

Report on Proposed Additional Resources to Chapter 13 Historic Preservation Ordinance



"Allen School Historic District"

Prepared by:



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**City of Jackson, Michigan
Historic District Commission
June, 2005**

revised September, 2005

Adopted by City Council: October 4, 2005

ACKNOWLEDGEMENTS

The Jackson Historic District Commission wishes to acknowledge the contributions of the following individuals in the preparation of this report and the ongoing preservation of historic resources in Jackson:

The Allen School Study Committee

Charles Ahronheim	Degree in Music, interested citizen and resident of a historic home
David O. Bankole, M.D.	Secretary DJW Real Estate, LLC, interested citizen, resident of a historic home, proposed purchaser of the property under review
Martha Fuerstenau	Interested citizen and resident of the Under the Oaks Historic District
Marilyn Guidinger	Interested citizen and resident of a historic home
Pat Gutekunst	Member of the Jackson Historical Society and resident of the Under the Oaks Historic District
John Schaub	Interested citizen and resident of a designated historic home
Karessa Weir	Journalist, interested citizen and resident of a historic home
Jeannette Woodard	Licensed architect with special interest in historic preservation, owner of business in a designated historic building

The Jackson City Council

Mayor	Martin J. Griffin
1st Ward	Carl L. Breeding
2nd Ward	William Mure
3rd Ward	Daniel P. Greer
4th Ward	Sarah Mead
5th Ward	Judy M. Dupuis
6th Ward	Jerry F. Ludwig

HDC & Study Committee Staff

Amy L. Torres

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INTRODUCTION

The purpose of the Historic District Commission (HDC) is, in part, to create and designate historic sites, which will:

- 1) Safeguard the heritage of the City of Jackson by preserving a historic district, including areas, sites, landmarks, buildings, structures, works of art, and objects, which reflect elements of Jackson's cultural, social, economic, political and/or architectural history;
- 2) Stabilize and improve property values in the historic district;
- 3) Foster civic beauty;
- 4) Strengthen the local economy; and
- 5) Promote the use of the historic district, including areas, sites, landmarks, buildings, structures, works of art and objects, for the education, pleasure and welfare of the citizens of the City of Jackson and the State of Michigan.

For purposes of this report, each site recommended by the HDC, and ultimately approved and designated by the City Council, becomes a **"Historic District"**, meaning:

"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." The proposed district described herein includes a number of "Historic Resources".

Historic Resource means:

"a publicly or privately owned building, landmark, structure, site, feature or open space that is significant in the history, architecture, archaeology, engineering, or culture of the state, the City of Jackson, or the United States".

To date, the Jackson City Council has designated forty individual sites as historic landmarks and established one historic district entitled the "Under the Oaks Historic District" (see Chapter 13 of the Municipal Code of Ordinances, Section 13-21 and 13-22). This report proposes to add one new historic district entitled the **Allen School Historic District**.

Benefit to Community: Designation of sites as historic landmarks preserves the historic integrity of structures and sites, and also allows owners and developers an opportunity to utilize historic preservation tax credits as part of their financial package to allow renovation of historic buildings that might otherwise be lost to vacancy, blight, or worse, demolition. Designation also assists the HDC to fulfill their mission to stabilize and improve property values; foster civic beauty; strengthen the local economy; and promote the use of historic districts.

The Historic District Commission, created by ordinance in 1977, which was amended in 1990 by creation of the Historic Preservation Ordinance, Chapter 13 of the Municipal Code of Ordinances, was charged with the review of historic resources in the City of Jackson. Further, the Historic District Study Committee was charged on March 30, 2004, by the Jackson City Council, with the review of historic resources in the City of Jackson. The HDC, by recommendation of its Study Committee, has reviewed and approved the proposed landmark and recommends it be incorporated into the ordinance.

PROPOSED ALLEN SCHOOL HISTORIC DISTRICT

Building Type

This building has been little changed since its construction. Comparison of the existing building to the original drawings (see Exhibits A thru P) reveals a building substantially the same as the original.

The boiler room building is of a different vintage. As shown in Exhibit A, the boiler room building is left from the demolition of the school that was on the site originally, apparently the Central School. See below for the history of the site.

The building is constructed of brick using multiple wythes. The brick of the main building is a smooth molded brick of medium dark color, with considerable 'flash' (see Exhibit Q). The brick of the boiler room is a dark, wire cut brick (see Exhibit R). The brick is laid up in Flemish bond, except in areas on the north wall, where brick is laid in an English Cross Bond¹ (see Exhibit S). Brick is also used for decorative corbelling in numerous locations on the boiler room while a metal cornice tops the school (see Exhibits T and U).

Throughout the building, limestone is used for detailing of columns, decorative panels, window hoods and door surrounds (see Exhibits V thru Y). The existing aluminum windows are not original. The original windows, as shown in Exhibit F, were nine-over-nine double hung, of wood sash. These traditional details and the way they are used reflect the Classical Revival style as defined by "*What Style Is It?*"²

"*An Honor and An Ornament: Public School Buildings in Michigan*"³ classifies school buildings with this building form as having an "Alphabet Plan." More specifically, the plan would be a 'C' plan.

Age

As seen in Exhibits A through P, the construction drawings for this building are dated May 14, 1927. The Cornerstone also puts its construction date as 1927 (see Exhibit Y). The East Central School, which was on the site, was noted as being razed in the July 24, 1927 issue of the paper⁴, leading one to assume that construction started shortly thereafter. No mention was found of the actual dedication of the new school, but articles regarding the athletic success of the students of the Pearl Street School (later Allen School) began to appear in the paper⁵ by 1930, so the school was clearly occupied by that time.

History of Education in Jackson

From its earliest days, education was paramount in Jackson. The village was founded in 1829. By 1831, the daughter of one of the founders, Miss Silence Blackman, was teaching the children of the community⁶. The first school district was formed later that year with the first school building built at the corner of Blackstone Street and Michigan Avenue.

¹ Website <http://plato.acadiau.ca/courses/educ/reid/Geometry/brick/Bricklayer.html>

² *What Style Is It? A Guide to American Architecture*

³ *An Honor and An Ornament: Public School Buildings in Michigan*

⁴ *Jackson Citizen Patriot*, July 24, 1927

⁵ *Jackson Citizen Patriot*, May 17 (pg. 5), 29 (pg 13) and 30 (page 1) of 1930

⁶ *Jackson Citizen Patriot*, July 24, 1927, September 13, 1937

Between 1831 and 1854, district records were lost⁷, but in 1838, the Township officers rearranged the boundaries to form District 17, basically consisting of the portion of town north and east of the Grand River. The boundaries of the District became a subject of much debate, culminating in a resolution of the 1856 District 17 School Board, to wit:

*Resolved, Unanimously, that a committee be appointed to prosecute a suite to recover a portion of this district illegally set off into district No. 1 by the trickery of the board of district No. 1 and the hireling Board of School Inspectors, and W. T. Howell and Henry H. Bingham are duly appointed said committee, fully authorized to prosecute such suit, and the district board are fully authorized to draw from the contingent fund hereof, any sums that may be necessary to defray the expenses of such prosecution.*⁸

Differences were eventually resolved, and the two districts were merged into the Union School District, later the Jackson Public School District, in 1897⁹

From its beginnings, the Jackson School Districts were ahead of their times in their approach to education. From 1911 to 1930, Jackson's School Superintendent was touted as a pioneer in the education field¹⁰. Mr. E. O. Marsh, superintendent of Jackson's public school at the time Pearl Street School was constructed, apparently drew from his education at the University of Michigan and his almost legendary past as a denizen of the 'wild west' (he is purported to have been kidnapped by Geronimo) to develop his program of what we now call 'special education.' Jackson High School, which predated the Pearl Street School by one year, was state of the art with its programs of industrial, commercial, agricultural, arts, home economics and physical training programs. Throughout the District, Mr. Marsh began special programs including programs for "mentally defective children...speed schools for gifted children...open air school for anemic children and those liable to the contraction of tuberculosis...Among the latest developments...a department for the correction of speech defects."¹¹ Mr. Marsh's philosophy was summed up by two paragraphs he wrote on the blackboard in his office:

The Old Education - selected, retained and educated those who were fitted by natural endowment and interest to profit by what the school thought fit to offer; others were eliminated along the way, and with little concern the precious material thus forced to waste. It stood for uniformity in materials of education, in methods and in product.

The New Education - believes that it is the function of the school to educate every boy and girl, to eliminate none, to accept all. It fits work and method to individual needs and strives to send all children out of school as individually diverse as nature designed them to be and as the diversity of services which awaits them require.¹²

⁷ History of Jackson County, page 506

⁸ History of Jackson County, page 505

⁹ Jackson Citizen Patriot, September 21, 1969

¹⁰ Pioneering in Education

¹¹ Jackson Citizen Patriot, July 24, 1927

¹² Pioneering in Education

In Europe, new trends in education were emerging. By 1903, Open Air Schools, schools specifically designed to serve the needs of children with tuberculosis, anemia, or other chronic diseases, were popular in Vienna. They quickly spread to England and, in 1909, the Elizabeth McCormick Foundation of Chicago, Illinois first brought the concept to the United States by funding two model projects in the slums of urban Chicago.¹³ The first Michigan school was constructed in Detroit in 1912. Jackson launched its first Open Air School in 1914 with principal, Cora Allen, the future principal of the Pearl Street School. By 1930, the use of antibiotics to treat diseases had proved to be successful and research showed there was little actual health benefit from an open air school program compared to a regular school. As a result, the construction of open air schools was discontinued.

Pearl Street School was specifically designed to serve children of less than full health, which apparently involved classes held in rooms with many windows or entirely outdoors, and facilities for these children to rest throughout the day. Original construction documents feature such facilities as open air classrooms and a sleeping room, orthopedic and corrective rooms, a clinic, upper and lower deaf rooms, shops and a second floor 'play deck' (see Exhibit C).

During the 1940s, a time of educational experimentation, Jackson received national attention for its advanced educational programs¹⁴. The school district's long history of dedication to serving all students, including those with special needs, indicates that Jackson recognized the importance of schools in the social development of the community.

History of Site

The site was platted as a school when the area was first laid out. The designation of the land meant that piece of property had no deed. At that point in time, there was concern there would be some difficulty providing clear title to the property¹⁵.

Articles indicate the first school building on this site was a wood frame structure constructed in 1838¹⁶ but other, earlier documents suggest that the first building on the site was constructed in 1868 and the school building constructed in 1838 was on the corner of Blackstone and Michigan Avenue¹⁷.

That said, by 1895 two buildings existed on the site¹⁸ (see Exhibit Z). A building on the west side of the site was a grammar school, built in 1868, known as the Central School, while the building on the east, built between 1868 and 1995 was known as the East Side High School or District 17. The High School was demolished sometime between 1908 and 1910¹⁹.

Architect

The architects for the Pearl Street School were Childs & Smith, of 720 North Michigan Avenue, Chicago, Illinois. They were also the architects for the Jackson High School, constructed one year prior to the construction of Pearl Street School. An internet search²⁰ reveals that a firm by the same name has a considerable body of work in the Philadelphia area.

¹³ Fundamentals of School Health

¹⁴ Pioneering in Education

¹⁵ Legal History of the Union School District of the City of Jackson and Historic Greater Jackson

¹⁶ Jackson Citizen Patriot, September 29, 1996 and Legal History of the Union School District

¹⁷ Jackson Citizen Patriot, September 19, 1937

¹⁸ Headlights

¹⁹ Polk Directories, 1908 and 1910

²⁰ www.philadelphiabuildings.org

Occupants

As this school has always been an elementary school, it is difficult to trace any particular student.

The first principal of Pearl Street School, Cora Allen, was said to epitomize the school principal. Little is known about her personal life, other than she appears to have been unmarried and remained so for her entire professional life.

There were many prominent Jackson families with the surname Allen, but there is no evidence she was a member of any of those families. She first appears in Jackson's records²¹ in 1906, living alone and serving as the principal of the Lansing Avenue School, where she headed an 'open air school'. By 1914, Miss Allen was the principal at the Central School. When the Pearl Street School was constructed, Miss Allen was the natural choice to be teacher of this school for special education students.

Miss Allen was greatly loved. Upon her retirement in the early 1940s, she donated a showcase to the school (Exhibit AA). The school district showed their appreciation by naming the school after her. Miss Allen is no longer shown as a Jackson resident after 1942. Neither of the city cemeteries shows Miss Allen in the cemetery rolls.

Statement of Significance Allen School, Jackson, Michigan

The following items describe the historical significance of Allen School:

- Allen School was originally an open-air school built in 1927 in the Classic Revival style. Briefly, the concept of open-air schools started in Central Europe as a method of treating tuberculosis. In 1909, the Elizabeth McCormick Foundation of Chicago, IL first brought the concept to the United States by funding two model projects in the slums of urban Chicago. The first Michigan school was constructed in Detroit in 1912. By 1930, the use of antibiotics to treat the disease had proved to be successful and research showed that there was little actual health benefit from an open-air school program compared to a regular school. As a result, the construction of open-air schools was discontinued.
- E. O. Marsh, superintendent of Jackson's public school at the time Allen school was constructed, was responsible for bringing the open-air school to Jackson.
- The Pearl Street School was specifically designed to serve children of less than full health, which apparently involved classes held in rooms with many windows, or entirely outdoors, and facilities for these children to rest throughout the day.
- The building was designed by Childs & Smith, a Chicago-based firm, which also designed Jackson High School.
- The school district's long history of dedication to serving all students, including those with special needs, indicates that Jackson recognized the importance of schools in the social development of the community.
- The City of Jackson is a highly diversified community and always has been, since its founding in 1829, which is also evident in the school district's development.

²¹ Polk Directory, various years.

- In 1831, Silence Jackson started teaching an informal classroom in the home of her father, Lemual Blackman. Proceeding quickly from one school district to two demonstrated Jackson's recognition of the importance of education.
- The platting of the school sites indicates that Jackson recognized the importance of schools in the economic development of the community
- The early battles over school district territory and the prominence given to the members of the school boards indicates that Jackson recognized the importance of the schools in the political development of the community.
- The school districts' long history of dedication to serving all students, including those with special needs, indicates that Jackson recognized the importance of schools in the social development of the community.
- Allen School is a symbol of the community of Jackson's recognition of the importance of schools in social, economic and political life and development of the community.

Allen School meets three of the Secretary of the Interior's four criteria in the course of evaluation for the National Register of Historic Places:

Criteria A: *Is associated with events that have made a significant contribution to the broad patterns of our history.* Allen School is a symbol of the importance that Jackson attached to education and the provisions of education to a diversified community from the very beginning of its foundation.

Criteria B: *Is associated with the lives of persons significant in our past.* Both Mr. Marsh and Miss Allen were significant forces in education in Jackson and elsewhere.

Criteria C: *Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.* Allen School was designed by Childs & Smith Architects, a firm of national renown. The school building is a very handsome example of the Classical Revival style.

Boundary Justification Statement

The boundary of the proposed Allen School Historic District duplicates the boundaries of the area designated as a school when the City of Jackson was originally platted in 1830, and also includes a portion of a vacated alley which supplements the original site.

Historic and Non-Historic Resources

The historic resources on the site consist of the historic school building and the Boiler room as shown in Exhibit A. There are no other structures on the site. Sidewalks and playground equipment are non-historic.

BIBLIOGRAPHY

An Honor and an Ornament: Public School Buildings in Michigan, Roy Strickland, Inland Press, Detroit, MI, 2003

DeLand's History of Jackson County (No publishing information available, frontpiece missing)

Fundamentals of School Health, James Kerr, MacMillan, New York, 1927

Headlights, Jackson, Michigan, Newsletter of the Michigan Central Railroad, Chicago, Illinois August, 1895

History of Jackson County, Michigan, Illustrated, Inter-state Publishing Co., Chicago, 1881, Vol I and II

Jackson Families File (Allen), Jackson District Library

Jackson History File (Schools), Jackson District Library

Jackson City and County Directory for (years vary), R.L. Polk & Co. Tribune Building, Detroit, Michigan, Year of publication varies.

Jackson Citizen Patriot (dates vary)

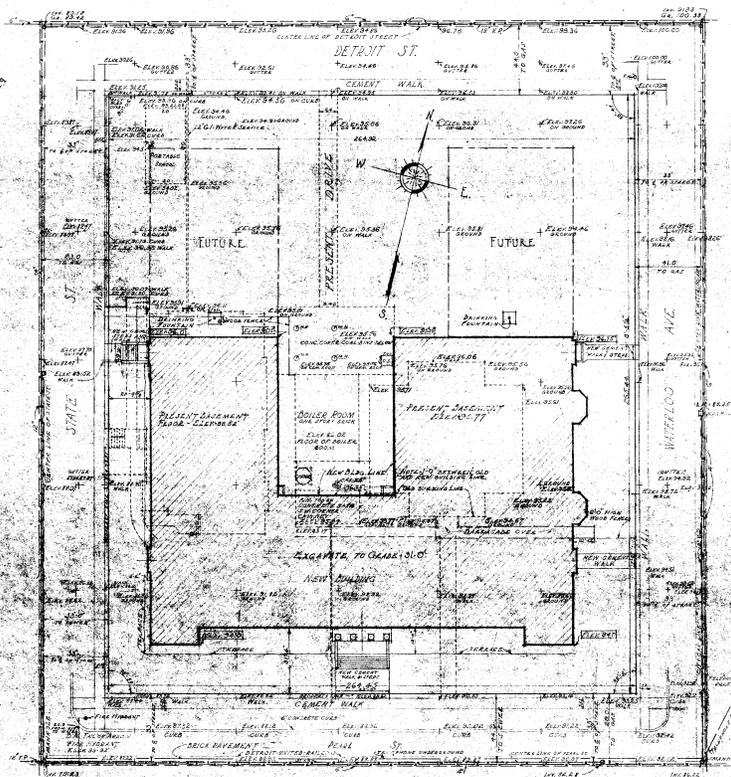
Legal History of the Union School District of the City of Jackson (Michigan), the Jackson Continuing Self-survey Research Study #1, Union School District of the City of Jackson, 1940

Pioneering in Education, Ruth E. Coolidge, no publisher, no date. Appears to have been printed approximately 1940

What Style Is It? A Guide to American Architecture, John C. Poppeliers and S. Allen Chambers Jr., John Wiley and Sons, Inc (Paper); ISBN 0-471-25036-8; 2003

EXHIBITS

KEY TO SYMBOLS USED ON PLANS	
EARTH	[Symbol]
CONCRETE	[Symbol]
BRICK	[Symbol]
STONE	[Symbol]
CEMENT	[Symbol]
HOLLOW CLAY TILE	[Symbol]
PARTITION TILE	[Symbol]
PLASTER	[Symbol]
MARBLE	[Symbol]
TERRAZZO	[Symbol]
COAK YCELONEX	[Symbol]
GLASS	[Symbol]
WOOD	[Symbol]
CAST IRON	[Symbol]
STEEL	[Symbol]
SMALL SECTIONS	[Symbol]
ABBREVIATIONS	
FLOOR DRAIN	F.D.
DOWN SPOUT	D.S.
GLASS TILE	G.T.
WATER	W.
LABORATORY	LAV.
SEAT SINK	S.S.
DRINKING FOUNTAIN	D.F.
BRASS STEEL	B.S.
LANDING	L.
HOLLOW METAL	H.M.
CALVARIED IRON	C.I.
CENTRE LINE	C.L.
FLATE GLASS	F.G.
WIRE GLASS	W.G.
POLEHED	P.
CAST IRON	C.I.
WASUGHT FLOW	W.F.
PLASTER	P.
PAINT	P.
WOOD	W.
DOOR	D.
TALKAZO	T.
METAL	M.
ELEVATOR	E.
CUT OUT CURB	C.
ESTABLISH	E.
BLANKET	B.
CEILING	C.
PLASTER	P.
TERRAZZO	T.
BRICK	B.
STONE	S.
CEMENT	C.
PLOT PLAN	
SEWER	S.
WATER	W.
NOTE: ALL GRADES INCLUDED IN CURB AND PARAPETS ARE INDICATED BY DASHES. WOOD GRADES NOT INDICATED ARE NATURAL.	



SCHEDULE OF DRAWINGS	
No.	TITLE
1	PLOT PLAN
2	FOUNDATION PLAN
3	FIRST FLOOR PLAN
4	SECOND FLOOR PLAN
5	ROOF PLAN
6	ELEVATIONS
7	SECTIONS
8	EXTERIOR DETAILS
9	EXTERIOR DETAILS
10	STAIR DETAILS
11	KINDERGARTEN, TYR. ROOM
12	CASES
13	CASES F.S.D.
14	MISC. INT. SCALE DETAILS
15	F.S.D. INT. TRIM & DOOR SCHED.
16	3" SCALE WINDOW & DOOR DETAILS
- STRUCTURAL DRAWINGS -	
S-1	FOUNDATION PLAN
S-2	1ST FLOOR FRAMING PLAN
S-3	2ND FLOOR FRAMING PLAN
S-4	FOUNDATION & COLUMN SCHED.
S-5	SECTIONS
- MECHANICAL DRAWINGS -	
M-1	BASEMENT PLAN
M-2	DRAINAGE PLAN
M-3	FIRST FLOOR PLAN
M-4	SECOND FLOOR PLAN
M-5	ROOF PLAN

PLOT PLAN
 OF
 THE JACKSON SCHOOL BUILDING
 JACKSON, MICHIGAN
 SCALE
 1" = 20'
 CHILDS & SMITH ARCHTS.
 6720 N. MICHIGAN AVENUE
 CHICAGO, ILLINOIS

RECAL. SECTIONS
 JACKSON, MICHIGAN
 PLOT PLAN
 DATE
 BY
 CHECKED BY
 APPROVED BY

Exhibit A

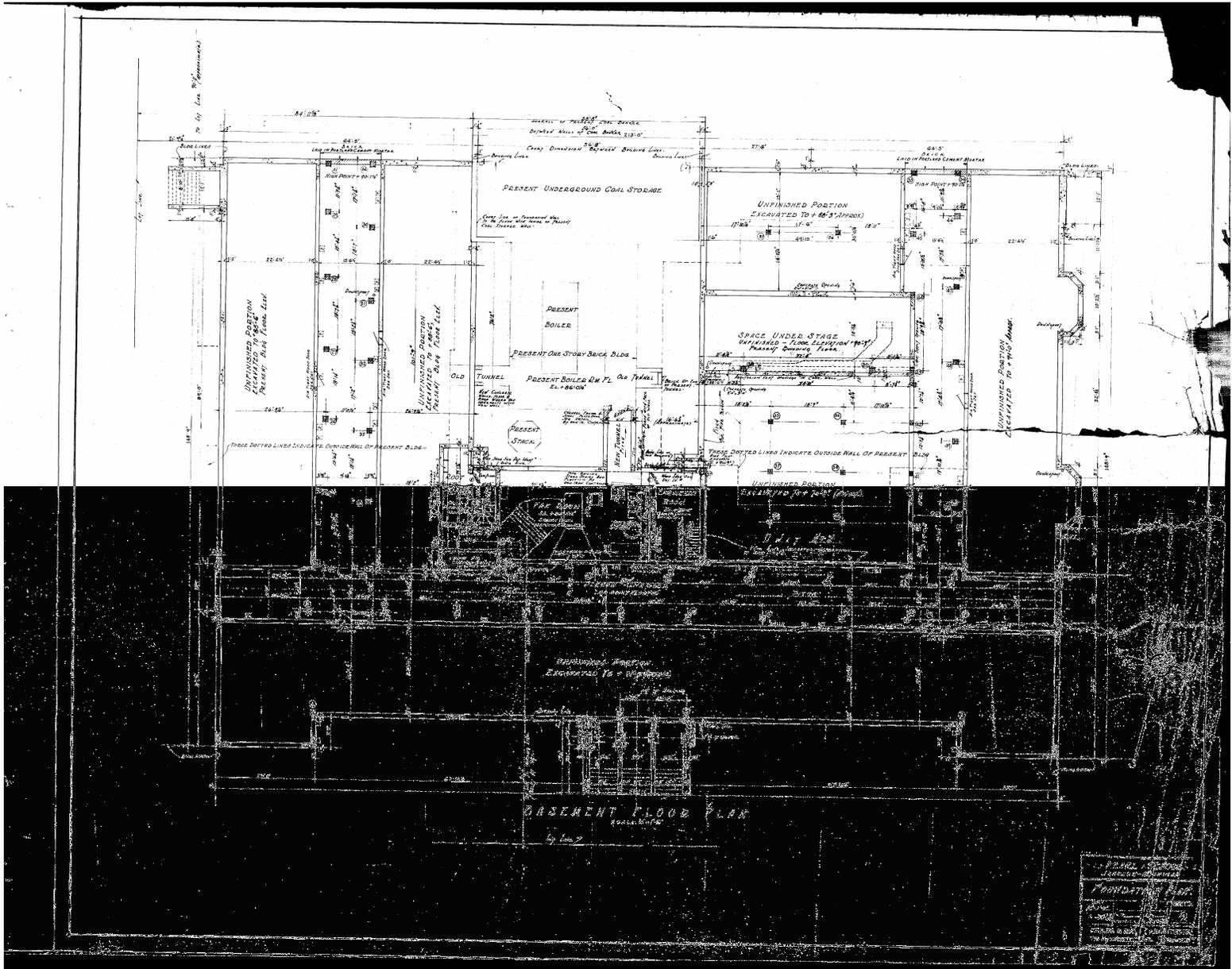


Exhibit B

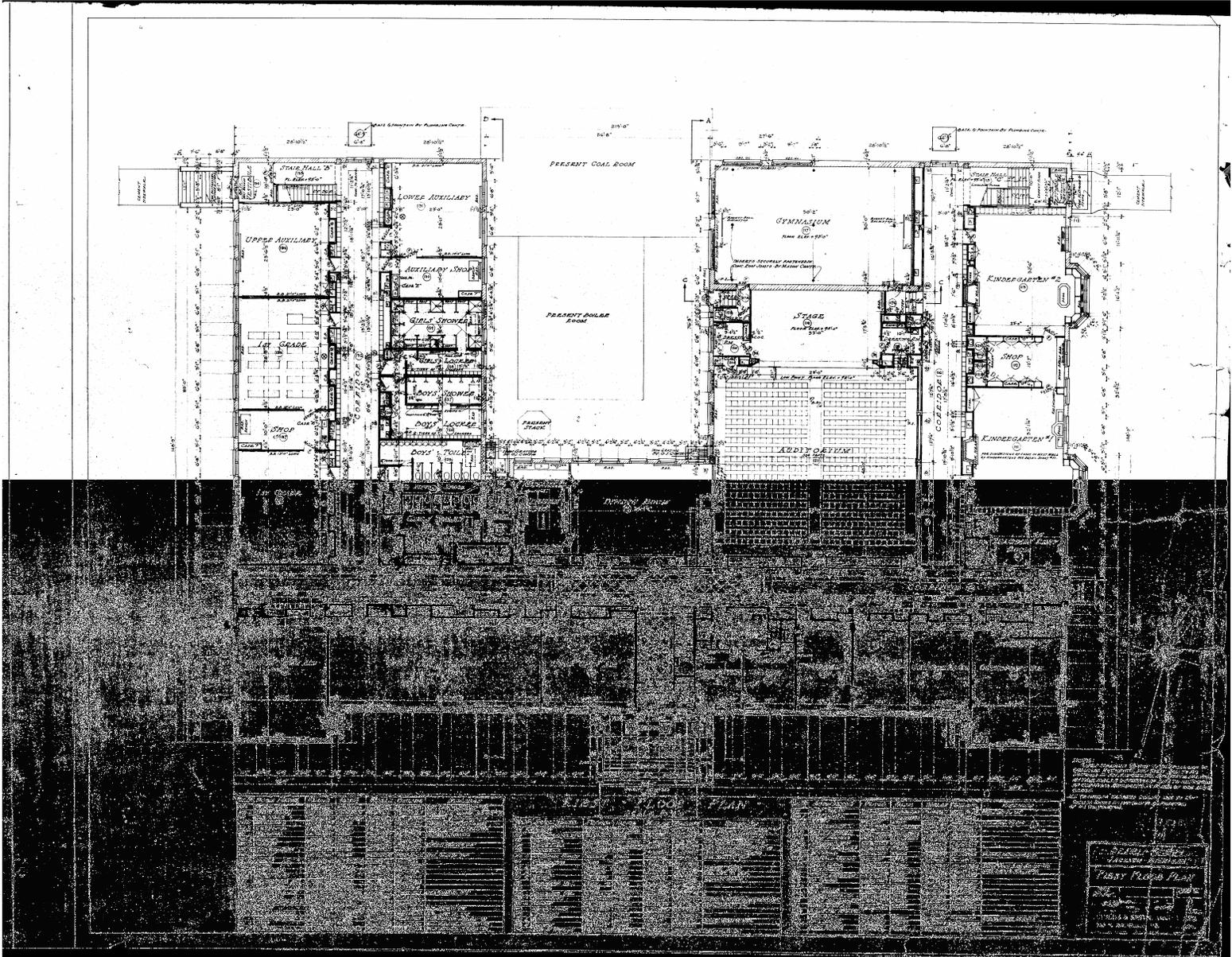


Exhibit C

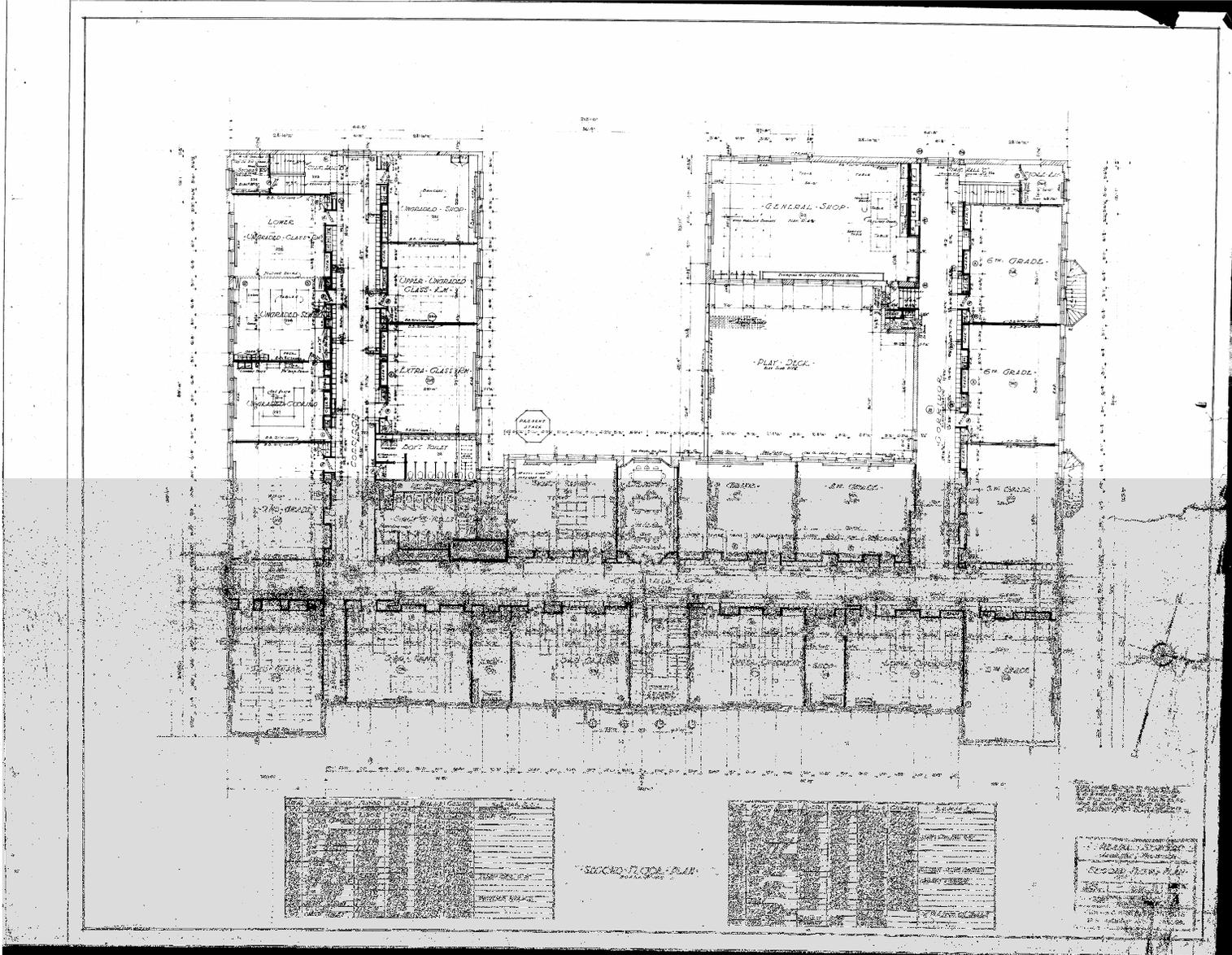
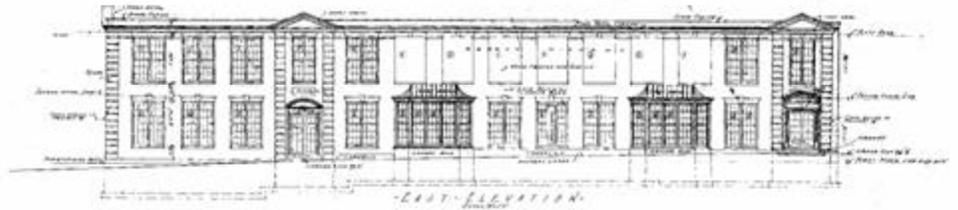


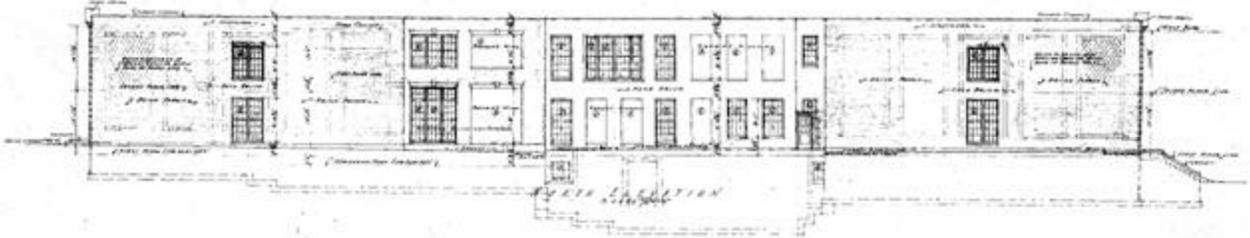
Exhibit D



DETAIL OF BRICK COURSE OR
OTHER BRICK PATTERN IN NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

PEARL SCHOOL
 JACKSON, MICHIGAN
 ELEVATIONS
 DRAWN BY
 J. H. BENTON
 1906

Exhibit F

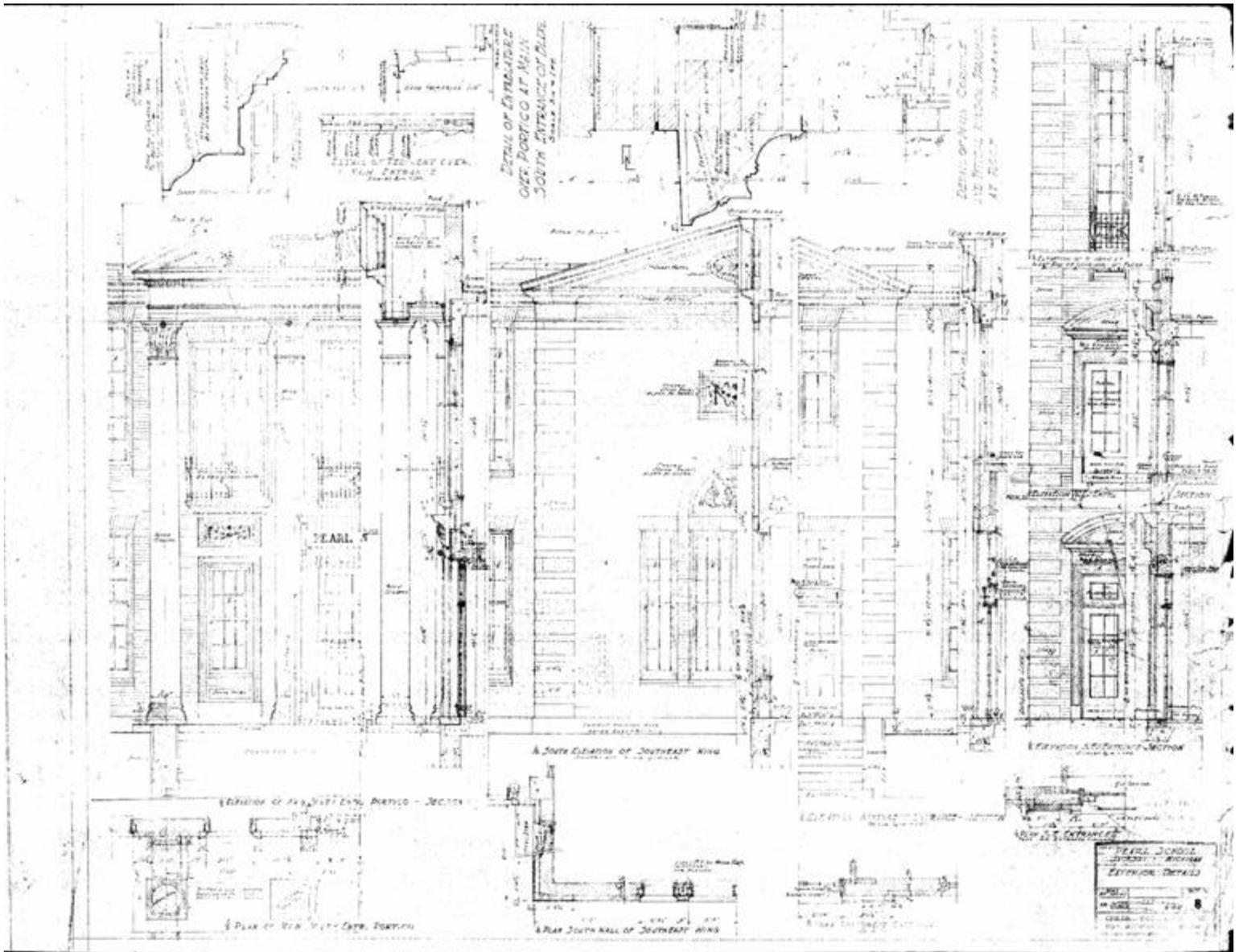


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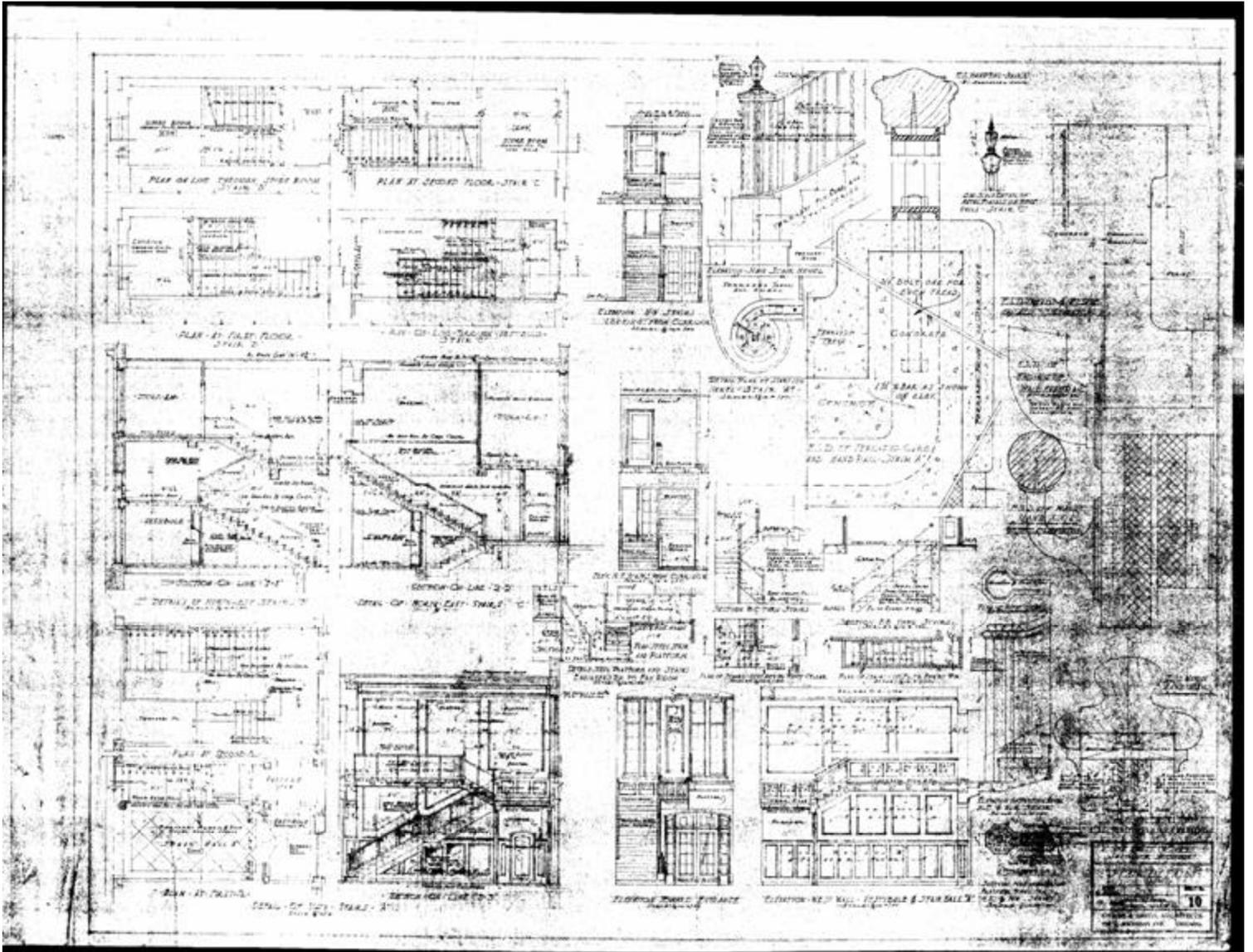


Exhibit J

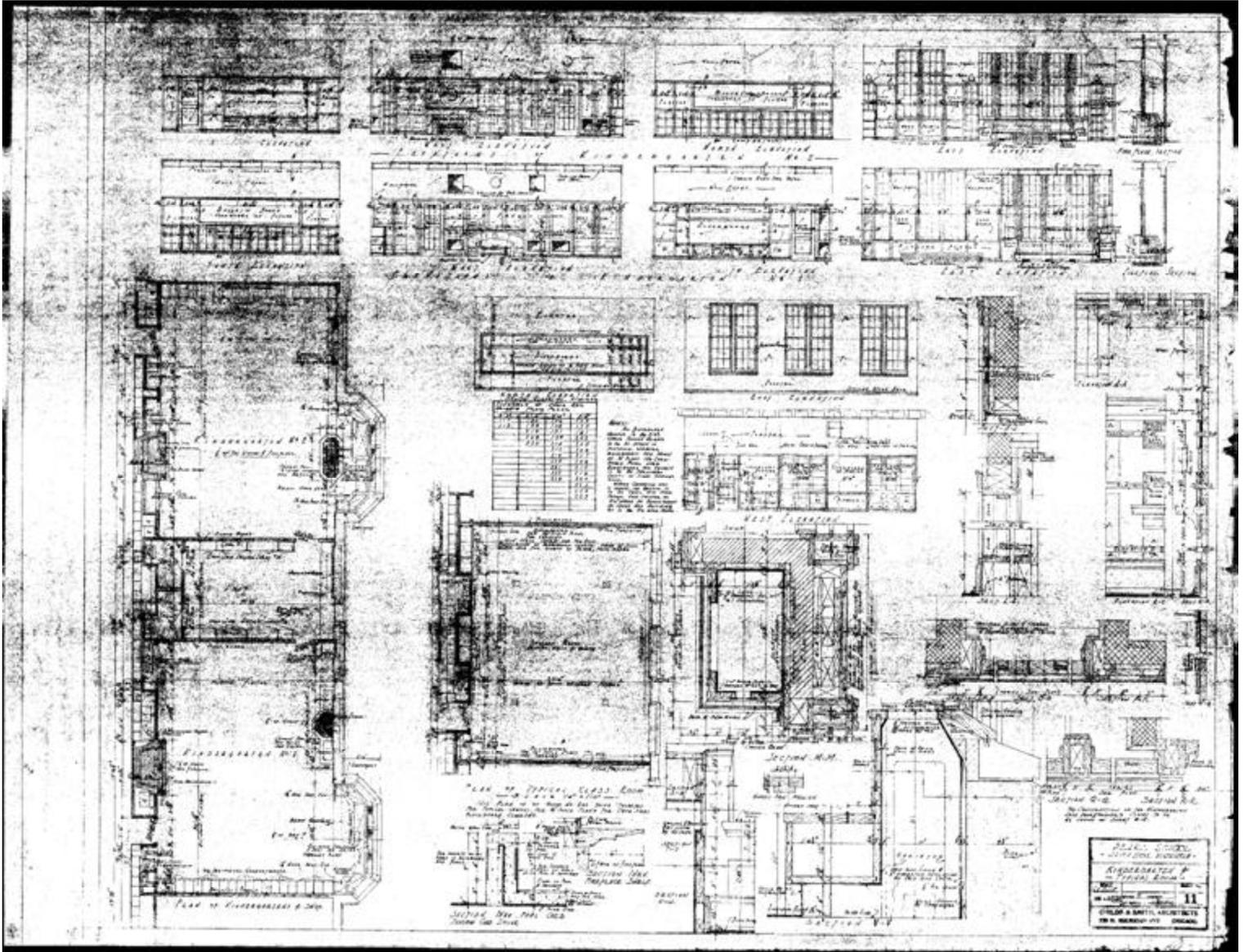


Exhibit K

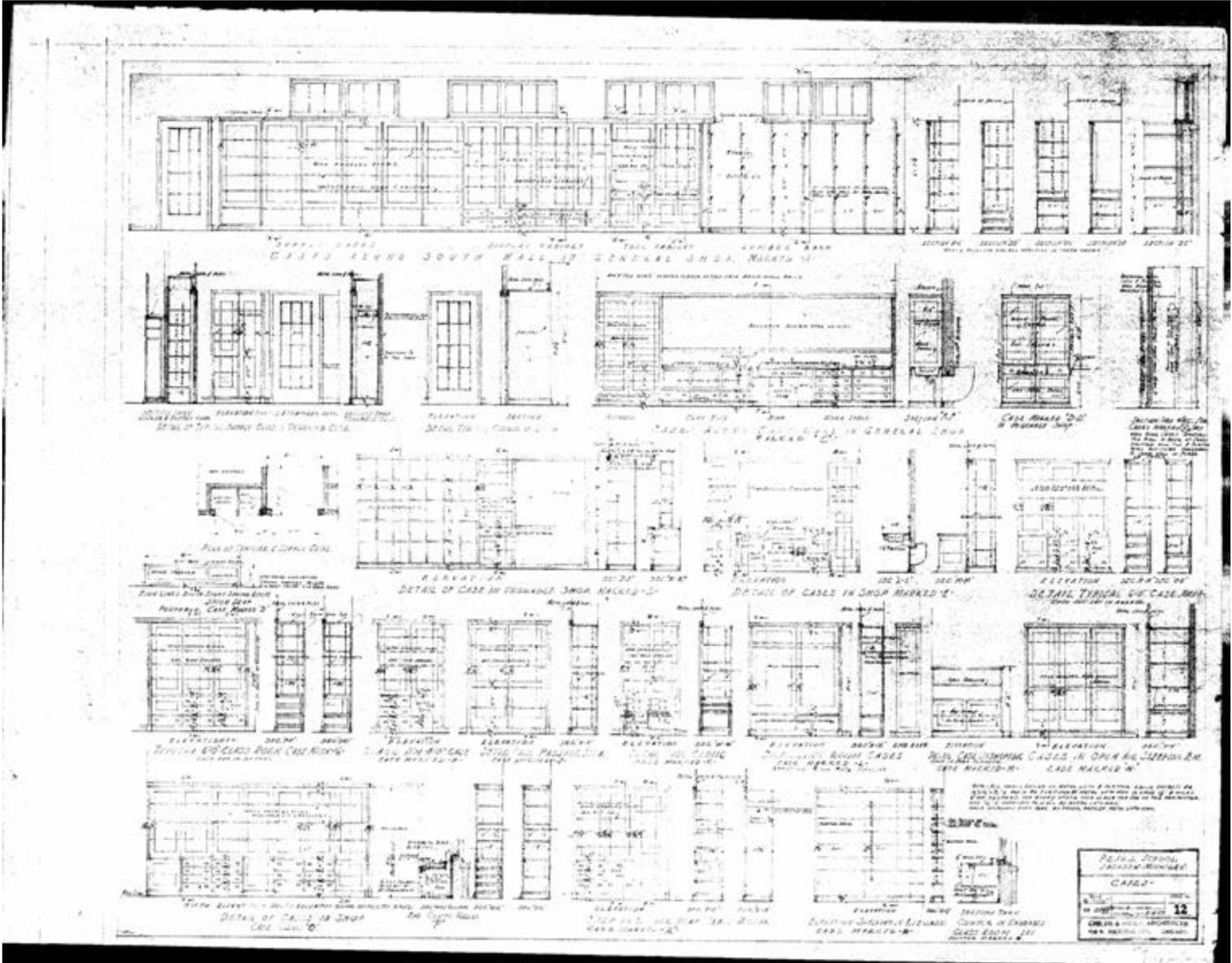


Exhibit L

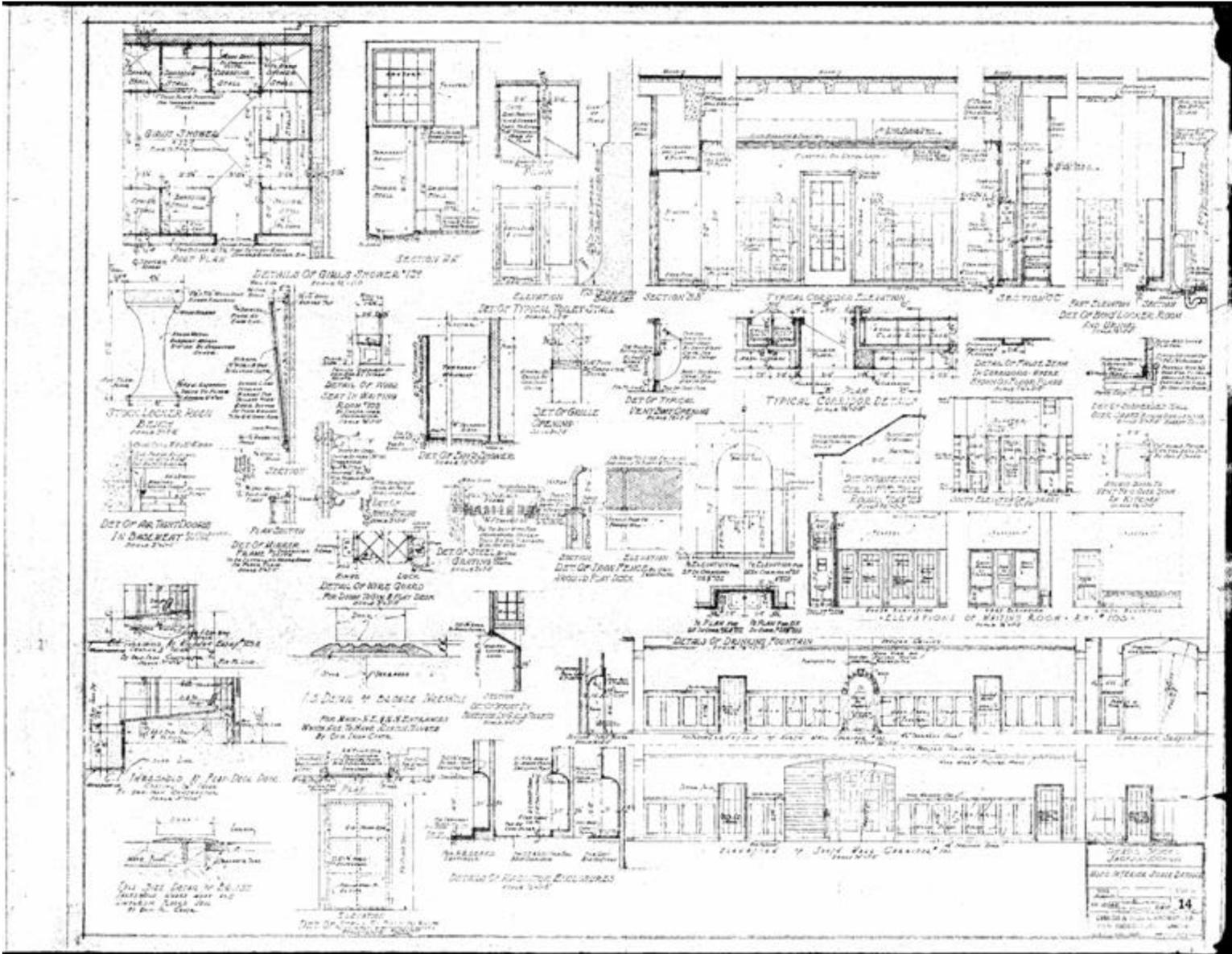


Exhibit N

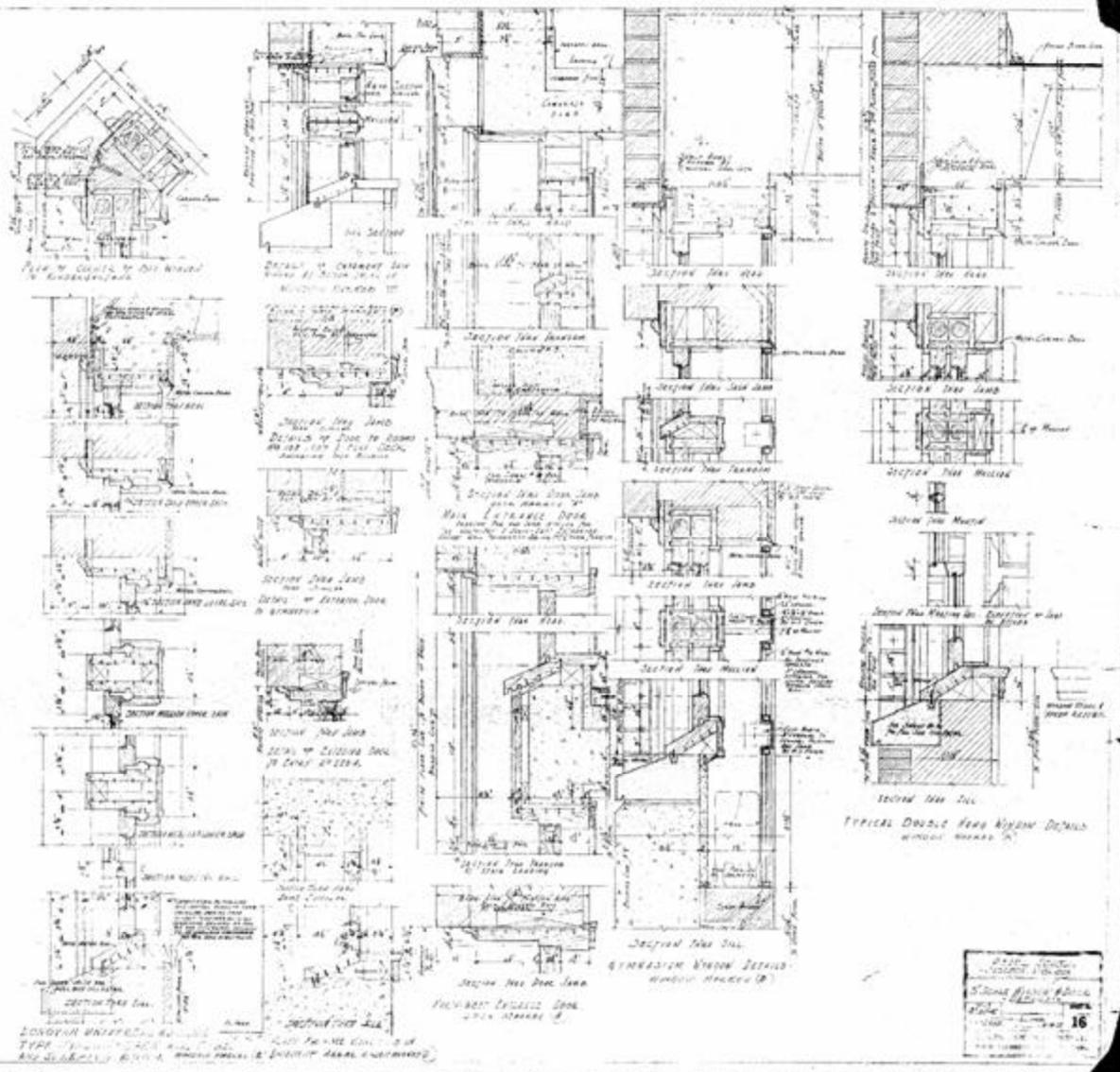


Exhibit P



Exhibit Q – Brick on School Building



Exhibit R – Brick on Boiler Room

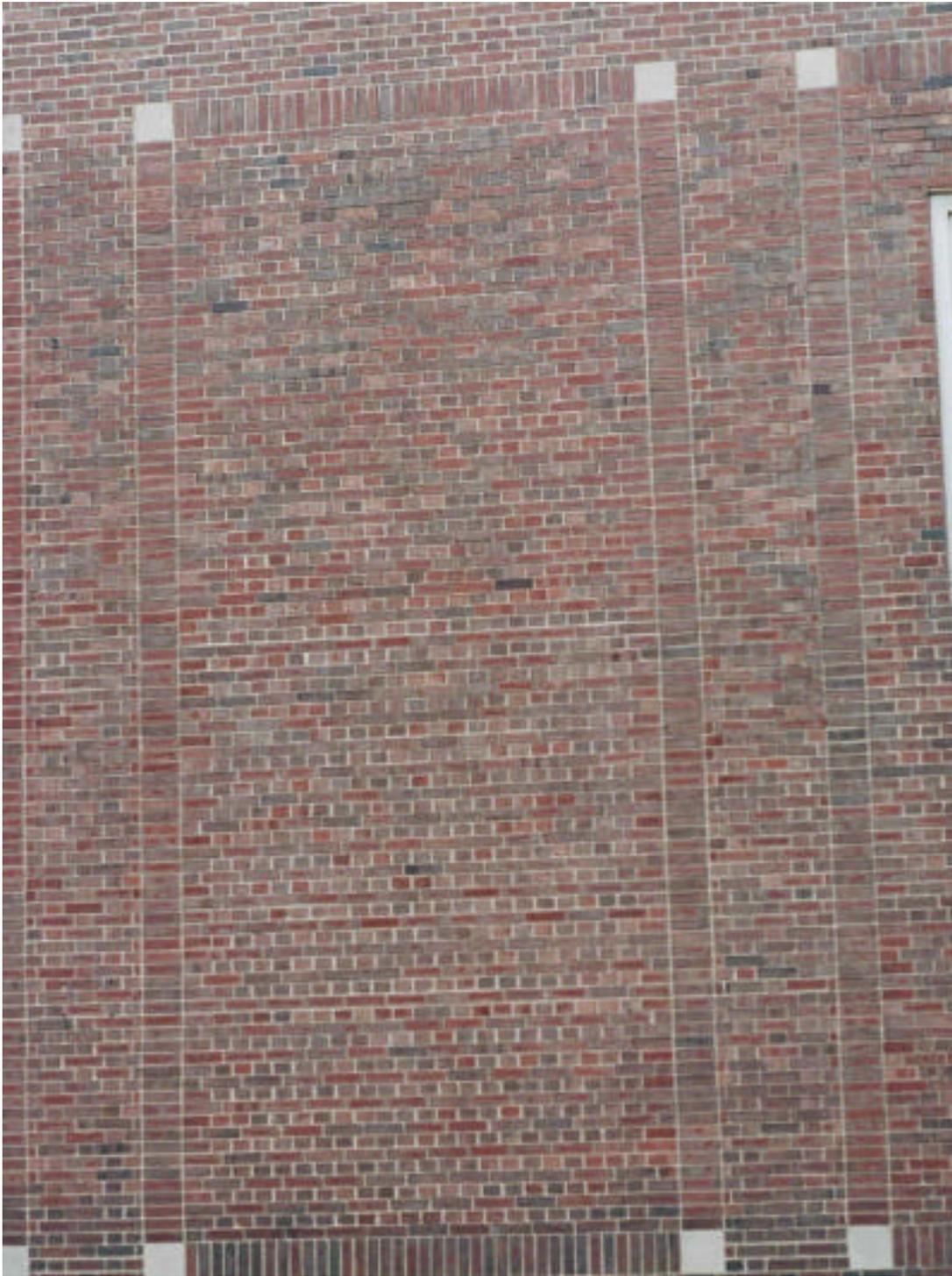


Exhibit S – Brick on South Side of School



Exhibit T – Corbelling on the Boiler Room



Exhibit U – Metal Cornice on School



Exhibit V – Limestone on Porch



Exhibit W – Limestone Panel Over Window



Exhibit X – Limestone Panel Over Window



Exhibit Y – Porch and Cornerstone



Exhibit Z – Jackson Schools, C.A. 1895

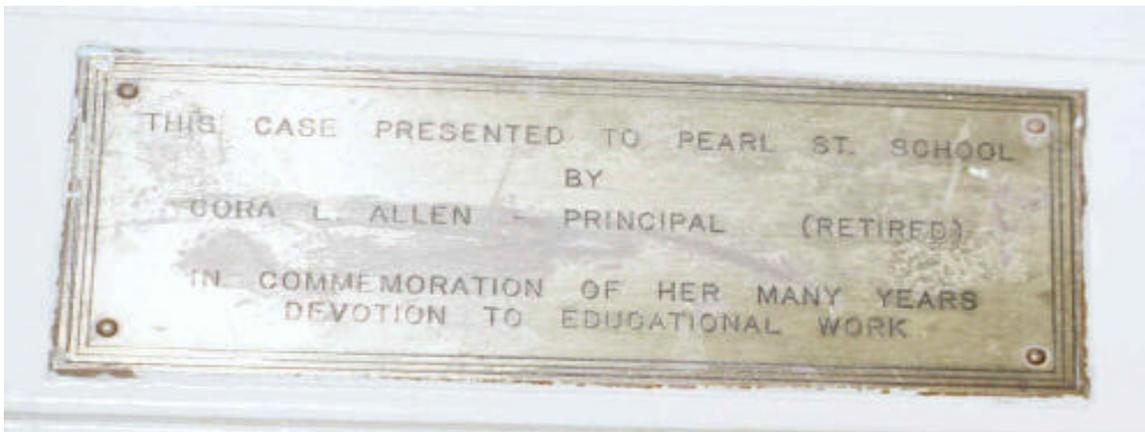


Exhibit AA – Dedication Plaque



Exhibit AB – East Elevation



Exhibit AC – South Elevation



Exhibit AD – North Elevation



Exhibit AE – West Elevation

APPENDIX I

MAPS

APPENDIX II

PROPOSED DISTRICT GENERAL PROPERTY DESCRIPTION

1. Name of Property

Historic Name: Allen School

Other Names: Pearl Street School

2. Location

906 East Pearl Street, Jackson, Michigan 49201

3. Report Prepared by:

Jeannette Woodard, Woodard & Associates Architects, Inc., with assistance from Amy L. Torres, HDC Staff, and Michelle L. Kohn, Community Development Administrative Assistant, for the Historic District Study Committee.

Property Owner

Jackson Public Schools, 522 Wildwood Avenue, Jackson, MI 49201

Telephone: (517) 841-2200

APPENDIX III - LEGAL DESCRIPTION 906 East Pearl Street

Parcel No. 7-0560

Land commencing at the intersection of the North line of Pearl Street with the West line of Waterloo Avenue, thence North to the Southerly line of Detroit Street, thence Westerly to the Easterly line of State Street, thence Southerly to the Northerly line of Pearl Street, thence Easterly to the place of beginning of this State House Square, being in the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 35, Town 2 South, Range 1 West, City of Jackson, Jackson County, Michigan, together with the South $\frac{1}{2}$ vacated Detroit Street lying North of the subject property.

APPENDIX IV

ORDINANCE NO. 2005-_____

AN ORDINANCE ADDING SECTION 13-21(41) TO CHAPTER 13, THE HISTORIC PRESERVATION ORDINANCE, OF THE CODE OF ORDINANCES, CITY OF JACKSON, MICHIGAN CREATING A HISTORIC DISTRICT ENTITLED ALLEN SCHOOL HISTORIC DISTRICT

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. The report of the Jackson Historic District Commission entitled *Report on Proposed Additional Resources to Chapter 13, Historic Preservation Ordinance, "Allen School Historic District,"* dated June 2005, relating to a site known as "Allen School Historic District" as defined below, is approved. The Jackson City Council concurs with the findings of fact and the recommendations in that report.

Section 2. The following property is designated a historic district in accordance with the Historic Preservation Ordinance, Chapter 13, Code of Ordinances, City of Jackson, Michigan and accordingly, Chapter 13 is amended to add Section 13-21(41), as follows:

Sec. 13-21(41). The Allen School Historic District.

The Allen School Historic District is created pursuant to Act No. 169 of the Public Acts of 1970, State of Michigan (MCLA 399.201 et seq.) and consists of the area described below. Maps of the district are available at the office of the City Clerk, City Hall, 161 West Michigan Avenue, Jackson, Michigan, or at the office of Community Development, City of Jackson, 161 W. Michigan Avenue, Jackson, Michigan, during normal business hours. If the district depicted on the maps conflicts with the below description, the description contained in this chapter prevails.

(41) Description:

906 EAST PEARL STREET. Land commencing at the intersection of the North line of Pearl Street with the West line of Waterloo Avenue, thence North to the Southerly line of Detroit Street thence Westerly to the Easterly line of State Street, thence Southerly to the Northerly line of Pearl Street, thence Easterly to the place of beginning of this State House Square, being in the East ½ of the Southwest ¼ of Section 35, Town 2 South, Range 1 West, City of Jackson, Jackson County, Michigan together with the South ½ vacated Detroit Street lying North of the subject property (containing Tax Parcel number 7-0560.).

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.

APPENDIX V
Existing Historic Preservation Ordinance
Chapter 13 of the Municipal Code of Ordinances
Jackson, Michigan
Chapter 13 HISTORIC PRESERVATION*

***Editor's note:** Ord. No. 90-23, § 3, adopted Nov. 13, 1990, amended Ch. 13 in its entirety to read as herein set out. Prior to inclusion of said ordinance, Ch. 13 pertained to similar subject matter and derived from Code 1977, §§ 5.602--5.613. Subsequently, Ord. No. 98-14, § 1, adopted June 16, 1998, amended Ch. 13, in its entirety, to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

Cross references: Buildings and building regulations, Ch. 5; community development, Ch. 8; planning, Ch. 20; zoning, Ch. 28.

State law references: Historical activities, MCL 399.171 et seq.; historic districts, MCL 399.201 et seq.

Sec. 13-1. Title.

This chapter shall be known as the Historic Preservation Ordinance for the City of Jackson. (Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-2. Purpose.

The purpose of this chapter is to create a historic district commission through which the City of Jackson will:

- (1) Safeguard the heritage of the City of Jackson by preserving a historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources which reflect elements of Jackson's cultural, social, economic, political and/or architectural history;
- (2) Stabilize and improve property values in the historic district;
- (3) Foster civic beauty;
- (4) Strengthen the local economy; and
- (5) Promote the use of the historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources, for the education, pleasure and welfare of the citizens of the City of Jackson and the State of Michigan.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-3. Definitions.

[For the purposes of this chapter, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

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

Center means the Michigan Historical Center, formerly the Bureau of History, of the Michigan department of state.

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

Commission means a historic district commission created by the Jackson City Council pursuant to section 13-4.

Committee means a historic district study committee or a standing committee appointed by the Jackson City Council pursuant to section 13-8.

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.

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, landmark, structure, site, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of the state, the City of Jackson, 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 13-9(e).

Open space means underdeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a 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 purposes of this act.

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 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.

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

Standing committee means a permanent body established by the city council of the City of Jackson pursuant to section 13-8 to conduct the activities of a historic district study committee on a continuing basis.

Work means construction, addition, alteration, repair, moving, excavation, or demolition. (Ord. No. 98-14, § 1, 6-16-98; Ord. No. 2004.4, § 1, 3-30-04)

Sec. 13-4. Historic district commission; creation.

The Jackson Historic District Commission is hereby created pursuant to Act No. 169 of the Michigan Public Acts of 1970, as amended (MCL 399.201 et seq.) (Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-5. Historic district commission; membership; terms of office; compensation; vacancies.

The Jackson Historic District Commission shall consist of seven (7) members who reside in the City of Jackson. Members shall be appointed by the mayor and approved by the city council members shall be appointed for three (3) year terms, except that the initial appointments, shall provide for three (3) three-year terms, two (2) two-year terms, and two (2) one-year terms so that subsequent appointments shall not recur at the same time. All subsequent appointments shall be for full three-year terms. The mayor shall consult with the chairman of the historic district commission and shall appoint at least two (2) members from a list of citizens submitted by a duly organized and existing local historical and/or preservation society or societies, and, if available, one architect, or a graduate of an accredited school of architecture who has two (2) years of architecture experience or who is an architect registered in this state. Members shall serve without compensation and shall be eligible for reappointment. All terms shall commence on January first and terminate on December thirty-first, except that a member shall continue in office until a successor is appointed and takes office. In the event of a vacancy on the commission, an interim appointment shall be made by the mayor and approved by the city council to complete the unexpired term of such position within sixty (60) days. (Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-6. Historic district commission; meetings; rules of procedure; records.

At the first meeting of each year, the Jackson Historic District Commission shall elect from its membership a chairman and such other officers as it deems appropriate. The terms of the officers shall be for one year and they shall be eligible for re-election. The commission shall prepare rules of procedure and shall submit them, and any subsequent amendment of such rules, to the city council for approval. The commission shall meet at least four times during the year, and at the request of the chairman. A majority of the members of the historic district commission shall constitute a quorum. A majority of the members is required to take action on all matters not of an administrative nature, but a majority of a quorum may deal with administrative matters. All meetings of the commission shall be open to the public and any person or representative of his choice shall be entitled to appear and be heard on any matter before the commission before it reaches its decision. The minutes of commission meetings shall

be maintained in the office of the Jackson City Clerk or Region 2 Planning Commission and shall be open to public view.
(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-7. Historic district commission; duties and functions.

The Jackson Historic District Commission shall have the following duties and functions:

- (1) It shall have those duties and powers set forth in this chapter concerning construction, alteration, repair, moving, or demolition of a historic resource.
 - (2) It shall encourage and cooperate with civic and fraternal groups and other organizations in promoting Jackson history, heritage, traditions and customs through participation in public historical activities, patriotic celebrations or other special events.
 - (3) It shall encourage and cooperate with merchants, banks, utilities, and other commercial enterprises in the use of local historical material in their advertising and sales promotion, using the historic district commission's collections, knowledge and skill.
 - (4) It shall encourage and cooperate with the Chamber of Commerce in the use of historical material in promoting the welfare of the city, using the resources of the historic district commission.
 - (5) It shall work with any local, state or national groups, organizations, agencies or units of government in the selection, marking and/or acquisition of historic resources, as well as the acquisition, preservation and display of historical material.
 - (6) It shall represent, or serve as a liaison between the city government and other organizations interested in the history of Jackson.
 - (7) It shall act in a management, administrative, advisory, research or service capacity for the city council in historical matters, subject to the instructions of the city council, and it shall attempt to relieve the city council of all of the day to day detail and minutiae of historical concerns and preservation activities.
 - (8) It shall advise the city council regarding the acceptance, by the city, of gifts of property having historical significance or, in the alternative, cooperate in the receipt of such property, funds, bequests or gifts.
 - (9) It shall carry out such special assignments on historical matters as the city council may direct from time to time, including the solicitation of grants and bequests for historical purposes by any and all appropriate available means.
 - (10) It shall report annually, and as requested, to the city council on all its activities and the results.
 - (11) It may select other non-voting ad hoc members to assist a standing committee in the investigation and evaluation of historic district commission projects.
- (Ord. No. 98-14, § 1, 6-16-98; Ord. No. 2004.4, § 2, 3-30-04)

Sec. 13-8. Establishment of historic districts.

- (a) Historic districts shall be established by ordinance. Before such establishment, the Jackson City Council shall appoint a historic district study committee or a standing committee. This committee shall be made up of the existing historic district commission and such representation from existing historical preservation societies and others who have an interest in such preservation. The committee shall conduct studies and research and make a report on the historical significance of the proposed historic district, which

report may address the historical significance of the exteriors and interiors of buildings, structures, features, sites, objects and surroundings in Jackson. The committee and its report shall comply with the requirements of section 3 of Act No. 169 of the Michigan Public Acts of 1970, as amended. The report shall contain recommendations concerning the area to be included in the proposed historic district. Copies of the report shall be transmitted for review and recommendation to the planning commission, to the Michigan Historical Commission, and the State Historical Advisory Council.

(b) Not less than sixty (60) calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of the hearings shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. Written notice shall be mailed by first-class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Jackson.

(c) After the date of the public hearing, the committee and the Jackson City Council shall have not more than one (1) year, unless otherwise authorized by the city council, to take the following actions:

(1) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the Jackson City Planning Commission to the Jackson City Council. 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 Jackson City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the ordinance or ordinances establishing one (1) or more historic districts is passed, the City of Jackson shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. The Jackson City Council shall not pass an ordinance establishing a contiguous historic district less than sixty (60) days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the City of Jackson, have approved the establishment of the historic district pursuant to a written petition.

(d) The historic district study committee shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by an historic district study committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws. (Ord. No. 98-14, § 1, 6-16-98; Ord. No. 2004.4, § 3, 3-30-04)

Sec. 13-9. Historic district commission review.

(a) Except for ordinary maintenance or repair or as provided for in section 13-9(d), a permit shall be obtained before any work affecting the exterior appearance 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 permission with the building inspector. Within seven (7)

business days after the building inspector receives the application, the application shall be referred to the historic district commission, together with all required supporting materials that make the application complete. 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 section 13-9(e).

(b) All decisions of the historic district commission, that deny or modify an application for permission, must be in writing and served upon the applicant by personal service or by certified mail, return receipt requested.

(1) An applicant aggrieved by a decision of the historic district commission concerning a permit application may appeal that decision to:

- a. The Jackson City Council; or
- b. The State Historic Preservation Review Board of the Michigan Historical Commission.

Provided, however, an applicant who files an appeal with the Jackson City Council may appeal the decision of the city council to the State Historic Preservation Review Board of the Michigan Historical Commission.

(2) The following procedures and time limits must be adhered to by an applicant who appeals a decision of the historic district commission:

a. *Appeal to Jackson City Council.* An aggrieved applicant who wishes to appeal a decision of the historic district commission to the Jackson City Council must file a written claim of appeal with the Jackson City Clerk within seven (7) business days after the applicant receives the decision from the historic district commission. The Jackson City Council will attempt to hear the appeal within thirty (30) days after the claim of appeal has been filed with the city clerk.

b. *Appeal to the State Historic Preservation Review Board.* An applicant aggrieved by a decision of the historic district commission or the Jackson City Council may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Commission within the Department of State. All appeals to the State Historic Preservation Review Board shall be filed within sixty (60) days after the decision of the historic district commission is received by the applicant. The applicant may submit all or part of the appellant's evidence and arguments in written form. An applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court having jurisdiction over the Jackson Historic District Commission whose decision was appealed to the State Historic Preservation Review Board.

(c) In reviewing the plans, the historic district commission shall follow the U.S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C.F.R. part 67. (A copy of these standards is

available for review at the city clerk's office.) The 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 and its relationship to the historic value of 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) *Height.* All additions shall be no higher than the existing building or structure.
- (6) *Second exit platforms.* Second exit shall not be applied to the front or sides of a building or structure, unless they are not visible from the street or unless such prohibition would endanger the safety of the inhabitants.
- (7) *Solar apparatus.* Passive and active solar apparatus may be allowed only if such devices do not detract from the architectural integrity of a building or structure and are unobtrusive. Solar apparatus will not be permitted if such devices hide significant architectural features of a building or structure or neighboring buildings or structures, if their installation requires the loss of significant architectural features, or if they are such a large scale that they become a major feature of the design.
- (8) *Repairs.* Repairs in materials that exactly duplicate the original in composition, texture and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance may also be permitted.

Repairs in materials that do not duplicate the original in appearance may be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building or structure and if repairs that duplicate the original in materials are prohibitively expensive.
- (9) *Restoration.* Projects that will return the appearance of a building, structure or property to an earlier appearance are encouraged and may be permitted if such projects are documented by photographs, architectural or archeological research, or other suitable evidence.
- (10) *Additions and alterations to street facades.* The appearance of all street facades of a building or structure shall not be altered unless the design is sensitive to the historic character of a building or structure. Specifically, the design shall be compatible with the existing building in scale, color, texture and the proportion of solids to voids. Materials and architectural details used in such alterations and additions shall be in accordance with the Secretary of the Interior's standards.

(11) *Additions and alterations not visible from the street.* Additions and alterations that are not visible from streets contiguous to the lot lines may be permitted if their design is compatible with the scale of the existing building or structure, and if it is in accordance with the Secretary of the Interior's standards.

(12) *Repair, replacement, alterations, additions, or modifications to a roof.* Existing roofing that is repaired or replaced with roofing materials of the same or similar kind and quality as that currently existing on a building or structure may be approved by the building inspector without referring the application for permission to the historic district commission.

Further provided, that in order for the building inspector to approve the aforementioned roofing, all architectural details including, but not limited to, window trim, wood cornices and ornaments must either remain uncovered or be duplicated exactly in appearance and materials.

(d) An application for permission is not required for the construction, alteration, repair, moving or demolition of fences, downspouts, storm doors or storm windows. Nor is an application for permission needed for painting.

(e) 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.

(f) The business that the historic district commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. 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.

(g) The historic district 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, Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(h) The historic district 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.

(i) 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 historic district commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner, and may be levied by the City of Jackson as a special assessment against the property. The historic district commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.

(j) 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 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, the historic district commission or its agents may enter a property for purposes of this section.

(k) Plan for preservation. In the case of an application for repair or alteration affecting the exterior appearance of a historic resource or a building or structure within a historic district, or for the moving or demolition of a historic resource or a building or structure within a historic district, which the historic district commission deems so valuable to the City of Jackson, the State of Michigan, or the United States of America that the loss thereof will adversely affect the public purpose of the City of Jackson, the

State of Michigan, or the United States of America, the historic district commission may endeavor to work out with the owner an economically feasible plan for preservation of said historic resource or a building or structure within a historic district.

(l) Certificates of appropriateness or rejection. The historic district commission shall file with the chief building inspector its certificate of appropriateness, notice to proceed or denial of an application for permission submitted to it for review. No work shall begin until the certificate or notice is filed, but in the case of denial, the certificate is binding on the chief building inspector, or other duly delegated authority, and no permit shall be issued in such case. The failure of the commission to issue a decision within thirty-two (32) days after the date the application for a permit was first presented to the historic district commission at a regular meeting, shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the historic district commission in writing.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-10. Applicability.

Nothing in this chapter shall apply to nor affect a building permit issued by the City of Jackson, which has been issued and is outstanding on the effective date of this chapter.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-11. Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of a historic resource.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-12. Maintenance.

Notwithstanding any other provision contained in this chapter, the provisions of the City's Housing Maintenance Code, being Chapter 14 of the Jackson City Code, shall remain in full force and effect for all historic resources and all buildings or structures within a historic district.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-13. Gifts and grants to city.

The city council may accept public and/or private gifts for historical preservation or restoration purposes. All funds accepted as grants and gifts for historical preservation purposes shall be deposited with the city treasurer or Region 2 Planning Commission and all such funds shall be used for historical preservation purposes only.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-14. Acquisition of property by the city.

If all efforts by the Jackson Historic District Commission to preserve a historic resource or a building or structure within a historic district fail, or if it is determined that public ownership is most suitable, the city council may, if deemed to be in the public interest, acquire such property using public funds, gifts for historical purposes, grants from the State of Michigan and/or the United States of America for acquisitions of historic properties, or proceeds from revenue bonds issued for historical preservation purposes. Such acquisitions shall be based on the recommendation of the Jackson Historic District Commission. The Jackson Historic District Commission shall have responsibility for the maintenance of such acquisitions within a historic district, using funds committed for this use by the city council.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-15. Budget.

There may be appropriated in the annual City of Jackson budget a sum of money which may be expended by the historic district commission for and in connection with:

- (1) The preparation of surveys of buildings, structures, and historic districts in the City of Jackson.
- (2) The acquisition and/or restoration of buildings or structures of historical or architectural significance; or
- (3) Subject to the approval of the city council, an incentive improvement program under which the historic district commission may contract with the owner or lessee of a designated historic resource or building or structure, or a designated historic or cultural site, to reimburse such owner or lessee some pre-determined portion of the costs incurred by him in the reconstruction, alteration, removal, preservation, maintenance, repairs or painting of an exterior feature in furtherance of the purposes of this chapter, as determined by the historic district commission, and in any and all such cases the city council shall have the absolute right to determine the actual cost of such work and the proportion or amount to be reimbursed out of appropriated funds.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-16. Special historic buildings and districts.

The provisions of the city building code relating to the exterior construction, repair, alteration, enlargement, restoration and moving of historic resources or buildings or structures within a historic district may not be mandatory when such historic resources or buildings or structures, are judged by the city's chief building inspector to be safe and it is in the public's interest of health, safety, and welfare not to enforce said codes. All such approvals must be based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the designer.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-17. Actions prohibited.

As of the effective date of this chapter:

- (1) No person shall erect, demolish, alter, repair or remove any historic resource established pursuant to this chapter, except pursuant to the standards and procedures of this chapter.
- (2) No owner of any historic resource established pursuant to this chapter shall maintain or cause same to be maintained in a condition which violates the provision of this chapter.
- (3) No owner of any historic resource established pursuant to this chapter shall fail to restore same to its previous condition if any portion of same has been altered, demolished, constructed, repaired or moved in violation of the requirements set forth in this chapter.

(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-18. Penalty.

Any person, firm or corporation convicted of a violation of any of the provisions of this chapter, or any amendment thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to section 1-13 of the Code. Each and every day such

violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-19. Civil remedies.

Violations of this chapter may be abated by civil suit in any court of competent jurisdiction which remedy shall be in addition to others provided in this chapter. The city attorney is authorized to seek an order from a court of competent jurisdiction to prevent any violation of this chapter or to require that property which has been altered in violation of this chapter be restored.
(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-20. Dangerous structures.

Notwithstanding any other provision contained herein, in the event any historic resource is deemed a "dangerous structure" pursuant to the city's dangerous structure ordinance, Chapter 17 of this Code, said structure may be made safe by utilizing the procedures established in said dangerous structure ordinance. The city's building inspection division may provide notice to the chairperson of the historic district commission of all proceedings before the city's building code board of appeals which involve the alleged dangerous structure.
(Ord. No. 98-14, § 1, 6-16-98)

Sec. 13-21. The Jackson Historic Districts.

The Jackson Historic Districts are hereby created pursuant to Act No. 169 of the Public Acts of 1970, State of Michigan (MCLA 399.201 et seq.) and shall consist of the following resources:

- (1) *Stone Post Office, 125 N. Jackson Street (1836)*: S 22.39 ft of Lot 1 and South 38.4 ft of Lot 2, Block 1 North, Range 1 East.
- (2) *Wilcox-Holton House, 231 E. High (1871)*: A piece of land in section 11 commencing at point on N line of section 11 63 rods W of N 1/4 of post of SD section then W on said section line 219 feet then S 10 rods then E 219 feet thence N 10 rods to beginning except 2 rods on N for street purposes N 1/2 of NW 1/4 section 11 Township 3 S, Range 1 West.
- (3) *First Congregational Church, 120 N. Jackson Street (1860)*: Lot 1 and East 11 ft of Lot 2 Block 1 North Range 1 West and West 55 ft of Lot 2 Block 1 North Range 1 West.
- (4) *Jackson District Library, 244 W. Michigan Avenue (1906)*: Lots 10, 11 and 12, except East 8.25 ft of Lots 10 and 12 Block 1 North Range 1 West.
- (5) *No. 5 Fire House at Rockwell and South Jackson Streets (1907)*: Land in the SE 1/4 of S/E 1/4 of Section 3, Township 3 S, Range 1 West, described as: Commencing at the intersection of the south line of Rockwell Street with the east line of Jackson Street, thence east 8 rods, thence south 8 rods, thence west 8 rods, thence north 8 rods, to the point of beginning.
- (6) *First Baptist Church, 201 South Jackson Street (1872)*: Lots 1 and 2, Block 2 South, Range 1 East.
- (7) *St. Mary's Catholic Church, 116 East Wesley Street (1923--26)*: Lots 1 and 2, Block 3 South, Range 2 East.

(8) *Berthold S. Rummler House, 122 West Wilkins (1904)*: Lot 162, except the west 8 feet of the south 65.54 feet thereof, Assessor's South Plat, City of Jackson, Michigan.

(9) *First United Methodist Church, 275 West Michigan Avenue (1867--70)*: The north 9 feet of Lot 10, and all of Lots 11 and 12, Block 1 South, Range 1 West of the original plat of the City of Jackson, Michigan.

(10) *Michigan Theatre, 124 North Mechanic Street (1928--30)*: The south 26 feet of the east 60 feet of Lot 15, also the west 72 feet of Lot 15 and the north 7.66 feet of Lot 13 and the north 7.66 feet of the west 6 feet of Lot 14, City of Jackson.

(11) *Beffel Lighting, 208 South Jackson Street (1912)*: The north 27 feet of the south 35.25 feet of Lot 1, Block 2 South, Range 1 West of the original plat of the City of Jackson.

(12) *Michigan Central Depot, 501 East Michigan Avenue (1873)*: All that parcel of land situated in the City of Jackson, County of Jackson, and State of Michigan, being designated as parcel MIJJ-1 on Railroad Valuation Map No. V 1B-M/S-33-C and V 1B-M/S-33-D, as drawn on June 30, 1918, and furnished to the United States Railway Association on December 1, 1975; and being all of the land of the Michigan Central Railroad Company, as shown on the Map, which lies within the following described lines:

Beginning at a point on the southern line of Elizabeth Street opposite Railroad Station 3983+50; thence southwesterly 85 feet, more or less, to a point distant 20 feet northwardly and at right angles to the northeasternmost rail of the mainline tracks, as it was located on December 1, 1975; thence, northwestwardly 402 feet, more or less, parallel to said northeasternmost rail to a point opposite Railroad Station 3987+52; thence northeastwardly 44 feet, more or less, to the southerly line of East Michigan Avenue; thence eastwardly along said line of East Michigan Avenue 212 feet, more or less, to the west line of Park Street; thence southwardly by said line of Park Street 123 feet, more or less; thence, southeastwardly by same, 130 feet more or less; thence eastwardly by the same 37 feet, more or less, to the point of beginning.

(13) *Soldiers and Sailors Monument at Wildwood and Michigan Avenues (1903)*: Land commencing at a point on the north line of West Michigan Avenue, 118.25 feet east of the southeast corner of Lot 17, Block 1, Assessor's Wildwood Plat, thence northerly 109.47 feet to southerly line of Wildwood Avenue, thence southeasterly to northerly line of Michigan Avenue, thence west to beginning. Southeast 1/4 of southwest 1/4, Section 34, Township 2 South, Range 1 West.

(14) *Ella Sharp Museum House (before 1856)*: Being a part of the East 1/2 of the North West 1/4 of Section 16, Township 3 South, Range 1 West, City of Jackson, Jackson County, Michigan. More particularly described as: Beginning at a point distant, on the west north-south 1/16 line, South 88 degrees 59'00" East - 1322.67' and north 00 degrees 08'14" east - 1361.04' from the west 1/4 Post of said section; thence: North 00 degrees 08'14" East, along said 1/16 line, 119.82'; North 90 degrees 00'00" East 206.19'; south 00 degrees 08'14" west - parallel with said 1/16 line of 121.79'; North 89 degrees 27'05" West 206.19' parallel with the southerly wall of the Ella Sharp Museum House to the point of beginning. Containing 0.572 acres more or less.

(15) *St. Paul's Church, 309 S. Jackson (1850)*: Lots 1 and 2, Block 3 south, Range 1 East, also commencing at intersection of east line of Jackson Street with south line of Washington Street, thence east 8 rods, thence south 8 rods, thence west 8 rods to east line of Jackson Street, thence north 8 rods to beginning. Block 3 south, Range 1 East.

(16) *The Republican Birthplace at Franklin and Second Streets (1854)*: The south 38.31 feet of the east 83.13 feet of Lot 17, Block 12 of Livermore Woods, Eaton's Addition to the City of Jackson.

(17) *Old Prison (Armory) at North and Cooper Streets (1842)*: Commencing at a point on the east line of Section 34; 660 feet north of the 1/4 post on the east line of said section, thence west 15 chains to the center of the Grand River, thence north 13 1/3 chains to a stake, thence east 15 chains to a stake, thence south 13 1/3 chains to place of beginning. Also a strip of land bounded on the south by Prison Street, west by Broad Street, north by the south line of the Michigan State Prison Land, on east by Cooper Street. Being 82 1/2 feet north and south by 551 1/2 feet east and west, east 1/2 of northeast 1/4, Section 34, Township 2 South, Range 1 West.

(18) *St. John's Catholic Church, 711 Cooper (1857)*: Block 3, Ford's North Addition.

(19) *Commercial Exchange Building, 2301 E. Michigan (1895)*: Lots 1 to 10 inclusive, and north 5.6 feet of Lot 11. Also a parcel of land commencing at southeast corner of Lot 10, thence east to west line of Ann Street, thence south 7.35 feet, thence west 59.15 feet, thence north 1.75 feet, thence west to east line of Lot 11, thence north to beginning. Being part of Lot 12, Block 18 east, addition No. 4.

(20) *1401 Greenwood (1900)*: Lot 1 and north 22 feet of Lot 2, Block 2, Division 2, amended plat of Divisions 1, 2, 3 of Summitville Addition.

(21) *Jackson County Juvenile Court Building, 936 Fleming Avenue (n.a.)*: LD COM AT A PT 138- 1/2 FT N & 42 RDS W OF THE SE COR OF SEC 26 TH W 38 RDS THE N 558.3 FT TH E 38 RDS TH S 558.3 FT TO BEG EXC THE W 33 FT FOR STREET ALSO EXCEPT THAT PART DEEDED TO CITY FOR FLORAL AVE SE 1/4 OF SE 1/4 SEC 26 T2S R1W (Claire Allen structure).

(22) *205 South West Avenue (n.a.)*: LOT 42 ASSESSOR'S WASHINGTON PLAT (Claire Allen structure).

(23) *1000-02 Carlton Boulevard*: LOT 16 EX S 16 1/2 FT BLK 17 SHOEMAKERS ADD (Claire Allen structure).

(24) *310 South Thompson (1929)*: N 38 FT OF LOT 7 & A PIECE OF LAND COM 160 FT S OF INTERS OF W LINE OF THOMPSON ST & S LINE OF WASHINGTON ST TH W 45.25 FT TH SWLY 14.42 FT TH W 74.65 FT TH S 30 FT TO NO LINE OF LOT 7 TH E 132 FT TH N 38 FT TO BEG BEING PART OF LOT 6 BLK 9 SHOEMAKER'S ADD (Claire Allen structure).

(25) *604 Wildwood Avenue, Toddler Tech (n.a.)*: LAND COM AT A PT ON THE NLY LN OF WILDWOOD AVE 36 RDS E OF THE W LN OF SEC 34 T2S R1W FOR PL OF BEG, TH SELY ON NLY LN OF SD AVE 9 RDS TO THE W LN OF EDWARD AVE TH N ON W LN OF EDWARD AVE 276 FT TH W 189.3 FT TH S 38.9 FT TH ELY TO A PT ON THE E LN OF LOT 4 AND 226.5 FT N OF N LN OF WILDWOOD AVE MEASURED

ALG E LN OF SD LOT 4 TH SWLY TO BEG BEING A PART OF LOTS 4 & 5 BLK 2 CARR & PECK'S ADD (Claire Allen structure).

(26) *1214 West Washington Avenue (1915)*: LAND COM AT THE INTERSECTION OF THE N LINE OF WASHINGTON ST WITH THE E LINE OF THOMPSON ST TH N 8 RDS TH E 4 RDS TH S 8 RDS TO THE N LINE OF WASHINGTON ST TH S 4 RDS TO THE BEG NW 1/4 OF NE 1/4 SEC 4 T3S R1W (Claire Allen structure).

(27) *1403 West Washington (1911)*: LOTS 1, 2 & 6 BLK 8 SHOEMAKER'S ADD (Claire Allen structure).

(28) *206 South Webster Street (n.a.)*: E 116 FT OF LOT 14 BLK 3 SHOEMAKER'S ADD (Claire Allen structure).

(29) *Post Office, 200 South Otsego (1932)*: ALL OF R T MCNAUGHTON'S ALTERATION OF PART OF BLK 1 GRAND RIVER ADD EX THAT PART USED FOR STREET PURPOSES.

(30) *Masonic Temple, 157 Cortland Street (n.a.)*: N 102 FT OF LOT 6 BLK 2 S RIE (Claire Allen structure).

(31) *County building (Courthouse), 312 South Jackson Street (1936)*: LOTS 3 & 4 & S 123.89 FT OF E 49.5 FT OF LOT 5 & ALSO S 123.85 FT OF ALLEY LYING BETWEEN SD LOTS 3, 4, & 5 SAME HAVING BEEN VAC BLOCK 3 S R1W (Claire Allen structure).

(32) *County Health Dept., former TB Sanitorium, 410 Erie Street (n.a.)*: LAND COM AT A PT 269.56 FT N & 182.11 FT E OF THE INTERS OF THE N LN OF ST CLAIR AVE WITH THE ELY LN OF LANSING AVENUE TH E 541.09 FT TO THE 1/4 SECTION LN OF SEC 27 T2S R1W TH S 132 FT TH W 541.09 FT TH N 132 FT TO BEG (Claire Allen structure).

(33) *Former East Intermediate School, 1210 E. Michigan Avenue (n.a.)*: LAND COM AT INTERS OF NLY LINE OF E MAIN ST WITH E LINE OF HALL & KENNEDY'S ALTERATION OF BLK 2 LOOMIS HOMEWILD ADD TH E 267.8 FT TH N 450 FT TH WLY 387.25 FT TH SLY 440 FT TO BEG W 1/2 OF SE 1/4 SEC 35 T2S R1W (Claire Allen structure).

(34) *1000-02 West Washington Avenue (n.a.)*: LOT 15 BLK 3 SHOEMAKER'S ADD (Claire Allen structure).

(35) *1300 West Franklin (n.a.)*: LOTS 14, 15 & 16 EX N 38 FT OF LOT 14 BLK 9 SHOEMAKER'S ADD (Claire Allen structure).

(36) *Mt. Evergreen Cemetery (1843)*: LAND COM AT THE INTERSECTION OF THE E LINE OF GREENWOOD AVE WITH THE S LINE OF MORRELL ST TH E 310 FT TH S 1600 FT TO THE N LINE OF ROCKWELL ST TH W 1400 FT TO THE E LINE WOODBRIDGE ST TH N ON THE E LINE OF WOODBRIDGE ST 310 FT TH NELY ON THE ELY LINE OF GREENWOOD AVE 1450 FT TO THE PLACE OF BEG MT EVERGREEN CEMETERY.

(37) *Reynolds Building (Renee de Paris), 149-151 West Michigan Avenue (1865):* E 60 FT OF LOTS 5 & 6 BLK 1 S RIE.

(38) *229 South Mechanic Street:* N 1/2 OF LOT 2 BLK 2S R 2E OF THE ORIGINAL PLAT OF THE VILLAGE OF JACKSONBURG.

(39) *Michigan Central Express Building, Foot of Elizabeth Street (Circa 1892):* BEGINNING AT AN IRON FOUND ON THE SOUTH LINE OF ELIZABETH STREET OPPOSITE RAILROAD STATION 3983+50; THENCE, SOUTH 37° 12' 22" WEST, 76.54 FEET (RECORD 85 FEET) TO A POINT THAT LIES 20 FEET NORTHERLY OF THE CENTERLINE OF THE NORTHEASTERNMOST TRACK OF THE MAIN LINE TRACKS; THENCE, SOUTH 52° 47' 37" EAST, PARALLEL WITH AND 20.0 FEET DISTANT THEREFROM SAID NORTHEASTERNMOST TRACK, 143.72 FEET; THENCE, NORTH 37° 12' 22" EAST, 15.00 FEET; THENCE, SOUTH 52° 47' 37" EAST, PARALLEL WITH AND 35.00 FEET DISTANT THEREFROM SAID NORTHEASTERNMOST TRACK, 149.51 FEET TO THE WEST LINE OF VAN DORN STREET; THENCE, NORTH 02° 29' 41" EAST, ALONG SAID WEST LINE, 217.57 FEET TO SAID SOUTH LINE OF ELIZABETH STREET; THENCE, NORTH 87° 30' 19" WEST, ALONG SAID SOUTH LINE, 206.00 FEET TO THE POINT OF BEGINNING, BEING BLOCK NO. 43 IN FORD'S EXTENSION TO THE VILLAGE OF JACKSON IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 WEST, CITY OF JACKSON, MICHIGAN.

(40) *317 W. Wesley Street:* BEING A PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 3, T3S, R1W, CITY OF JACKSON, JACKSON COUNTY, MICHIGAN. MORE PARTICULARLY DESCRIBED AS: THE WEST 1/2 OF LOT 4, BLOCK 4 SOUTH, RANGE 2 WEST, OF THE ORIGINAL PLAT OF THE VILLAGE OF JACKSONBURGH.

(Ord. No. 98-14, § 1, 6-16-98; Ord. No. 2001.6, § 1, 2-13-01; Ord. No. 2001.14, § 1, 6-26-01; Ord. No. 2002-7, § 1, 9-10-02; Ord. No. 2003.1, § 1, 2-25-03)

Sec. 13-22. The Under the Oaks Historic District.

The Under the Oaks Historic District is hereby created pursuant to Act No. 169 of the Public Acts of 1970, State of Michigan (MCLA 399.201 et seq.) and shall consist of the following description defined by street segments. Maps of the district are available at the office of the City Clerk, City Hall, 161 West Michigan Avenue, Jackson, Michigan, or at the office of Region 2 Planning Commission, 120 West Michigan Avenue - 16th Floor, Jackson, Michigan during normal business hours. If the district depicted on the maps conflicts with the description as hereinafter provided, the description contained in this chapter shall prevail.

(1) Description:

WEST FRANKLIN STREET: Commencing at a point easterly of South West Avenue at, and including, 745 and 750 West Franklin Street; thence easterly on West Franklin Street to First Street, including all parcels abutting on the north and south sides of West Franklin Street therein; and

WEST WASHINGTON AVENUE: Commencing at a point easterly of South West Avenue at, and including, 766 on the north side of West Washington Avenue, and commencing at, and including, 751 on the south side of West Washington Avenue, thence easterly on West Washington Avenue to First Street, including all parcels

abutting on the north and south sides of West Washington Avenue therein; and also including 724 and 725 West Washington Avenue; and

WEST MICHIGAN AVENUE: Commencing at a point between the centerline of South and North West Avenue; thence easterly to First Street, including all parcels abutting on the north and south side of West Michigan Avenue therein; and

WILDWOOD AVENUE AND NORTH: Commencing southeasterly of Edwards Avenue, at a point, and including, 547 Wildwood Avenue; thence southeasterly to the intersection of Wildwood Avenue and Steward Avenue, including all parcels abutting on the south side of Wildwood Avenue; thence north on Steward Avenue to a point, and including 442 Steward Avenue, including all properties abutting on the west side of Steward Avenue; thence westerly 64 feet to the northwest corner of said property; thence south to the centerline of the MCRR Co. railroad right-of-way; thence northwesterly along the centerline of said right-of-way to the west property line of the Jackson Public Schools (High School) property, as extended; thence southwesterly along the westerly property line of the Jackson Public Schools property to the centerline of Winthrop Street; thence southwesterly along said centerline to the centerline of Edward Avenue; thence south along said centerline to the centerline of Wildwood Avenue; thence southeasterly along said centerline to point of beginning of said described boundaries, including all properties within the area described herein; and

LYDIA STREET: Commencing at the intersection of Wildwood Avenue and Lydia Street; thence southwest along Lydia Street to the intersection of West Michigan Avenue, including all parcels abutting on the east and west sides of Lydia Street; and

FOURTH STREET: Commencing at the intersection of Fourth Street and West Michigan Avenue; thence south along Fourth Street to the intersection of West Franklin Street, including all parcels abutting on the east and west sides of Fourth Street; and

THIRD STREET: Commencing at the intersection of Third Street and West Michigan Avenue; thence south to the intersection of Third Street and West Franklin Street, including all parcels abutting on the east and west sides of Third Street; and

SECOND STREET: Commencing at the intersection of Second Street and Washington Northwest (the connector between West Michigan Avenue and West Washington Avenue); thence south to the intersection of Second Street and West Franklin Street, including all parcels abutting on the east and west sides of Second Street; and

FIRST STREET: Commencing at the intersection of First Street and Wildwood Avenue; thence south to the intersection of First Street and West Morrell Street, including all parcels abutting on the east and west sides of First Street.

(Ord. No. 98-14, § 1, 6-16-98)

APPENDIX VI

HISTORIC DISTRICT COMMISSION

Ordinance Adoption Procedure

I. Study Committee

The Historic District Commission appoints a Study Committee, Members of the Committee must contain representation from the Historic District Commission.

II. Purpose

The Committee is required to conduct studies and research and write a report regarding what sites are to be included in the historic district or as historic landmarks and explain the significance of each site.

III. Copies of the Study Committee's report are to be transmitted to:

- A. Local Planning Commission
- B. Michigan Historic Commission
- C. State Advisory Council
- D. Copies to the City Council (for information only – not for comment)

Within sixty (60) days after the report has been transmitted to the three agencies, the Jackson City Planning Commission is required to send their recommendations regarding the report to the Historic District Commission.

IV. Public Hearing is required by the Open Meetings Act

Sixty (60) days after the report has been transmitted to the above agencies, a public hearing must be held by the Historic District Commission. The date can be arranged by contacting the City Manager's office.

Fifteen (15) days prior to the public hearing, public notice must be given to the citizens of Jackson and all property owners to be included in the district or whose property is to be listed as a historic landmark. The notice should include the date, time, place, and purpose of the hearing. It is required that the notice be placed in the local newspaper, City Hall, and the Jackson County Tower Building.

V. City Manager/City Council

After the above procedures have been completed, the Secretary to the Historic District Commission will submit to the City Manager's office a description of the procedures followed and a copy of the report, updated with any recommendations. It will be requested that the Historic Preservation Ordinance be included on the agenda of the next City Council meeting for Council approval.

The requested action of the City Council should also include adoption of the revised Historic Preservation Ordinance, which should include the legal descriptions of each of the properties proposed to be listed as historic landmarks and/or a generalized description of the historic district.

VI. Copies of Record

At least three copies of the revised report and ordinance should be maintained with the Secretary to the Historic District Commission, and it is recommended that copies be sent to the following for information:

- Jackson District Library
- Ella Sharp Museum
- Jackson Citizen Patriot (2)
- Michigan Historic Commission