over to the Commission all books, papers, documents, correspondence, and properties of the Commission which shall be in his custody or control by virtue of his/her Commission membership.

Absence from all or substantial parts of four (4) scheduled regular meetings of the Commission shall be considered by the Commission as an indication of an inability of the absent member to serve on the Commission. After the third absence of a member, the Commission may send a letter to the Mayor giving notification of the absences, and noting the apparent inability to serve. Absences shall be recorded in the minutes of the regular Board-Commission meetings.

#### Section 1.054 Staff

Pursuant to the Historic Ordinance, the staff of the Commission shall consist of the Community & Economic be provided by the Planning and Development Department of the City of Detroit and such other staff as the Mayor may from time to time direct.

The staff of the Commission, subject to these rules and the direction of the Commission, shall conduct and administer the affairs of the office of the Historic District Commission; supervise in the arrangement of all cases and other matters that come before the Commission; conduct all official correspondence, send out all notices required by these rules and orders of the Commission; prepare all decisions of the Commission; attend the meetings and hearings; take the minutes of the Commission's proceedings; compile the required records; maintain the necessary files and direct all clerical and technical work of the Commission; and make inspections of the buildings, premises, etc. connected with the cases before the Commission and report the results of the findings of the hearings and special investigations requested by the Commission, and make recommendations to the Commission on the initiation of studies, activities or programs for consideration by the Commission.

The staff of the Commission also includes the Director of Historic Preservation, who supervises other HDC staff and may sit on the Commission as a non-voting member. The Director will give a Report at every meeting of the Commission regarding staff activities, updates, and other issues of relevance to the city and its historic districts. At the last meeting each December, the Director shall provide a report, in writing and presented in summary form, to the Commission, summarizing the activities and management of Commission business of the past year, and making any recommendations regarding the same for the upcoming year.

City staff representing the city's Historic Designation Advisory Board, BSEED, and the Law Department may also participate in Commission meeting as non-voting representatives of their respective departments, and may give Reports during the designated portion of the meeting.

#### Section 1.05 Records

The Commission shall keep minutes of all its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of the Commission shall be kept by the staff at the office of the Commission. Public records shall be made available for inspection, but in no instance shall any record be removed from the office unless by court order. Availability of all records shall be governed by the Michigan Freedom of Information Act.

#### Section 1.06 Meetings

Regular Commission meetings shall be held on the second and optionally fourth Wednesday of each month at 5:30 p.m., except when such day falls on a legal holiday, then the Commission may set a new day. In addition to reviewing applications and projects for work within districts, a principal purpose of Regular Commission meetings is to inform and educate the public regarding the administration and enforcement of the historic ordinance and the local historic districts act, to provide a regular forum for the

discussion of historic preservation issues in the City, and to provide expertise and guidance concerning the city's historic resources to the Mayor, City Council, and the public.

Reviews of projects and permit applications under the Commission's permitting or advisory review capabilities will be heard at the second Wednesday meeting. Reviews of violations organized by city council district will be heard on the fourth Wednesday meeting, as necessary.

Pursuant to the Historic Ordinance; all Commission meetings shall be open to the public. A majority of members serving on the Commission shall constitute a quorum for the conduct of business.

A resolution supported by a majority of members serving on the Commission may temporarily suspend any Rule of procedure or change the date or time of any regular meeting, ~~as set forth in the preceding paragraph.~~

Special meetings may be called by the Chairperson or a majority of those serving on the Commission provided a forty-eight (48) hour notice has been given to each member before the time set for such meeting, except that the announcement of a special meeting may be made at a meeting in which all members are present and shall be considered sufficient notice to all members. Public notice of all regular and special meetings shall be done in accordance with the provisions of the historic ordinance.

#### Section 1.07 Voting

Actions taken by the Commission shall be by simple majority vote of the quorum then present, unless in the case of a denial. A majority vote of those members serving is required for a denial of a building permit application.

In the event that a quorum is validly constituted by the presence of four (4) Commissioners, the unanimous vote of those four (4) members is required to pass any action. Except as provided in these Rules of Procedure or as required by an applicable law, voting shall be by voice and a show of hands. If a vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

#### Section 1.08 Order

The order of business of Regular Commission meetings (for applications and projects) typically occurring on second Wednesdays shall be as follows:

1) Call to order;

2) Roll call;

3) Approval of Agenda;

4) Approving minutes of previous meeting;

5) Communications and Reports;

6) Miscellaneous business;

7) Hearing-Review of cases under Section 21-2-5, or Effects of Projects on Districts;

8) Hearing of Public Hearing cases under Section 21-2-73, Certificates of Appropriateness, with

City Projects subject to Public Hearing docketed first;

9) Public Comment, per Section 8.06 of these Rules of Procedure

10) Hearing of cases under Section 21-2-73, Certificates of Appropriateness, non-public hearing

cases

11) Miscellaneous business, including demolition-by-neglect or violation cases, review of

applications in proposed districts, or other duties of the Commission

12) Old business and new business; and

13) Adjournment.

In all circumstances, applications and cases subject to public hearing or comment shall be given precedence in ordering of the docket, with those of the greatest anticipated public interest docketed first.

The order of business of Regular Commission meetings (for district-wide periodic inspection (PI) violations, as described in Section 8.09 of these Rules of Procedure) occurring on fourth Wednesdays, when scheduled, shall be as follows: 1) Call to order; 2) Roll call; 3) Approving minutes of previous meeting; 4) Hearing of violation cases; 5) Old business and new business; and 6) Adjournment. Notice to the relevant City Council District Councilmember and Department of Neighborhoods representative(s) for such meetings will be made by Staff.

#### Section 1.09 Parliamentary Authority

The parliamentary authority of the Commission shall be prescribed by the current edition of Robert's Rules or Order Newly Revised, which is hereby adopted and made part of these Rules of Procedure, except as modified by State law, the City Charter, the Code, or by these Rules of Procedure.

#### Section 1.10 Open Meetings Act

All meetings of the Commission shall be conducted in accordance with the Michigan Open Meetings Act, Michigan Public Act 267 of 1976, as amended (the "Open Meetings Act"). Public comment shall be allowed at all meetings and for each case hearing. The Commission may establish reasonable time limits for public comments and audience participation during particular meetings and hearings; provided, that such time limits shall be stated at the opening of the respective public comment periods, and, provided further, that in no instance shall comment time be limited to less than one (1) minute per speaker. The Chairperson may, in his or her discretion, extend an individual's speaking time.

#### Section 1.11 Commissioner Questions concerning Policies or Procedures

In the event that a Commissioner has a question regarding Commission policies or procedures outside of a scheduled meeting time, the Commissioner shall submit his or her question or comment in writing to the Director, and the Director shall, within a reasonable time, provide a written response to the Commissioner or, if necessary and in consultation with the Chairperson, place on the agenda for a regularly scheduled meeting or a special meeting duly called in accordance with these Rules, a discussion on the question or comment.

### Article II Ethics and Conflicts of Interest

#### Section 2.01 Ethical Duties

Each Commissioner shall comply with the Ethical Standards of Conduct as provided in Section 2-106 of the City Charter, and with the provisions of this Article. In the event of a conflict between City Charter provisions and the provisions of this Article, the City Charter shall prevail.

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A Commissioner shall neither solicit nor accept gratuities, favors, or anything of monetary value from any individual or entity that has an interest in or may benefit from a decision of the Commission.

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A Commissioner shall not obtain, for him or herself or for any person with whom he or she has an immediate familial or direct business relationship, any financial interest in a matter which may be affected by a decision of the Commission made during the member's tenure on the Commission.

A Commissioner shall not appear before the Commission as a petitioner, representative of a petitioner, or as a party interested in a petition during the Commission's term of office.

A Commissioner shall avoid the appearance of impropriety by not discussing cases which have been docketed on the publicly posted agenda outside of a legally constituted meeting or in an individual conversation with Staff. A Commissioner shall, further, disclose any communication he or she has with a petitioner or representative of a petitioner regarding that petitioner's case after the public agenda has been posted.

Commissioners shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties.

#### Section 2.02 Conflicts of Interest and Voting

A Commissioner shall abstain from discussing or voting on any matter in which that member is involved in a real or apparent conflict of interest. Potential conflicts of interest shall be evaluated on a case-by-case basis with reasonable consideration and application of the principles provided in this Section. Circumstances in which a conflict of interest may exist shall include, but are not necessarily limited to:

- Matters in which the Commissioner or any individual with an immediate familial or direct business relationship with the Commissioner has a direct financial or beneficial interest.
- Matters involving property that is wholly or partially owned by the Commissioner or which is adjacent to property owned by such Commissioner
- Matters in which any individual with an immediate familial or direct business relationship with the Commissioner is an applicant or agent for any applicant, or has a direct financial or beneficial interest in the outcome.

A Commissioner who believes that he or she is subject to a conflict shall, immediately, upon first knowledge that the potential conflict exists: (i) declare that a potential conflict exists, (ii) disclose, except where it violates a confidence, the general nature of the conflict, and (iii) recuse him or herself from the matter.

In the event that a Commissioner questions the conflict of a Commissioner who has not recused him or herself, or raises a potential conflict regarding another Commissioner, a majority of the other Commissioners then present may vote to declare the member at issue ineligible to participate in the matter due to a conflict of interest.

A Commissioner who recuses him or herself, or who is declared by the Commission to be ineligible to participate due to a conflict of interest, shall:

- Cease to participate in any manner when the matter is discussed, voted on, or otherwise acted on at Commission meetings or in any other forum.
- During deliberation of the matter, leave the area where Commissioners sit, until action on the matter is concluded.

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If the recusal of a Commissioner under this Section results in the loss of a quorum, then the matter, including testimony, shall be postponed until the next Regular meeting at which an eligible quorum is present.

For purposes of this Article, an “immediate familial relationship” with a Commissioner shall include a parent, sibling, spouse, domestic partner, or child of the Commissioner, as well as anyone residing in the same residence as the Commissioner and anyone who is financially dependent on the Commissioner. Also, for purposes of this Article, a “direct business relationship” with a Commissioner shall include any individual or entity that is an employer, employee, or business partner of the Commissioner, as well as any individual or entity with a controlling financial interest in an entity in which the Commissioner also has a financial interest or that employs the Commissioner.

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### **Article III**

#### Application for Building Permit Effects of Projects on Districts, Pursuant to Section 21-2-5

##### Section 3.01 Purpose

Pursuant to Sections 21-2-5 and 21-2-56, subsection (4), of the historic ordinance, any discretionary city- or city-assisted physical development projects within or adjacent to designated or proposed historic districts shall be reviewed by the Commission in an advisory capacity. The sponsoring city department or agency shall notify Staff of the project, and present the project to the Commission, which presentation may include the participation of the prospective permit applicant or developer, at the sponsor’s discretion.

The Commission understands “assistance” to mean the discretionary provision of city-owned (or city-affiliated agency-owned) real property, substantial and dedicated staff time, or incentives included but not limited to tax abatements, subsidies, or other discretionary state, federal, or local assistance funding as may be approved by the Mayor and/or City Council.

##### Section 3.02 Public comment

All cases reviewed under Section 21-2-5 shall be open to public comment, though they are not required to be noticed as public hearings. The advisory nature of the proceeding shall be plainly stated on the Commission’s public agendas and during the meeting.

##### Section 3.03 Time limit

Sponsor or applicant’s direct presentation shall be limited to 20 minutes. Public comment, if held at the discretion of the Commission, shall be limited to 2 minutes per person. Sponsor or applicant will be given 5 minutes of response time following conclusion of public comment.

##### Section 3.04 Finding of demonstrable effect

The Commission shall deliberate and determine the anticipated demonstrable effect of the project on the subject designated or proposed historic district(s) through majority vote. If no effect is anticipated, or an effect (beneficial or adverse), is anticipated, the Commission shall report same via Resolution to the Mayor and City Council, giving reasons in support of their finding. Resolutions shall also be posted to the Commission’s public website.

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**Article IV**  
**Application for Building Permit (Pursuant to Section 21-2-73)**

Pursuant to the historic ordinance, before a building permit may be issued for any work to be done in any officially designated historic district, the Department of Buildings & Safety Engineering shall forward any building permit application which it has received to the Historic District Commission for action pursuant to the historic ordinance. The Department of Buildings & Safety Engineering shall forward to the Commission said building application and the entire file accompanying it within seven (7) days of its receipt. Staff may also docket applications for review in anticipation of a pending building permit application, when such a permit application is appended to an HDC project review request.

A permit application shall include information currently promulgated as required for building permit review by the Commission.

The Commission may require of the applicant such additional information and data as deemed necessary and essential to fully advise the Commission with reference to the permit application. Refusal or failure to comply on the part of the applicant shall be grounds for the denial of the application by the Commission.

Pursuant to the historic ordinance, Section ~~28A-1-6(f)~~21-2-77 "In cases of structure additions, demolitions, or new construction in a designated historic district, the Commission shall conduct a public hearing. The Commission may also conduct a public hearing on any other historic preservation matters for informational purposes. All notices of public hearings shall be mailed to the applicant, all persons to whom any real property, within ~~300-500~~ feet of the premises in question assessed and the occupants or building managers within ~~300-500~~ feet of the premises. The Commission shall conduct a public hearing no sooner than ten (10), nor more than twenty (20) calendar days from the time the notice is mailed. Notice shall include the time and place of the hearing and a general description of the nature of the 'work' proposed." Staff may schedule such hearings to be held during the regular meetings of the Commission.

No permit application which has been denied wholly or in part by the Commission shall be resubmitted for a period of one year from the effective date of such decision, except on the grounds of new evidence or proof of change of conditions found to be valid by the Commission, or unless upon remand by the Circuit Court. Applications for hearing shall be in writing to the Commission and subject to the same rules as an original application.

**Article VIII**  
**Dockets and Agenda**

**Section 5.01 Staff docketing of applications**

Each application properly filed with the required information and data, shall be deemed provisionally complete and numbered serially, docketed and placed upon the agenda of the Commission by staff within twenty (20) days. Cases subject to public hearing or anticipated public comment shall be docketed higher (earlier) on the agenda, with those cases of greatest anticipated public interest docketed first.

The docket shall be kept posted to date by the staff of the Commission and shall record the name and address of the applicant, the nature and type of the application, the location of the premises, the date of any hearings and all discontinuances, postponements, and other steps taken, or actions done and the final disposition of the case.

Submissions for all applications deemed provisionally complete and docketed on an agenda shall be posted to the Commission's public website no later than the date of mailing for public hearing cases of the same meeting.

#### Section 5.02 Staff Reports

When applications are provisionally complete and docketed and placed on the agenda, the staff shall see that all inspections, maps, and other required information and data are properly assembled and prepared for the hearing. Such written staff reports may or may not contain staff recommendations. Staff reports shall be posted to the Commission's public website no later than 48 hours prior to the meeting, for access by the Commission and the public at large.

#### Section 5.03 Completeness of Applications

For purposes of Section 21-2-72, "Application", the Commission may choose to reject an application as incomplete despite being deemed provisionally complete by Staff. Applications may not be determined complete by Staff and are only deemed complete coincident with their official review at a Commission meeting. Pursuant to the same Section, the Commission may direct the applicant to submit additional information and reappear at a subsequent meeting prior to the application being determined complete.

#### Section 5.04 Agenda

An agenda for each meeting shall be prepared by the Director or his or her designated staff member. Agendas and supporting documentation for each scheduled case shall be made available to Board members at least 48 hours before the meeting's scheduled start time.

Notice of all meetings including an agenda of matters to be considered, shall be given in accordance with the provisions of the historic ordinance. Draft agendas for meetings shall be posted on the Commission's public website no later than one day after the deadline for applications for such meeting. Draft agendas may be updated online up to 48 hours prior to the meeting, and become final only upon the Commission's approval during the subject meeting. Interested persons shall be given reasonable opportunity to be heard on any matter before the Commission before it reaches its decision.

### **Article ~~VII~~ Public Hearings**

#### Section 64.01 General

Public hearings which are required or permitted pursuant to Section ~~28A-1-6(f)~~21-2-77 shall be conducted in accordance with the notice provisions contained in that section of the ordinance. The public hearings will be heard by the Commission in the order in which they appear on the calendar except that a hearing may be advanced, postponed, or adjourned for another hearing by order of the Commission upon good cause being shown.

The applicant may appear in his own behalf or may be represented by an attorney or an agent, who has been authorized, by letter, to represent the applicant at the public hearing held by the Commission. In the event of the absence of the applicant or an authorized representative, the case of any opposition will be heard and the transcript thereof may be presented at any subsequent hearing.



All applications for work on city property, or work on other property paid for by the city, shall be subject to public hearing requirements.

Section 64.02 Record of Proceedings

At all public hearings ~~which are required under Section 28A-1-6(f) of the historic ordinance, a verbatim transcript shall be prepared-a permanent audio record shall be made.~~

Section 64.03 Order of Procedure

The regular order of procedure for public hearings shall be:

- (a) Presentation of official records of the case by the staff of the Commission;
- (b) Statement of the staff summarizing the application (staff report, with recommendation); (20 minutes)
- (c) Opening statements, if any, by applicant or by counsel (2 minutes);
- (d) Presentation of direct case of application (20 minutes); cross examination of applicant's witnesses by attorneys of record or other designated by the Chairperson
- (e) Presentation of objector's case, if any; cross-examination of objector or objector's witnesses by the attorneys of record or others designated by the Chairperson, and where no objectors appear, the record should so show (3 minutes per objector);
- (f) Rebuttal, if any (2 minutes per rebuttal);
- (g) Statements, if any, of persons either for or against the applicant's proposal (2 minutes per statement);
- ~~(h) Staff recommendation; and~~  
(h) \_\_\_\_\_ Decision.

Section 64.04 Records

A record of each public hearing shall be kept by the staff of the Commission which shall be recorded with the resolutions relating to each case acted on, together with the vote of each member of the Commission, those absent being so marked, together with all other actions of the Commission.

Section 64.05 Witnesses

Testimony may be given under oath or affirmation. Testimony of witnesses may be by question and answer methods or, at the Chairperson's discretion, in statement form.

Section 64.06 Exhibits

Exhibits shall be marked for identification and shall be offered in an orderly fashion. They shall be made available for examination by any and all parties in interest. Leave to file post-hearing exhibits or information may be sought at the hearing, or thereafter, in writing, which may be granted by the Chairperson. In the event leave to file post-hearing exhibits or information is granted, copies may be served upon interested parties or representatives in person or by United States mail, postage prepaid, and a signed statement that this rule has been complied with, and shall be attached to or shall accompany such documents submitted. In contested matters, ex parte communications to the Commission shall be discharged.

Section 64.07 Evidence

Hearings shall be conducted in such a way that is calculated to result in a just and lawful determination of the issues as promptly as circumstances shall permit. The Commission shall be the judge of the relevance and materiality of evidence that is unduly repetitious or creative. The Commission may require a preliminary statement of the nature of the evidence proposed to be elicited from any witness.

Section 64.08 Continuances

No continuance shall be granted upon application made at the date and time set for public hearing except in cases of extreme hardship or inconvenience not created by applicant or its counsel. However, if a continuance is sought, the request shall be made motion immediately at the opening of the hearing.

Section 64.09 Briefs and Oral Argument

The Commission may call for briefs, oral arguments, or both, at the conclusion of the public hearing or thereafter on matters of law or fact or combination of law and fact. Copies of briefs and replies thereto shall be served on all other parties. A signed original and four (4) conformed copies shall be filed with the Commission. In the event of oral argument, all parties shall be notified and be heard, if they so desire.

Section 64.10 Depositions

The Commission may authorize the taking of depositions either upon its own motion, or upon good cause shown, in accordance with the Rules of Practice set forth in Michigan Supreme Court Rules.

**Article VII**  
**Final Disposition of Permit Application**

Section 75.01 Decision

The final decision on any application shall be in writing in the form of a resolution either issuing a certificate of appropriateness pursuant to Section 28A-1-5(g)(1)21-2-78 of the historic ordinance or by resolution issuing a notice to proceed pursuant to (2) of the same Section, or a resolution denying said application pursuant to (3) of the same Section. A majority of those members serving is required for a denial. All resolutions Per the above section, denials shall include findings necessary for the particular decision, with reference to the individual Standards, Guidelines or Elements of Design upon which the Denial is based.

For applications and projects involving more than one (1) legal parcel, the Commission's decision shall be made and construed to include all the parcels collectively.

Section 75.02 Notice of Decision

A decision shall be mailed-sent to the applicant in each case and copies of the decision shall be sent to the Department of Buildings & Safety Engineering for further processing. Upon request, notices of the Commission's decision shall be mailed-sent to individuals or organizations attending the public hearings in which said parties have an interest, provided they shall have registered with the staff of the Commission on or prior to the date of the public hearing.

Section 75.03 Effective Date

Unless otherwise recorded by action of the Commission, the decision in each case shall not become effective until 4pm on the third business day three (3) days after the Commission has voted thereon;

provided, however, that during this interim period, a member of the Commission on the prevailing side may ~~advise the staff~~ notify the Director that he or she intends to move for reconsideration, whereupon the ~~staff~~ Director shall enter the time and date of such notice, together with the name of the member, in the record of the case and advise the Commission relative thereto, at its next meeting.

~~In all such cases, a new vote of the Commission shall be required for a final decision. At the next meeting, the Commissioner that requested the reconsideration shall make the motion to reconsider the decision, and the Commission shall vote on the reconsideration. Following approval of a reconsideration, a new motion and full vote of the Commission shall be required either for (i) a final decision on the underlying case or (ii) to take the case under advisement per Section 7.05 of these Rules.~~

#### Section ~~7.5.04~~ Withdrawal

Any applicant, with the consent of the Commission, may withdraw his application at any time prior to the action thereon, except that if a motion has been made and is pending, such motion shall have precedence.

#### Section 7.05 Advisements

The Commission may act to take a case under advisement for one or both of the following reasons:

1. Any Commissioner is absent for a hearing
2. The Commission determines that additional information is needed, that cannot be reasonably obtained during the time then currently set for the hearing, in order to make its decision.

The Commission may take a case under advisement by majority vote of the members then present. A case taken under advisement under this Section shall be taken under advisement until a date certain, as determined by the Commission, and any Commissioner shall be permitted prior to the new hearing date to review the record, including an audio tape or other recording, of the hearing at which the case was taken under advisement. A motion to take the case under advisement for the purpose of obtaining additional information, under condition 2 above, shall include a statement of the reasons and the additional information needed for the Commission to make a decision, and shall be considered an incomplete application.

When a case that has been placed under advisement comes before the Commission for a vote, the case is not opened anew; rather, the Commission shall first hear any additional information requested, if any was requested; shall allow public comment, whether by the petitioner or other members of the public; and shall then proceed to a discussion, motion and full Commission vote on the matter. In the event that a motion was made on the case prior to deciding to take the case under advisement, a new motion shall be made and a new vote taken.

#### Section ~~7.5.065~~ Validity

Any decision of the Commission favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the resolution was based are maintained. A change of property ownership shall invalidate any approval unless a building permit has already been issued based thereon.

#### Section ~~7.5.076~~ Building Permit

The action of the Commission regarding a building permit application may require that the applicant obtain a building permit from the Department of Buildings & Safety Engineering within six (6) months,

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or within a lesser period following the Commission action in cases where “demolition by neglect” is involved. A building permit shall be obtained from the Department of Buildings & Safety Engineering within the specified time of said resolution, and failure to obtain such building permit within that time will thereby automatically invalidate and terminate the approval, except that the Commission may grant an additional six (6) months or less extension after the expiration of the original approval. Absent a specified time limit, approvals of the Commission will expire two (2) years after the Effective Date if no building permit is issued. In no case shall the Commission allow a time limit of more than three (3) years.

Section ~~75.087~~ Conditions

The Commission shall include with every approval of an application, a provision that the applicant agrees to abide by all statutes and ordinances applicable to the location in question, and that the approval only authorizes the issuance of a notice to proceed or a certificate of appropriateness, and is not intended to waive the provisions of any other ordinance or statute. The Commission may further require any other condition which it deems appropriate in order to preserve the intent and purposes of ~~Ordinance 1614~~the historic ordinance.

All approvals not based on permit drawings (i.e., construction documents) shall be considered conditional by default, based on later staff review and acceptance of such permit drawings for conformance with the Commission’s approval

When COA or NTP approvals are constrained by conditions imposed by the Commission, staff shall have authority to determine satisfaction of conditions, or return the case to the Commission for review; except as otherwise directed by the Commission’s approval.

Section ~~75.098~~ Termination

In every approval authorized by the Commission, there shall be included as a condition thereof, a statement that the building permit covering this application shall be secured from the Department of Buildings & Safety Engineering before starting any construction, alterations, or additions, and that failure to obtain such permit within the time specified in the approval or two (2) years, will thereby invalidate and terminate this approval.

Section 7.10 Appeal of Decisions

In the event of administrative appeals or other subsequent court action, the Chairperson, or the Commissioner acting as Chairperson when the Decision was reached, shall participate in the defense of such Decision in any appeal or court action relating thereto.

**Article VIII**  
Other Duties per the Historic Ordinance

Section 8.01 Historic Resource Acquisition Recommendations

Per Section 21-2-6, there may be appropriated in the annual city budget funds in connection with “the acquisition by purchase or condemnation of resources, historic resources, easements or other rights, or other real or personal property, provided, that the City Council determines ownership is in the public

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interest. The Historic District Commission shall make recommendations to the City Council on such resources, historic resources, easements, other rights, or real or personal property to be acquired.”

Pursuant to the above, the Commission will review and consider at least quarterly a summary report from staff nominating such candidate properties for public ownership, and will make recommendations to the City Council based thereon. Any member of the Commission may nominate properties for consideration for Section 21-2-6 action at any meeting under New Business.

#### Section 8.02 Review of Permit Applications in Proposed Historic Districts

Per Section 21-2-31, *Establishment of Historic Districts*, subsection (b), the Commission “shall review, for a period of up to one year from the date of the public hearing before the Historic Designation Advisory Board (HDAB), all permit applications for work within the proposed historic district, for informational purposes only and shall inform the applicant of the existence of the request to have the area, structure, or site designated an historic district.” The Commission’s Staff, coordinated with HDAB representation on the Commission, shall inform the Commission on the status of any proposed historic districts during their regular Reports.

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At least two (2) informational reviews for permit applications in a proposed historic district shall be docketed for review by the Commission for each district under HDAB study, subject to the selection of staff, the preferences of the Commission, the direction of the Planning Department, and the availability of such applications. Such applications shall in no case be advertised as a public hearing, and shall occur after the consideration of applications for work in designated districts in a clearly distinct section of the agenda. The Chairperson shall note before each such informational review the non-binding nature of the proceedings. During informational review, public comment may be received at the discretion of the Chairperson. The informational decision, and the reasons for a Denial, if applicable, will be recorded. The Commission, acting through the Chairperson, may direct staff to forward additional applications from any proposed historic district to the Commission for informational review, at their discretion.

Excepting applications forwarded to the Commission per the above paragraph, the Commission delegates the remainder of informational review of permits in proposed historic districts to staff, who for each such review will prepare a brief statement prepared with respect to the Standards and Guidelines used by the Commission and consistent with recent decisions issued by the Commission on applications of similar scope in designated districts. This informational statement will conclude whether the project would receive a staff recommendation for a Certificate of Appropriateness, a Notice to Proceed, or a Denial, and if a Denial would be recommended, the reasons therefore. The Staff will prepare a record of such informational reviews for periodic review by the Commission.

The Commission’s informational review, or the staff’s informational review on behalf of the Commission, shall be returned to the applicant and BSEED to be placed on file with the permit application, in accordance with these Sections.

#### Section 8.03 Review of Permit Applications in Interim (Proposed) Historic Districts

Per Section 21-2-31, *Establishment of Historic Districts*, subsection (c), the Commission, after adoption by the City Council of a resolution of interim historic designation, “shall review permit applications for work within such proposed historic districts with the same powers which would apply if the proposed historic district were a designated historic district.”

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During a period of interim designation for a proposed district, the staff will docket and prepare reports for such applications in the same manner as for applications in designated districts. The Commission’s

review will occur during the appropriate portion of the agenda, along with those applications in designated districts, and is subject to the same Rules of Procedure as those applications.

#### Section 8.04 Review of Historic Designation Advisory Board reports

Per Section 21-2-31, *Establishment of Historic Districts*, subsection (d), and Section 21-2-56, *Powers and duties*, subsection (1), the Commission shall review and make recommendations concerning proposed historic districts in relation to:

- The Detroit Master Plan of Policies;
- The practical budgetary effects on City resources;
- Legal implications for the owners, residents, and the City, and;
- The historical and architectural values of the district.

The Staff of the Commission will, upon request of the Commission, prepare a report with the support of planning department staff, legal counsel, and other relevant consultation. After reviewing such report, the Commission may, subject to a majority vote, submit its recommendation regarding the proposed historic district designation and elements of design to the City Council, a copy of which recommendation shall also be sent to the Historic Designation Advisory Board.

#### Section 8.05 Requests to BSEED to require correction of defects or repairs for Demolition-by-Neglect

Per Section 21-2-56, *Powers and duties*, subsection (3), the Commission may request that BSEED require the correction of defects or repairs on buildings in designated historic districts in conjunction with Section 21-2-59(a), *Demolition-by-Neglect provisions*. Staff shall report the progress of such requests to the Commission at the subsequent Regular meeting via Reports.

#### Section 8.06 Public Participation

It is the policy of the Commission to encourage public participation and community engagement in the work of the Commission to the greatest extent feasible. Pursuant to Section 21-2-56, subsection (5), “interested persons shall be given reasonable opportunity to be heard on any matter before the Historic District Commission before the Body reaches a decision.”

The Chairperson of the Commission will, prior to all deliberations of the Commission not already subject to public comment or public hearing per these Rules of Procedure, ask for interested persons to make themselves known. Such persons will be given reasonable, consistent, and equally-timed opportunity to speak, not less than two (2) minutes each, subject to the discretion of the Chair. Such time for interested persons to provide public comment shall appear on the agenda prepared by Staff.

#### Section 8.07 Advice to City Council and other City agencies

Per Section 21-2-56, *Powers and duties*, subsection (6), the Commission may “advise the City Council and other City agencies in the administration of any gifts, purchase or sale of property, administration of a loan and grant program or tax incentive program, or any other program concerning historic preservation.

Upon request by the Commission, Staff will prepare a report concerning such actions or programs for Commission review and place it on the agenda under Miscellaneous Business. Commission advice, subject to a majority vote, will be forwarded by Staff to the appropriate Body or Agency.

#### Section 8.08 Promulgation of Guidelines defining Documentation Requirements for Work

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Pursuant to Section 21-2-56, Powers and duties, subsection (7), the Commission delegates to Staff the preparation of such manuals, guidelines, and recommended documentation requirements concerning work in designated districts, including requirements and availability of administrative (i.e., staff) approval of certain categories and scopes of work per Section 21-2-57, subsection (b). The Commission will review, consider, and approve such guidelines, requirements, and staff-approvable work prior to public distribution. The Commission's promulgated guidelines shall be made available by staff in digital format on the public website, and in paper format upon request to the Staff.

The Commission shall review their promulgated guidelines on an annual basis, to incorporate newly designated districts, new technologies and practices in historic preservation, the evolving significance of character-defining features and properties within the City, and precedents based on recent Commission decisions. The Commission will direct Staff, via Resolution, to make such changes and updates annually, or as appropriate and necessary.

#### Section 8.09 Periodic Inspections of Designated Districts for Violations

Pursuant to Section 21-2-56, Powers and duties, subsection (8), the Commission delegates to Staff, per a timeframe subject to staff capacity, the duty to regularly and comprehensively inspect districts street-by-street for unrecorded violations; and, barring staff resolution of such periodic inspection violations via an administrative resolution process approved by the Commission, directs Staff to report same to the Commission for disposition at Regular meetings occurring, as required, on the fourth Wednesday of a month. Such meetings to review violations shall be distinct from other Regular meetings, and be organized by City Council District, with each such City Council District scheduled for at least one meeting per calendar year, except as such meetings may no longer be necessary to resolve existing violations.

Periodic inspection (PI) violations shall be classified and organized by Staff in specific categories based on scope, intensity, time-since-action, and urgency for resolution. Full staff reports and recommendations will not be prepared for any individual PI violation, but such violations will be instead grouped and reported in categories. Property owners, as far as can be determined from city records, will be notified of the Commission's review and be given the opportunity to appear before the Commission. The Commission will endeavor to respond equitably and consistently to PI violations in historic districts, subject to the Standards and Guidelines, the responsibility of the current owner for such violations, and with recognition of the technical and financial feasibility of correcting such violations.

Non-PI violations occasionally discovered by staff during the preparation of reports, or reported by members of the public, may be reviewed by the Commission at the Regular meeting for applications; i.e., the second Wednesday meeting. Upon request by the Commission, the Staff will prepare a full report and recommendation concerning any violation identified during periodic inspection or otherwise.

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Amendments to these Rules of Procedure may be made at any regular meeting upon the affirmative vote of a majority of the members serving. The suspension of any Rules of Procedure, except those governed by statute or ordinance, may be ordered at any meeting by unanimous vote of those present.

The foregoing is a true copy of the Rules of Procedure of the Detroit Historic District Commission.

Date: \_\_\_\_\_

~~Stephen Vogel~~James Hamilton  
Chairperson

