

Denied  
3/6/91  
0-5-2  
(JR, JF)

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RS AND RL TO H

Re: Prospect Hill Neighborhood  
(Prospect Hills Neighborhood Assn.)

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, HP-78-90, and recommends that the petitioners, Prospect Hills Neighborhood Assn., be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning for certain property.

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

SECTION I. Through the authority of IC 18-7-4 that the designation of Historic be granted to property located in the Prospect Hill Neighborhood, more particularly described as follows:

Lots 1, 3, 5, 7, part of lot 9, lots 11, 13, and 15 of McPheeters Addition; also lots 1, 2, 3, 4, 5, 6, 7, and 8 of the Prospect Hill Addition; also Lots 65, 66, 71 and 72 of the original plat of the city of Bloomington.

SECTION II. 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 \_\_\_\_\_ day of \_\_\_\_\_, 1991.

ATTEST:

\_\_\_\_\_  
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Patricia Williams, City Clerk

SIGNED and APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Tomilea Allison, Mayor  
City of Bloomington

SYNOPSIS

This ordinance grants historic designation to the area known as Prospect Hills Neighborhood. Historic designation subjects any future changes to City Plan Commission review for historic character and makes the property eligible for certain incentives.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 36-7-4-605 I hereby certify that the attached Ordinance Number 91-5 is a true and complete copy of Plan Commission Case Number HP-78-90 which was given a recommendation of approval by a vote of 9 Ayes, 1 Nays, and 1 Abstentions by the Bloomington City Plan Commission at a public hearing held on January 7, 1991

Date: January 8, 1991

Timothy A. Mueller  
Tim Mueller, Secretary  
Plan Commission

Received by the Common Council Office this 8 day of January 1991

Patricia Williams  
Patricia Williams, City Clerk

Appropriation Ordinance # \_\_\_\_\_ Fiscal Impact Statement # \_\_\_\_\_ Resolution# \_\_\_\_\_  
Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other _____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure \_\_\_\_\_ Emergency \_\_\_\_\_  
Unforeseen Need \_\_\_\_\_ Other \_\_\_\_\_

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1 _____	\$ _____	\$ _____
Revenue to Date _____	_____	_____
Revenue Expected for Rest of year _____	_____	_____
Appropriations to Date _____	_____	_____
Unappropriated Balance _____	_____	_____
Effect of Proposed Legislation(+/-) _____	_____	_____
Projected Balance _____	\$ _____	\$ _____

Signature of Controller \_\_\_\_\_

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes \_\_\_\_\_ No X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

8 January 1991

PLANNING STAFF ORDINANCE MEMO TO THE COMMON COUNCIL

RE: Prospect Hill Neighborhood Association,  
Historic Designation Request

PLANNING DEPT. CASE NO.: HP-78-90

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This petition for rezoning from RS and RL to H (Historic District) was approved by the Plan Commission on 7 January 1991. This District consists of 24 whole and partial lots located in the original plat of Bloomington, and in the McPheeter's and Prospect Hill additions.

There were no conditions attached to the Plan Commission's approval.

**DENIED**

City of  
Bloomington  
Indiana



Legal  
Department

Post Office Box 100  
Municipal Building  
Bloomington, Indiana 47402  
Telephone 812 331 6426

TO: Common Council Members  
FROM: Patricia S. Bernens, City Attorney  
RE: Ordinance 91-5  
Prospect Hill Historic Designation  
DATE: 26 February 1991

Planning Director Tim Mueller sought legal advice yesterday regarding some problems which came to his attention in reviewing the above-referenced file. Specifically, both the legal notice and the notices to adjacent property owners were grossly inaccurate in their description of the geographical boundaries of the proposed district. It is my opinion that such defects are fatal and would be grounds for invalidating the historic designation should it ever be challenged.

We are therefore recommending that the Common Council vote to deny this rezoning proposal. Denial is unfortunately the only procedural option available under the applicable statutes; as the proposal has been certified to you with a favorable plan commission recommendation, your failure to either approve or deny within ninety days of certification would result in the proposal being adopted as a matter of law.

Mr. Mueller has contacted the petitioners through Bill Sturbaum. Mr. Sturbaum has offered to withdraw the proposal; however, it is not clear that withdrawal would legally constitute the required Council action at this point.

Please be aware that the petitioners are free to initiate the same proposal again at the Plan Commission level, as the Plan Commission rules impose no waiting period under these circumstances. Therefore, your denial of this proposal does not jeopardize future historic designation of this district.

PSB/knk