Passed 7-1 (wisler)
Sutterfield absent

ORDINANCE 11-05

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "HISTORIC PRESERVATION AND PROTECTION" TO ESTABLISH A HISTORIC DISTRICT - Re: Garden Hill Conservation District (Bloomington Historic Preservation Commission, Petitioner)

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

WHEREAS, the Historic Preservation Commission held a public hearing on February 10, 2011, for the purpose of allowing discussion and public comment on the proposed designation of the Garden Hill neighborhood as a Conservation District, which is located roughly between 17th Street and 14th Street and between Walnut Street and Dunn Street; and

WHEREAS, at the February 10, 2011 meeting, the Historic Preservation Commission found that the areas outlined on the map are related by history and development sufficiently to be considered one district; and

WHEREAS, at the February 10, 2011 meeting, the Historic Preservation Commission also found that the district has historic and architectural significance that merits the protection of the property as a Conservation District and imposed interim protection on the properties within the proposed 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;

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

Section 1 The map setting forth the proposed conservation district and the accompanying report are hereby approved by the Common Council, and the Garden Hill Conservation District is hereby established. The Interim Protection established for the Garden Hill Conservation District by the Bloomington Historic Preservation Commission is hereby lifted. A copy of the map submitted by the Historic Preservation Commission is attached to and made a part of this ordinance. The accompanying report is incorporated by reference and two copies of these documents are on file in the office of the City Clerk for public inspection.

The Garden Hill Conservation District shall consist of the following addresses:

East 17th Street:	102-102 ½ , 118, 120, 302, 304, 310, 312, 314, 318
East 16th Street:	103, 105, 111, 115-115 ½ , 201, 205, 207, 215, 221, 303, 307 (1/2), 313, 315, 317, 319, 403, 409, 413, 104, 106, 120, 200-202, 204-206, 208, 304, 306, 310, 312, 314, 322,400, 408, 412, 416, 418
East 15th Street:	103, 113, 117, 123, 203, 211, 213, 215, 301, 309, 315, 317, 321, 403, 405, 407, 417, 421, 106-108, 110-110 ½ , 112, 202, 208, 212, 214, 216
East 14th Street:	107, 109, 203-205, 207, 211, 213
North Walnut Street:	1200, 1202
North Washington Street:	1215, 1213, 1214, 1210, 1200
North Lincoln Street:	1203 ½, 1125, 1121, 1119, 1101, 1206, 1204, 1202, 1200, 1120
North Grant Street:	1109, 1104
North Dunn Street:	1215, 1207

The legal boundaries of the district are further described as follows:

> Starting at a point on the northwest corner of 102 East 17th following the south line of E 17th Street to the northeast corner of 120 East 17th. Then proceeding south to the southeast corner of said lot then proceeding east to the south west corner of 1206 North Washington Street then proceeding east along an alley to the northeast corner of 1214 North Washington then south along the lot line to the southeast corner of said lot then turning east to the northwest corner of 1203 ½ North Lincoln then proceeding east to the south west lot line of 1204 North Lincoln then north along the east side of Lincoln to the northwest corner of 302 East 17th Street then continuing east along the 17th Street right-of-way to the northeast corner of the lot at 318 East 17th Street then turning south along North Grant Street and proceeding south to the southeast corner of the lot at 318 East 17th Street then turning west along an alley to the southeast corner of the lot at 310 East 17th Street the south along an alley to the northwest corner of the lot at 315 East 16th Street and turning to proceed east along an alley to the northeast corner of a lot at 413 East 16th Street, then turning south along the lot line to the northwest corner of 416 East 16th then turning east along East 15th Street and continuing to the west side of North Dunn Street then turning south along the west side of Dunn Street to the southeast corner of the lot at 421 East 15th Street, then turning west along the north side of 15th Street to a point at the southwest corner of 1101 East 15th Street the proceeding south across 15th Street along the east lot line of 216 East 15th Street to the southeast corner of the lot then proceeding east along an alley to the west side of North Lincoln then turning south to the north side of East 14th then turning west along the north side of 14th Street to a point on the southwest corner of 107 East 14th Street then turning north along said lot line to the alley then proceeding west to the southwest corner of 106-108 East 15th then turning north and proceeding across East 15th Street to the southwest corner of 113 East 15th Street then turning west and proceeding along East 15th Street to the south west corner of the lot at 103 East 15th Street then turning north and proceeding to the alley then turning east and proceeding to an alley then turning north and proceed along the west lot line of 104 East 16th Street to the southeast corner of 103 East 16th Street then turning west and proceeding to the east side of the North Walnut right-of-way then turning north along said right-of-way to the northwest corner of 1202 North Walnut then turning east along the north lot line of said lot to the alley then turning north along the east side of said alley to the point of beginning.

Section 2. The following addresses in the Garden Hill Conservation District shall be assigned the classifications as indicated below:

Notable:	East 16th Street 104, 416; East 15th Street 103, 301; North Washington 1213, 1210; North Lincoln Street 1125.
Contributing:	East 17th Street 102, 120, 304, 310, 314, 318; East 16th Street 103, 105, 111, 201, 205, 207, 215, 221, 303, 315, 317, 319, 403, 409, 106, 120, 208, 304, 312, 314, 400, 412, 418; East 15th Street 113, 117, 123, 203, 211, 215, 309, 315, 317, 321, 407, 421, 108, 110, 112, 202, 208, 212, 214; East 14th Street 107, 109, 203-205, 207, 211; North Walnut Street 1200, 1202; North Washington Street 1215, 1214; North Lincoln Street 1203 ½ , 1119; 1206, 1204, 1120; North Grant Street 1109; North Dunn Street 1207.
Non-contributing:	East 17th Street 118, 302, 312; East 16th Street 115, 307-307 ½ , 313, 413, 200-202, 204-206, 306, 310, 322, 408; East 15th Street 213, 403, 405, 417, 216; East 14th Street 213; North Washington Street 1200; North Lincoln Street 1121, 1101, 1202, 1200; North Grant 1104; North Dunn Street 1215.

Section 3. Chapter 8.20 of the Bloomington Municipal Code entitled "List of Designated Historic Districts," is hereby amended to include the Garden Hill Conservation District and the entry shall read as follows:

Garden Hill Conservation District

Section 4. Pursuant to BMC 8.08.010(b)(1), the Garden Hill Conservation District is being established in two phases, with the intent of future review of its status by the Common Council. Any changes in its status as a conservation district shall be made only by ordinance of the Common Council.

Section 5. (a) The first phase is the establishment of the conservation district, which shall be in place for three (3) years after the adoption of this ordinance.

(b) The second phase starts prior to the third anniversary of the adoption of this ordinance.

(1) Prior to two and one half years following the adoption of this ordinance, the Housing and Neighborhood Development (HAND) Department shall survey all property owners in the Garden Hill Conservation District to receive input on their wishes for the future of the conservation district, beyond the third anniversary of its establishment.

(2) HAND shall send each property owner, by first class mail, a ballot affording the property owner the option of voting:

(A) Whether the conservation district status should be retained or rescinded; and,

(B) Whether the conservation district status should be elevated to historic district status.

(3) An envelope with the HAND department's return address shall be included with the ballot. To be valid for tabulation, a ballot must include the signatures of the property owner or owners of record, per the Monroe County property records, and the address of the property.

(4) Ballots shall be mailed by HAND in the two-week period prior to the two and one-half year anniversary of the adoption of this ordinance. Each ballot shall be clearly marked with the due date by which the ballot must be received by HAND. HAND shall tabulate the responses, have them certified by the City Clerk, and report the tallies to the Historic Preservation Commission.

(5) No later than 45 days prior to the third anniversary of the adoption of this ordinance, the Historic Preservation Commission shall file with the City Clerk and submit to the Common Council a report and proposed ordinance as reflected by the ballot vote. If the report indicates that a majority of property owners opposes the elevation of the conservation district from conservation district to full historic district, then the City Council will either rescind the conservation district or continue it, based upon a majority vote, or, seeing no majority vote, may act to continue the district.

(6) For the purposes of determining a "property owner," the following rule, pursuant to 36 CFR § 60.3(k), shall apply:

(A) Any owner who is an estate, trust, corporation, S-corporation, limited liability corporation or partnership, shall be considered to have one (1) vote.

(B) An owner of two or more properties in the conservation district shall be allowed only one (1) vote.

(C) Properties owned by a husband and wife shall be considered to have two (2) owners, as opposed to ownership by the entities, and thus two (2) votes.

(D) Where two or more persons appear on a deed, each person shall have one (1) vote.

Section 6. If any section, sentence or provision of this ordinance, or the application of this ordinance to any person or circumstance 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 severable.

Section 7. 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 1st day of JUNE, 2011

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of June, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 3rd day of JUNE, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the List of Designated Historic Districts in the City of Bloomington by establishing the Garden Hill Conservation District. In recommending this designation, the Bloomington Historic Preservation Commission has: conducted a survey; held public hearings; submitted a map describing the boundaries of the district and classifying the total number of properties within the district; and, filed a report to the Council demonstrating how this district meets the necessary criteria. A conservation district is, in general, less restrictive than a full historic district, and requires only the review of proposals to demolish or move buildings or construct new principal or accessory buildings.

Signed copies to:
legal (4)
Controller
HAND (1)
OA/CA
Clerk 2
BMC file