

## ORDINANCE NO. 30-1086

### AN ORDINANCE TO AMEND APPENDIX A, ZONING, ARTICLE XXI-A, DIVISION 1 THROUGH 5, ENTITLED VILLAGE HISTORIC DISTRICT

#### THE CITY OF WARREN ORDAINS:

**SECTION 2.** That Appendix A of the Zoning Ordinance, Article XXI-A, Division 1 through 5 of the Code of Ordinances of the City of Warren, Michigan is hereby repealed in its entirety and replaced to read as follows:

#### ARTICLE XXI-A. – HISTORIC DISTRICT ORDINANCE

##### DIVISION 1. – GENERALLY

###### Section 21A.01 - Background and purpose.

Historic preservation is declared to be a public purpose. This article is established pursuant to the Michigan Local Historic Districts Act, P.A. 169 of 1970, as amended by MCL 399.201 et seq. Pursuant to this ordinance and the applicable provisions of the Michigan Local Historic Districts Act, the City of Warren (City) shall regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the City limits. This ordinance is also intended to:

- (a) Promote the economic and general welfare of our residents by fostering civic beauty through the encouragement of appropriate historic settings and conservation of desirable historical character.
- (b) Encourage educational, recreational, and cultural activities within our municipality which advance the principles and goals of historic preservation and community development, as embodied in the Master Plan.
- (c) Safeguard the heritage of the City by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.
- (d) Stabilize and improve property values in each district and surrounding areas.
- (e) Strengthen the local economy.
- (f) Promote the use of the historic districts for the education, pleasure, and welfare of the citizens of the City and the State.

(Ord. No. 30-1006, § 2, 9-23-14)

## **Section 21A.02 – Establishing additional, modifying, or eliminating historic districts.**

- (a) The City Council may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the City Council shall follow the procedures as stated in Section 399.203(1-3) of Public Act 169 of 1970, as amended. To conduct these activities, the City Council may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved. The committee shall consider any previously written committee reports pertinent to the proposed action.
- (b) In considering elimination of a historic district, a committee shall follow the procedures set forth in Section 399.203(1-3) of Public Act 169 of 1970, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:
  - (1) The historic district has lost those physical characteristics that enabled the establishment of the district.
  - (1) The historic district was not significant in the way previously defined.
  - (3) The historic district was established pursuant to defective procedures.

## **Section 21A.03 - Definitions.**

For the purpose of this Article, the following terms, and phrases shall mean:

- *Alteration*: work that changes the detail of a resource but does not change its basic size or shape.
- *Applicant*: any person, individual, partnership, firm, corporation, organization, institution, or agency of government that wishes to perform work that requires a permit on a resource in a historic district.
- *Certificate of Appropriateness*: the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
- *Commission*: the Historic District Commission of the City.
- *Dangerous*: any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

- (1) The building or structure has collapsed, has moved off its foundation, or lacks the necessary support of the ground.
  - (2) There exists a significant risk of collapse, detachment, or dislodgment of any portion, member appurtenance or ornamentation of the building or structure under service loads.
- *Demolition*: the entire or partial razing or destruction of a resource including, but not limited to, demolition by neglect.
  - *Demolition by neglect*: 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.
  - *Denial*: the written rejection of a permit application for work that is inappropriate, and that adversely affects a resource.
  - *Emergency repairs for unsafe conditions*: repairs to buildings, structures or equipment that are unsanitary or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of dangerous or that are otherwise dangerous to human life or the public welfare or that involve illegal or improper occupancy or inadequate maintenance. A vacant structure that is not secured against entry shall be deemed unsafe.
  - *Financial hardship application*: an application for a Notice to Proceed which is necessary because retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value, or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner. The applicant shall provide proof of financial hardship as required and defined by the commission.
  - *Fire alarm system*: a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
  - *Historic district*: 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.
  - *Historic preservation*: the identification, evaluation, establishment, and protection of resources that are significant in history, architecture, archeology, engineering, or culture.

- *Historic resource*: a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archeology, engineering, or culture of the City, the State of Michigan, or a community within this State or of the United States.
- *Notice to Proceed*: the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under Section 399.205(6) of Public Act 169 of 1970, as amended.
- *Open space*: undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.
- *Ordinary maintenance*: 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. Ordinary maintenance does not constitute work for purposes of this article.
- *Permit*: approval to perform work, indicated either by a Certificate of Appropriateness, or a Notice to Proceed.
- *Proposed historic district*: an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- *Repair*: to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this article.
- *Resource*: any publicly or privately owned historic or non-historic building, structure, site, object, feature, or open space located within a historic district.
- *Smoke alarm*: a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two (2) or more single-station alarms that are capable of interconnection such that actuation of one (1) alarm causes all integrated separate audible alarms to operate.

- *Work*: construction, addition, alteration, repair, moving, excavation or demolition of a resource, excluding ordinary maintenance.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.04 – Historic district study committee and the study committee report.**

Before establishing a historic district(s), the City Council shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations. The Study Committee shall do all of the following:

- (a) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the State Historic Preservation Office.
- (b) Conduct basic research of each proposed historic district and historic resources located within that district.
- (c) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60, and criteria established or approved by the State Historic Preservation Office.
- (d) Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
  - (1) The charge of the Committee.
  - (2) The composition of Committee membership.
  - (3) The historic district(s) studied.
  - (4) The legal description of properties within each proposed historic district in writing and on maps.
  - (5) The history of each proposed historic district.
  - (6) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
  - (7) Transmit copies of the preliminary report for review and recommendations to the City of Warren Planning Commission, the State Historic Preservation Office, the Michigan Historical Commission, and the State Historic Preservation Review Board.
  - (8) Make copies of the preliminary report available to the public pursuant to Section 3-99.203(4) of Public Act 169 of 1970, as amended.

- (e) Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.
- (f) After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
  - (1) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the City of Warren Planning Commission to the City Council as to the establishment of a Historic District(s). If the recommendation is to establish a Historic District(s), the final report shall include a draft of the proposed ordinance(s).
  - (2) After receiving a final report that recommends the establishment of a Historic District(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more Historic Districts, the City shall file a copy of the ordinance(s), including a legal description of the property or properties located within the Historic District(s) with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.
- (g) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

**Sections 21A.05 - 21A.06 - Reserved.**

## **DIVISION 2. - MEMBERSHIP, POWERS, AND DUTIES**

### **Section 21A.07 - Established; membership; terms; vacancies.**

- (a) *Established.* The Commission is hereby established.
- (b) *Membership and appointment.*

- (1) The Mayor shall appoint the voting members of the Commission.
  - (2) The Commission shall consist of seven (7) voting members.
  - (3) The Commissioners shall:
    - i. Reside in the City of Warren.
    - ii. Include at least two (2) members from a list of citizens submitted by a duly organized local historic preservation organization;
    - iii. Include a majority of members who have a clearly demonstrated interest in, or knowledge of historic preservation; and
    - iv. If available, include a graduate of an accredited school of architecture who has two (2) years of architectural experience, or who is an architect registered in this State.
  - (4) The Mayor may also appoint one or more nonvoting delegates.
    - i. Nonvoting delegates shall have a clearly demonstrated interest in, or knowledge of historic preservation.
    - ii. The delegate shall not vote.
    - iii. The Mayor may remove nonvoting delegates at any time.
  - (5) City Council may appoint a nonvoting ex-officio member.
- (c) *Terms.* A Commissioners' term shall be three (3) years. The Commissioners currently serving on the Commission at the time of the adoption of this Article shall continue to serve on the Commission until their terms would have expired pursuant to the repealed enabling ordinance. Commissioners are eligible for re-appointment to succeeding terms.
  - (d) *Vacancies.* In the event of a vacancy on the Commission, the Mayor shall make an interim appointment within sixty (60) calendar days of being notified of the vacancy. The interim Commissioner shall complete the remainder of the outgoing Commissioner's term.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.08 - Powers and duties.**

The Commission shall have the following powers and duties:

- (a) To adopt rules of procedure.
- (b) To review permit applications for work affecting resources.
- (c) To issue (1) a Certificate of Appropriateness, for appropriate proposed work; or (2) a Notice to Proceed or a denial of the application for proposed inappropriate work, on a resource that affects the exterior appearance, or the interior arrangements, as provided in MCL 399.205(1) and (4).

- (d) To issue a Notice to Proceed, or deny an application to demolish a resource.
- (e) To give advice and guidance regarding any proposed work on a resource.
- (f) To advise and assist property owners, City Departments, City Council, the Mayor, and the general public on physical and financial aspects, and benefits of historic preservation.
- (g) To recommend to the City Council the designation of additional historic districts from resources chosen according to the criteria listed in MCL 399.203 and MCL 399.214.
- (h) To accept and administer grants and gifts given to the Commission for the purpose of preserving a historic district.
- (i) To enter into agreements and contracts for the purpose of assisting the Commission in carrying out its duties.
- (j) To write an annual report to the Mayor, at the end of the fiscal year, which reviews the budget and the Commission's work during the preceding year.
- (k) To conduct an ongoing survey, in accordance with the survey procedures established by the State Historic Preservation Office, in order to identify properties, structures, and areas that exemplify the cultural, social, spiritual, economic, political, educational, engineering, or architectural history of the City, State, or nation.
- (l) To keep a register of all designated historic resources within the City, including all information required for each designation.
- (m) To determine an appropriate system of markers, and to confer recognition on the owners of historic resources within the City, by means of certificates, plaques, or markers.
- (n) To nominate resources to the State and National Register of Historic Places, and to review and comment on any nominations submitted to the Commission.
- (o) To disseminate information to the public concerning those resources deemed worthy of preservation, and to encourage the protection, enhancement, perpetuation and use of resources of historic and/or architectural interest.
- (p) To adopt design review standards and guidelines for resource treatment and seek approval of the standards and guidelines from the State Historic Preservation Office.
- (q) To meet at least quarterly or more frequently at the call of the Commission.
- (r) To conduct the business that the Commission may perform at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended. Public notice of the date, time, and place of the meeting shall be given in the manner required by Public Act 267. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.
- (s) To keep a record of its resolutions, proceedings and actions. A writing prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function shall be made



available to the public in compliance with the Freedom of Information, Public Act 442 of 1976, as amended.

- (t) To choose to be administered by the City of Warren Planning Department.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.09 - 21A.11 - Reserved.**

**DIVISION 3. - PERMIT APPLICATION, REVIEW, AND APPEAL**

**Section 21A.12 - Permit.**

- (a) *Permit required.* An applicant shall obtain a permit from the Commission before performing any work on a resource that affects:
  - (1) The exterior appearance of the resource including, but not limited to: (1) work to the interior that causes visible change to the exterior, and (2) demolition; or
  - (2) The interior of the resource that City Council specifically authorizes the Commission to review.
- (b) *Permit not required.* A permit is not required for ordinary maintenance.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.13 - Application.**

An applicant shall file a completed permit application with the Commission. The permit application shall include information that the Commission deems necessary to review the application under Section 21A.15 and 21A.16.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.14 - Filing fee.**

At the time of making a permit application, an applicant shall pay a filing fee as set by resolution of the City Council. A permit application shall not be considered complete until the fee has been paid in full.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.15 - Review of application.**

- (a) On receipt of a complete permit application, the Commission shall place the permit application on the agenda for the next scheduled meeting.
- (b) The Commission shall review the permit application for compliance with the standards and guidelines stated in this Article.

- (c) After reviewing the permit application, the Commission may issue:
  - (1) A Certificate of Appropriateness;
  - (2) A Notice to Proceed; or
  - (3) A denial of the permit.
- (d) A Certificate of Appropriateness or a Notice to Proceed authorizes the proposed work to proceed, subject to all other provisions of the Code of Ordinances.
- (e) The Commission's failure to act shall constitute an approval of the application, if:
  - (1) Sixty (60) calendar days have passed since the date the applicant filed a complete application; and
  - (2) The Commission and the applicant do not sign a written extension agreement.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.16 - Commission action, and standards for review.**

- (a) Certificate of Appropriateness.
  - (1) The Commission shall only issue a Certificate of Appropriateness if the permit application provides:
    - i. For work that complies with the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as set forth in 36 CFR Part 67, or design review standards and guidelines that address special design characteristics of historic districts, if they are equivalent in guidance to the Secretary of Interior's standards and guidelines, and are established or approved by the State Historic Preservation Office; and
    - ii. That the resource has, or will have, before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the State Construction Code.
  - (2) In making a finding of whether to issue a Certificate of Appropriateness, the Commission shall also consider all of the following:
    - i. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

- ii. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
- iii. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
- iv. Other factors, such as aesthetic value, that the Commission finds relevant.

(b) Notice to Proceed.

(1) The Commission may issue a Notice to Proceed for work that does not meet the standards for a Certificate of Appropriateness, if the Commission finds any of the following conditions prevail, and that a Notice to Proceed is necessary to substantially improve or correct any of the following conditions:

- i. The resource constitutes a hazard to the safety of the public or the structure's occupants.
- ii. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances.
- iii. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value, or moving the resource to a vacant site within a historic district, have been attempted and exhausted by the owner. The applicant shall provide proof of financial hardship as required and defined by the Commission.
- iv. Retaining the resource is not in the interest of the majority of the community.

(c) Denial of Permit Application.

- (1) If the Commission finds that neither a Certificate of Appropriateness, nor a Notice to Proceed is proper, it shall deny the applicant's permit.
- (2) If the Commission denies an applicant's permit, the applicant shall not perform the proposed work.
- (3) If the Commission denies a permit, it shall provide to the applicant:

- i. A written explanation of the reasons for denial;
- ii. If applicable, a notice that an application may be resubmitted for Commission review when suggested changes have been made; and
- iii. Notification of the applicant's right of appeal to the State Historic Preservation Review Board and the Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.17 - Notification of action.**

The Commission shall file Certificates of Appropriateness, Notices to Proceed, and denials of applications with the Division of Buildings Safety and Engineering and the Planning Department. The decision of the Commission shall be binding on all departments of the City.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.18 - Approval of minor classes of work.**

- (a) The Commission may delegate the issuance of a Certificate of Appropriateness for designated minor classes of work to the Director of the Division of Buildings Safety and Engineering.
- (b) The Commission shall provide specific written standards to the Director of the Division of Buildings Safety and Engineering for issuing a Certificate of Appropriateness-Minor Class of Work.
- (c) The Director of the Division of Buildings Safety and Engineering shall forward all Certificates of Appropriateness-Minor Class of Work to the Commission for record keeping.
- (d) On at least a quarterly basis, the Commission shall review the Certificates of Appropriateness issued by the Director of the Division of Buildings Safety and Engineering to determine if the delegated responsibilities should be continued.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.19 - Appeal from decision of the commission.**

- (a) An applicant aggrieved by the Commission's decision may file an appeal with the State Historic Preservation Review Board.
- (b) An applicant shall file the appeal within sixty (60) days after the Commission provides its decision to the applicant. The applicant may submit all, or part of his or her evidence and arguments in written form.
- (c) An applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Macomb County Circuit Court.

- (d) A citizen or duly organized historic preservation organization in the City aggrieved by a decision of the Commission may appeal the decision to the Macomb County Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.20—21A.24 - Reserved.**

**DIVISION 4. - METHODS TO PRESERVE RESOURCES**

**Section 21A.25 - Plan for preservation of resource.**

If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City, State, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the City, State, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.26 - Prevention of demolition by neglect.**

On a finding by the Commission that a resource is threatened with demolition by neglect, the Commission may:

- (a) Require the owner of the resource to repair, within a reasonable period of time, all conditions contributing to demolition by neglect; or
- (b) If the owner does not, or cannot make repairs within the time prescribed, the Commission or its agents may seek a court order to enter the property and make such repairs as are necessary to prevent demolition by neglect.
  - (1) The cost of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property.
  - (2) The Commission or its agents may enter the property for purposes of this section by obtaining an order from the Macomb County Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.27 - Demolition.**

Prior to issuing a Notice to Proceed to demolish a resource, the Commission may require an applicant to have a historical survey of the property done before or after demolishing the resource.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.28 - Remedies for work performed without a permit.**

- (a) When any person performs work or causes work to be performed on a resource without first obtaining a permit required by this Article, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require the owner to, within a reasonable period of time:
  - (1) Restore the resource to the condition the resource was in before the inappropriate work was done; or
  - (2) Modify the work so that it qualifies for a Certificate of Appropriateness.
- (b) If the owner does not comply with the Commission's restoration or modification requirement within the time prescribed, the Commission may seek an order from the Macomb County Circuit Court that requires the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness.
- (c) If the owner does not comply or cannot comply with the order of the Court, and the order so provides, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness.
  - (1) The cost of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.29 - Moratorium.**

- (a) If the City Council finds that pending work will cause irreparable harm to a resource, the City Council may by resolution declare an emergency moratorium of all such work for a period, not to exceed six (6) months.
- (b) After the expiration of the initial emergency moratorium period, if the City Council finds that the threat of irreparable harm to resources is still present, it may extend the emergency moratorium for an additional period, not to exceed six (6) months.
- (c) The Commission may summarily deny any pending permit application concerning a resource that is subject to an emergency moratorium.

(Ord. No. 30-1006, § 2, 9-23-14)

### **Section 21A.30 - Acquisition of resource by city.**

- (a) As provided by the Michigan Local Historic District's Act, MCL 399.207, the City Council may acquire, and the Commission may maintain a resource if:
  - (1) Efforts by the Commission to preserve a resource fail; or
  - (2) City Council determines, after review and recommendation of the Commission, that it is in the public interest to acquire the resource.
- (b) On the recommendation of the Commission, the City may sell resources acquired under this Section with protective easements included in the property transfer documents.

(Ord. No. 30-1006, § 2, 9-23-14)

### **DIVISION 5. - PENALTIES**

#### **Section 21A.31 - Penalties.**

- (a) Any person or entity who violates any provision of this Article is responsible for a municipal civil infraction punishable by a fine of up to \$5,000.00.
- (b) Pursuant to MCL 399.215(2), a court may order the person or entity to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 30-1006, § 2, 9-23-14)

### **DIVISION 6. - HISTORIC DISTRICT BOUNDARIES**

#### **Section 21A.32 - Boundaries**

- (a) Village Historic District.

Beginning at the intersection of the north side right-of-way line of Chicago Road and the southeast corner of lot 15 of Block 7 of Assessor's Addition to City of Warren; thence westerly along the north right-of-way line of Chicago Road to the southwest corner of lot 1 of re-plat John Warner Subdivision; thence in a southwesterly direction to the northeast corner of lot 7 of Block 3 of Hoard's and Martin's Plat of the City of Warren; thence south along the east property line of said lot to the southeast corner; thence westerly along the south property lines of lots 1 thru 7 of Block 3 of Hoard's and Martin's Plat of the City of Warren to the southwest corner of lot 1 of said plat; thence continuing westerly across Flynn Street and along the south property lines of lots 2 thru 7 of Block 4 of Hoard's and Martin's Plat of the City of Warren to the intersection of the southwest corner of lot 2 of said plat and the east right-of-way of Mound Road; thence northerly to a point on the west property line

of and 33.42 ft. north of the southwest corner of lot 1 of Block 4 of Assessor's Addition to the City of Warren; thence in a westerly direction to the southeast corner of lot 2 of Block 3 of Assessor's Addition to the City of Warren; thence along the south property line (Beebe Ave) of lot 2 of said plat to a point on the east property line of and 30 ft. north of the southeast corner of lot 13 of Block 2 of the Assessor's Addition to the City of Warren; thence west to a point on the west property line of and 30 ft. north of the southwest corner of lot 13 of Block 2 of said plat; thence north along the west property lines of lots 13 thru 18 of Block 2 of Assessor's Plat of the City of Warren to a point on the west property line of and 116.34 ft. north of the southwest corner of lot 8 of said plat and the southeast corner of P.I.N. 13-05-429-023; thence westerly along the south property lines of P.I.N. 13-05-429-022 and 13-05-429-023, 159.48 ft. to the southwest corner of P.I.N. 13-05-429-022 and a point on the east property line of and 149.04 ft. south of the south side right-of-way of Chicago Road and northeast corner of P.I.N. 13-05-428-009; thence south 115 ft. to the southeast corner of P.I.N. 13-05-428-009; thence westerly 105.25 ft. to the southwest corner of said P.I.N.; thence northerly to a point on the west property line of and 40 ft. north of the southwest corner of said P.I.N. and the southeast corner of P.I.N. 13-05-428-001; thence west along the south property line of said P.I.N. 135.74 ft. to the center of Lexington Heights Street; thence northerly to a point on the north right-of-way line of Chicago Road and the southwest corner of P.I.N. 13-05-433-001 thru 13-05-433-006 Village West MCCC Condominiums; thence northerly along the west property line of said condominiums to a point on the south side of the Red Run Drain; thence easterly along the south side of the Red Run Drain traversing across Mound Road and continuing to a point being the northeast corner of P.I.N. 13-04-329-001; thence south along the east property line of said P.I.N. 405 ft. to the northeast corner of lot 15 of Block 7 of Assessor's Addition of the City of Warren; thence easterly along the north property line of said lot 67.70 ft.; thence southerly along the east property line of said lot to the point of beginning on the north side right-of-way of Chicago Road.

Also non-contiguous parcels identified as follows: Eckstein Park consisting of P.I.N. 13-04-326-001 through 13-04-326-003; and Warren Union Cemetery consisting of P.I.N. 13-05-180-002.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.33—21A.35 - Reserved.**

**SECTION 3.** This Ordinance shall take effect on January 10, 2025.



I HEREBY CERTIFY that the foregoing Ordinance No. 30-1086 was adopted by the Council of the City of Warren at its meeting held on December 17, 2024.

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SONJA BUFFA  
City Clerk

Published: January 10, 2025.

ID 109888