



**RULES AND REGULATIONS**

**OF**

**THE HISTORIC DISTRICT COMMISSION**

**OF**

**THE CITY OF YPSILANTI, MICHIGAN**

As adopted, December 19, 2023

# HDC Rules and Regulations – As adopted December 19, 2023

## **Section 1.0 Purpose**

The following Rules and Regulations are hereby adopted by the City of Ypsilanti Historic District Commission (hereinafter known as HDC) to facilitate the performance of its duties as outlined in the City of Ypsilanti Historic District Ordinance. The objectives, purposes, powers, and duties of the Commission are those set forth by P.A. 169 of 1970, as amended, being the Local Historic District Act, hereinafter "the Act," and the administration of Chapter 54 of the City Code of Ordinances, Historical Preservation, and all subsequent amendments thereto.

- 1.1 Internal Affairs.** These Rules and Regulations shall govern the internal affairs of the HDC.
- 1.2 No Rights Granted.** These Rules and Regulations govern the procedures of the HDC and do not give rise to any additional rights, remedies, cause of action or benefits.
- 1.3 Time.** Time lines mentioned are advisory only.
- 1.4 Conflict with Law.** These Rules and Regulations in no way amend, modify or repeal any city ordinance or state law. City ordinance and state law take precedence in all cases.

## **Section 2.0 Officers and Members**

- 2.1 Selection.** At the first regular meeting in February of each year the members of the commission shall nominate candidates for Chairperson, and Vice-Chairperson. At the next regular meeting the HDC shall elect, from its membership, a Chairperson, and Vice-Chairperson. All members are eligible for election.
- 2.2 Tenure.** The officers shall take office the same meeting of their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- 2.3 Duties**
  - A. The Chairperson shall preside at all meetings and perform such other duties as may be requested or approved by the HDC.
  - B. The Vice-Chairperson shall act in the capacity of Chairperson in his/her absence and in the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the remainder of the un-expired term and the HDC shall select a successor to the office of Vice-Chairperson for the un-expired term.
  - C. The commission may designate a Secretary who is not a member of the commission. The Secretary shall execute documents in the name of the HDC, perform the duties hereinafter listed and shall perform such other duties as the HDC may determine. The Secretary shall be responsible for the record and minutes of each meeting, packet and agenda preparation and notices of decisions.
  - D. Should neither the Chairperson nor the Vice-Chairperson be present at a meeting, a temporary Chairperson shall be elected by the majority vote of the members present.
- 2.4 Representation.** No officer or member shall act in any capacity which has the appearance of, or could be construed as, representing the Commission unless such action is authorized by the Commission in a public meeting. This shall include, but not be limited to, dealing with the press and attending public and private meetings and/or hearings which deal with the duties or

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authority of the Commission. Except as authorized above, no individual officer or member shall meet or deal with any applicant in any way that may lead the applicant to believe that he/she has, or will, receive approval for any application or other matter to come before the Commission.

### Section 3.0 Application

#### 3.1 Action Items

- A. Filing.** Any property owner, or the owner's authorized agent as defined in the adopted building code, may apply to the HDC for permission to undertake work regulated by the Commission. Application shall be in writing on a form provided by the Building Department, and shall include payment of any fee(s) as may be required and established from time to time by City Council.
- B. Public Hearing Notification.** When, pursuant to the Ordinance or these Rules and Regulations, a public hearing is required, the Commission shall review the application at the first meeting after the application is made and shall then set a date for the public hearing as soon as possible in accordance with public notice publication requirements. The Community & Economic Development Department shall publish all required notices and furnish proof of such publication to the HDC prior to the start of the public hearing.
- C. Decisions.** The HDC shall hear all applications and render its decision with a statement of reasons for the decision not more than sixty (60) days after receipt of the complete application by the HDC, unless a longer period of time is mutually agreed upon by the applicant (in writing) and the HDC. Failure to act shall constitute approval unless an extension is mutually agreed upon in writing by the applicant and the Commission.

It is desirable to have the applicant present at the meeting. If the applicant does not attend the meeting and the HDC can not reach a decision due to lack of information or other questions, it shall instruct the Community & Economic Development Department to notify the applicant in writing and request an appearance at the next regular meeting. If the applicant fails to appear at the said meeting of the HDC, or fails to schedule an alternate appearance date, the Chairperson may entertain a motion from the Commission to deny the application for lack of required information. In cases which are denied for lack of information the applicant will be furnished written notice of the action by the Community & Economic Development Department as provided in Section 3.1.E, below. The applicant shall have fourteen (14) days from the date of notice of denial to apply for reinstatement of the application. In such cases, the applicant must file a written request with the Building Department for reinstatement of the original application. Reinstatement shall be at the discretion of the Chairperson and only for good cause shown and shall not require payment of additional fees. If the applicant fails to appear at the meeting at which the re-instated application is heard the application shall be denied.

- D. Site Inspection.** The HDC, if it considers it necessary, may conduct a site inspection at any site at issue. If such an inspection is part of a public hearing, the site inspection shall be posted as part of the public meeting/hearing. The site inspection, if posted as part of the hearing shall always be held the same day and as part of the same meeting as the start of the public hearing on the application. A quorum of the HDC shall not ride in the same vehicle to or from a site inspection or to or from a meeting. Nothing in this paragraph shall prevent members of the HDC from individually and separately visiting a site in question at their own expense and time. A quorum of the HDC shall not make site inspections or otherwise discuss an application except during posted open meetings of the HDC.
- E. Notice of Decision.** The Community & Economic Development Department shall send immediate notice of all action to the Building Department and shall notify the applicant, or his agent, of all decisions, by first class mail, or by personal service within seven (7) days of the

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action.

**3.2 Study Items.** Any person wishing to discuss proposed projects or obtain information or advice from the Commission prior to application may request to be placed on the agenda as a study item. The Commission may review plans and advise property owners on what may be appropriate in the District. The Commission may not take any formal action on a study item.

### **3.3 Demolition and Moving**

**A. Applications.** Applications for the demolition or removal of any structure within the Historic District shall:

1. Include the name of the property owner, the telephone number of the applicant and the address, tax identification number and legal description of the subject property.
2. State the specific grounds under the provisions of the Historic District Ordinance upon which the request for the demolition or moving permit is based.
3. Include a site plan showing all existing conditions on the subject property.
4. Include a site plan, along with any drawing, or other description which reasonably describes the proposed use and appearance of the site after removal or demolition of the structure.
5. Include a description of the general type, design, size and use of any new structure to be erected on the site.

**B. Notices.** Following the first meeting of the HDC at which such application is considered and upon determination that the application may proceed and that a hearing is required, the Commission shall request that a notice be published in a newspaper of general circulation in the City of Ypsilanti. Such notice shall be published at least fifteen (15), days prior to the meeting at which the hearing is to be held and shall contain the following:

1. Address of the structure.
2. Nature of the application and name of the applicant.
3. Date, time and place of the meeting at which the application shall be discussed and that reasonable time shall be allotted for comments by the public.

In addition, a copy of such notice shall be mailed, by first class mail, to the owner of the structure at the address contained in the application and to the owner of record, as listed on the tax roll, of all property within three hundred (300) feet of the subject property. A proof of mailing shall be filed in the official file and shall be prima facie evidence of mailing to the addresses shown therein.

**C. Action.** At the meeting of HDC specified in the notice a public hearing shall be held pursuant to the procedure set forth in Section 4.5.D, below. The HDC shall also hear any reports, requested by the HDC, concerning the safety or condition of the structure, historic or architectural merit of the structure, or alternative uses for the structure or site.

1. Formal action on the application shall not be taken at such meeting unless a motion to take action is approved by unanimous vote of the members present and the motion shall state the reason for action and that action be taken for good cause.

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2. Following such meeting, action on the application shall be placed on the agenda for a regularly scheduled meeting of the HDC or such special meeting as the HDC shall specify. Notice that such application is on the agenda for a specified meeting shall be given to each member of the HDC and to the applicant at least four (4) days prior to the meeting.

**D. Exceptions to Procedure.** The procedure outlined in this section is to be followed in the case of all applications for demolition, removal or moving of structures within the Historic District except that the Commission may approve an application for demolition or moving at any meeting upon the unanimous vote of the members present that such structure is of such minimal historic or architectural significance that its demolition or moving would clearly be compatible with the purposes of the Historic District Ordinance and that its demolition or removal would have no adverse impact on the adjacent area or upon the Historic District as a whole.

### Section 4.0 Meetings

- 4.1 Regular meetings.** The HDC shall normally meet once each month. Any other meetings of the HDC shall be called as needed so long as the meeting is properly noticed to the public, in accordance with the Michigan Open Meetings Act. The meeting can be called by the Chairperson of the HDC, or by any two (2) members of the Commission. At the final meeting of each calendar year the Commission shall approve the schedule of regular meetings for the following year.
- 4.2 Attendance.** If any member of the HDC is absent from more than two meetings in a row, then that member shall be considered delinquent. Delinquency may be grounds for the Commission to request the removal any member from the HDC for nonperformance of duty or misconduct. City staff shall keep attendance records and shall notify the HDC whenever any member of the HDC is absent from more than two meetings in a row, so the Commission can consider whether further action is required.
- 4.3 Public.** All meetings, hearings, records and accounts shall be open to the public to the extent required and in conformity with the Michigan Open Meetings Act, Freedom of Information Act, city ordinance and state law.
- 4.4 Quorum.** Four (4) members of the HDC shall constitute a quorum for the transaction of business and the taking of official action for all matters.
- 4.5 Order of Business.** Agenda. The Chairperson or designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:
  - A. Call to order and roll call.
  - B. Approval of Agenda.
  - C. Public comments on agenda items.
  - D. Public Hearings, if necessary. The Chairperson will declare a public hearing open and state its purpose.
    1. The Chairperson summarizes the procedure for a public hearing as outlined in Paragraphs 2 through 7 below, of these rules and regulations for any members of the public in attendance, or provides copies.

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2. The applicant, or his agent, may present his case, including presenting witnesses on his behalf. No time limit will be imposed on the applicant.
3. Members of the HDC may report on any site inspection, any conversations with the applicant they may have had and ask questions relevant to the applicant's presentation.
4. Members of the public who support the applicant speak and correspondence is read.
  - a. The Chairperson shall allow anyone present to speak in favor of the applicant and can impose a time limit for the speaker. All speakers shall state their name, address and if they represent a group.
5. Members of the public who oppose the applicant speak and correspondence is read.
  - a. The Chairperson shall allow anyone present to speak in rebuttal of the applicant and can impose a time limit for the speaker. All speakers shall state their name, address and if they represent a group.
6. Anyone may ask the Chairperson questions on presentations or comments given at this hearing. The Chairperson will attempt to obtain an answer to the question. Answers shall be given to the Chairperson. No discussion, questioning or answering shall take place between any two or more people except between the Chairperson and the individual who has the floor.
7. Motion to Close the Public Hearing.  
(At this point all public participation on the issue ends.)

### E. Business Session.

1. Old Business - All matters remaining on the agenda from previous meetings.
2. New Business - Matters appearing on the agenda for the first time.
3. Study Items - Discussion items not available for action.
4. Other business of the HDC.

### E. Items From the Floor. Opportunity for citizens to address the Commission on items not on the agenda.

### G. Housekeeping Business.

1. Approval of minutes from previous meeting(s).
2. Election of officers, if necessary.
3. Other Items.

### H. Adjournment.

**4.6 Comments Out of Order.** The Chairperson shall rule out of order any irrelevant remarks; remarks which are personal, about another's race, religion, sex or sexual orientation, physical condition, ethnic background, beliefs, or similar topics; profanity; or any other remarks which are not about the item at hand or which are scandalous, inflammatory or threatening.

**4.7 Recesses.** The Chairperson may recess a public hearing and/or meeting to another time if it is after 11 p.m. or if the meeting has been over four (4) hours in length. In order for a recess to be in order, the time, day, month, date, year and location to reconvene shall be stated as part of the action to recess. If a meeting and/or public hearing reconvenes over thirty-six (36) hours after the action to recess, the reconvened meeting shall be posted at least eighteen (18) hours before

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the time of the reconvened meeting, to comply with Section 4.3 of these rules of procedure. Upon reconvening, a roll call shall be taken as the first order of business.

- 4.8 Parliamentary Procedure.** Meetings shall be conducted in a formal manner and parliamentary procedure shall be governed by Robert's Rules of Order if not specifically dealt with in these rules of procedure. Legal Rules of evidence do not apply.
- 4.9 Motions.** Motions shall be reiterated by the Chairperson before a vote is taken.
- A. Motions dealing with an application shall contain the following:
1. The address of the subject property.
  2. The conclusion and/or decision of the HDC.
  3. Any conditions attached to an approval.
  4. Reference to the appropriate Secretary of the Interior guideline(s).
- B. Any other motion shall be stated in prose or in the form of a resolution.
- 4.10 Voting.** Voting on any application or item requiring a public hearing shall be by roll call vote. All other votes may be by voice vote. Any member may require a roll call vote. Members must be present to cast a vote. Voting by proxy is not permitted. Except as required elsewhere in these Rules and Regulations, a motion is adopted only if a majority of the members present cast their votes in favor of the motion.
- 4.11 Approvals.** All work approved by the Commission shall commence within six (6) months of the date of approval. For purposes of this section the issuance of a building permit shall constitute commencement. In the event that work is not commenced as stated above the approval shall be null and void and the applicant shall file a new application and fee, if required. In the event a permit is cancelled, rescinded or voided by the building department, any approvals by the HDC shall also be rescinded.

### Section 5.0 Records

- 5.1 Preparation.** A record of each meeting, including public hearings, shall be prepared under the direction of the Secretary, or his or her designee.
- 5.2 Content.** The record of each meeting shall include the following items:
- A. A copy of any required notices as required in Section 3.3.B of these rules of procedure.
  - B. A signed statement indicating that notices, as required in Section 3.3.B of these rules of procedure, was published and posted and a copy of a newspaper notice, if one was published.
  - C. The written original of the minutes of the meeting which shall include all action taken.
  - D. Verbatim text of any resolutions adopted at the meeting.
  - E. Supplemental materials for an application that were submitted during the meeting that were not part of the publically posted meeting packet.
- 5.3 Retention.** The record of each meeting shall be permanently kept on file and spread in suitable volumes, with a hardcopy on file at City Hall. All the pertinent documents and minutes for each case before the HDC shall be copied and filed with the Community & Economic Development Department. Draft copies of the minutes shall be distributed to each member of the HDC prior to

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the next meeting and shall be available to the public within seven days of the meeting.

### **Section 6.0 Conflict of Interest Policy**

In addition to the Conflict of Interest policy listed in the Historical Preservation ordinance Sec. 54-55 the Historic District Commissioners shall be governed by the terms of the Michigan State Historic Preservation Office Michigan State Housing Development Authority Conflict of Interest Policy for Historic Preservation Activities, see appendix of the same title.

Each member of the commission shall avoid conflicts of interest, including, but not limited to, deliberating on, voting on, or reviewing a case concerning the commissioner; the immediate family or household of the commissioner; property owned by or adjacent to property owned by the commissioner; or a corporation or partnership in which the commissioner has an ownership, employment, or other financial interest. A commissioner may consider the possibility of declaring a conflict of interest if their home or property falls within the public noticing radius requirement as prescribed by Section 103 of the Zoning Enabling Act.

### **Section 7.0 Per Diem and Mileage.**

Mileage and per diem may be paid to members of the HDC at rates established by the governing body for attending HDC meetings and other authorized meetings and trips, if those members submit a bill for the same. No mileage or per diem is paid to any members unless authorized and budgeted by the City Council.

### **Section 8.0 Other Duties**

The HDC may formulate and provide advice and may advise on policy to the Planning Commission or Zoning Board of Appeals or any committee thereof, on issues dealing with construction, planning and/or use of property and structures within the Historic District.

### **Section 9.0 Adoption and Repeal**

Upon adoption of these rules of procedure of the Ypsilanti Historic District Commission and approval by Ypsilanti City Council, they shall become effective and all previous by-laws and/or rules of procedure, as amended, shall be repealed.

### **Section 10.0 Amendments**

These rules may be amended at any regular or special meeting by a majority vote of the total membership of the HDC and submission to an approval by City Council provided:

1. Such amendment does not result in a conflict with state law, City ordinance, or court decision; and
2. Such amendment was proposed at a meeting prior to the meeting at which it is considered.

Adopted the 19th day of December, 2023 through Resolution No. 2023-248 of the Ypsilanti City Council.

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Aaron Smith  
Interim City Clerk  
City of Ypsilanti