

CITY OF DETROIT
HISTORIC DISTRICT COMMISSION
Rules of Procedures

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, (herein referred to as “the historic ordinance”), Section 28A of the Detroit City Code and pursuant to Michigan Public Act 169 of 1970, MCLA S399.201 et seq.

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 13th Floor, 65 Cadillac Square, 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 14th, 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 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.

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 Commission membership.

Absence from 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 also be recorded in the minutes of the regular Board meetings.

Section 1.04 Staff

Pursuant to the Historic Ordinance, the staff of the Commission shall consist of the Community & Economic 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.

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 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.

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.

Section 1.08 Order

The order of business of Commission meetings shall be as follows: 1) Call to order; 2) Roll call; 3) Approving minutes of previous meeting; 4) Communications; 5) Miscellaneous business; 6) Hearing of cases; 7) Old business and new business; and 8) Adjournment.

Article II
Application for Building Permit

Pursuant to the historic ordinance, before a building permit may be issued for any work to be done in any officially designed 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.

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): “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 feet of the premises in question assessed and the occupants or building managers within 300 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 rehearing shall be in writing to the Commission and subject to the same rules as an original application.

Article III
Dockets and Agenda

Each application properly filed with the required information and data, shall be numbered serially, docketed and placed upon the agenda of the Commission by staff within twenty (20) days.

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.

When applications are 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.

Notice of all meetings including an agenda of matters to be considered, shall be given in accordance with the provisions of the historic ordinance. Interested persons shall be given reasonable opportunity to be heard on any matter before the Commission before it reaches its decision.

Article IV
Hearings

Section 4.01 General

Public hearings which are required or permitted pursuant to Section 28A-1-6(f) 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.

Section 4.02 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.

Section 4.03 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;
- (c) Opening statements, if any, by applicant or by counsel;
- (d) Presentation of direct case of application; 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;
- (f) Rebuttal, if any;
- (g) Statements, if any, of persons either for or against the applicant's proposal;
- (h) Staff recommendation; and
- (i) Decision.

Section 4.04 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 4.05 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 4.06 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 4.07 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 4.08 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 4.09 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 4.10 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 V
Final Disposition of Permit Application

Section 5.01 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) 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 shall include findings necessary for the particular decision.

Section 5.02 Notice of Decision

A decision shall be mailed 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 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 the date of the public hearing.

Section 5.03 Effective Date

Unless otherwise recorded by action of the Commission, the decision in each case shall not become effective until 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 that he intends to move for reconsideration, whereupon the staff 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.

Section 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 5.05 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.

Section 5.06 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, 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.

Section 5.07 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 161H.

Section 5.08 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, will thereby invalidate and terminate this approval.

Article VI
Amendments

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 Rule 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
Chairperson

