ORDINANCE 95-20

TO ESTABLISH TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION DISTRICTS" (Establishing Procedures for Designating Historic Districts in the City of Bloomington)

WHEREAS, the City of Bloomington wishes to promote the educational, cultural and general welfare of its citizens; and

WHEREAS, the City of Bloomington wishes to insure the harmonious and orderly growth and development of the municipality; and

WHEREAS, the City of Bloomington has many buildings, sites and neighborhoods that possess historical or architectural merit worthy of protection; and

WHEREAS, the current revision of the City of Bloomington's zoning ordinance necessitates adoption of new regulations to govern the establishment of historic preservation districts;

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

SECTION I. Title 8, "Historic Preservation and Protection Districts" of the Bloomington Municipal code is hereby established and shall read as follows:

Title 8

Historic Preserveration and Protection

Chapters:

8.02 Purpose and Definitions
8.04 Historic Preservation Commission
8.08 Historic Districts and Standards
8.12 Demolition and Public Safety
8.16 Adminstration and Enforcement
8.20 List of Designated Historic Districts

Chapter 8.02

Purpose and Definitions

Sections:

8.02.010 Purpose of historic preservation and protection
8.02.020 Definitions

8.02.010 Purpose of historic preservation and protection In order to promote the educational, cultural and general welfare of the citizens of Bloomington and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional Downtown area and to enhance tourism within the City of Bloomington; it is deemed essential by the City of Bloomington that qualities relating to its history and a harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate,

and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City of Bloomington through this ordinance to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the City and serve as visible reminders of its historic heritage.

8.02.020 Definitions The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"Alteration": a material or color change in the external architectural features of any structure within an historic district.

"Conservation District": Pursuant to I.C. 36-7-11-19, the provision that a district may be created which is called a Conservation District, the second phase of which is the conversion to Historic District status, if the Common Council decides, after the Conservation District has been in effect for three years, to enact an ordinance to elevate the district to historic district status. Regulation in a Conservation District is less stringent than in an Historic District. In a Conservation District, a certificate of appropriateness must be granted for:

(1) the demolition of any building
(2) the moving of any building
(3) any new construction of a principal building or accessory building or structure subject to view from a public way.

"Demolition": the complete or substantial removal of any historic structure or any structure which is located within an historic district or conservation district.

"Design Guidelines": Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

"Economic Hardship": For the purposes of this title, economic hardship shall be established when a preponderance of evidence establishes that the property in question cannot obtain a reasonable economic return or be put to any economically beneficial use.

"Fair Market Value": The most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

"Historic District": a single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites designated by ordinance adopted under this title. Property not so designated will not be considered an historic district within the terms of this title.

"Historic Preservation and Protection District Ordinance": hereinafter to be referred to as "this title."

"Interested Party": means one of the following:

(1) The mayor.
(2) The Common Council.
(3) The city plan commission.
(4) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of an historic district designated by an ordinance adopted under this title.
(5) An owner or occupant of a property located in an historic district established by an ordinance adopted under this title.
(6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.
(7) The state historic preservation officer designated under IC 14-3-3.4-10.

"Primary area": The principal area of historic and/or architectural significance within an historic district.

"Ratings":

(1) Outstanding: The "O" Rating means that the property has sufficient historic or

architectural significance that it is already listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.

(2) Notable: A rating of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.

(3) Contributing: A "C" rating means the property is at least 40 years old, but does not meet the criteria for an "O" or "N" rating. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed on the National Register only as part of an historic district.

(4) Non-contributing: Property rated "NC" is not included in an inventory unless it is located within the boundaries of an historic district. Such properties may be less than fifty years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for the National Register.

"Reasonable Return": A measure of the economic return that is, or can be, earned on the fair market value of a property, and that demonstrates that the owner has not been deprived of all economically beneficial or productive use of the property.

"Routine Maintenance": Work which would not require a building permit, and any change that is not construction, removal or alteration and for which no certificate of appropriateness is required.

"Secondary area": An area in an historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

"Streetscape": Appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lamps, trash receptacles, benches, etc.), use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

"Visual Compatibility": Those elements of design that meet the standards set out in Section 8.08.040 of this title.

Chapter 8.04

HISTORIC PRESERVATION COMMISSION

Sections:

8.04.010 Establishment
8.04.020 Organization
8.04.030 Powers

8.04.010 Establishment.

(a) Creation: For the purpose of making effective the provisions of this title, there is hereby established an historic district board of review to be known as the Historic Preservation Commission (hereinafter referred to as "the Commission").

(b) Staffing: The staff of the City Redevelopment Department and Planning Department (hereinafter referred to as "the staff") shall serve as staff to the Commission at the Commission's discretion. Each official of the city who has responsibility for building inspection, building permits, planning, or zoning shall provide necessary technical, administrative, or clerical assistance requested by the Commission.

(c) Composition: The Commission shall consist of nine (9) voting members who must be residents of the city. All members shall be appointed by the mayor of the City subject to the approval of the Common Council of the City of Bloomington (hereinafter referred to as "Common Council"). All members shall be interested in the preservation and development of historic buildings and areas.

(1) The membership shall include individual members with demonstrated expertise in historic preservation activities. To the extent available to the community, the Commission shall include professional members from the disciplines of architecture, history, architectural history, preservation planning, archaeology, or other historic preservation-related disciplines, such as urban planning, American studies, art history, American civilization, cultural geography, or cultural anthropology.

(2) Nonvoting, advisory member(s) may be appointed to the Commission by the Common Council. Such a member shall have recognized expertise in the field of historic preservation. The term of the advisory members shall be for three years

(d) Terms of office: The terms of the original voting Commission members shall be staggered as follows: Three (3) members for three-year terms, three (3) members for two-year terms, and three (3) members for one-year terms. Thereafter, voting members shall each serve for a term of three (3) years, and all terms shall commence on January 1 and expire on December 31. A vacancy shall be filled through appointment by the mayor and approval of the Common Council only for the unexpired duration of the term.

(e) Serve without compensation: Members of the Commission shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

8.04.020 Organization.

(a) Commission administrator: The director of the department of redevelopment shall serve as administrator of the Commission. The administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.

(b) Commission officers: The Commission shall elect from its membership a chairman and vice chairman, who shall serve for one year and may be reelected.

(c) Commission meeting: The Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission in its rules. All meetings of the Commission must be open to the public, and a public record of the Commission resolutions, proceedings, and actions must be kept.

(d) Commission rules: The Commission shall adopt rules consistent with this title for the transaction of its business.

8.04.030 Powers. The Commission's duties include but are not limited to the following:

(a) The Commission is that agency of city government responsible for developing and coordinating the municipality's historic preservation activities. The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in the historic district. Areas of concern may also include viewsheds, landscapes, and streetscapes of historic importance. The Commission may make recommendations to the Common Council concerning development rights, facade easements, the imposition of other restrictions, and the negotiation of historic property contracts for the purpose of ensuring preservation.

(b) The Commission has the authority to receive funds in order to promote its stated mission.

(c) The Commission may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view.

(d) The Commission may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.

(e) The Commission shall conduct a survey, or may adopt existing surveys, to identify historic buildings, structures, and places located within the city.

(f) The Commission may promulgate standards for architectural review. These shall include local design guidelines to be published and be made readily accessible to the general public.

(g) The Commission shall draw and submit to the Common Council for its approval a map or maps describing the boundaries of an historic district or conservation district. The commission shall issue a report to the Common Council based upon its survey, identifying and validating the significance of the property or district according to 8.08.020 of this title.

(h) The Commission may issue certificates of appropriateness for any actions required by subsection 8.08.020.

(i) The Commission may adopt rules consistent with this title designating situations not requiring a certificate of appropriateness under subsection 8.08.020.

Chapter 8.08

HISTORIC DISTICTS AND STANDARDS

Sections:

8.08.010	Establishment of historic districts and conservation districts
8.08.020	Certificates of appropriateness
8.08.030	Maintenance standards
8.08.040	Development standards
8.08.050	Preservation of historic and architectural character upon alteration or relocation

8.08.010 Establishment of historic districts and conservation districts.

(a) Initiating an historic district recommendation: All recommendations for establishment of an historic district shall be in the form of a written report and must be based on the criteria outlined in this title. A recommendation for establishing an historic district may be initiated from either of the following two (2) sources:

(1) Based on its survey, the Commission may draw and submit historic district maps for Common Council approval.

(2) Owners of property in fee simple wishing to establish an historic district which includes their property may petition the Commission to consider drawing and submitting a map of such a district to the Common Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition. The Commission shall determine its recommendation within 90 days of receipt of a petition.

(b) The Commission may recommend, and the Council may provide that the establishment of an historic district shall occur in two (2) phases. Under the first phase, to be

called a conservation district, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building, or structure subject to view from a public way.

(1) After a conservation district has been in effect for three years, the Common Council shall decide whether or not to pass an ordinance to elevate the district to historic district status.

(2) Once established a conservation district shall continue, unless removed by ordinance.

(c) Commission preparation of historic district maps: In order to establish an historic district, the Commission shall first prepare a map describing the district in accordance with the following:

(1) The map shall be based on a survey conducted or adopted by the Commission which identifies historic buildings, structures, and places located within the City of Bloomington.

(2) A district may be limited to the boundaries of a property containing a single building, structure, or site.

(3) The map may divide the district into primary and secondary areas as follows:

a. Primary area: The principal area of historic and architectural significance.

b. Secondary area: An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(4) The Commission shall classify and designate all buildings and structures within each proposed district as historic or non-historic. Historic buildings or sites may include those buildings or sites that meet the architecturally worthy criteria set out in 8.08.010(e)(2). The Commission shall further classify and designate all buildings and structures within a proposed historic district as follows:

a. Historic buildings and structures shall be further classified as Outstanding, Notable, or Contributing, as established by the Indiana State Division of Historic Preservation and Archaeology and the local survey.

b. All non-historic buildings shall be classified as non-contributing.

(5) A written report shall accompany all recommendations for designation before the Common Council, in accordance with the criteria for designation, stating the case for accepting the district.

(d) Common Council approval of maps of historic districts: Before an historic district or conservation district is established and the building classification takes effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance by the Common Council. The procedure for doing so shall be as follows:

(1) The Commission must take official action deciding whether or not to submit a map to the Common Council for its approval.

(2) Prior to taking action at a meeting, the Commission shall hold a public hearing to allow public comment. A public hearing may be held separately or in conjunction with the meeting where action on the district is to occur.

(3) A public hearing held by the Commission for the purpose of allowing comment on a proposed historic district designation shall be preceded by public notice as set forth in IC 5-3-1-1 et. seq. In addition, the Commission shall adopt rules that ensure that owners of all property within the proposed historic district, and all adjacent property owners, as determined by the most recent real estate tax lists, shall receive written notice of the hearing on the proposed historic district.

(4) A written report shall accompany the map submitted to the Common

Council validating the proposed district by addressing the criteria listed in 8.08.010.

(e) Historic district criteria: An historic district shall include a building, groups of buildings, structure(s), site(s), monument(s), streetscape(s), or neighborhood(s) which meet at least one of the following criteria:

(1) Historic:

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or

b. Is the site of an historic event; or

c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) Architecturally worthy:

a. Embodies distinguishing characteristics of an architectural or engineering type; or

b. Is the work of a designer whose individual work has significantly influenced the development of the community; or

c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or

d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

e. Contains any architectural style, detail, or other element in danger of being lost; or

f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or

g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

(f) An ordinance approving the establishment of an historic district, may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under section 8.08.020 before a permit may be issued or work begun.

8.08.020 Certificates of appropriateness.

(a) Certificates of appropriateness required: A certificate of appropriateness must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of an historic district:

a. The demolition of any building;

b. The moving of any building;

c. A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance; or

d. Any new construction of a principal building or accessory building or structure subject to view from a public way.

(2) Within a primary area of an historic district:

a. A change in walls and fences, or the construction of walls and fences along public ways;

b. A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.

(3) Within a conservation district:

a. The moving of any building;

b. The demolition of any building; or

c. Any new construction of a principal building or accessory building or structure subject to view from a public way.

(b) Application for certificates of appropriateness: An application for certificate of appropriateness shall be made in the office of the Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission.

(c) Approval or denial of certificate of appropriateness: The Commission may approve or deny certificates of appropriateness for any actions covered by this title. If an application for a certificate of appropriateness is approved by the Commission, or is not acted on by the Commission within thirty (30) days after it is filed, a certificate of appropriateness shall be issued. The Commission may grant an extension of the thirty-day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application.

(d) Right to Commission review: In any case where an applicant does not receive a certificate of appropriateness or otherwise feels aggrieved by an action of the Commission, the applicant shall have the right to a rehearing by the Commission upon submission of additional evidence or new information.

(e) Criteria for considering effect of actions on historic buildings: The Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of an historic building or structure, or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

(1) Purposes of this title;
(2) Historical and architectural value and significance of the building, structure, or appurtenance;
(3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
(4) The texture, material, color, style, and detailing of the building, structure or appurtenance;
(5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
(6) The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same historic district, including for primary areas, visual compatibility as defined in sec. 8.08.040 (b); and
(7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

8.08.030 Maintenance standards.

(a) Conformance to statutory requirements of buildings: Historic buildings shall be maintained to meet all applicable requirements established under statute and ordinance for buildings generally, including but not limited to Chapters 16.04 and 16.12 of the Bloomington Municipal Code (Housing Code and Housing Quality) where applicable.

(b) Ordinary repairs and maintenance: Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.

(c) A certificate of appropriateness is not required for the following:

(1) Ordinary repairs and maintenance as defined in 8.08.030(b).
(2) Repairs and maintenance designated by the Commission under its rules.
(3) Special exceptions granted by the Commission.

8.08.040 Development standards.

(a) For new construction, contemporary design, and nonhistoric buildings: The purpose of this section is to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility

with any new work. The construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any nonhistoric building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.

(b) Criteria for considering visual compatibility within historic primary areas: Within the primary area of an historic district, new buildings and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

(1) Height: The height of proposed buildings must be visually compatible with adjacent buildings.

(2) Proportion of building's front facade. The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings and places to which it is visually related.

(3) Proportion of openings within the facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.

(4) Relationship of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings and places to which it is visually related.

(5) Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with the buildings and places to which it is visually related.

(7) Relationship of materials, texture, and color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.

(8) Roof shapes. The roof shape of a building must be visually compatible with the buildings to which it is visually related.

(9) Walls of continuity. Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.

(10) Scale of the building. The size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation. A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

8.08.050 Preservation of historical and architectural character upon alteration or relocation mandated.

(a) An historical building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(b) An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (a).

Chapter 8.12

Demolition and Public Safety

Sections:

8.12.010 Generally
8.12.020 Public Safety

8.12.010 Generally.

(a) Purpose: The purpose of this section is to preserve historic buildings and structures that are important to the education, culture, traditions, and economic value of the community by affording the city, preservation organizations, and interested persons the opportunity to acquire or arrange for the preservation of these buildings.

(b) Certificate of appropriateness required: A certificate of appropriateness must be issued by the Commission before a demolition permit is issued by other agencies of the city and work is begun on the demolition of any building or structure in any area of an historic district or conservation district.

(c) Criteria for the Commission to consider in the case of a proposed demolition include the following:

(1) Effect of the demolition on the character of the historic district;

(2) State of deterioration, disrepair, and structural stability of the structure. The condition of the building resulting from neglect shall not be considered grounds for demolition.

(3) Balance of the public interest in preserving the structure or the integrity of the district with the interest of the owner of the building or structure in the use and utilization of the property; and

(4) Possible alternatives to demolition.

(d) Factors for allowing demolition without certificate of appropriateness: If the Commission denies the issuance of a certificate of appropriateness for the demolition of a building or structure, a demolition permit may be issued by other agencies and a building may be demolished, but only after the property owner has established all of the following:

(1) The property owner must demonstrate to the Commission that an historic building or structure is incapable of earning a reasonable return on its value.

(2) The property owner shall file with the administrator documented evidence that a good faith effort is being made to sell or otherwise dispose of such property to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such property. Such documented evidence shall be provided at the property owner's expense and shall include:

a. Offering price;

b. Date the offer of sale began;

c. Name and address of listing real estate agent, if any;

d. A copy of an advertisement to run in the same manner as the notice in section 8.08.010(d)(3) which offers the property for sale; and

e. An appraisal of the property's fair market value by a licensed real estate appraiser.

(3) Notice of the proposed demolition must be given for a period fixed by the Commission, based on the Commission classification on the approved map, but not less than sixty (60) days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit issuance.

a. The period of time that a building is placed upon the open market shall be linked with its classification in the survey, i.e.:

Outstanding	9 months
Notable	6 months
Contributing	4 months
Non-Contributing	3 months

b. The Commission may approve a certificate of appropriateness at any time during the notice period described in the preceding paragraph. If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

8.12.020 Public safety.

(a) Nothing in this section shall be construed to prevent the construction, reconstruction, alteration, or demolition of a structure, building, or any part thereof within an historic district when so ordered by an agency of government having jurisdiction thereof provided that the following actions occur first:

(1) The agency having jurisdiction shall determine that a structure or building or any part thereof is immediately hazardous or dangerous to the health and safety of persons or to property.

(2) The agency issuing such an order shall notify the Commission administrator of intent to issue a demolition permit order; the Commission administrator in turn shall notify the Commission.

(3) If demolition is ordered, the agency issuing such an order shall make every reasonable effort to secure the property or otherwise delay demolition until the Commission can act as designated in this section. Demolition so ordered may occur prior to Commission action only when an immediate hazard or danger to the health and safety of persons or property exists and no reasonable steps can be taken to afford protection to persons or property affected.

(4) The Commission, on its own initiative, may file a petition with the public safety and housing officer requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this section so that such structure be preserved and protected in consonance with this article and the public safety and housing ordinance. This section requires that the owner make necessary structural repairs to remain in compliance with minimum building standards and the intent of this ordinance. If the owner is unwilling to repair then the city may repair the building and place a lien for said repairs upon the property.

(5) The city has determined it will not undertake such repairs that will remove the threat to health and safety of persons or property and place a lien for said repairs on the property.

Chapter 8.16

ADMINISTRATION AND ENFORCEMENT

Sections:

8.16.010	Conflicts with zoning districts
8.16.020	Enforcement, penalties, and judicial review
8.16.030	Recording the fact of historic district designation
8.16.040	Listing of designated historic districts

8.16.010 Conflicts with zoning districts.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

8.16.020 Enforcement, penalties, and judicial review.

(a) Enforcement: This section shall be enforced using personnel and policies designated by the director of the Redevelopment Department of the City of Bloomington.

(b) Penalties:

(1) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this title shall pay a fine, as follows, for each offence. Each day of the existence of any violation of this title shall be a separate offense.

a. Not less than ten dollars ($10.00) nor more than twenty-five hundred dollars ($2,500.00) each day for demolition.

b. Not less than ten dollars ($10.00) nor more than one thousand dollars ($1,000.00) each day for all other offenses.

(2) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this title is hereby declared to be in violation of this title and unlawful. The city may institute a suit for injunction in circuit court to restrain any person or governmental unit from violating any provision of this title and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any interested party who is adversely affected by the violation of any provision of this title.

(3) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(c) Every interested party has a private right of action to enforce and prevent violation of a provision of this title or an ordinance adopted under this title, and with respect to any building, structure, or site within a historic district, has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this title or an ordinance adopted under this title.

(1) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this title.

(2) The interested party bringing an action under this title is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this title, or an ordinance adopted under this title, had been, or was about to be violated or breached.

(3) An interested party who obtains a favorable judgment in an action under this title may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

(4) An action arising under this title must be brought in the circuit court of

Monroe County. No change of venue from the county shall be allowed in this action.

(5) The remedies provided in this title are in addition to other remedies that may be available at law or in equity.

(d) Judicial review: Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review thereof in accordance with Ind. Code §4-21.5, Administrative Orders and Procedures.

8.16.030 Recording the fact of historic district designation.

(a) The boundaries of any historic district or conservation district shall be available in the office of the City of Bloomington Planning Department.

8.16.040 Listing of designated historic districts

(a) Preexisting historic districts: The following historic districts established under previous ordinances shall be subject to this title but in all other respects shall remain unchanged. All areas within existing districts shall be considered primary areas as defined in this title.

Chapter 8.20

LIST OF DESIGNATED HISTORIC DISTRICTS

The Old Library	202 East Sixth
Elias Abel House	317 North Fairview
Seminary Park	West Second and College
Paris Dunning House	608 West Third
Cochran House	504 West Eighth
Morgan House	532 North Walnut
The Depot	Morton at Seventh
Wylie House	307 East Second
Princess Theater	206 Block of North Walnut
J.L. Nichols House and Studio	820 North College
Showers Bridwell House	419 N. Washington
Farmer House	529 N. Washington
Second Baptist Church	321 N. Rogers
Lamp Posts	Hawthorne Street
Fieldstone Sidewalk	east side of Dunn St. between 3rd and 4th
Showers-Teter-Barrett House	508 N. Washington
Showers-Smith Matthews-House	514 North Washington
Showers-Freese House	522 North Washington
George Henley House	512 E. Eighth
George Wylie House	321 North Indiana
Hicks-Sperry House	625 North Walnut
Henley House	322 West Second
Elisha Ballentine House	315 E. Seventh
Washington Street Apartments	316 N. Washington
	503 East Smith
Tri-Delta House	812 East Third
Hudgins-Fagan House	323 E. Sixth
Hudgins House	303 E. Sixth
Prospect Hill Historic District	

SECTION II Superseding Provisions. Upon the date of effectiveness of this ordinance, its provisions shall supersede the provisions of BMC 20.09, "Zoning: Historic Buildings and Structures."

SECTION III 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 IV 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 5th day of April, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10th day of April, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 10th day of April, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance establishes a new title in the Bloomington Municipal Code, covering the establishment of historic preservation districts in the City. State law requires that historic district regulations be separated from zoning regulations, unless grandfathered. The City's current major revision of its zoning ordinance requires separation of historic district regulations at this time. This ordinance establishes an Historic Preservation Commission to propose historic and architecturally worth districts for Common Council consideration and outlines the regulations that will govern any property so designated by the Common Council.

Signed copies to:
HT Legal
Planning
Dee McIntire (Reder)

BMC-File
CA/CA
Clerk
Legal - 5