

**ARTICLE XV. HISTORIC DISTRICTS AND HISTORIC DISTRICT COMMISSION\***

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**\*Editor's note:** Ord. No. 1207, adopted Feb. 18, 1998, amended Ch. 2, Art. XV, in its entirety to read as herein set out. Former Art. XV contained similar provisions and derived from Ord. No. 904, adopted July 2, 1986; Ord. No. 1099, adopted Nov. 17, 1993; and Ord. No. 1114, adopted June 15, 1994.

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**Sec. 2-100. Intent and purpose.**

The purpose of this chapter is to safeguard the heritage of the city by preserving districts or individual sites which relate elements of the cultural, social, economic, political or architectural history; stabilize and improve property values; foster civic beauty and pride; strengthen the economy.

(Ord. No. 1207, 2-18-98)

**Sec. 2-100.1. Definitions.**

*Alteration.* Work that changes the detail of a resource but does not change its basic size or shape.

*Center.* The Michigan Historical Center of the Michigan Department of State, formerly known as the Bureau of History.

*Certificate of appropriateness (COA).* The written approval of a permit application to apply for a building permit if required, for work that is determined to be appropriate and that does not adversely affect a resource.

*Commission.* The historic district commission which is responsible for implementing Public Act 169 of 1970 as amended and the city's historic district ordinance for the City of Holland.

*Committee.* A historic district study committee appointed by the city council.

*Demolition.* The razing of a resource, whether entirely or in part, which may include, but is not limited to demolition by neglect.

*Historic district.* An area, or group of areas not necessarily having contiguous boundaries, that contains one (1) resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

*Historic landmark.* Any structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States. A landmark is a historic district as defined in this section which contains only one (1) resource.

*Historic resource.* A structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this city, state, or of the United States.

*Notice to proceed.* Authorization to perform work that does not qualify for a COA but may legally be accomplished following conferral of this document.

*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 to the exterior of a resource. Ordinary maintenance does not change the exterior 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 act.

*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 an alteration for purposes of this act.

*Resource.* A building, structure, site, object, feature or open space located within a historic district, or described as a historic landmark.

*Work.* Construction, addition, alteration, repair, moving, excavation or demolition.

(Ord. No. 1207, 2-18-98)

### **Sec. 2-100.2. Historic district established.**

The historic districts of the City of Holland are hereby established pursuant to Act 169 of the Public Acts of 1970 as amended, and shall be legally described as follows:

(1) *Properties of the Holland Historic District:*

Those portions of the Original Plat of the City of Holland, Ottawa County, Michigan, described as Lot 5, Lot 6, the east 62.5 feet of Lot 7, and Lots 10 through 16, also the south 20 feet of Lot 9 of Block 47; also, all of Block 48; also, all of Block 56; also, all of Block 57, except the east 98 feet of Lot 1 and the east 163.4 feet of Lot 6 thereof. Also included are those portions of the West Addition to the City of Holland as described as the south one-half of Block E, except the north 14 feet of Lot 16 thereof; also, the south one-half of Block F; also, all of Block G and all of Block H. Also included are those portions of the Southwest Addition to the City of Holland described as the south one-half of Block 4, except the north 55 feet of the west 42 feet thereof; also, all of Block 5; also, Lots 1 through 8 and Lots 16 through 18 of Block 8; also, all of Block 9; also, Block 5 of Assessor's Plat No. 2 except Lots 1, 27, 28, 29, 30 and 31 thereof; also, Lots 1 through 28 of VanderVeen's Subdivision and Lots 1 through 5 of Block 6 of Assessor's Plat No. 2 (being that entire block bounded by 15th and 16th Streets and River and Pine Avenues). Part of the SW 1/4 Sec. 29-5-15 of the Original Town Plat, designated as Market Square, now known as Centennial Park; also, the north 1/2 of Block 55, Original Town; also, that part of Block 49, Original Town, described as the west 45.5 feet of Lot 7 and Lot 8 except the east 121 feet, all of Lots 8 and 9 and all of Lot 10, except the east 40 feet; also, that portion of Block 54, Original Town, described as the west 3.38 feet of Lot 2 and all of Lots 3 through 7 thereof. For purposes of district continuity, the foregoing descriptions shall be deemed to extend to the centerlines of any streets or highways adjacent thereto.

(2) *Properties of the Washington Boulevard Historic District:*

Those portions of the original plat of the City of Holland, Ottawa County, Michigan, described as the west 21 feet of Lot 2 and Lots 3, 4, 5 of Steketee Brothers Addition; Lots 1 through 5 and Lots 11 and 12 of Block 18 of the Southwest Addition; Lot 12 and the east 20 feet of Lot 11 and Lots 1 and 2 and the east 5 feet of Lot 3, Block 13, Southwest Addition; Lots 1, 11 and 12 of Block 12, Southwest Addition; Lots 1 through 6 and Lots 11 and 12, Block 7, Southwest Addition; Lots 1 through 3 and lots 7, 8 and

the north 25.7 feet of Lot 9, Block 5 Hope College Addition; all of Block 6, Southwest Addition; all of Block 4, Hope College Addition; all of Block 3, Southwest Addition; all of Block 3, Hope College Addition; all of Block 2, Southwest Addition; all of Block 2, Hope College Addition; Lots 7 and 8, Tannery Addition; Lots 8 through 11 and the west 41.25 feet of lot 12, Block B, West Addition; Lots 3 through 12 of Block C, West Addition and all of Block 1, Southwest Addition; Lots 1 through 7, Block F, West Addition; Lots 1, 2 and the north 55 feet of the west 42.3 feet of Lot 3, Block 4, Southwest Addition; Lots 9 through 15, Block 8, Southwest Addition; the north 106 feet of Lot 1, Lot 2 except the east 12 feet of the south 26 feet thereof, and Lots 3 through 10, Block 11, Southwest Addition; Lot 9 and the west 50 feet of Lot 10, Block 14, Southwest Addition; the west 45 feet of Lot 9 and the west 44 feet of Lot 10, Block 17, Southwest Addition.

For purposes of continuity, the foregoing descriptions shall be deemed to extend to the centerline of any streets, alleys or highways adjacent thereto.

(3) *Van Raalte Farm Historic District:*

The north 3/4 of the northeast 1/4 of the northeast 1/4 of Section 34, T5N, R15W, City of Holland, Ottawa County, Michigan (consisting of approximately 30 acres) and also commonly described as 1076 East 16th Street, Holland, Michigan.

(4) *Landmark Properties:*

City Greenhouses, 22nd at Central. That part of the SE 1/4 of the NW 1/4 of Sec. 32, Town 5 North, Range 15 West, bounded on the east by Central Avenue and on the south and west by State Street, and on the north by 20th Street, Ottawa County, Michigan.

(5) *Keppel's Village Historic District.*

The district is located within Section 29, Town 5 North, Range 15 West, Block 58 of the Plat of the Village, now City of Holland. The District consists of platted Lots 1, 2 and 10 of Block 58, the original plat of the Village, now City of Holland, plus Lot 9 except the west 10 feet thereof, designated as Permanent Parcel Numbers: 70-16-29-379-006, 70-16-29-379-009, 70-16-29-379-010, 70-16-29-379-011, 70-16-29-379-012, and 70-16-29-379-013. The proposed district is also described as the lots fronting the west side of Central Avenue between 13th Street and 14th Street as well as the first lots to the west of these lots on the same block on both 13th and 14th streets. The district also includes the lot on the northeast corner of 13th Street and Central Avenue that is occupied by a duplex constructed in 1966.

(Ord. No. 1207, 2-18-98; Ord. No. 1235, 2-3-99; Ord. No. 1281, 6-21-00; Ord. No. 1320, 10-17-01; Ord. No. 1446, 3-1-06; Ord. No. 1548, 7-7-10)

## **Sec. 2-101. Historic district commission established.**

(1) Pursuant to P.A. 169 of 1970, as amended, a historic district commission consisting of seven (7) members who shall be residents of the city shall be appointed by the mayor, with approval of city council. Members shall be appointed for three-year terms with initial appointments of lesser duration staggered for the first three (3) years. Members shall be eligible for reappointment, not to exceed two (2) consecutive full terms. To the extent available, one (1) member shall be 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. After expiration of an architect member's initial term and renewal term, the architect may be reappointed to the commission to serve an additional renewal term(s) in the event that no

suitable architect residing in the City of Holland is able or willing to serve as a member of the HDC. Three (3) members of the commission shall be representative of the district or districts by either residing or owning property therein.

(2) The commission shall establish organizational and operating procedures including the adoption of a meeting schedule. The commission may adopt its own rules of procedure and may adopt design guidelines.

(3) The commission may also undertake the following:

(a) Assist and collaborate in studies and programs designed to identify and evaluate the structure, site and areas worthy of preservation.

(b) Consult with and consider the ideas and recommendations of civic groups, public agencies and citizens interested in historic preservation.

(c) Inspect and investigate structures, sites and areas in which the commission has reason to believe worthy of preservation.

(d) Disseminate information to the public concerning those structures, sites and areas worthy of preservation and encourage and advise property owners regarding the protection, enhancement, perpetuation and use of resources in the district and other officially recognized properties of historic interest.

(e) Consider methods other than those provided in this chapter for encouraging and achieving historic preservation and make recommendations to city council and other public and private bodies and agencies related thereto.

(f) Use its own funds, gifts, state and federal grants or other resources received for historic preservation purposes in accordance with the purposes of this chapter.

(Ord. No. 1207, 2-18-98; Ord. No. 1385, 5-12-04)

### **Sec. 2-102. Commission duties.**

(1) Before proceeding with any work affecting the exterior appearance of a resource or interior work which will cause visible changes to the exterior of the resource, a certificate of appropriateness (COA) is required. An application for a COA shall be submitted by the property owner to the department of community services and development and shall be reviewed and decided by the commission.

(2) In reviewing plans, the commission shall follow the U.S. Secretary of Interior's Standards for Rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67, and consider the following:

(a) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

(b) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.

(c) The general compatibility of design, arrangement, texture, and materials proposed to be used.

(d) Other factors, such as aesthetic value, that the commission considers relevant.

(3) When an application is submitted for work affecting the exterior of a resource considered by the commission to be so valuable to the local unit, state, or nation that its alteration or loss adversely affects the public purpose of the local unit, state, or nation, the commission shall

attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(4) The commission shall issue a notice to proceed for work affecting the exterior appearance of a resource to the extent necessary to mitigate any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community.

(c) 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.

(d) Retaining the resource is not in the interest of the majority of the community as determined by majority approval of a vote of the commission.

(5) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the Michigan Open Meetings Act.

(6) The commission shall keep a record of its resolutions, proceedings and actions available for public inspection.

(7) The COA and notice to proceed shall be effective for one (1) year from the date of issuance. The applicant may request an extension of this time period by submitting a written request for extension to the commission. The written request shall be filed with the department prior to the one-year expiration period. If this time period expires without exercising the applicant's right to secure a building permit or without substantial work begun on the resource, then the COA or notice to proceed shall be considered expired and reapplication would be required. An applicant shall proceed with diligence to complete a project.

(8) The commission may delegate the issuance of a COA for minor work to community services and development staff. The commission shall provide written standards for issuance of such COA. Quarterly the commission shall review the COA issued by staff.

(9) The commission shall file with the building inspector or other duly delegated authority the COA or denials of applications submitted for review. Work shall not proceed, nor shall a building permit be issued until the commission has acted as prescribed herein. If an application is denied, the decision shall be binding on the building inspector or other delegated authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's right to appeal to the state historic preservation review board and to the circuit court.

(Ord. No. 1207, 2-18-98)

### **Sec. 2-102.1. Criteria and standards for the VanRaalte Farm Historic District.**

For the original thirty (30) acres described in section 2-100.2(3), as the VanRaalte Farm Historic District, the historic district commission shall apply the standards and criteria set forth in

section 2-102 and shall review any proposed physical changes to the VanRaalte Farm Historic District or its master plan, in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as set forth in 36 C.F.R. part 67, and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscape and Preservation Brief #36 Protecting Cultural Landscapes Planning, Treatment and Management of Historic Landscape, a publication of the National Park Service.

The historic district commission may refer an application for a certificate of appropriateness to the leisure and cultural services commission for the purpose of providing information regarding the impact of proposed changes to the farm's historical and architectural integrity prior to the granting or denial of the certificate of appropriateness.

(Ord. No. 1446, 3-1-06)

**Sec. 2-102.2. VanRaalte Farm property located outside of the VanRaalte Farm Historic District--Advisory recommendation.**

(1) For the area consisting of approximately one hundred thirty (130) acres of the VanRaalte Farm located outside of the boundaries of the VanRaalte Farm Historic District, which is legally described as follows: the Northeast 1/4 EXCEPT the North 3/4 of the Northeast 1/4 of the Northeast 1/4 of Section 34 Town 5N Range 15 W City of Holland, Ottawa County, Michigan, the historic district commission shall provide advisory recommendations to the Holland City Council for proposed physical changes, structures, and improvements to the VanRaalte Farm. In no event shall the council of the City of Holland be bound by the advisory review and recommendation of the Holland Historic District Commission, and the council may accept, deny, or modify any recommendation based upon its sole legislative discretion.

(2) The Holland Historic District Commission, in advising the Holland City Council, shall follow the U.S. Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as set forth in 36 C.F.R. part 67, and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscape and consider the following:

(a) The historic or architectural value and significance of the resource buildings and landscapes and their relationship to the historic value of the surrounding area.

(b) The relationship of any architectural features and landscape of the resource to the rest of the resource and to the surrounding area.

(c) The general compatibility of design, arrangement, texture, size, scale and materials proposed to be used.

(d) Preservation Brief #36 Protecting Cultural Landscapes Planning, Treatment and Management of Historic Landscape a publication of the National Park Service, and consider the following:

1. Viewsheds seen from the thirty (30) acres designated as the VanRaalte Farm Historic District and viewsheds from the public rights-of-way adjacent to the VanRaalte Farm property and other locations of aesthetic importance at the farm;

2. Character defining features of the VanRaalte Farm such as fence rows, significant vegetation, historic circulation features, historic noninhabitable constructed features (walls, gates, and bridges), trails, and location of other historical elements of the landscape.

- (e) Other factors of historic and aesthetic value as the historic district commission considers relevant.

The historic district commission shall submit its written recommendations and findings to the Holland City Council within thirty (30) days of referral.

(Ord. No. 1446, 3-1-06)

### **Sec. 2-103. Work completed without a certificate of appropriateness.**

When work has been done upon a resource without a COA, an application must be immediately submitted. If the commission finds that the work does not qualify for a COA, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work, or to modify the work so that it qualifies for a COA. If the owner does not comply with the restoration or modification requirement within a reasonable time as determined by the commission, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a COA. If the owner does not comply or cannot comply with the order of the court, 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 COA in accordance with the court's order. 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. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

(Ord. No. 1207, 2-18-98)

### **Sec. 2-104. Areas not regulated.**

With the exception of those standards and criteria applicable to the VanRaalte Farm Historic District, pursuant to section 2-102.1, or to the remainder of the VanRaalte Farm property pursuant to section 2-102.2, nothing contained in this article shall be construed to prevent ordinary maintenance or repair of any resource within the historic district; nor to prevent construction, alteration, repair, moving, or demolition of any resource under a permit issued by the city prior to the adoption of this article. Unless subsequently made applicable by amendment, the provisions of this article shall not apply to the following installations, features, or activities affecting the historic district:

- (a) Reroofing with like materials, painting, and routine repairs.
- (b) Flat concrete work, playgrounds, public streets, and sidewalks.
- (c) Yards, gardens, planters, landscaping and trees.
- (d) Regulatory and advisory street signs, hydrants, poles, pedestals, transformers, or similar installations essential to the delivery of public and private utilities and public services.
- (e) Such other construction or repair activities or installations which the historic district commission, by adoption of specific resolution, may authorize the building official to approve without subsequent review and approval.

(Ord. No. 1207, 2-18-98; Ord. No. 1446, 3-1-06)

**Sec. 2-105. Acquisition of a resource.**

Where city council determines public ownership of a resource is most suitable, council may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. In considering acquisition council shall request a written recommendation from the commission. Upon recommendation of the commission, the city may sell resources acquired while retaining protective easements assuring historic preservation of the resource.

(Ord. No. 1207, 2-18-98)

**Sec. 2-106. Failure to act.**

The failure of the commission to act within sixty (60) calendar days after the date a complete application is filed, unless an extension is mutually agreed upon in writing by the applicant and the commission, shall be deemed to constitute approval.

(Ord. No. 1207, 2-18-98)

**Sec. 2-107. Appeal.**

An applicant aggrieved by a decision of the historic district commission may file an appeal with the state historic preservation review board of the center. The appeal shall be filed within sixty (60) days after the decision by the commission. An applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court.

(Ord. No. 1207, 2-18-98)

**Sec. 2-108. Enforcement; violations.**

(1) After issuance of a COA or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.

(2) The enforcement of this article shall be the responsibility of this historic district commission, in conjunction with the building official and zoning administrator of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for a civil infraction and may be fined not more than five thousand dollars (\$5,000.00).

(3) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

(Ord. No. 1207, 2-18-98)