(passed 8-0)
(Diekhoff absent from vote)

ORDINANCE 05-09

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION " TO ESTABLISH A HISTORIC DISTRICT
Re: Brick Streets in University Courts
(Bloomington Historic Preservation Commission, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on October 14, 2004 and November 4, 2004 for the purpose of allowing discussion and public comment on the proposed historic district designation of the brick streets lying in the public right-of-way in the area known as University Courts; and

WHEREAS, at the November 4, 2004 meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of said brick streets;

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

SECTION I. The map setting forth the proposed historic district for the site is hereby approved and said historic district is hereby established. A copy of the map and report submitted by the Historic Preservation Commission is attached to this ordinance and incorporated herein by reference and two copies of the map are on file in the Office of City Clerk for public inspection. The legal description of this property is further described as:

> The brick streets located in the public right-of-way bounded by 10th Street on the north, 7th Street on the south, Indiana Avenue on the west, and Woodlawn Avenue on east, including Fess Avenue, Park Avenue, 8th Street and 9th Street.

SECTION II. The brick streets in University Courts shall be classified as "notable."

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled "A List of Designated Historic Districts," is hereby amended to insert a line regarding the "The Brick Streets in University Courts" which shall read as follows:

The brick streets in University Courts	The brick streets located in the public right-of-way bounded by 10th Street on the north, 7th Street on the south, Indiana Avenue on the west, and Woodlawn Avenue on east, including Fess Avenue, Park Avenue, 8th Street and 9th Street.

SECTION IV. 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 ordinance 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 of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of APRIL, 2005.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of APRIL, 2005.

REGINA MOORE, Clerk
City of Bloomington

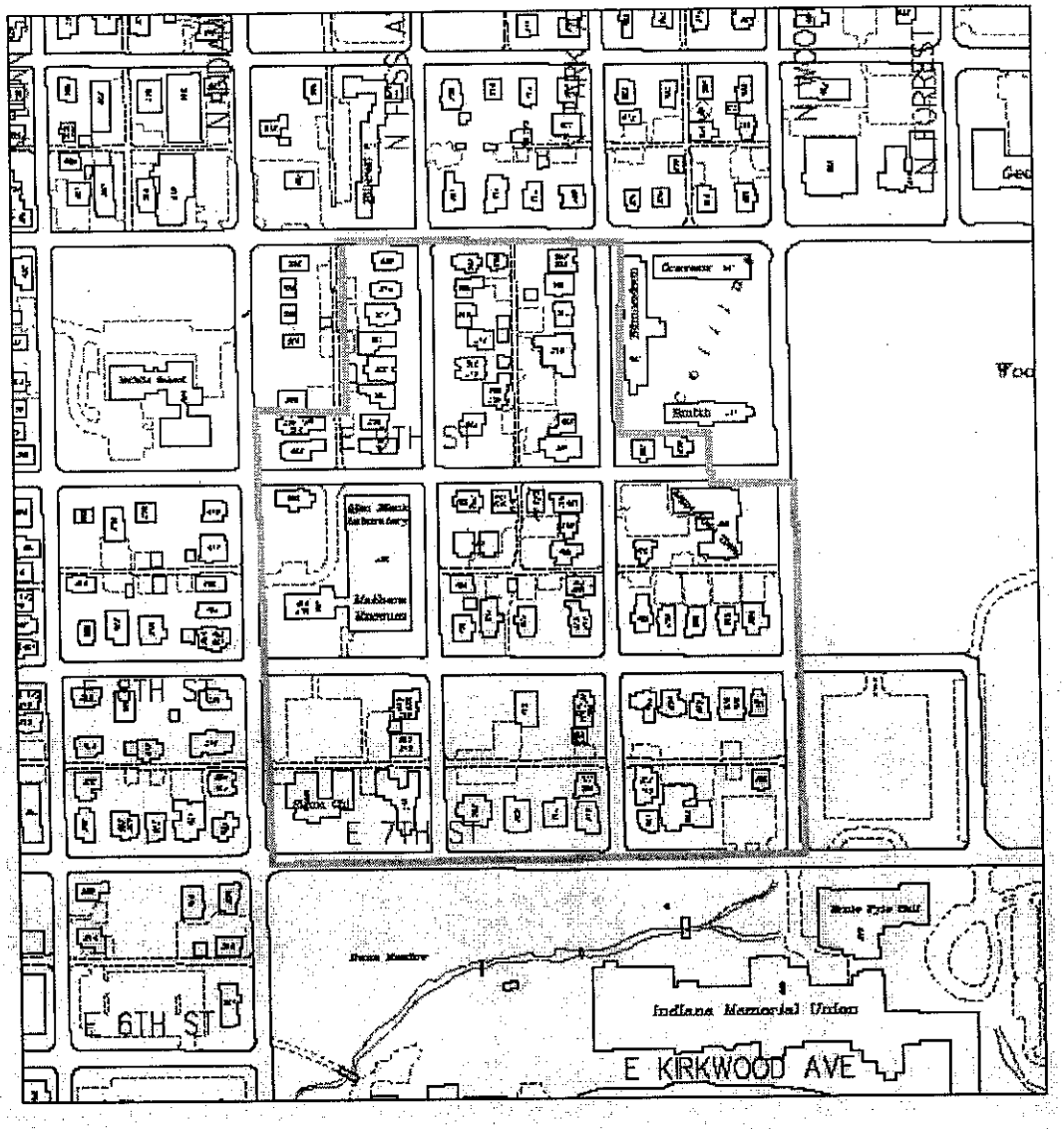
SIGNED AND APPROVED by me upon this 7th day of APRIL, 2005.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

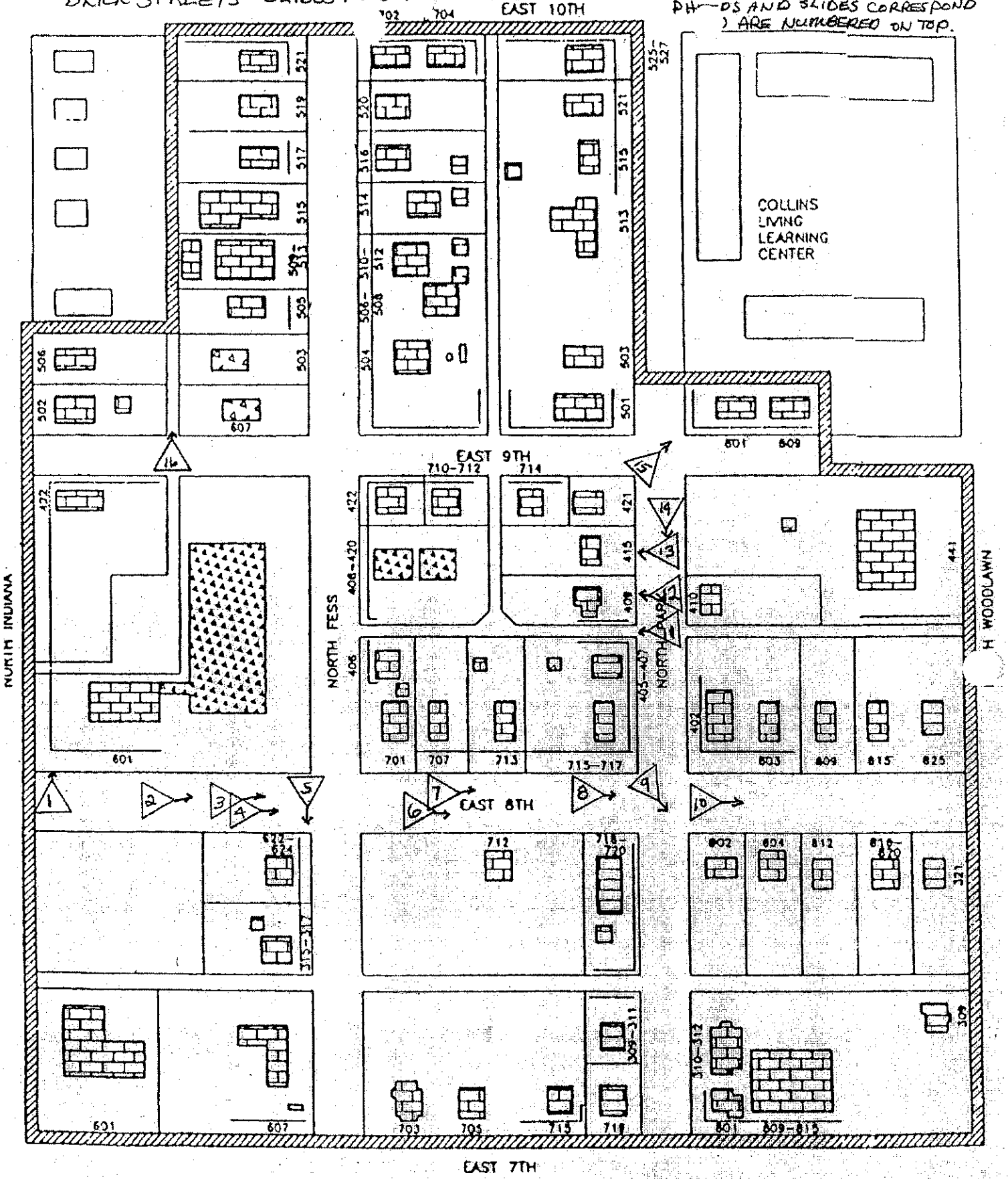
This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate the brick streets in the University Courts area as a historic district and rate them as "notable" structures. The Bloomington Historic Preservation Commission sought this designation and, after two public hearings, recommended these actions to the Common Council based upon historic and architectural criteria set forth in Title 8 (Historic Preservation and Protection). In particular, it found them to be unique features within the City and an intrinsic part of the overall design of University Courts, one of the City's most intact 'planned' historic neighborhoods. Once this ordinance has been adopted, the property will be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of exterior modification.

Signed copies to:
legal (s)
controller
Parks and Rec
public works
engineering
Historic Preservation Comm.
HAND
BMC code file
file
clerk
CA/CA(2)
street dept.
planning dept.



Site map: University Courts Brick Streets
HD-02-04

BRICK STREETS SLIDES AND BLACK AND WHITES. SHOWING LOCATION.
PHOTOS AND SLIDES CORRESPOND
) ARE NUMBERED ON TOP.



UNIVERSITY COURTS HISTORIC DISTRICT

BLOOMINGTON, INDIANA

HD-2-04
Brick Streets in University Courts
Staff Report: Bloomington Historic Preservation Commission

The brick paved streets in the city of Bloomington, Monroe County, Indiana, lying between 10th Street on the north boundary and 7th Street on the south boundary, Indiana Avenue on the west boundary and Woodlawn Avenue on the east boundary, including Fess Avenue, Park Avenue, 8th and 9th Streets.

The streets qualify for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a and c and (2) a, e and f:

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

The district now known as University Courts was deemed eligible for the National Register and placed upon the state register in January of 1993. According to the nomination, the district illustrates a number of Revival Styles popular between 1911 and 1938. Key among its resources are the thematic use of brick streets which comprise the only remaining brick streets in the city. The district is exceptional in the number of brick and limestone retaining walls. The streets themselves, including Park, Fess, 8th and 9th Streets were counted as four contributing "structures" in the nomination.

The district contains several early sorority and fraternity houses and a Church, but is primarily

composed of residential buildings including "twins," flats, apartment buildings and single family homes. The first subdivision of the area was recorded in 1911. The streets were laid after that date. There are three subdivisions in University Courts that include brick streets: University Courts 1, 2nd and 3rd Additions. Each of these subdivisions stretches from 7th Street north of Dunn Meadow to 10th Street. The last one was platted in 1913 when the area was sold to Elvet and Cora Rhodes, who, along with the German American Trust Company, platted the first University Courts addition in 1911. The adjoining parcel was platted as the second addition by Thomas and Nettie Sare who also platted the third addition, which was developed as housing by the University Courts Realty Company. The streets must have been built after these plats were recorded because the intersecting brick streets cross subdivision lines.

The nomination also cites the significance of University Courts' contribution to community planning. Several builders and land developers lived in the area including: Thomas Sare (725 East 7th) and (719 East 7th) and Louis Hughes (703 East 7th) and (710-712 East 9th). The use of courtyards, and designed streetscapes that contain masonry walls, mature trees and brick streets is unique among the inventory of historic resources in Bloomington.

The streets were originally paved with a uniform size and color brick paver. We believe the original bricks were made in Brazil Indiana. Inappropriately colored brick patches, coatings and concrete infill have created a patchwork of repairs. A city ordinance intended to guide workers dealing with the brick, which is still active, was passed in 1987. It provides the required construction specifications for patches. In 1997, HAND in cooperation with the Planning Department and with the support of the university applied for Indiana Transportation Enhancement Grant. The repairs were to be implemented in three phases, with the first concentrating on three intersections and three blocks along 8th. Staff has enclosed part of the narrative for the ISTEA Grant. It summarizes the efforts of the past 20 years to preserve the streets.

Commissioner Burchart has provided photographs that document existing conditions. Her report is attached. A map with the location of photographs included. Staff has also invited Justin Wykoff to the October 14th meeting, in order to convey the progress of the new plan for the streets' restoration. Briefly, acknowledging municipal budgetary constraints, this would be a set aside program to ensure that a certain amount of work to repair the streets would occur every year.

The streets have been protected by municipal ordinance since 1987, but the problem has been communication, enforcement and oversight during changing personnel and administrations. On October 19th the Board of Public Works will discuss a budget that will dedicate a percent of the asphalt budget each year to go toward restoration of the brick streets. They will also review their methods of fining and issuing stop work orders for working without a permit. $10,000 has already been earmarked for this effort in the 2005 budget. Staff would like to give the BPW time to discuss and analyze this problem.

Report as of 10/26
The Board of Public Works heard a presentation by BPW staff concerning the designation of the

streets and other issues surrounding their repair. The recommendation of staff was for no action, however the BPW voted to support preservation of the brick streets and encouraged City Council to "favorably consider the request for local historical designation." A copy of the minutes of the November 19th meeting is attached to this report.

Summary of City Concerns:
The consensus of opinion in the city is that designation, in and of itself, will not further the cause of street restoration and preservation and that there is concern that this is not widely understood. The legal department continues to think that the "the interested party" provision of Title 8. will place the city at a disadvantage by increasing the possibility of future law suits. Acknowledging these concerns, the city does not oppose designation

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Staff recommends approval

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Staff recommends approval

17.08.080 Special plumbing regulations.

(l) Street Cuts. Street cuts shall be permanently repaired within forty-eight hours of completion of arterial street and within five days on all other after all subgrade work has been completed. Until subgrade work is completed, temporary repairs to the satisfaction of the City Engineer shall be made to the street daily in order that traffic may proceed across the cut after hours. Street cut repairs shall conform to the following standards: All bituminous street cut repairs shall consist of a minimum of nine inches of 4000 PSI concrete with a 1.5 inch compacted hot bituminous surface, sealed along all cut edges with a bituminous sealer. All concrete street cut repairs shall consist of ten inches of 4000 PSI concrete with a broomed finished surface. *All brick pavement street cut repairs shall consist of a minimum six-inch 4000 PSI concrete base with the original or similar paving bricks placed on and bonded to the concrete with an all-weather adhesive material. The joints between the paving bricks shall be filled by brushing dry portland cement into the joints and wetted.* The Engineering Department shall be notified twenty-four hours in advance of placement of a permanent patch so that an inspector may be present at the time of its placement. Any settlement that occurs within one year of completion of the cut shall be repaired to the satisfaction of the City Engineer at the applicant's expense. Failure to repair shall result in suit being filed against the contractor's bond.