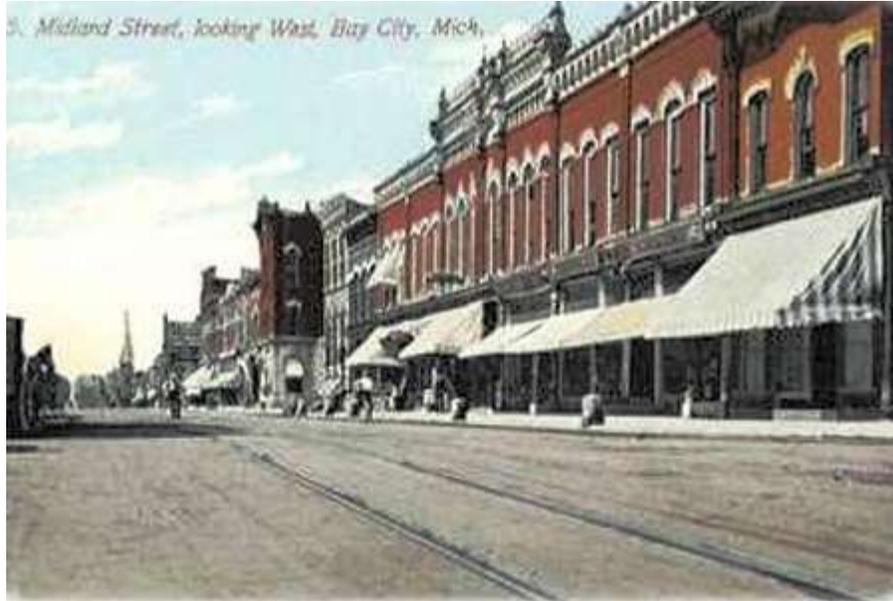


PRELIMINARY  
Historic District Study Report

**Midland Street Business District**

City of Bay City Historic District Study Committee  
October, 2011



City of Bay City  
Historic District Commission  
Planning Department  
301 Washington Avenue  
Bay City, MI 48708

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**ABSTRACT**

The Midland Street Historic District, recognized as a National Historic District on April 22, 1982, underwent the rigorous application for the adoption of a locally recognized historic district through the requirements of the Public Act (P.A.) 169 in October, 2011. The Midland Street Historic District is a key contributor to the cultural and economic advancement of Bay City. The purpose for the P.A. 169 for a recognized local historic district is to build greater awareness and veneration for these historic commercial and residential buildings and architecture, as well as enlightening current proprietors of the antiquity and responsibilities to the property (See Appendix A). Owners of commercial historic properties are eligible for a 20 percent federal tax break obligation when committee approved rehabilitation efforts of the property are adhered to. The commercial property rehabilitation must also follow the requirements set by the National Park Service (NPS) in tandem with the Secretary of Interior's Standards for Rehabilitation. The Burt Block within the Midland Street Historic Business District, historically known as the Farmer's Auto & Machinery Building, is currently an individual P.A 169 district. They applied and were approved in 2000, contributing to the revitalization of the area. The Midland Street Historic District will encompass this individual P.A.169 and therefore supersede the current local district. Michigan has recently passed new state laws that provide incentives in the form of grants and loans, encouraging historic preservation in areas prioritized by local government. These incentives are available via the Community Revitalization Program.

**REPORT COVER FORM**

<b>Historic District Name:</b>	<b>Midland Street Business District</b>
<b>City:</b>	Bay City
<b>County:</b>	Bay
<b>Date Transmitted:</b>	October 14, 2011
<b>Report Type:</b>	Preliminary
<b>Total Number of Resources:</b>	59
<b>Historic:</b>	57
<b>Non-Historic:</b>	2
<b>Percentage:</b>	97%

**District is significant under the following national register criteria:***Criterion A, Significant Events*

**Reason:** The Midland Street Business District meets national register criterion A as the cultural and economic powerhouse which thrived from the booming Saginaw Valley lumber industry, also supported by shipbuilding, banking, entertainment and other supplemental industries.

*Criterion B, Significant Persons*

**Reason:** The district meets criterion B for the businessmen and entrepreneurs who were the catalyst for the construction and ultimate success of the Midland Street Business District. Each constructed blocks of commercial and residential spaces creating the most prominent buildings located on and around Midland Street. The gentlemen accountable include: (in alphabetical order) George W. Ames, Henry H Aplin, Charles Babo, the Bunnel Brothers, Major Newcomb Clark, Sydney O. Fisher, J.F. William Loose, Frank H. Mohr, George L. Mosher, Henry Sage and Steven Swart.. Each of these gentlemen greatly influenced the Midland Street area, West Bay City and the state of Michigan as a whole through effective and profitable business ventures and fraternal social networking.

*Criterion C, Design and Construction*

**Reason:** The District also meets criterion C through its various and yet similar styles of architecture and decorative detail. Many of the buildings within the district are of post and beam construction with a brick decorative exterior. Several Midland Street business blocks and buildings had been designed by architects from Bay City, including the architectural designs of Dillon Prosser Clark, whose work can be seen in multiple Bay area homes and businesses. The predominant architectural styles used in many Midland Street businesses are Italianate, Colonial Revival, Chicago School style, Romanesque Revival, French Provincial, and 20<sup>th</sup> century Modernism.

**1. CHARGE OF THE COMMITTEE:**

In October 2010, the Bay City City Commission appointed a Historic District Study Committee to create a historic district for the Midland Street Business District to fulfill the requirements of Public Act 169. The scope of the study committee was limited to the Midland Street Business District area.

**2. COMPOSITION OF THE COMMITTEE:**

The following citizens were appointed to the Study Committee:

- **Stuart Barbier:** Chairperson of the Historic District Commission and Secretary of the Architectural Review Committee.
- **Brenda Christian:** Vice-Chairperson of the Historic District Commission and Vice-Chairperson of the Architectural Review Committee.
- **Alan Flood:** Secretary of the Historic District Commission and member of the Architectural Review Committee, Community Volunteer in the field of historic preservation.
- **Joel LaBrie:** Member of the Historic District Commission and the Architectural Review Committee.
- **Mary Ewald Sayles:** Chairperson of the Architectural Review Committee and member of the Historic District Commission.
- **Frank Starkweather:** Member of the Historic District Commission and Bay City Planning Commission.

**3. HISTORIC DISTRICT STUDIED:**

Midland Street Business District

Bay City, Bay County, MI 48706

#### **4. BOUNDARIES OF PROPOSED DISTRICT:**

##### ***4.1- Historic District Boundary:***

The irregular boundary of the Midland Street Business District, Local Historic District is roughly bounded on the west by Wenona Street, on the north by E Vermont Street, on the east by Huron Eastern railroad tracks and the Liberty Bridge onramp, and on the south by E John Street. Exceptions include the parcels of land belonging to the Arlington Hotel and the Christian Assembly Church. (See maps on page 10)

The specific boundary begins at the center point of the intersection of N. Wenona and E. Vermont Streets. From this point, the boundary extends east long the center of E. Vermont Street, following the curvature and transition of the road until approaching the intersection at N. Dean Street. The boundary then extends north until reaching the northern tip of the 401 E. Vermont Street property line. Direction changes to the east, and ultimately to the south outlining the L shaped parcel of 401 E. Vermont Street. When returning to the center of E. Vermont Street the boundary line will continue to the east. The intersection of E. Vermont and the onramp to the eastbound Liberty Bridge comes to a point at the northeast corner of the proposed district. From this point the boundary will follow the center of the onramp south until intersecting with a northern boundary line of 804 E. Midland Street. The outline of this parcel extends to the east beyond the mouth of the onramp and stops before the Huron Eastern railroad tracks. The Historic District boundary outlines this parcel first heading east, southwest along railroad tracks and will again change direction when reaching the center of E. John Street. From this point the boundary turns to the west until reaching the east edge of 201 S. Linn Street. From here the district line will run along the east and south of this property until returning to the center of S. Linn Street. From S. Linn Street the boundary line will continue north and return to the center of E. John Street. It will then continue westward on a horizontal plane until the intersection of S. Wenona Street. This is now the southwest corner of the proposed district. S. Wenona Street becomes N. Wenona Street when crossing the intersection of E Midland Street. From the southwest corner the boundary will expand to the north until reaching the point of origin at N. Wenona Street and E. Vermont Street.

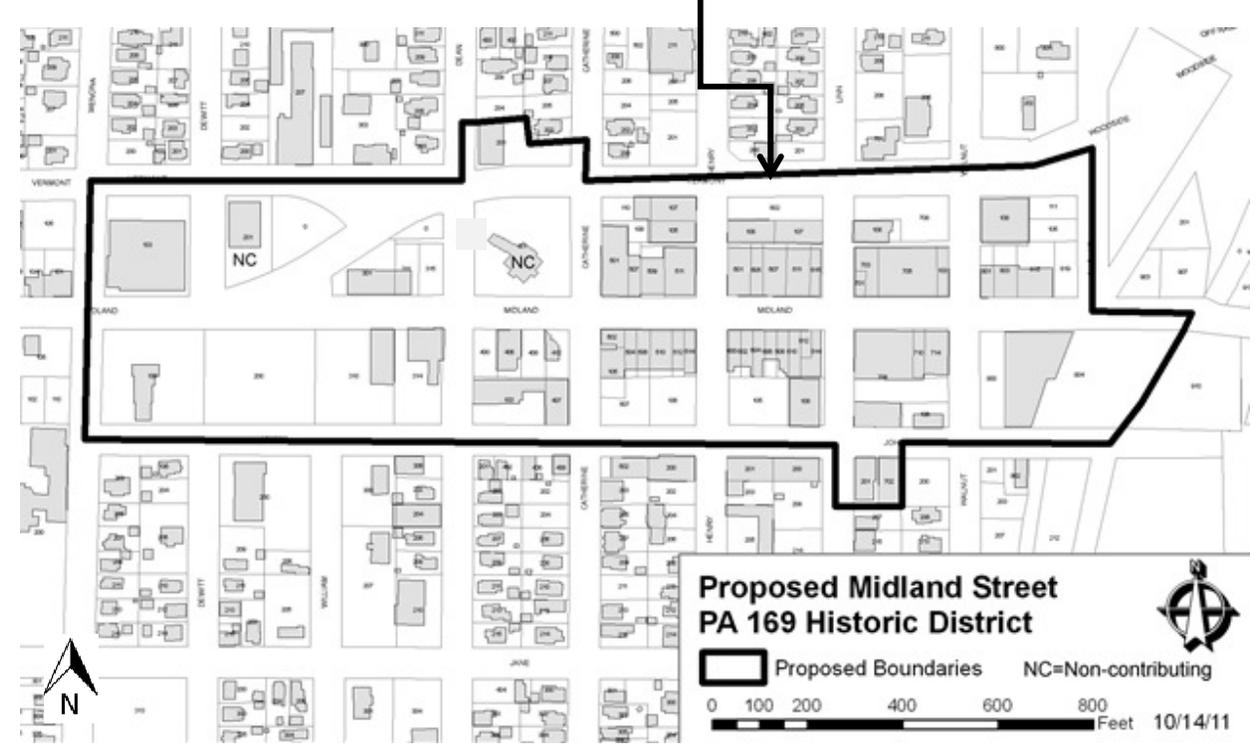
***4.2 - Boundary Justification:***

The historic district boundary includes those properties that were platted and developed after 1865 and along the central spine of E Midland Street. The district expands both north and south of E Midland Street to encompass properties contributing to the historical significance of the district and its surrounding community. Construction trends follow the successes of the city and are ultimately a reaction to the time periods and development within the region. The boundary mainly contains commercial buildings including retail stores, entertainment establishments and service providers. There are also religious institutions, a public library, as well as an intermixed domestic infrastructure.

4.3 - Visual Boundary Description



Midland Street Business District  
Historic District  
Bay City, MI 48706



## **5. HISTORY OF THE PROPOSED DISTRICT:**

The history surrounding the Midland Street Historic District is as much notorious as it is resilient. Much of the success of the district was attributed to the lumber industry and the men behind it. West Bay City is credited for having the largest lumber manufacturing mill in the world at the time of its operation and a catalyst for economic and cultural development spurred by the farming, lumber, shipbuilding and banking industries. During the lumber boom it was commonplace for the brothels and churches, libraries and bars to coexist in a district that thrived on economic trade and labor. In 1905 West Bay City merged with Bay City to create a town that encompassed both sides of the Saginaw River and the unification of the differing economies and businesses to create an even more dynamic city. The Midland Street Historic District was added to the National Register of Historic Places in 1982.

### ***5.1 - Pioneer Settlement:***

As one of the original frontiersman, Joseph Trombley is largely responsible for the platting and general development of the west end of Bangor Township, known later as West Bay City. He was born into a lower class family in a small settlement named Conner's Creek outside the boundaries of Detroit in 1809. As his family could not afford schooling for their children, they were forced to be self-educated. As a child, Joseph Trombley became well versed in the language of the Chippewa Indians to the North of Detroit. Due to his prowess of the language, he was employed by the American Fur Company to assume a post on the Shiawassee River and became immersed in the Native American Culture. He was so trusted by the Southeast Native Americans of the Detroit area that he was used as a translator for the purchase of Michigan land and hunting contracts between the native peoples and frontiersman to avoid unfair and discriminating deals.

In 1847 Trombley negotiated contracts to purchase over 2,000 acres of fertile land for hunting, trapping and agriculture for his own settlement in Bangor Township. It was here where he farmed the land and created the village of Bangor that currently encompasses portions of the first and second wards of West Bay City. Trombley later platted the land and sold parcels to various

merchants and entrepreneurs hoping to gain further business in the Saginaw Valley area. Also in 1847, Trombley and his brother Medor built their permanent home as the first frame building in Bay County. They were also responsible for erecting the first store and trading post in the area of what was later called West Bay City. Trombley plotted the land he owned and sold it to entrepreneurs, farmers and other settlers, all of which were attributed to the further development of West Bay City.

### ***5.2 - Influence of James G. Birney:***

James Gillespie Birney was born February 4, 1792 in Danville, Kentucky to a wealthy upper class family. Birney studied law at Princeton University in 1816 where he subsequently was elected as the youngest representative in Kentucky Legislation at the age of 24. A staunch anti-slavery supporter, Birney advocated the abolition of slavery and used his power in the Kentucky Government to promote his ideals, despite having been raised on a plantation with a pro-slavery family. Ironically, Birney was bequeathed his father's estate and labor force upon his death in 1839. Birney immediately liquidated his assets and ordered all slaves under his command to be set free. Such a move crippled his southern political support and put him in disfavor with many prominent southern businessmen capitalizing from the slave trade.

With his southern political campaign abandoned, Birney moved to Ohio and later switched his focus from politics to land development. Birney became interested in the vast wilderness of Michigan where he invested money into the struggling Saginaw Bay Company. Upon moving into the lower Saginaw region in 1842, the politically savvy Birney witnessed the negligence of the Saginaw County government affairs and spoke out against them. This spurred his desire to separate and create another distinct county. Instead of submersing himself back into the political scheme, Birney focused on agricultural interests and cultivating his newest investment. He recognized the potential of the area and was certain it would be a successful commercial point.

With the help of Birney and fellow investors the Saginaw Bay Company was able to reorganize and reprioritize allowing for a systematic distribution of land. When first moving to the area, Birney was surprised to find that there were little to no religious houses of worship within the

region and orchestrated Sunday school to be taught from his home. Birney himself conducted the prayer service for the children of the area. His drive to take action was shown in several ways. Through his new affiliation with the Saginaw Bay Company Birney initiated the introduction of new churches and parks to the area. He played active roles in developing new townships such as Hampton as well as a new post office in Lower Saginaw. He also spoke out against injustices such as the mistreatments of the Native Americans in the area. He quickly became integrated within the community and also became a patron of the arts by loaning out books from his personal collection. This included the anti-slavery novel “Uncle Tom’s Cabin”.

Birney’s affiliation with the West Side began when purchasing property just south of the village of Banks. He and his family used the land for agriculture and raising livestock. With the help of his son, a herd of cattle was brought from their previous home in Ohio. It was also reported he grew wheat, oats, clover and two acres of potatoes on the land. After his death in 1857, his widowed wife Elizabeth took over the land. In 1863 she sold lots to Henry W. Sage and John McGraw who went on to erect the largest and most successful sawmill of its time. This sale drove the success of the community and the desire to erect the booming businesses along Midland Street.

### ***5.3 – Village of Wenona:***

Already a successful lumber baron, Henry Sage capitalized on the booming industry in Lower Saginaw, where he promptly purchased thousands of acres of forestland. Sage desperately wanted the site across from Bay City that was then under the control of the widowed, Elizabeth P. Birney. Unwilling to sell, Sage pressed for 3 years attempting to persuade the widow into negotiating an agreement and in 1863 a deal was made for 116 acres for some \$20,000. Sage utilized the land in close proximity to the Saginaw River with partner John McGraw as the site of the Sage & McGraw Sawmill Company, using the river to float raw lumber material from the Saginaw Bay to the mill. The surrounding and growing community would be called Wenona, after the lamented mother from Henry W. Longfellow’s “Hiawatha”. The village of Wenona was destined to become a successful company town following the success of the Sage & McGraw Sawmill. It is no surprise that a town would spring up surrounding the largest output producing

sawmill in the world and Sage made sure to provide his workers with a large general store. Wenona would soon be the birthplace of the commercial district of Midland Street, notorious for its preference of shanty boys and lascivious entertainment. The village of Wenona and its surrounding neighborhoods, Banks and Salzburg, slowly cultivated a steady government and economy through the lumber industry and in 1887 decided to merge to form one large municipality called West Bay City. Midland Street would become the central downtown of West Bay City and would attract many affluent businessmen to invest money into the business district by erecting large and attractive commercial blocks predominately constructed from 1868 to 1912.

#### ***5.4 – Lumber Industry:***

In 1847 the first export of pine from the Saginaw area was shipped to New York, inspiring the lumber boom and ultimately leading to the success of the Saginaw Bay area. The pine lumber from the region was not only desirable but transportation was made convenient through the Saginaw River, an enticing feature to mill owners such as Henry W. Sage and John McGraw. The hard work and dedication of the lumbermen created much success and brought prosperity through the region. It was an industry that created immediate profits and created wealth for those associated. Many within the business thought this industry would flourish for generations to come, not realizing that the “green gold” resource would soon run out.

In 1864, two businessmen, Henry Sage and John McGraw erected the Sage Mill on the West Banks of the Saginaw River. They declared their new settlement to be named Wenona. The Sage McGraw Sawmill was documented as the largest and most successful saw mill in the world during the early years of operation. It is also noted to be responsible for much of the Northeastern Michigan development. The surrounding land was rich with pine and a variety of natural resources. Large quantities of inquisitive lumberman came to the area for work exponentially increasing the population of the Bay Region. The shanty boys lived among Indians and other early settlers in the camps erected in the woods, self-sustained with food, clothing and their basic necessities. The lifestyle was grueling, logging mostly during the winter seasons, allowing easy spring transportation along the flooded passages. Bay City and Saginaw Valley

became known internationally for their quality and quantity of lumber. With the technology of new machinery, logs could be milled quicker than they could be chopped and transported. Timber was brought from great distances along the Saginaw River and expanded further with the introduction of railways. During the peak of the industry in the late 1800's, there were a reported 112 sawmills along the Saginaw River. The channel was so diluted with lumber that harvested logs would be branded in order to establish origin and destination.

Sage McGraw and Co. was reported as the most "spectacular boom town of the Old Saginaw Valley" according to a 1980 brochure from the Bay County Historical Society. The neighboring Midland Street Business District was laid out in 1865 as the "company town" for the successful and influential mill operators and its laborers. The mills were a great resource of construction materials in order for families to build their homes, plank their streets, and house their belongings. The Midland Street District became the heart of the town where the citizen could visit their favorite watering hole, receive the occasional haircut, and shop for tailored clothing, all while tending to their banking needs and religious followings. Many successful lumberman erected large homes now prominent and glorified throughout the city. However during the late 19th century the local surplus of pine eventually ran out and the Sage Mill ultimately closed its doors in 1893.

### ***5.5 – Merging Cities:***

The merger of Bay City and West Bay City occurred in 1905 with heavy influence from Spencer O. Fisher, a distinguished Midland Street businessman. At the time, the west side of the Saginaw River was comprised of 3 small villages; Salzburg, Wenona and the Banks. It should be noted that Bay City presented the smaller towns on the West bank with an offer to merge a few years prior to the creation of West Bay City. The residents of the villages, for fear or higher taxes and so forth, respectfully declined, but this action spurred the residents to seek a merger of their own. After some negotiations and legislation, the neighboring villages of Wenona, Salzburg and Banks reached an agreement to combine and create the city of West Bay City in 1877. At the time of the joining, the legislation that legally stated the village of Banks, Salzburg and Wenona and their boundaries as independent villages was terminated. West Bay City was a successful

town in its own right, profiting from the lumber, shipbuilding and salt industries. So much so that it was nearly unaffected by recessions and bank failures that plagued surrounding municipalities. Finally in 1905, the last mayor of West Bay City, Peter Lind, relinquished his position after the proposal passed for the two cities to unite.

### ***5.6 - Ship Building:***

Water transportation methods were critical for the civilization of the Bay area, and as a result the Saginaw River became the transportation superhighway. Waterways were used for the passage of pioneers and raw materials into and out of the Bay Cities as opposed to the long and rough troubles of land traveling. The amount of manpower saved through the utilization of the Saginaw River and its tributaries allowed that saved energy to be applied to the manufacturing and accompanying industries and not wasted on the journey from one city to another. The shipbuilding commerce did not take off in West Bay City until Mr. William Crosthwaite opened a shipyard and dry dock in the Banks business neighborhood in 1864. The Banks neighborhood was a small laboring community less than a few miles north of the Midland Historic Business District where many lumber workers built their homes. The proximity to the Saginaw River and immediate success of the ship building industry provided the Banks, Wenona and Salzburg areas with a replenishing supply of laborers, materials and economic growth. Examples of some of the ships the Crosthwaite dry dock produced ranged from wooden tug boats to some of the largest sailing ships, also constructed of wood. It wasn't until 1889 when advancements in metal manufacturing brought the construction of a steel ship fabricated by Frank Wheeler, who later became one of the largest ship builders in the Great Lakes.

### ***5.7 - Banking:***

Banks are a popular business endeavor among the Midland Street Business District. Currently residing in the Historic Business District are the branches of a PNC bank and Chemical Bank. However, throughout the years Midland Street housed several bank industries, such as the Lumberman's State Bank, People's Savings bank, People's National Bank, Bay City Bank, and Bay County Saving Bank.

In the early 1800's the banking business was not as monitored as today's establishments. Bank notes were printed by leisure and not always supported with a percentage of physical coin. Many were run out of the "back rooms" of businesses and it has been good-humoredly reported that tree stumps were used for vaults. Until the mid-1800's, banks were not liable for any debts accrued and tended to print and overabundance of "greenbacks". Several Bay City citizens suffered from the lack of regulation and lost business profits as a result. With new government regulations and a growing population in Bay County, effective banks began sprouting throughout the cities. With success of the Lumber industry and the growing means of transportation, new people and larger profits influenced success for the banking businesses in Bay City. The first bank on the West Side was The Bank of Wenona, housed in the Clark Block along Midland Street. It was later renamed to the Lumberman's State Bank and relocated to their new building constructed on the west end of the same block. Banks such as this gained much success and continued to grow throughout the years. However, during economic downfall, the decline of the lumber industry, and the catastrophic great depression, banking was an industry greatly impacted. Banks were stuck with previous unpaid loans and many citizens pulled out money in fear of bank failure, thus harming the investment rates and forcing many banks to close their doors. It was reported that all banks in Bay City, excluding one, closed due to bankruptcy by 1931. The one remaining bank during this time was People's Commercial Bank. James E. Davidson, the owner, returned to Bay City from Detroit with \$1 million in cash to deposit into the bank and placed guarantees on depositor's funds. This helped to restore the faith of Bay City citizens and promote future bank endeavors throughout the city. A branch later opened at 509 E. Midland Street. Today Midland Street is the home of PNC Bank and Chemical Bank, serving the local community.

### ***5.8 - Entertainment:***

Entertainment was a large part of Bay City's history and culture. Both West Bay City and Bay City were known for their numerous hotels, saloons and theaters, most dating back to the late 19th century during the peak of the lumber industry. Some were upscale facilities inviting wealthy businessmen and tourists, while others were slum bars notorious for activities involving

salacious women and gambling. Most entertainment venues shared their association with alcohol. In 1880 there were a reported 26 operating saloons on the West Side, not counting the infamous hotels infamous hotels and businesses selling without a license. Even during times of the Red Ribbon Movement and prohibition, citizens of Bay City found ways around the trends in order to enjoy a favorite pass time.

During the lumber days, spring was prime time for saloon visits and troubles throughout the cities. Many workers and log runners would stay in housing units including barracks and hotels. The Bay City Tribune reported that in 1887, the Bay Cities contained 81 hotels allowing for 6,000 guests. Hotels, bars and theaters were a place to wind down and enjoy fellowship. Many contained meeting halls where several orders, clubs and unions would meet. Lumbermen were allowed to cash their checks as well as borrow money from the clerks. Many food and alcohol establishments were also “home brewers” and were able to supply their own homemade alcohol. Otherwise bar owners could gather a supply from the local breweries including Phoenix Brewery Co. and the Kolb Brewing Co. found on the West Side.

Several movements tried to slow the intoxication of the city including two stints of prohibition, as well as the Red Ribbon Movement. From 1855 to 1875 the manufacturing and sale of liquor was illegal in the state of Michigan. However the state recognized that the law had been nearly disregarded and money could be made from the sale of liquor licenses to those desiring establishments. Next was the Red Ribbon Movement; a campaign to end the drunkenness throughout the Bay Cities. Men led by example sporting ribbons on their clothing influencing others to put an end to alcohol consumption. It succeeded in closing several saloons and brothel houses throughout the cities. However, bars later reopened when discovering their cliental were bypassing the city to drink in neighboring towns. Today the Midland Street Business District is still known for its social life and entertainment value. The Westtown Theater and Historic Arlington Hotel are two such examples of long-running establishments dedicated to the town’s nightlife. There are also several bars including O’Hares, Lucky’s Pub, Duso’s and Brady’s Sport Bar to name a few.

### ***5.9 - Social Organizations:***

Social organizations in West Bay City, Bay City and the surrounding areas played a pivotal, yet subtle part of the success of the region. The development of fraternal orders was especially powerful in the United States, where the freedom to associate outside governmental regulation is specifically sanctioned in the constitution. Hundreds of fraternal societies in the United States grew in membership at the turn of the century, many of which were grounded on religious or civic service. There are many attributes that fraternities or Unions may or may not have, depending on their structure and purpose. Fraternities can have differing degrees of secrecy, some form of initiation or ceremony marking admission, formal codes of behavior, and disciplinary procedures. Attending such clubs and societies was a method of networking, keeping current with social issues and as a technique of gaining influence for political activism. Many commercial businesses within the Midland Street Historic District offered their upper floor office spaces to house West Bay City's vast fraternal organizations. The amount of benevolent societies was so great that the Clark Block alone was home to 10 organizations and unions, including the Bay City Building Trades Council, Brotherhood of Locomotive Fireman #152 and the Labor Temple. The International Order of Odd Fellows based out of Portsmouth also had many ties to the Midland Street Historic District under several different chapter names and locations comprising of the Ivy, Olive, Eden and Konada Lodges.

**6. CRITERION A: ASSOCIATION WITH SIGNIFICANT EVENTS:**

The Midland Street Historic Business District meets national criterion A as the cultural and economic epicenter which was West Bay City. The boom of the lumber industry of the mid to late eighteenth centuries impacted the greater Bay City area so momentously that it was responsible for producing the highest outputting lumber manufacturing mills in the United States and the world. As a result, the small town of West Bay City became wildly prosperous, attracting local and abroad businessmen and entrepreneurs alike to seize the opportunity to capitalize off of their endeavors and successes. The accomplishment of the Bay City lumber industry and supplemental commercial economies was so great it inadvertently caused a change in the political structure of Michigan. Many affluent businessmen turned politicians used their financial accomplishments to fund their political careers in the growing Michigan Government, thus significantly influencing Michigan lawmaking and policy.

**7. CRITERION B: ASSOCIATION WITH SIGNIFICANT PERSONS:**

The district meets criterion B for the businessmen and entrepreneurs who were the catalyst for the construction and ultimate success of the Midland Business District. Each constructed blocks of commercial and residential spaces creating the most prominent buildings located on and around Midland Street. The gentlemen accountable include (in alphabetical order) George W. Ames, Henry H Aplin, Charles Babo, the Bunnel Brothers, Major Newcomb Clark, Sydney O. Fisher, J.F. William Loose, Frank H. Mohr, George L. Mosher, Henry Sage and Steven Swart. Each of these gentlemen greatly influenced Midland Street, West Bay City and the state of Michigan as a whole through effective and profitable business ventures and fraternal social networking.

***7.1 - George W. Ames:***

George W. Ames was born in the small working class town of Albion, New York on October 31<sup>st</sup>, 1852. After receiving a formal education for 16 years in Erie, Pennsylvania, Ames secured a position as a newsagent for the Philadelphia & Erie Railroad Company in 1869. The railways

connecting Philadelphia and Detroit brought Ames to reside in Michigan in 1870, where he later was offered and accepted the position of brakeman for Detroit, Lansing and Lake Michigan Railroad. In 1874 George Ames moved to Bay City where he left the railway industry for a more lucrative career in real estate, opening a firm titled Brigham, Ames & Heatley, just three weeks after severing ties to the Michigan Central Railroad. The firm was a real estate powerhouse and known to have the most thorough and comprehensive property collection in the State of Michigan. They also hold the honor of having published the largest list of properties in Bay County. His lasting contribution to Midland Street is the Ames Block Building located on the north side of the street in the 300 block. Ames' real estate office housed copies of the original plats of Bay County, detailed maps giving exact size of all lots, locations of sewers, water mains, street railways and beltline railroads of both West Bay City and Bay City. Because of his success in the property business, Ames was elected Secretary of the Avondale Land Company, as well as belonged to the Joppa Lodge, No. 315; Blanchard Chapter No. 59; Bay City Commandery No. 26; Knights of Pythias No. 23; Uniformed Rank; St. Georges Society; Bay City Club and the Bay City Business Men's Association. George Ames died in 1931 in his home in Bay City of natural causes.

### ***7.2 - Henry H. Aplin:***

Henry Harrison Aplin was born on a small farm in Thetford Township, Genesee County, MI on April 15<sup>th</sup>, 1841. At the age of 7, Aplin and his family moved to Flint where they lived until 1856. From here, the family moved back to the same small farm in Genesee County. It was during the social turmoil of the Civil War in 1861 when Henry enlisted under the Union Army as a private in Company C, 16<sup>th</sup> Michigan infantry where he would remain until the end of the war in 1865. After returning to Michigan shortly following his discharge, Aplin settled into a successful commercial business in the small village of Wenona on the west side of the Saginaw River. It was because of his success he was able to pursue a career in local politics under the Republican ticket. He was appointed Postmaster by President Grant in November 1869, a position that was relinquished by Major Newcomb Clark, another West Bay City native. For this position and to house the West Bay City Post Office, he erected the Columbia Building along the eastern end of Midland Street near the banks of the Saginaw River. Henry Aplin was destined for

greater things and transitioned from local to state governments. He was a steadfast advocate for labor rights and used his influence to represent his interests and those of West Bay City in many pivotal local and State conventions. He held the position of Auditor General from 1887-91, 2<sup>nd</sup> District of Bay County Representative from 1895-96, and on October 15<sup>th</sup>, 1901 Aplin was elected into Congress representing the 10<sup>th</sup> district where he served for 2 years in place of the recently deceased R.O. Crump. Henry H. Aplin died on July 23<sup>rd</sup>, 1910 of intestinal failure after a year-long battle with what was described as Krohn's Disease, although not discovered at the time.

### ***7.3 - Charles Babo:***

Charles Babo was born in Rastadt, Baden, Germany on October 15<sup>th</sup>, 1822. His father, Charles Babo Sr., was a prominent government official in the customs service for the German Government. Shortly after finishing school, Babo traveled over much of Europe entering and abandoning many different professional fields. He arrived in America by boat in 1853 where he continued traveling all throughout the east coast and ultimately settled in Bay City, MI 10 years later. Here he opened up what was the oldest grocery store establishment in Bay City. After the success of his store, Charles Babo secured a loan from Henry Sage, a wealthy lumber baron, for \$6,000. This money was to erect the first three-story mixed use building on Midland Street in West Bay City. The new brick building housed the Charles Babo and Sons Grocery store on the 2<sup>nd</sup> floor as well as rentable apartments on the upper level and commercial offices on the street level. Babo was also politically savvy and ran for office under the Republican ticket. He was elected and held the office of County Treasurer in 1880 to 1887, relinquishing his position only in 1883 to become the City Treasurer for Bay City. Babo was highly regarded within the community; he has been described as “a genial and whole souled man and the effervescence of his wit and humor is oil upon troubled waters of social and political life.” Charles Babo died at his home in Bay City on November 30<sup>th</sup>, 1897.

#### ***7.4 - The Bunnel Brothers:***

Miron and Hiram Bunnel built the first Bunnel House in 1866 to take advantage of the overwhelming influx of lumber workers and travelers looking to spend their incomes in West Bay City. The Bunnel House, ultimately named the Arlington Hotel, was the most popular and successful commercial luxury hotel in West Bay City. Only two years after construction the Bunnel house was destroyed by fire and the original timber structure was rebuilt using brick masonry in 1868. After the success of the hotel, Miron secured his sights on more civic matters. Miron Bunnel was nominated and elected the Sheriff of West Bay City in 1870, where he served two consecutive terms. Socially, the Bunnel brothers belonged to organizations such as the Wenona Lodge, No. 296, F. & A.M. Here, Hiram was nominated and elected Senior Warden.

#### ***7.5 - Major Newcomb Clark:***

Major Newcomb Clark was born in Sullivan County, New York in 1836. Only a year old, Clark's Mother and Father moved to Oakland County, MI in 1837, where he would remain until he emerged out of school with an education in teaching. Upon graduating, Clark moved south to Port Gibson, Mississippi until the break out of the Civil War. The dangers forced him to abandon his home and possessions and sneak back across Confederate Army lines into Union Territory. Enlisting into the Union Army in 1861, Clark quickly moved up in rank serving for 2 years before resigning and returning to Oakland County to help his ailing mother. He resumed his army career in 1864 during the campaign to allow black citizens and newly freed slaves to serve in the military to aid the war effort. Clark volunteered to be the commanding officer and promoted to Major in the 102<sup>nd</sup> U.S. Regiment, Michigan's first black military unit, until the end of the Civil War in 1865. Clark moved to the village of Wenona shortly after the war ended where he became well integrated and revered in the local community. In 1867 Clark constructed the first brick building on Midland Street. The multi-level building housed his stationary manufacturing business on the ground floors with his apartment above. He was voted in as the first President of the Village of Wenona and after serving his term became the village's tax assessor and recorder. He was able to hold these position all while maintaining the position of Postmaster from 1866 to 1870. The culmination of his political career was in 1883 when Clark

was elected into State Legislature under the Republican ticket. He served for 4 years during which he was chosen to be the Speaker of the House in Michigan's House of Representatives.

#### ***7.6 - Sydney O. Fisher:***

Sydney, also referred to as Spencer Fisher is credited with many substantial contributions to the Saginaw Valley area. In fact, he is often referred to as "the Father of Greater Bay City". Fisher was born on February 3, 1843 to a working class family in Camdon, MI. As a child, he was interested in the practical aspects of business and had held a job since he was 16 working in the lumber distributing industry. He moved to the Saginaw Valley area when he was 27, settling down in the regions of Salzburg, Banks and Wenona area in 1870. He then became a partner in M. & S.O. Fisher Company. Fisher was a vital element in persuading the citizens of all three business neighborhoods to agree to merge in 1887, and is credited for submitting the suggestion that the new town be called West Bay City. After buying out his father's interests, he maintained the family business for several years before he formed a new partnership with Mr. George Mosher. Starting from humble beginnings, Fisher was an astute businessman and soon had many business endeavors in the lumber, real estate and railcar industries. He built the Fisher Block in 1882 on Midland Street to house commercial, municipal and cultural facets, including a small opera house. Spencer Fisher was an esteemed civic leader as well, serving as President of Fisher Land and Lumber Company, the Sebewaing Coal Company, the West Bay City Sugar Company and the Lumberman's State Bank. Pursuing a higher political office, Fisher was voted in as Mayor of West Bay City in 1883 to 1885 and ran a successful Congress campaign, winning two consecutive terms in 1885 and 1887. Using his political influence and winning national recognition, he successfully petitioned for the first United States Court in Michigan, which he had suggested to be in Bay City.

#### ***7.7 - J.F. William Loose:***

William Loose was born in Pommern, Prussia November 1<sup>st</sup>, 1830. He started the cabinet manufacturing shortly after leaving school at the age of 14, where his excellence in his trade was attributed to an extensive apprenticeship. In 1854 Loose traveled to America where lived and

worked along the east coast until 1855 when he moved to Michigan and settled in Bay City a year later. In the fall of 1869, Loose relocated across the Saginaw River into the village of Wenona where he returned to the cabinetry manufacturing business. He erected his first store on Henry Street to house his business until it burned down in 1871. Loose promptly rebuilt the store in the same location but of brick, where he stayed until transferring to Midland Street in 1884. He continued to manufacture cabinetry and added the business of funeral directing. His thoroughness in the business of funeral arrangements was reflected by his success, owning 3 hearses and a large supply of materials and goods needed for the business. As a well-known and successful businessman, Loose was nominated and elected County Coroner on the Democratic ticket in 1884, a position he held for 3 consecutive terms. Socially, William Loose was a member of the Wenona Lodge F. & A.M.; as well as belonging to the Knights of the Maccabees.

#### ***7.8 – Frank H. Mohr:***

Frank H. Mohr was born in Schney, Bavaria, Germany on March 10, 1867 to John G. and Elizabeth Mohr. Frank Mohr immersed himself into the commercial manufacturing world just after completing school at the age of 14. In 1881 Frank Mohr traveled to America and reunited with his brothers John G, Christopher and Fred who already had become established in West Bay City. He later journeyed to Chicago to complete his apprenticeship at the Pullman Car Works. In 1903 Mohr moved back to Bay City to organize Mohr Hardware and was responsible for elevating the status of the company to one of the largest hardware suppliers in Northern Michigan. He erected the Mohr Block in 1912 across Midland Street from his original store. This was to better accommodate his growing business after entering into a partnership with George B. Staudacher to begin selling furniture as well as hardware. Mohr also ventured into other businesses and was accountable for the success of the Phoenix Brewing Company where he had taken the role of President since its founding. Frank Mohr chose to decline any party nomination for civic office, though he was strongly and repeatedly urged to do so. Instead, Mohr devoted his time and efforts to his successful business endeavors until his death on March 20, 1939. Mohr had been connected to many communal societies and was a member of many significant Bay City organizations such as: the Wenona Lodge No. 296, F. & A.M.; Blanchard Chapter, No. 59 R.A.M.; and the Scottish Rite up to the 18<sup>th</sup> degree at Bay City.

**7.9 - George L. Mosher:**

George L. Mosher came to West Bay City in 1873 hoping to provide the same service to an already booming timber industry. Working in the firm his father owned for 2 years, George Mosher purchased an interest in a commercial merchandising company called Moots & Rupff. Eventually, Mosher bought out all the interest and conducted the business alone from 1877 to 1896. He renamed the company George L. Mosher Company, which he ran with his oldest son, Alfred Locke Mosher. The Mosher building on Midland Street was constructed in 1882 where he sold hardware, home furnishings, farm equipment and carriages. George Mosher was also dedicated to a number of social organizations including the Wenona Lodge Past Master; No. 296 F. & A.M.; Bay City Chapter No. 136, R.A.M.; Bay City Commandery No. 26 K.T.

**7.10 - Henry Sage:**

Henry Sage is largely responsible for the entire commercial settlement and economic prosperity of the Midland Street Business District. This also includes the surrounding areas with a few well-placed business moves. After inciting many similar successful lumber and commercial endeavors in both the United States and Canada, Sage moved his interests to the already booming lumber industry of Saginaw Valley. In 1863, following a long and tedious battle over land and the building of a contract, Sage shrewdly purchased 116 acres on the West bank of the Saginaw River from the widowed Mrs. Elizabeth P. Birney. Once obtained, the land was cleared and platted into the small town of Wenona and allowed adequate space for farmland and a large sawmill along the Saginaw River. Completed in 1865, the Sage, McGraw Company sawmill was the result of an intuitive business partnership between Henry Sage and John McGraw, another successful lumber baron. The Sage McGraw Sawmill Company quickly became one of the largest manufactured lumber providers in the world, producing 9,000,000 board feet the first year of operation. Sage envisioned the new town of Wenona would be a company town in which his lumber mill workers would live with their families, thus creating a small but stable economic bubble. Henry Sage was so successful with drawing people to the Wenona lumber industry that many other successful entrepreneurs were keen to start their own businesses. Midland Street erupted in commercial construction starting in early 1867 with Henry Sage financially backing

Charles Babo in 1869 so that he could complete the Babo block located at the Southeast corner of Midland and Linn Streets. Sage was also a humanitarian and in 1884 he established and opened the Sage Library, currently the oldest continuously used library in the state of Michigan. The library, free to the citizens of West Bay City, is described as follows: “The library was proposed as a gift to the community three years earlier by Henry Sage in keeping with his interest in furthering the value of education. He envisioned that it should include space for a debating school where young men could gather and interact intellectually, and it did. He assured the new library's shelves would be stocked with adequate resources and covered the cost of acquiring 8,000 books for this purpose.” The library was erected at the edge of the Midland Street Historic District.

### ***7.11 - Steven Swart:***

Steven Swart was born in Lapeer County, Michigan on October 16<sup>th</sup>, 1845. When he was 8 years old his father relocated the family to Goodrich, Genesee County following job prospects. It was here that Steven Swart would begin his education until the Civil War erupted and he enlisted in the Union Army under the Eighth Michigan Infantry at the age of 16. Swart served for one year before returning to Goodrich and began working in commercial business, ending up with a penchant for the jeweler’s industry. It was in 1869 when Swart came to West Bay City to open his jewelry store where he quickly grew to be known as a thorough and capable jeweler and optician. With the accomplishments of his growing business, Swart was able to commission and construct an entire block on the west edge of S. Linn Street, with his own jewelry store as the flagship on the corner of S. Linn and E. John. The Swart Block is a large commercial building in the Midland Street Historic District, running almost the entire length between Midland and John Streets. Stephen Swart demonstrated his pride in the location of his jewelry business with his name carved on the east side of the building near the small mansard roof. It can still be seen today along with the year it was built. Swart was notarized as being an aspired and trusted businessman within the local community in which he served, often lending the large safe within his store for his customers to store personal valuables.

## 8. CRITERION C: DESIGN/CONSTRUCTION:

The Midland Street Historic Business District also meets criterion C in its richness for ornamental and detailed construction attributed to fashionable architecture of the mid to late eighteen hundreds Architecture. Throughout the district styles such as Italianate, Colonial Revival, Chicago School style, Romanesque Revival, French Provincial, and 20<sup>th</sup> century Modernism exists.

### 8.1 - Commercial Italianate:

A majority of the commercial businesses of the Midland Street Historic Business District are constructed under the Commercial Italianate style. The *Historic Architecture of Bay City, Michigan* defines the Commercial Italianate style as follows:

“Lower level plate windows provide interior illumination and display space while cast-iron columns with ornamental capitals support the masonry façade of the upper floors. The entrance to the store is typically recessed behind the display windows, but a separate door to the side provides access to the upper floors. Upper level windows are typically double-hung sash with decorative hoods of brick, stone or metal. The rooflines are trimmed with corbelled masonry or bracketed cornices.”

#### 8.1.1 - *Bunnel House (Arlington Hotel), 201 S. Linn:*

The historic Bunnel House (Arlington Hotel) is Bay City’s oldest hotel. It is located on the Southeast corner of S. Linn Street and E. John Street. Originally built in 1868, the timber built hotel burned shortly after opening. Rebuilt out of masonry the same year, the new brick hotel is described by the book, *History of Bay County*, as it existed on opening day as follows:



“It is built of brick, three stories high, with a basement in which are the billiard room, bar-room, kitchen, etc. On the second, parlors and a number of sleeping rooms. The third story is divided up into sleeping apartments. The building presents a fine appearance on the outside, and its inside arrangements are very convenient. It is furnished in good style.”

The Bunnel House was so popular that the lumber producing giant, Sage & McGraw Mills hosted many banquets in the main lounge congratulating themselves for their successful and record productions. The building was constructed in the Italianate style, which is best shown through the window openings and brick detailing throughout. Vertical lines are made predominate through brick piers, while horizontal lines are created using soldier coursing and stone banding. Arch top windows are consistent throughout the third floor topped with an arched row of soldier course brick with stone plaques on either side. On the second level are rectangular window profiles supported by a row of jack arch masonry, also capped and enclosed with stone. Due to a fire that erupted in the main lobby in 1914, extensive repairs and reconstruction took place, including the exterior brick façade and changes to the 1868 footprint.

### ***8.1.2 - Moots Block, 608-614 E. Midland:***

The Moots block is located on the Southwest corner of Midland and S. Linn streets. Constructed between 1868 and 1869, the Moots Block was the second brick building on Midland Street, comprising of four distinct yet connected store fronts of similar style and construction. The entire block was constructed in the commercial Italianate style with large plate glass display windows, recessed main entry and both rectangular and arched second floor windows. The storefront façade roof cornices all differ in design but follow the same horizontal line. The second story windows are fixed in recessed bays with impressive brick detailing and are all capped with curved or rectangular rowlock course brick. Two of the stores have an additional entryway leading to the second floor which was rentable spaces. Aside from housing the Moots hardware



store on the first level, the upper levels were used for apartment and office spaces, as well as the hall for the fraternal organization Knights of Pythias.

### ***8.1.3 - Mosher Building, 615 E. Midland:***

The Mosher building is located at the Northwest intersection of Midland and S. Linn Streets. The attractive building was built in 1882 by George Mosher and became one of the most prominent structures in the Midland street district. The heavily ornamented pediment on the third level rises above the other buildings of the area. The building housed his hardware store and other commercial businesses.



The first floor is defined by lighter brick and uniform windows with a stone sill. The second and third floors are defined by a slightly darker brick with uniform windows supported by a stone belt course. The visible facades along Midland and Linn Streets have extruded masonry piers which add further detail and frame the windows of the front and immediate side of the building. The original cornice is still present on the building.

### ***8.1.4 - Fisher Block, 705-715 E. Midland:***

The Fisher Block was constructed on the Northern side of Midland Street and occupies much of the commercial block between Walnut and Linn Streets. The block was built in 1882 on the site of a past fire that had leveled 4 smaller commercial businesses the year before. The Fisher Block was designed to house storefronts on the first floor with rentable living or office spaces above. There are strong horizontal



elements comprising the Fisher Block interrupted by brief vertical elements. The building is styled after the Commercial Italianate for its use of large display windows for store merchandise

with recessed main entryways. The second story facades are comprised of recessed masonry bays with three openings per storefront. The second story windows are all uniformly spaced with a stone sill, each also having an arched or square stone architrave which is a key element of Italianate design. The cornice outlining the parapet of the Midland Street façade was recreated and is of ‘egg and dart’ cornice work with carved stone and masonry extrusions.

#### ***8.1.5 - Lewis Block, 514 E. Midland:***

The Lewis Block was constructed with the storefronts lining the southwest corner of Midland and N. Henry Streets. The block was built by the Lewis Brothers in 1884 to house their hardware business and to provide office space upstairs. Dillon Prosser Clark, a significant Bay City architect was commissioned to design the building.



In the late 1890's it was purchased to be the first home of the Mohr Brothers Hardware Store before erecting the Mohr Block across the street. The building's recessed entrance and plate glass display windows along Midland Street strongly suggest Italianate influence. There exists a stone belt course just below the second story windows and brick belt course above, punctuated by arched brick and stone architraves. The protruding corbel coursed masonry work along the parapet is comprised of alternating brick recesses and extrusions. Along the Midland Street façade, a stone faceplate with the inscribed Lewis name is displayed on a raised parapet also topped with a stone and brick cornice and stone cap.

**8.1.6 - Columbia Building, 803-807 E. Midland:**

The Columbia Building is located on the northern side of Midland Street and was built in the early 1890's for H. H. Aplin, a wealthy West Bay City businessman. He was also known to be the first Postmaster of West Bay City. The Columbia Building first accommodated the West Bay City Post Office, then served as "Station A" for 20 years. The building also housed a saloon on the first floor, and lodge meeting halls for many prominent Bay City Fraternal Organizations such as the International Order of Odd Fellows. The building was a United States recognized civic building and the architecture reflected as such. Almost touching on Jeffersonian, the Columbia Building is comprised of four separate storefronts with large divided plate glass display windows. The second story consists of four masonry columns outlining four bays with two double hung windows centered in each bay. The parapet of the Columbia Building is a highly decorated with the top reaching to a triangular point. Minor brick masonry extrusions are also located below the parapet.

**8.1.7 - Babo Block, 700-702 E. Midland:**

The Babo Block, built in 1869, was the first three-story building on Midland Street. It housed a number of commercial establishments including Charles Babo & Sons Grocery. The upper floors held a meeting hall and several apartments. Some of the businessmen who operated stores on the first floor lived upstairs and were able to walk to work without going outside. Much more conservative than its other Midlands Street Counterparts, the Babo Block is simplistic in design with the



traditional storefront windows and façade divided by means of a wooden belt coursing. The second story is untraditional in its asymmetrical form. To the left of the central masonry pier the first store storefront design is repeated. However, on the third level, symmetry is returned with consistent arch top windows mirrored about the horizontal center. The masonry atop the third story is arched with faux column capitals connected by intermediate arches. The parapet is mostly a plain masonry element which has been built up to allow for chimneys while still keeping flush with the parapet. The original cornice has been removed.

***8.1.8 - Clark Block, 717 E. Midland & 103-105 N. Walnut:***

The Clark Block is located at Midland and N. Walnut Streets and is credited for being the first masonry commercial building on Midland Street. In 1867, Major Newcomb Clark built a multi-level red brick building that housed his stationery business and served as a home for his family. The Bank of Wenona was originally housed within the safe brickwork walls until it grew too large. The Clark Block is largely in disrepair,



however much of the original design intent is still visible. The building is of the Italianate styling with its symmetry and façade detailing. The second floor windows are topped by arched and rectangular architraves and underlined with stone sills. The cornice work above the second story displays tapered brick detailing in an rotated pyramid fashion, leading to a further extruded brick parapet capped with stone banding.

**8.1.9 Lumberman's State Bank, 701 E. Midland:**

Located at Midland and N. Linn Streets, the Lumberman's State Bank building was constructed in 1881 by the firm Watkins, Hidden and Arnold. Spencer O. Fisher's private offices were originally located on the garden level, with the Lumberman's State Bank and vaults on the first and second floors. The two-and-a-half story building was designed to imply an impression of solidity and strength, as well as elegance. The building itself is displaced and stands apart from adjacent structures due to the use of the garden level entrance, offsetting the horizontal lines relative to the neighboring buildings. The windows are entirely outlined in stone on the first and second levels, with arched rowlock brick and stone architraves. The third story windows supported by a stone belt course and a stone detail halfway up the second and third story window face. The Midland and N. Linn Street façade cornices are comprised of rows of extruded linear brick with an intricate stone parapet with stone corbels adding height and prestige to the Lumberman's State Bank.

**8.1.10 - Sage Block, 712-714 E. Midland:**

Located at Midland and N. Walnut Streets, the Sage Block building was erected in 1873. It began as a general store for the workers and lumbermen of the Sage & McGraw Sawmills of West Bay City. The current building replaced the Sage & McGraw office building that was located on the site prior to 1873. The Sage Block is of typical Italianate architectural style, though heavily decorated with masonry and stone detailing on the front and part of the side facades. The main entry into the building is centrally



located on the first level with an alternate entryway located along S. Walnut Street. The windows on each of the upper levels are evenly placed between brick masonry columns closely resembling post flares which are typical of timber construction. These flares appear as a support the belt coursings above. The windows are capped with arched architraves comprised of brick and stone on the Midland Street façade and stone on the façade facing N. Walnut. The parapet of the Sage Block is, by contrast, plain for an Italianate styled building, however, much of the detail missing is fulfilled above the second and third floor windows.

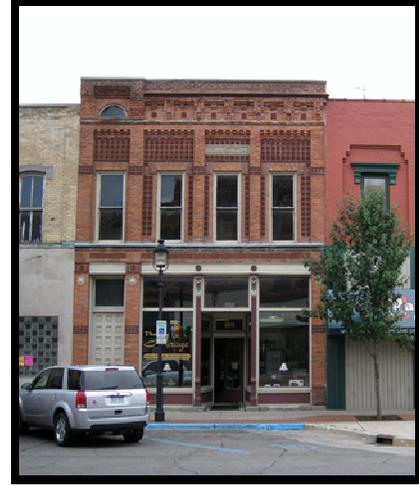
## **8.2 – Chicago School:**

Chicago School style architecture is also commonly referred to as Commercial Style as well as 19<sup>th</sup> Century Modern architecture. This simplified style is modeled after such architects as Daniel Burnham, John Root, Dankmar Adler and Louis Sullivan. These architects are also largely responsible for the design of the Chicago World's Fair. Commercial Style architecture is thought to resemble a classical design of a column; the ground floor acting as the base, central stories as the shaft, while the uppermost story or rather a parapet wall resembles the decorative capital. Iron or steel structures are concealed with a masonry veneer while also allowing large window profiles. Additional characteristics found in the book, *Buildings across Time* are as follows:

- The notion that "Form follows function", meaning that the result of design should derive directly from its purpose
- Simplicity and clarity of forms and elimination of "unnecessary detail"
- Visual expression of structure (as opposed to the hiding of structural elements)
- The related concept of "Truth to materials", meaning that the true nature or natural appearance of a material should be seen rather than concealed or altered to represent another material
- Use of industrially-produced materials; adoption of the machine aesthetic, brought on due to advancements in technology relating to steel construction.

**8.2.1 - Kusch Block, 602 E. Midland:**

The Kusch Block was designed by the popular Bay City architecture firm of Dillon Prosser Clark in 1887. During its lifespan, it has housed an assortment of different services to West Bay City, including a bakery and auto parts store. The building's practical and unassuming design was influenced by the famed Chicago Architect Louis Sullivan who abandoned all form of superfluous decorative design. He believed it to be distracting from the truth of the purpose of the building and its materials. The Kusch Block is comprised of strong vertical elements and inlet bays, with little masonry detailing above the second story. Such an unassuming building design is unusual to be seen during this time period as well as outside of larger municipalities. What little ornamentation the building does have, are rows of terra cotta tiles positioned around the second story windows. The tiles are significant in their own right due to the fact that they were designed by the distinguished architect Frank Lloyd Wright, also out of Chicago. The geometric patterns adorning the tiles were manufactured near Chicago.

**8.2.2 - Mohr Block, 511 E. Midland:**

The Mohr Block is located on the west side of Henry Street between Midland and Vermont Streets. The building was erected to allow more space for Frank Mohr's expanding hardware store, previously located in the Lewis Block just across Midland Street. It was first constructed in 1912 on the cusp of the Chicago School style movement, and stands apart in both design and material from its late nineteenth century counter parts. The strong vertical and horizontal elements dictate a clear



reasoning for the recessed window openings with stone sills, which are both aesthetic and functional. There exists minor façade detailing, much of which is located at the cornice of the building, with a stone name tablet inscribed with “Frank H. & John K. Mohr Block”; the buildings proprietary owners.

### ***8.2.3 - Farmers Auto & Machinery Company, 804 E. Midland:***

The historic Farmer’s Auto & Machinery Company Building was constructed in the spring of 1916. It appears to be the work of local architects Pratt, Bicknell and Campbell as it resembles other structures they designed. It is an example of Chicago School style and was the last substantial building to be constructed on Midland Street before the Depression. In fact, no other



commercial buildings of this size or style have been constructed in this area since. The building is comprised of brick masonry with strong vertical and horizontal elements, giving added perceived height and depth. The large street front façade is counterbalanced by the high masonry piers that extend past the roofline. Between each pier is a recessed bay maximized by clear fenestration with stone sills and capped with rectangular brick masonry and stone extrusions.

F.A. & M. began as an eclectic department store, selling automobiles, farm machinery, furniture, carpets, and rugs. It is also recorded that after the company vacated the building, other occupants included a hardware store, an automotive sales and supplier, a clothing retailer, a dance hall, a furniture company, a warehouse, and currently a restaurant and brewery. It was established as a local historic district under the P.A.169. It has since been restored under the department of interior standards and will act as a model to the rest of the Midland Street District. The new district will supersede the standing act in place.

### 8.3 - Romanesque Revival:

As stated by the New York Landmarks Conservancy, characteristics of the Romanesque Revival movement are described by:

- The defining feature of the Romanesque Revival is the semi-circular arch used for all window and door openings and for wall enrichment.
- Other distinguishing motifs are belt courses and the arcaded corbel table which is a series of miniature arches below the eaves.
- Belt or string courses mark horizontal divisions.
- Column capitals and compound arches are enriched with geometric medieval ornament.
- Facades have gabled roofs flanked by square or polygonal towers of differing heights, with parapets or various roof shapes, and occasionally spires of Gothic origin.
- Pyramidal roofs often have concave slopes.
- The typical plan is basilican, with a long, narrow nave, vestibule, central tower or paired side towers, and self-contained massing.
- Broad, smooth wall surfaces of monochromatic brick or ashlar masonry laid with thin mortar joints were favored.

#### 8.3.1 - Swart Block, 108 S. Linn:

Swart Block is located on the corner of S Linn and E John Street. It was designed by the architect P.C. Floeter. The store, erected from brick and Michigan buff stone, is originally known as the Swart Jewelry Store. The former jewelry store is the signature structure identifying the block. The block is comprised of 5 storefronts connected to one another on the second floor. They are of Romanesque Revival style contributing to the Mediterranean Revival movement of the time period. The use of predominant materials reflects mainly civic buildings being constructed within the same time period. This gave the Swart Tower an added air of significance. The original footprint of the jewelry store is 25' x 65' and attached to the remaining storefronts to the



north. The Southeast corner of the structure is built up in height and originally ornamented with a three faced clock. The supporting turret is still displayed today. The adjacent storefronts, including the second floors, are comprised of brick and stone with decorative tiled details. The elevation is symmetrical, not including the monumental tower building on the corner. Windows are uniformly positioned and have either an arched or square top partially outlined with soldier course brick.

### ***8.3.2 - Bertch Block, 710 E. Midland:***

The Bertch Block was constructed in 1891 along the flourishing Midland Street. It stands between Linn Street and Walnut Street on the south side, and attached to the existing Sage Block. It was built for the established meat market of L. Bertch's Sons. It was described to be a favorite among locals and the company motto states, "Once a customer, always a customer". P.C. Floeter was the architect on the project, also responsible for the Romanesque Style Swart Building. Constructed of



Michigan buff stone and trimmed with Lake Superior red stone, the building implies importance and wealth, mimicking many civic structures of the time period. The decorative parapet wall is partially a gabled roof, displays a dome and is topped with decorative finials. Today you will find the long lasting Sutherland Bakery occupying the historic building.

#### 8.4 – Modernism:

Commercial architecture following the turn of the century transformed to a more rudimentary style, derived from the influence of popular Chicago architecture of the time and the ideal made famous by Louis Sullivan. Sullivan and others like him believed that architecture should be unadorned and practical, a direct contrast to the vernacular styles of the recent past. Supporters like the acclaimed Frank Lloyd Wright, another



architect also from Chicago, popularized the idea through his contributions such as Unity Church in Oak Park. To help define this new movement in architecture, Sullivan coined the phrase “truth to materials” suggesting that a building should be built in direct relationship to its purpose and is described as a style “based on the rational use of modern materials, the principals of functionalist planning, and the rejection of historical precedent and ornament”. During the early twentieth century, Midland Street was ready to embrace this new style, which was more cost effective in the logical planning of the design and lack of superfluous decoration. These buildings were usually simple in plan, with many built as one story and fit in between larger, more ornamented buildings. Examples of Modernism within the Historic Midland Business District include the Economy Center building, American Boxing and Athletic Association Gym, as well as Smith’s Auto Service building.

## 8.5 - French Provincial:

The French Provincial Style is characterized by the use of symmetry and is defined by the book, *Buildings across Time*, as follows:

“One of the most distinctive characteristics of many French buildings is the tall second story windows, often arched at the top, that break through the cornice and rise above the eaves. Modeled after country manors in the French provinces, these brick or stucco buildings are stately and formal. They have steep hipped roofs and a square, symmetrical shape with windows balanced on each side of the entrance. The tall second story windows add to the sense of height.”

### 8.4.1 - Sage Library, 100 E. Midland St.:

The Sage Library is located close to the outer edges of the Midland Street Historic District, on the corner of Wenona and Midland Streets. Constructed in 1881, the building’s asymmetrical architectural design combined with the formality place it under the French Provincial style. The elongated dormers break the eaves and extend through the steep hipped roof. The formal entry is also bounded by symmetrical window formations. The Library was



built by Bay City Architects Pratt and Koeppel. The style is not typical to that of the surrounding areas, thus increasing its historic significance and allure. There exists an abundance of brick and stone detailing on each façade, most of the stone coursing occurring above windows or below the roofline. The buildings rectangular windows, arches and high pitched roofs add a strong element of geometry present within the intended design. The Sage Library has always been a Library and is the oldest civic public library in Michigan still used for its original purpose.

## 9. RESOURCE COUNTS & PERCENTAGE:

### 97% Contributing

57 Contributing Resource

2 Non-Contributing Resources

## 10. HISTORIC DISTRICT RESOURCES:

Multiple commercial and residential buildings comprise the Midland Street Historic District. The State of Michigan recognizes the historic district for its significant events/contributions defined by the areas of Exploration/Settlement, Transportation, Politics/Government, Architecture, Industry, Commerce, Performing Arts and Communications. The Midland Street Commercial District was listed on the National Register of Historic Places in 1982.

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**Historic District Study Report**  
**Farmers Auto and Machinery Historic District**  
**City of Bay City**  
 Historic District Study Committee  
 April 10, 2000

Charge of the Historic District Study Committee

At the regular meeting of the City Commission on October 15, 1999, the Bay City Commission appointed an historic district study committee. The committee's charge was to study a potential PA 169 Historic District consisting of a single building. Originally known as Farmers Auto and Machinery Company (hereafter called F.A. & M.), it is referred to locally by its current name Hereford & Hops.

Study Committee Members

<b>Duane Anderson</b>	Bay City Architectural Review Committee Chairperson. Registered Architect, member of Michigan Historic Preservation Network.
<b>Anne Phillips</b>	Bay City Architectural Review Committee Historian. Realtor, member of Michigan Historic Preservation Network, Bay County Historical Society, National Trust for Historic Preservation, National Association of Realtors, Michigan Association of Realtors, and Realtor Association of Bay County.
<b>Katherine Morris</b>	Bay City Architectural Review Committee Secretary. Interior Designer, member of Michigan Historic Preservation Network and associate member of Interior Design Society.

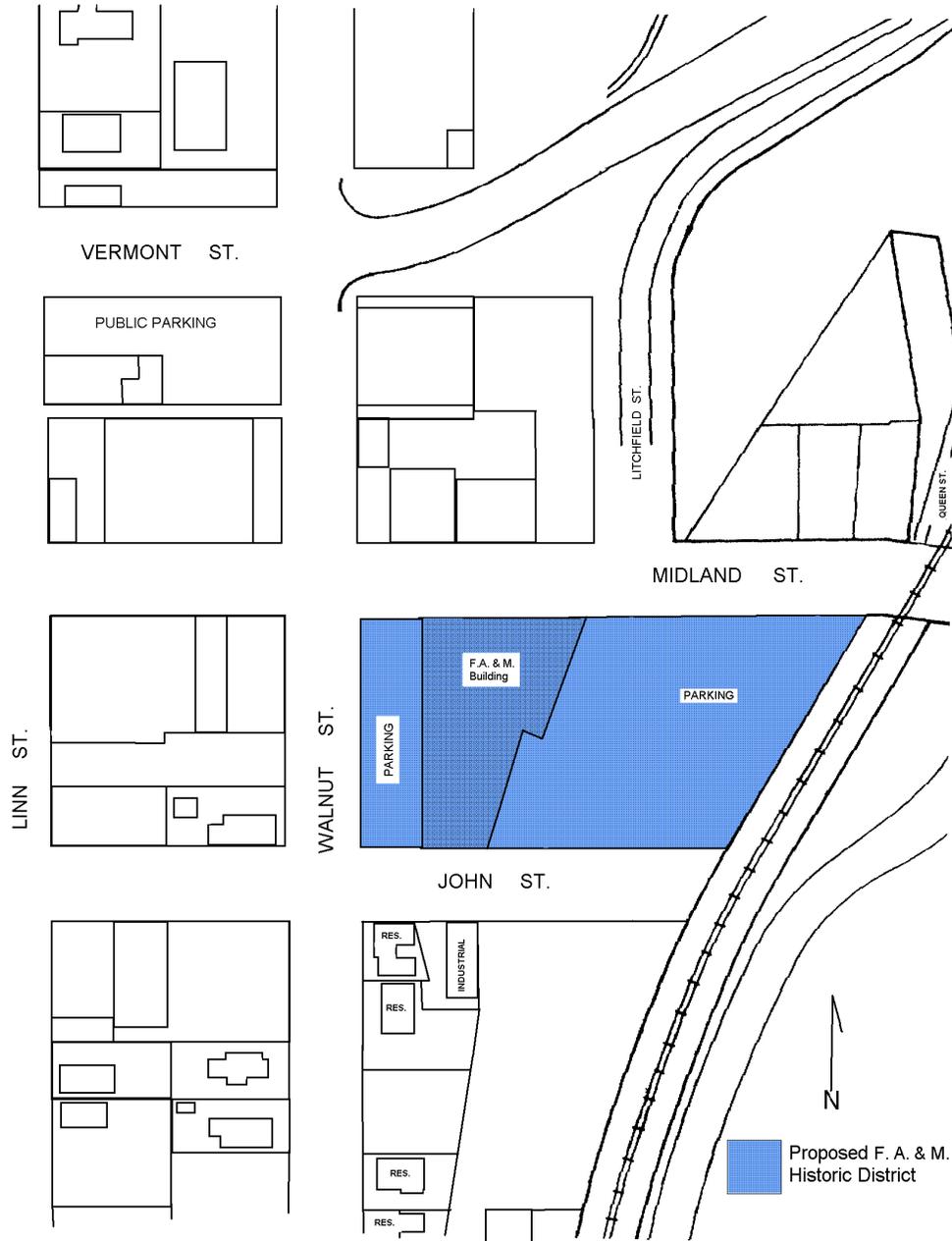
District Name

The F.A. & M. district has been named after the original use of the building, Farmers Auto and Machinery Company. These letters are also carved in a stone frieze above the easternmost doorway.

Boundaries

The Study Committee chose these boundaries because they encompass the property occupied by the F.A. & M. Building and its adjacent parking areas. Hereford & Hops Brew Pub (presently under construction in the F.A. & M. Building) occupies 804-816 East Midland Street. It is located on the south side of East Midland between South Walnut Street and the abandoned right-

of-way of the former Michigan Central Railroad, and is commonly described as all of Lots 2, 3, and 10, and those parts of Lots 4, 5, 8, and 9 west of the railroad right-of-way, all of Block 1 of the Village of Lake City, the latter being the original name for the Village of Wenona (*see map below*).



Map of Proposed F.A. & M. District

### History of Farmers Auto & Machinery

In 1864, noted lumber baron Henry W. Sage of Ithaca, New York platted the Village of Lake City. This was part of his efforts in building the immense Sage-McGraw sawmill at the foot of Jane Street, one block from the subject property. Built at an estimated cost of \$500,000.00, it was the world's largest sawmill when operations began in May of 1865. Recognizing the sawmill would bring prosperity, Sage platted much of the surrounding property to profit from the sale of lots. Although the majority of lots were for residential development, those along Midland Street were sold for commercial development, including the subject property. When Sage brought the Jackson, Lansing and Saginaw Railroad to Wenona in early 1868 the right-of-way was extended through the subject property.

With its frontage on East Midland Street and the adjacent railroad tracks, the subject parcel was quite valuable. However, difficult economic times throughout the 1870's left it vacant, as indicated on the 1879 aerial illustration of Bay City (collection of the Bay County Historical Museum). The first activity on the property was in 1893, when a wood frame structure was built by Walter Whittemore and Daniel H. Maxon for the Whittemore & Maxon Foundry. According to the 1896 City Directory, the foundry manufactured chain conveyors. These were used by the lumber industry to pull logs into the mills from storage ponds. Whittemore & Maxon was in business for a few years when it was purchased by local businessman Captain Benjamin Boutell and reorganized as the Excelsior Foundry. The plant produced grey-iron castings until 1911 when it ceased operations. Captain Boutell sold the property to his son and daughter-in-law, Frederick and Minnie Boutell of Bay City. On December 4, 1915 they sold it to the Farmers Auto & Machinery Company, a Bay City Corporation, for \$4000.00 as recorded in Liber 166, Page 320 at the Bay County Register of Deeds. The deed does not include the name of any officers for the F. A. & M. Company. A 1917 advertisement in the Bay City Tribune listed Peter Oswald as President. Later, the 1920 City Directory listed John A. Buechler as President.

Construction on this two-story, commercial building began in the spring of 1916. It appears to be the work of local architects Pratt, Bicknell and Campbell as it resembles other structures they designed. A drawing from the December 11, 1916 issue of the Bay City Tribune is accompanied by a caption stating that the building is nearing completion. Aside from this, no known photographs or related construction documents were found of the building before 1960. It is an example of post-Victorian, vernacular, commercial architecture with elements inspired by the Chicago school and prairie school of architectural design. This was the last substantial building to be constructed on Midland Street before the Depression. In fact, no other commercial buildings of this size or style have been constructed in this area since. It also terminates the eastern edge of the historic fabric of Midland Street.

Information on Farmers Auto & Machinery Company is scarce. A full page advertisement for the company, in the December 11, 1916 issue of the Bay City Tribune, offered sales of stock to the stockholders and the public. It claimed to be a fast growing local institution started on July 22, 1915. The advertisement stated that "Over 300 of the most prominent farmers in Bay, Midland, Saginaw and Tuscola Counties" were stockholders and "boosters" through purchasing their items from the organization. It is hinted that the company's success may have been hampered by its lack of a permanent place of business. Therefore, the advertisement indicates that its new

building at 804-814 E. Midland Street was "nearing completion". F.A. & M. was an eclectic department store, selling automobiles, farm machinery, furniture, carpets, and Rugs. Contemporary city directories note that the company also sold hardware and Essex and Studebaker Automobiles. In spite of the company's promise that "buying stock in this enterprise means investing in a safe, sound business proposition," it does not appear that they were in business very long. On June 2, 1920 they secured a \$16,000.00 mortgage with local businessman William H. Nickless of Bay City, as recorded in Mortgage Liber 118, Page 176 at the Bay County Register of Deeds. During this time, the nation was descending into a deep recession and it appears the company never recovered. On December 6, 1924 Deputy Sheriff Frank Kusmiez auctioned the property to the highest bidder for unpaid taxes and the outstanding mortgage totaling \$15,809.68. Among those in the audience was William Nickless, who paid \$16,385.23 to protect his interests in the property, including an outstanding principal of \$10,000.00. A few days later on December 8, 1924, a deed was recorded by the Sheriff transferring the property to Nickless, as recorded in Liber 198, Page 203 of the Bay County Register of Deeds. With the deed was an Evidence of Publication notice that the auction had been properly published in the Bay City Democrat prior to the sale as recorded in Liber 198, Page 204 of the Bay County Register of Deeds. As there are no following deeds or documents recorded it does not appear that Farmers Auto & Machinery Company or Mr. Buechler made any attempt to save the property. John Buechler's obituary in the March 17, 1945 Bay City Times does not provide any details other than noting that he had once been a resident.

From 1926 -31 the city directory indicates that the building was home to Triangle Motor Sales, dealers in Hudson and Essex motor sales and service. By 1929, the city directory lists Wolverine Knitting Mills outlet store on the ground floor with the Roseland Dance hall on the second floor. It housed the Harris Sample Furniture Company from 1931 until it went out of business in 1960. From 1960 through 1980, Delta Containers manufactured corrugated cardboard boxes for industrial shipping at this location. It was also used by the Delta Ford Dealership for storage in the mid-1960s. From 1982 through 1995, it was utilized by Kirchman Brothers Hotel and Restaurant Supplies as a warehouse. This was the last use of this building until it was purchased by BDBC L.L.C. in 1998 for its conversion to a Hereford and Hopps restaurant and microbrewery.

#### The National Register Criteria

The proposed historic district is located within the Midland Street Historic District which is listed in the National Register of Historic Places and is regulated by local historic preservation overlay zoning. The Midland Street Historic District is lined with two and three story commercial buildings dating from the 1860s to the beginning of the Depression in 1929.

The Farmers Auto and Machinery Building meets the Criterion A (Event) for the following reasons:

- The Sage McGraw Sawmill, documented as the largest nineteenth century lumbering facility in the world was located nearby. Noted lumber baron Henry Sage purchased and platted much of the land surrounding the mill including the F. A. & M. site. This plat created the first settlement on the west side of the Saginaw River (Village of Wenona).

- Midland Street was the center of commercial, industrial, and railroad activities on the west side of the Saginaw River from 1860 through 1929.
- As Midland Street merchants and businesses prospered, commercial structures in the popular styles of the day were constructed. F. A. & M. represents a structure that would have been constructed during the post-Victorian era of the early 20<sup>th</sup> Century.
- This was the last substantial, commercial building to be constructed on Midland Street before the Depression. In fact, no other commercial buildings of this size or style have been constructed in this area since.

The Farmers Auto and Machinery Building meets the Criterion C (Design Construction) for the following reasons:

- It is an example of post-Victorian, vernacular, commercial architecture with Chicago school and prairie school architectural design elements that were popular in the early part of this century but are not commonly found in Bay City.
- Its simple façade, horizontal lines, accentuated piers that frame the entrances, patterned brickwork in panels just below the roof, long lengths of display and clearstory windows, and limited stone ornamentation contrasts significantly on a street dominated by Victorian architecture. Also unique is the architects use of dark brown brick, craftsman-styled windows and doors.
- The interior contains mosaic tiled floors, craftsman-styled woodworking and pressed metal ceilings.

### Resources

Since this is a single site PA 169 Historic District study, the resources are contained on or within the building. They include the following:

- Craftsman styled windows, transoms, sidelights and doors.
- Wide, expansive, display and clearstory windows.
- Patterned masonry and stone ornamentation and trim.
- Mosaic tiled floors.
- Craftsman-styled woodworking including staircase.
- Pressed metal ceilings.

**APPENDIX A**  
**P.A. 169 MICHIGAN LOCAL HISTORIC DISTRICTS ACT**

**LOCAL HISTORIC DISTRICTS ACT****Act 169 of 1970**

AN ACT to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

*The People of the State of Michigan enact:*

**399.201 Short title.**

Sec. 1. This act shall be known and may be cited as the “local historic districts act”.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.201a Definitions.**

Sec. 1a. As used in this act:

- (a) “Alteration” means work that changes the detail of a resource but does not change its basic size or shape.
- (b) “Certificate of appropriateness” means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
- (c) “Commission” means a historic district commission created by the legislative body of a local unit under section 4.
- (d) “Committee” means a historic district study committee appointed by the legislative body of a local unit under section 3 or 14.
- (e) “Demolition” means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
- (f) “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.
- (g) “Denial” means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- (h) “Department” means the department of history, arts, and libraries.

- (i) “Fire alarm system” means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.
- (j) “Historic district” means an area, or group of areas not necessarily having contiguous boundaries, that contains 1 resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
- (k) “Historic preservation” means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.
- (l) “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 this state or a community within this state, or of the United States.
- (m) “Local unit” means a county, city, village, or township.
- (n) “Notice to proceed” means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 5(6).
- (o) “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.
- (p) “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. Ordinary maintenance does not constitute work for purposes of this act.
- (q) “Proposed historic district” means 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.
- (r) “Repair” means 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 act.
- (s) “Resource” means 1 or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.
- (t) “Smoke alarm” means 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 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.
- (u) “Standing committee” means a permanent body established by the legislative body of a local unit under section 14 to conduct the activities of a historic district study committee on a continuing basis.
- (v) “Work” means construction, addition, alteration, repair, moving, excavation, or demolition.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of

historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.202 Historic preservation as public purpose; purpose of ordinance.**

Sec. 2. Historic preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance shall be to do 1 or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.
- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.203 Historic districts; establishment; study committee; duties; public hearing; notice; actions; availability of writings to public.**

Sec. 3. (1) A local unit may, by ordinance, establish 1 or more historic districts. The historic districts shall be administered by a commission established pursuant to section 4. Before establishing a historic district, the legislative body of the local unit shall appoint a historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from 1 or more duly organized local historic preservation organizations. The committee shall do all of the following:

- (a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the department.
- (b) Conduct basic research of each proposed historic district and the 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 C.F.R. part 60, and criteria established or approved by the department, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(i) The charge of the committee.

(ii) The composition of the committee membership.

(iii) The historic district or districts studied.

(iv) The boundaries for each proposed historic district in writing and on maps.

(v) The history of each proposed historic district.

(vi) 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.

(e) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to the Michigan historical commission, and to the state historic preservation review board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(3) After the date of the public hearing, the committee and the legislative body of the local unit shall have not more than 1 year, unless otherwise authorized by the legislative body of the local unit, to take the following actions:

(a) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the legislative body of the local unit. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the legislative body of the local unit, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the local unit passes an ordinance or ordinances establishing 1 or more historic districts, the local unit shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. A local unit 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.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of

historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.204 Historic district commission; establishment; appointment, qualifications, and terms of members; vacancy; commissions previously established by charter or ordinance.**

Sec. 4. The legislative body of a local unit may establish by ordinance a commission to be called the historic district commission. The commission may be established at any time, but not later than the time the first historic district is established by the legislative body of the local unit. Each member of the commission shall reside within the local unit. The membership of the historic district commission in a local unit having a population of 5,000 or more individuals shall consist of not less than 7 or more than 9 members. The membership of the historic district commission in a local unit having a population of less than 5,000 individuals shall consist of not less than 5 or more than 7 members. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The members shall be appointed by the township supervisor, village president, mayor, or chairperson of the board of commissioners, unless another method of appointment is provided in the ordinance creating the commission. Initial members shall be appointed within 6 months after the ordinance establishing the commission is enacted. Members shall be appointed for 3-year terms except the initial appointments of some of the members shall be for less than 3 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. A vacancy on the commission shall be filled within 60 calendar days by an appointment made by the appointing authority. The ordinance creating the commission may provide procedures for terminating an appointment due to the acts or omissions of the member. The appointing authority of a local unit having a population of 25,000 or more individuals shall appoint at least 2 members from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. A local unit having a population of more than 5,000 individuals but less than 25,000 individuals shall appoint at least 1 member from a list of citizens submitted by 1 or more duly organized local historic preservation organizations. The commission of all local units shall include as a member, if available, a graduate of an accredited school of architecture who has 2 years of architectural experience or who is an architect registered in this state. This section does not apply to historic district commissions established by charter or to historic district commissions established by ordinance before August 3, 1970.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1971, Act 30, Imd. Eff. May 25, 1971;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.205 Permit required; completed application; certificate of appropriateness or notice to proceed; issuance; permit fee; appeal to review board and circuit court; plan review standards, guidelines, and considerations; scope of review; preservation plan; approval; conditions; public meeting; availability of writings to public; rules of procedure; approval**

**of minor work; finding of demolition by neglect; restoration or modification of work done without permit.**

Sec. 5. (1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district or, if required under subsection (4), work affecting the interior arrangements of a resource is performed within a historic district. The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings, the commission, or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials that make the application complete to the commission. A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this act. A commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A local unit may charge a reasonable fee to process a permit application.

(2) An applicant aggrieved by a decision of a commission concerning a permit application may file an appeal with the state historic preservation review board within the department. The appeal shall be filed within 60 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering an appeal. The review board may affirm, modify, or set aside a commission's decision and may order a commission to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

(3) In reviewing plans, the commission shall follow the United States secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the department. The commission shall also consider all of 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 the design, arrangement, texture, and materials proposed to be used.
- (d) Other factors, such as aesthetic value, that the commission finds relevant.
- (e) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or

a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(4) The commission shall review and act upon only exterior features of a resource and, except for noting compliance with the requirement to install a fire alarm system or a smoke alarm, shall not review and act upon interior arrangements unless specifically authorized to do so by the local legislative body or unless interior work will cause visible change to the exterior of the resource. The commission shall not disapprove an application due to considerations not prescribed in subsection (3).

(5) If an application is for work that will adversely affect the exterior of a resource the commission considers valuable to the local unit, state, or nation, and the commission determines that the alteration or loss of that resource will adversely affect 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.

(6) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct 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 and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(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.

(7) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. 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. (8) The commission shall 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 act, 1976 PA 442, MCL 15.231 to 15.246.

(9) The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.

(10) The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

(11) Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

(a) Require the owner of the resource to repair all conditions contributing to demolition by neglect.

(b) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(12) When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, 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 certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, 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 certificate of appropriateness. 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 certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit 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.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1980, Act 125, Imd. Eff. May 21, 1980;—Am. 1986, Act 230, Imd. Eff. Oct. 1, 1986;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001;—Am. 2004, Act 67, Imd. Eff. Apr. 20, 2004.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.206 Grants, gifts, and programs.**

Sec. 6. The legislative body of a local unit may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The legislative body may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.207 Historic resource; acquisition by local legislative body.**

Sec. 7. If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the local legislative body that public ownership is most suitable, the local legislative body, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the commission or standing committee. The commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the local legislative body. Upon recommendation of the commission or standing committee, the local unit may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.208 County historic district commission; coordination with township and municipality.**

Sec. 8. The jurisdiction of a county shall be the same as that provided in Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Michigan Compiled Laws, or as otherwise provided by contract entered into between the county and a city, village or township. If a county historic district commission is in existence, coordination between the county historic district commission and township and municipality historic district commissions shall be maintained. The overall historic preservation plans of cities, villages and townships shall be submitted to the county historic district commission for review, and county plans submitted to cities, villages, and townships having historic district commissions. Day-to-day activities of a commission shall not be reviewed unless the activities affect resources of importance to another commission.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.209 Historic district commission; filings with delegated authority; duties of local public**

**officials, employees, and department.**

Sec. 9. (1) The commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the inspector of buildings or other delegated authority. A permit shall not be issued until the commission has acted as prescribed by this act. If a permit application is denied, the decision shall be binding on the inspector or other 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 rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within 60 calendar days after the date a complete application is filed with the commission, unless an extension is agreed upon in writing by the applicant and the commission, shall be considered to constitute approval.

(2) Local public officials and employees shall provide information and records to committees, commissions, and standing committees, and shall meet with those bodies upon request to assist with their activities.

(3) The department shall cooperate with and assist local units, committees, commissions, and standing committees in carrying out the purposes of this act and may establish or approve standards, guidelines, and procedures that encourage uniform administration of this act in this state but that are not legally binding on any individual or other legal entity.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992;—Am. 2001, Act 67, Imd. Eff. July 24, 2001.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.210 Construction of act.**

Sec. 10. Nothing in this act shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work on any resource under a permit issued by the inspector of buildings or other duly delegated authority before the ordinance was enacted.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**399.211 Appeal of decisions.**

Sec. 11. Any citizen or duly organized historic preservation organization in the local unit, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district

commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under section 5(1) may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board under section 5(2).

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970;—Am. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.212 Effect of act as to existing legislation and historical commissions.**

Sec. 12. This act does not affect any previously enacted legislation pertaining to historical preservation and does not affect historical commissions appointed by local governing bodies to foster historic preservation. An existing local historical commission organized under Act No. 213 of the Public Acts of 1957, as amended, being sections 399.171 and 399.172 of the Compiled Laws of 1948, may be designated as a historic district commission, if its membership and structure conform, or are revised to conform, to the provisions of section 4.

**History:** 1970, Act 169, Imd. Eff. Aug. 3, 1970.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.213 Powers and duties of historic district commission.**

Sec. 13. The local legislative body may prescribe powers and duties of the historic district commission, in addition to those prescribed in this act, that foster historic preservation activities, projects, and programs in the local unit.

**History:** Add. 1986, Act 230, Imd. Eff. Oct. 1, 1986.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.214 Local units; establishing, modifying, or eliminating historic districts; study Committee; considerations; review of applications within proposed historic district; emergency moratorium.**

Sec. 14. (1) A local unit 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 legislative body of the local unit shall, except as provided in subsection (2), comply with the procedures set forth in section 3 and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, local units may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(2) If considering elimination of a historic district, a committee shall follow the procedures set forth in section 3 for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing 1 or more of the following:

(i) The historic district has lost those physical characteristics that enabled establishment of the district.

(ii) The historic district was not significant in the way previously defined.

(iii) The historic district was established pursuant to defective procedures.

(3) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the legislative body of a local unit may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 5 and 9. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than 1 year, or until such time as the local unit approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(4) If the legislative body of a local unit determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the legislative body may by resolution declare an emergency moratorium of all such work for a period not to exceed 6 months. The legislative body may extend the emergency moratorium for an additional period not to exceed 6 months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

### **399.215 Violation; fine; payment of costs.**

Sec. 15. (1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act is responsible for a civil violation and may be fined not more than \$5,000.00.

(2) 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.

**History:** Add. 1992, Act 96, Imd. Eff. June 18, 1992.

**Compiler's note:** For transfer of powers and duties of department of history, arts, and libraries or the Michigan historical center relating to the identification, certification, and preservation of historical sites to the Michigan state housing development authority, see E.R.O. No. 2009-26, compiled at MCL 399.752.

**APPENDIX B**

**CITY OF BAY CITY ORDINANCE, CHAPTER 64, HISTORIC PRESERVATION  
DISTRICTS**

**CODE OF ORDINANCES**  
**City of**  
**BAY CITY, MICHIGAN**

**Codified through**  
**Ordinance No. 2010-22, enacted December 20, 2010.**  
**(Supp. No. 16)**

**Chapter 64 HISTORIC PRESERVATION DISTRICTS**

Sec. 64-1. Title.

Sec. 64-2. Statement of purpose.

Sec. 64-3. Definitions.

Sec. 64-4. Historic district study committee and report.

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Sec. 64-8. Delegation of minor classes of work.

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Sec. 64-16. Work without a permit.

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Sec. 64-19. Emergency moratorium.

Sec. 64-20. Penalties for violations.

Sec. 64-21. Acceptance of gifts or grants.

Sec. 64-22. Acquisition of historic resources.

Sec. 64-23. Boundaries of historic districts.

Sec. 64-1. Title.

This chapter shall be known as the historic preservation district ordinance for the city.  
(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-2. Statement of purpose.

Historic preservation is hereby declared to be a public purpose and the legislative body of a local unit of government may regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit.

The purpose of this chapter is to:

(1) Safeguard the heritage of the city by preserving districts which reflect elements of its history, architecture, archaeology, engineering, or culture.

(2) Stabilize and improve property values in each district and surrounding areas.

(3) Foster civic beauty.

(4) Strengthen the local economy.

(5) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the city and of the state.

The city may by ordinance establish one or more historic districts. The historic district(s) shall be administered by the historic district commission and pursuant to this chapter.

(Ord. No. 2005-12, § 1, 11-21-05)

#### Sec. 64-3. Definitions.

Whenever used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section:

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

*Certificate of appropriateness* means the written approval of a permit application for work that is appropriate and does not adversely affect a resource.

*Commission* means the historic district commission of the city.

*Demolition* means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

*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.

*Denial* means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

*Fire alarm system* means a system designed to detect and announce the presence of fire or byproducts of fire. Fire alarm system includes smoke alarms.

*Historic district* 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.

*Historic preservation* means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

*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 the city, the state, or the United States.

*Notice to proceed* means 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* means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or buffer between other resources.

*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. Ordinary maintenance does not constitute work for the purpose of this chapter.

*Proposed historic district* means 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* means to restore a decayed or damaged resource to good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for the purposes of this chapter.

*Resource* means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.

*Smoke alarm* means 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 or more single-station alarms that are capable of interconnection such that actuation of one alarm causes all integrated separate audible alarms to operate.

*Work* means construction, addition, alteration, repair, moving, excavation, or demolition. (Ord. No. 2005-12, § 1, 11-21-05)

#### Sec. 64-4. Historic district study committee and report.

(a) Before establishing a historic district, the city commission shall appoint a historic district study committee. The committee shall contain a majority of persons who have clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do all of the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the state historical center.

(2) Conduct basic research of each proposed historic district and the historic resources located within that district.

(3) Determine the total number of historic and non-historic district 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 C.F.R., part 60, and criteria established or approved by the state historic preservation office of the state historical center.

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

a. The charge of the committee.

b. The composition of the committee membership.

c. The historic district or districts studied.

d. The boundaries for each proposed district in writing and on maps.

e. The history of each proposed historic district.

f. 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.

(5) Transmit copies of the preliminary report for review and recommendation to the planning commission, the state historic preservation office, the state historical commission, and the state historic preservation review board.

(6) Make copies of the preliminary report available to the public pursuant to section 399.203(4) of P.A. 169 of 1970 as amended.

(b) Not less than 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 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.

(c) After the date of the public hearing, the historic district study committee and the city commission shall have not more than one year, unless otherwise authorized by the city commission, to take the following actions:

(1) The historic district study committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the planning commission to the city commission as to the establishment of a historic district or districts. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(2) After receiving a final report that recommends the establishment of a historic district or districts, the city commission, at its discretion, may introduce and pass or reject an ordinance or ordinances.

a. If the city commission passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the county register of deeds.

b. The city commission may 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 city's tax rolls, have approved the establishment of the historic district pursuant to a written petition.

(d) The written study report prepared, owned, used, in the possession of or retained by the committee in performance of an official function shall be made available to the public in compliance with P.A. 442 of 1976, as amended.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-5. Establishing additional, modifying, or eliminating historic districts.

(a) The city commission 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 commission 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 commission may retain the initial historic district study 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.

- (2) The historic district was not significant in the way previously defined.
  - (3) The historic district was established pursuant to defective procedures.
- (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-6. Historic district commission.

(a) The city commission may establish a commission to be called a historic district commission under the following guidelines:

- (1) The historic district commission may be established at any time, but not later than the time the first historic district is established.
  - (2) Each member of the historic district commission shall reside within the city limits.
  - (3) The historic district commission shall consist of seven members.
  - (4) Members shall be appointed by the city commission.
  - (5) A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation.
  - (6) Members shall be appointed for a term of three years, except the initial appointment of three members for a term of two years and two members for a term of one year. Subsequent appointments shall be for three-year terms. Members shall be eligible for reappointment.
  - (7) In the event of a vacancy on the historic district commission, interim appointments shall be made by the city commission within 60 calendar days to complete the unexpired term of such position.
  - (8) Two members shall be appointed from a list submitted by duly organized local historic preservation organizations.
  - (9) If such a person is available for appointment, one member shall be an architect who has two years of architectural experience or who is duly registered in the state.
- (b) The city commission may prescribe powers and duties of the historic district commission, in addition to those prescribed in this ordinance, that foster historic preservation activities, projects, and programs in the city.
- (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-7. Historic district commission meetings, recordkeeping, and rules of procedure.

- (a) The historic district commission shall meet at least quarterly or more frequently at the call of the commission.
  - (b) The business that the historic district commission may perform shall be conducted 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 historic district commission.
  - (c) The historic district commission shall keep a record of its resolution, 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.
  - (d) The historic district commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines to carry out its duties under this act.
- (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-8. Delegation of minor classes of work.

The historic district commission may delegate the issuance of certificate of appropriateness for specified minor classes of work to its staff, or to another delegated authority.

(1) The commission shall provide to its delegated authority specific written standards for issuing certificates of appropriateness under this subsection.

(2) The commission shall review the certificates of appropriateness issued by the delegate on at least a quarterly basis to determine whether or not the delegated responsibilities should be continued.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-9. Ordinary maintenance.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a resource within a historic district or to prevent work on any resource under a permit issued by a building code official or other duly delegated authority before the chapter was enacted.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-10. Review by the commission.

The historic district commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the city commission or unless interior work will cause visible change to the exterior of the resource. The historic district commission shall not disapprove an application due to considerations not prescribed in subsection 399.205(3) of Public Act 169 of 1970, as amended.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-11. Design review standards and guidelines.

(a) In reviewing plans, the historic district 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.

(b) Design review standards and guidelines that address special design characteristics of historic districts administered by the historic district commission may be followed 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 of the state historical center.

(c) In reviewing plans, the historic district commission shall also consider all of the following:

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

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

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

(4) Other factors, such as aesthetic value, that the commission finds relevant.

(5) Whether the applicant has certified in the application that the property where the work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-12. Permit applications.

(a) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district.

(1) The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the building department.

(2) Upon receipt of a complete application, the building department shall immediately refer the application, along with all required supporting materials that make the application complete to the planning department. The planning department shall forward the application to the historic district commission.

(3) A permit shall not be issued and proposed work shall not proceed until the historic district commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this chapter.

(4) The historic district commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(b) The historic district commission shall file the certificate of appropriateness, notices to proceed, and denials of applications for permits with the building code official. A permit shall not be issued until the commission has acted as prescribed by this article.

(c) If an application is for work that will adversely affect the exterior of a resource the historic district commission considers valuable to the city, the state, or the 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 the preservation of the resource.

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

(e) The historic district commission may charge a reasonable fee to process a permit application. The fees shall be those fees on file with the city clerk, which have been approved and filed by the city manager, and of which the city commission has been notified for at least 30 days in compliance with section 2-1 of the city code.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-13. Denials.

If a permit application is denied, the decision shall be binding on the building code official or other authority.

(1) The denial shall be accompanied by a written explanation by the historic district commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when the suggested changes have been made.

(2) The denial shall also include the notification of the applicant's right to appeal to the state historic preservation review board and to the circuit court. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-14. Notice to proceed.

Work within a historic district shall be permitted through the issuance of a notice to proceed by the historic district commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

- (1) The resource constitutes a hazard to the safety of the public or to the structure's occupants.
  - (2) 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.
  - (3) 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.
  - (4) Retaining the resource is not in the interest of the majority of the community.
- (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-15. Appeal of a historic district commission decision.

(a) An applicant aggrieved by a decision of the historic district commission concerning a permit application may file an appeal with the state historic preservation review board. The appeal shall be filed within 60 calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The state historic preservation review board shall consider an appeal at its first regularly scheduled meeting after receiving the appeal. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the commission whose decision was appealed to the state historic preservation review board.

(b) Any citizen or duly organized historic preservation organization in the city as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission may appeal the decision to the circuit court, except that a permit applicant aggrieved by a decision rendered under this chapter may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-16. Work without a permit.

When work has been done upon a resource without a permit, and the historic district commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition that the resource was in before the inappropriate work or to modify the work so that it qualified for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, 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 certificate of appropriateness. 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 certificate of appropriateness in accordance with the circuit court's order. The costs of the work done 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, the commission or its agents may

enter a property for purposes of this section. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-17. Demolition by neglect.

Upon a finding by the historic district commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do either of the following:

- (1) Require the owner of the resource to repair all conditions contributing to demolition by neglect.
- (2) If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-18. Review of work in proposed districts.

Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the city commission may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the historic district commission as prescribed in this chapter. The historic district commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the city commission approves or rejects the establishment of the historic district by ordinance, whichever occurs first. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-19. Emergency moratorium.

If the city commission determines that pending work will cause irreparable harm to resources located within an established or proposed historic district, the city commission may by resolution declare an emergency moratorium on all such work for a period not to exceed six months. The city commission may extend the emergency moratorium for an additional period not to exceed six months, upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-20. Penalties for violations.

(a) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this chapter is responsible for a municipal civil violation and may be fined not more than \$5,000.00.

(b) 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. 2005-12, § 1, 11-21-05)

Sec. 64-21. Acceptance of gifts or grants.

The city commission may accept state or federal grants for historic preservation purposes; may

participate in state and federal programs that benefit historic preservation; and may accept public or private gifts for historic preservation purposes. The city commission may appoint the historic district commission to accept and administer grants, gifts, and program responsibilities.

(Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-22. Acquisition of historic resources.

If all efforts by the historic district commission to preserve a resource fail, or if it is determined by the city commission that public ownership is most suitable, the city commission, if considered to be the public interest, may acquire the resource using public funds, public or private gifts, grants or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the historic district commission. The historic district commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the city commission. Upon recommendation of the historic district commission, the city may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate. (Ord. No. 2005-12, § 1, 11-21-05)

Sec. 64-23. Boundaries of historic districts.

(a) *Pere Marquette Depot*. Beginning at the midpoint of the former (vacated) Jefferson Street, then east along the north parcel line of lot 8, Block 36 to the midpoint of Boutell Place, then south along the midline of Boutell Place to the south parcel line of Lot 11, Block 45, then west along the south parcel line of Lot 11 to the midpoint of the former (vacated) Jefferson Street, then north along the midline of Jefferson Street to the place of beginning.

(Ord. No. 2006-3, 6-19-06)