

SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN

ORDINANCE No. 151

HERITAGE AREA ADVISORY COMMISSION

AN ORDINANCE TO PROVIDE FOR THE DESIGNATION AND MAINTENANCE OF “HERITAGE AREAS” TO HELP PRESERVE THE HERITAGE AND CHARACTER OF SUPERIOR CHARTER TOWNSHIP.

**Section 151.01. Short Title.** This ordinance shall be known and cited as the Superior Charter Township Heritage Area Ordinance.

**Section 151.02. Purpose.** The purpose of this Ordinance is to:

- (1) Safeguard the history of the Township by encouraging the creation of heritage areas and the designation of individual buildings, structures, sites and objects within the Township which reflect elements of the Township’s cultural, social, engineering, economic, political or architectural history;
- (2) Foster civic beauty;
- (3) Promote the use of heritage areas for the education, pleasure and welfare of the citizens of the Township and of the state;
- (4) Establish a voluntary system of designation wherein heritage areas would be recognized as being historically significant or historically interesting as designated by the Commission.
- (5) Provide the Commission with authority to comment to the Township on proposed changes within a heritage area.

**Section 151.03. Definitions:**

1. “Alteration” means the work that changes the detail of a resource but does not change its basic size or shape.
2. “Area” means a tract of land incorporating one or more parcels of property.
3. “Commission” means a heritage area advisory commission created by the Superior Charter Township Board.
4. “Demolition” means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to demolition by neglect.
5. “Demolition by neglect” means 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.
6. “Design Guideline” means a standard of appropriate activity that will preserve the historic and architectural character of a property, structure or area.
7. “Exterior” means all elevations of the outside of a building or structure.

8. “Heritage area” means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
9. “Historic preservation” means the identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering, or culture.
10. “Historic resource” means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of Superior Charter Township, Washtenaw County, the State of Michigan, or the United States of America.
11. “Open space” means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
12. “Ordinary maintenance” means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering.
13. “Parcel” means a lot with a tax parcel number.
14. “Proposed heritage area” means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by the Commission for the purpose of making a recommendation as to whether it should be established as heritage area or added to an established heritage area.
15. “Protect” means to insure that a resource is not damaged or destroyed.
16. “Repair” means to restore a decayed or damaged resource to a good or sound condition by any process.
17. “Resource” means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a heritage area.
18. “Township” means Superior Charter Township.
19. “Work” means construction, addition, alteration, repair, moving, excavation, or demolition.

**Section 151.04. Index of Heritage Areas.** The historic resources designated pursuant to this Ordinance and standards of preservation for heritage areas shall be described in the Superior Township Index of Heritage Areas hereinafter called the “Index”, which shall be maintained by the Township Clerk. All of the procedures set forth within this Ordinance are applicable to the properties set forth in the Index. The Heritage Area Advisory Commission shall approve the designation of properties in the Index, reviewing the Index and the properties therein yearly.

**Section 151.05. Heritage Area Advisory Commission.** The Heritage Area Advisory Commission consists of seven members who reside in the Township of Superior nominated by the Supervisor and approved by the Township Board for three-year terms except the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not

recur at the same time. Members shall be eligible for reappointment. Vacancies on the Commission shall be filled within 60 calendar days by appointment of the Township Board. At least one of the members shall be appointed on recommendation of local preservation organizations. If available, the Commission shall include a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in the State of Michigan. The remaining positions shall be from residents of the community at large who have a demonstrated interest in historic preservation. The Heritage Area Advisory Commission shall have all powers and duties of commissions authorized by this Ordinance including but not limited to the following:

- (1) 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 township;
- (2) To keep an index of all properties and structures that have been duly designated as heritage areas, including all information required for each designation;
- (3) To recommend an appropriate system of local heritage signs to confer recognition upon the owners of property or structures;
- (4) To advise and assist owners of properties or resources within heritage areas on physical and financial aspects of preservation, renovation, rehabilitation, and appropriate design guidelines and work, alternative uses, and/or removal of resources, and on procedures for inclusion on the State and National Registers of Historic Places or designation as a Washtenaw County Historic District;
- (5) To inform and educate the citizens of the Township concerning the historic and architectural heritage of the Township by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars, based on a Township Board adopted budget;
- (6) To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated heritage areas. The Township Clerk shall send applications for special use or zoning variations to the Commission for a special meeting for comment prior to the date of the hearing by the Planning Commission or Zoning Board of Appeals;
- (7) To call upon experts for technical advice; and to retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time, as provided for in the Township Budget for the Commission;
- (8) To testify before all boards and commissions, including but not limited to the Planning Commission and the Zoning Board of Appeals, on any matter affecting historically and architecturally significant property, structures, and areas;
- (9) To develop preservation components in planning efforts undertaken by the Planning Commission;

- (10) To nominate properties, structures and historic districts to the National Register of Historic Places, and to review and comment on any National Register nominations submitted to the Commission;
- (11) To adopt rules for the holding of its meetings and the election of its officers;
- (12) To work with other interested organizations to record and promote an appreciation of local history, to designate resources, and to assist in any preservation efforts conducted by others.
- (13) To obtain oral histories from residents concerning events and conditions in the Township which should be preserved for future generations, to maintain these histories, and to make them available to interested citizens;
- (14) To keep records of all meetings, reports and recommendations of the Commission and to make them available to the public;
- (15) To hold its meetings in compliance with the Michigan Open Meetings Act (PA 267 of 1976) and to prepare and promulgate notices of its meetings in accordance with that act; and
- (16) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this ordinance.

**Section 151.06. Designating Heritage Areas.**

- (1) Before establishing or eliminating a heritage area, the Heritage Area Advisory Commission shall review and research resources within a designated area and shall make preliminary reports on the historical significance of properties under study taking into account one or more of the criteria set forth below. As part of the review process, the Commission shall consult with and obtain the approval of the owners of the area under consideration. Any property owner desiring the designation of his/her property for consideration as a heritage area may approach the Commission for consideration and shall be advised of the advantages and restrictions of such designation. Any structure, property, or area that meets one or more of these criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of designation:
  - (a) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
  - (b) Its location as a site of significant local, county, state, or national event;
  - (c) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;

- (d) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
  - (e) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, County, state, or country;
  - (f) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
  - (g) Its embodiment of design elements that make it structurally or architecturally innovative;
  - (h) Its unique location or singular physical characteristics that make it an established and/or familiar visual feature;
  - (i) Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, schools, gas stations, or commercial structures, with a high level of integrity or architectural significance.
- (3) The index shall contain the following information:
- (a) Explanation of the significance or lack of significance of the nominated Heritage Area as it relates to the criteria for designation;
  - (b) Explanation of the integrity or lack of integrity of the nominated Heritage Area;
  - (c) In the case of a nominated property found to meet the criteria for designation:
    - (i) The historic significance of the nominated property.
    - (ii) The distinguishing characteristics of the nominated area.
    - (iii) The types of significant exterior features of the structures within the nominated Heritage Area.

- (d) Proposed suggestions and guidelines for applying the criteria for review of applications for approval of proposed alterations to the nominated Property.
- (e) A photographic inventory of the property showing the historic significant features and characteristics.
- (f) A map showing the location of the nominated Area and boundaries of the nominated Heritage Area.

**Section 151.07. Alteration of Property in the Index.**

No person shall conduct any work on any resource within a designated Heritage Area without first informing the Heritage Area Advisory Commission and the Township Building Department in writing. The Commission will be granted at least 30 days from the receipt of the proposed plans to comment on the plans and consult with the owners before the Building Department issues a permit to work on a property listed in the Index. If a building is altered, moved, allowed to deteriorate, or demolished by the owner, the Commission has the option of deleting the building from the Index and removing the Heritage signs.

No owner of property listed in the Index shall permit it to deteriorate. Vacant buildings shall be secured at all times from intrusion by animals or unauthorized persons. Prohibited deterioration includes, but is not limited to, the following:

- (1) Parts of buildings which are so attached that they may fall and injure members of the public or property.
- (2) Deteriorated or inadequate foundation.
- (3) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- (4) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- (5) Any fault or defect in the building which renders the same structurally unsafe or not properly watertight.
- (6) The deterioration of any significant architectural feature of the property.

**Section 151.08. Building Code Variance Guide.** If, in the opinion of the Building Inspector, a proposed improvement is safe and will not endanger the health, safety and welfare of the public, variances to the Building Code may be granted for repairs or improvements that maintain or restore the historical significance of resources located within a heritage area.

**Section 151.09. Violations.** No person shall erect, demolish, alter, repair or remove any structure or other thing regulated by this Ordinance except pursuant to the standards and procedures of this Ordinance. Violations are subject to removal from the Index and removal of the Heritage signs from the property as agreed by a vote of the majority of the Commission members.

**Section 151.10. Appeals.** An applicant aggrieved by a decision of the Commission concerning a designation of a heritage area may appeal to the Superior Charter Township Board.

**Section 151.11. Severability.** The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

**Section 151.121. Repeal.** Except as provided herein, the provisions of any other ordinance which are in conflict with this Ordinance shall remain in full force and effect notwithstanding and supersede the provisions of the Ordinance.

**Section 151.13. Effective Date.** This Ordinance shall take effect upon publication following its adoption.

#### CERTIFICATION

I, Kay Williams, Deputy Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on May 21, 2001 and for final reading on June 4, 2001. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

William McFarlane, Supervisor  
June 4, 2001

Kay Williams, Deputy Clerk