Passed: 9-0

ORDINANCE 98-43

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION DISTRICTS" (Establishing Procedures for Interim Protection, Staff Approval, and Maintenance Requirements)

WHEREAS, the Common Council adopted Ordinance 95-20, "Historic Preservation and Protection Districts"; and

WHEREAS, the Common Council wishes to incorporate recent amendments to the state enabling legislation in the historic preservation ordinance; and

WHEREAS, the Common Council wishes to allow for a period of interim protection of buildings, sites and structures for the period between the time at which the Historic Preservation Commission recommends historic designation and the Common Council takes final action on the recommendation; and

WHEREAS, the Common Council wishes to streamline the process by which owners of designated historic properties, structures or sites can obtain certificates of appropriateness for certain actions the owner wishes to take on the designated property; and

WHEREAS, the Common Council wishes to assure that once a building, site or structure has been designated historic it will be maintained in such a way that its historic significance will not be lost due to neglect;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Chapter 8.08, "Historic Districts and Standards" of the Bloomington Municipal Code shall be amended to add Section 8.08.015 Interim Protection which shall be reflected in the chapter's Table of Contents and which shall read as follows:

8.08.015 Interim Protection

(a) When submitting a map to the City Council under Section 8.08.010 of this title, the Commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two (2) working days after declaring a building, structure, or site under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building structure or site with a written notice of the declaration. The written notice must:

(1) Cite the authority of the Commission to put the building, structure or site under interim protection under this section;

(2) Explain the effect of putting the building, structure, or site under interim protection; and,

(3) Indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under subsection (a) remains under interim protection until the map is:

(1) Submitted to; and

(2) Approved in an ordinance or rejected by the Common Council of the City of Bloomington, Indiana.

(d) While a building, structure, or site is under interim protection under this section:

(1) The building, structure, or site may not be demolished or moved, and,

(2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:

(a) Addition:

(b) Reconstruction

(c) Alteration

(e) The Commission may approve a Certificate of Appropriateness at any time during the Interim Protection, provided the proposed change meets the criteria for considering effect of

actions on historic buildings in section 8.08.020 of this ordinance and any proposed preservation guidelines prepared for the building, structure, or site, but the Certificate of Appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the Common Council of the City of Bloomington, Indiana.

SECTION II. Chapter 8.08, "Historic Districts and Standards" of the Bloomington Municipal Code shall be amended to add Section 8.08.025 Staff Approvals which shall be reflected in the chapter's Table of Contents and which shall read as follows:

8.08.025 Staff Approvals

(a) The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness.

(b) The Commission must specify the types of applications for minor classifications of work that the staff of the Commission is authorized to grant or deny. The staff shall not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:

(1) The demolition of a building, structure, or site
(2) The moving of a building or site.
(3) The construction of an addition to a building or structure.
(4) The construction of a new building or structure.

SECTION III. Chapter 8.08 "Historic Districts and Standards" of the Bloomington Municipal Code shall be amended to add the following sentence to the beginning of 8.08.030(a):

(a) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

SECTION IV. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21 day of October, 1998.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of October, 1998.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of October, 1998.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 8 of the BMC to: 1) give interim protection to buildings, structures or sites while the Common Council determines whether or not to designate the property historic; 2) grant staff the authority to grant certificates of appropriateness for minor changes to designated properties; and 3) clarify that designated properties must be maintained so that their historic qualities are not lost through neglect.

Signed copies to:
BMC File
Clerk
CA/CA
User file - 25
Legal - 5
H.A.N.D. - Nancy Hiestand
Historic Commission