

ORDINANCE No. 74-35

An Ordinance to Amend
"The Zoning Ordinance of
the City of Bloomington, Indiana"

WHEREAS, The City of Bloomington adopted a new City Zoning Ordinance on June 22, 1973 which is included in the Bloomington Municipal Code as Title 20, and

WHEREAS, The Mayor of the City of Bloomington, the Common Council of the City of Bloomington and the City Plan Commission have endorsed the principle involved in preservation of Historic Buildings, structures, sites and monuments, and

WHEREAS, The General Assembly of the State of Indiana has conferred upon the City of Bloomington the authority to preserve Historic Buildings, structures, sites and monuments, IC 18-7-5-99, and has authorized the establishment of advising committees, IC 18-7-5-28(12), and

WHEREAS, the City Plan Commission has duly considered the proposed amendment to Title 20 pursuant to the regulations contained in Section 20.05.06.10, Amendments, Procedure and IC 18-7-5-1 et. seg. and has recommended that said proposed amendments do pass.

NOW, THEREFORE, BE IT ORDAINED BY THE
COMMON COUNCIL OF THE CITY OF BLOOMINGTON,
INDIANA.

Section 1. That Title 20 of the Bloomington Municipal Code be amended to add the following chapter as Chapter 20.09 Historic Buildings and Structures, to-wit:

Section 2. That this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana on 16th day of May 1974.

James J. Abersman
President, Common Council

ATTEST:

Grace E. Johnson
Grace Johnson, City Clerk

ATTEST:

Presented by me to the Mayor of the City of Bloomington, Indiana on the 21st day of May, 1974.

Grace E. Johnson
Grace Johnson, City Clerk

Signed May 17, 1974

Francis V. McCloskey
Mayor

20.09 HISTORIC BUILDINGS AND STRUCTURES

20.09.01.00 Title

This chapter shall be known and may be cited as the Historical Buildings Preservation Ordinance.

20.09.02.00 Purpose

The purpose of this chapter is to promote the educational, cultural, economic, aesthetic and general welfare of the public through the preservation and protection of buildings, sites and districts of historic interest or architectural significance through the maintenance of such landmarks in the history of architecture, of the city, county, state and nation, and through the development of appropriate settings for such buildings, sites and districts.

20.09.03.00 Procedure for the Establishment of Historical Preservation Zoning and Practices

Prior to the designation of an historic building or structure, or the establishment of an historic district, a historic district and building study committee, hereafter referred to as study committee, established as provided in section 20.09.02.00 shall make an investigation and report of the historic, cultural and/or educational significance of the building(s), structure(s), feature(s), site(s) or surroundings to be designated as historic or to be included in a proposed historic district or districts. The study committee shall transmit copies of its report to the Plan Commission for their consideration and recommendations. Sixty (60) days after such transmittal the study committee shall hold a public hearing thereon after due notice, which shall include a written notice to the owners of all properties to be included as historical buildings or structures or in historic districts. The study committee shall submit a final report with its recommendations and a listing of the proposed buildings, structures or districts to the Common Council. The Common Council shall finally and officially designate buildings, structures or districts as "historic".

20.09.04.00 Establishment of Study Committee

An historic district and buildings study committee shall be established by the Common Council for the purpose of making an investigation of proper historic buildings and structures and of a proposed historic district.

20.09.04.01 Membership Appointment

The members of the study committee shall consist of five (5) persons, three (3) of whom shall be appointed by the Mayor, and two (2) of whom shall be appointed by the Council. When possible one (1) member of the study committee shall be an architect or other technically qualified person to be appointed by the Mayor. The members of the study committee shall be residents of the planning jurisdiction of the City of Bloomington.

20.09.04.02 Terms and Procedures

To establish the study committee the Mayor shall make one (1) one year appointment, one (1) two year appointment and one (1) three year appointment. The Council shall make one two (2) year appointment and one three (3) year appointment. Vacancies shall be filled in like manner for the unexpired terms, ordinances or by-laws hereunder may provide for the appointment in like manner of alternate members designated by the chairman. All members shall serve without compensation. The study committee shall elect annually a chairman and vice-chairman from its own number. The study committee may adopt rules and regulations in the absence of or not inconsistent with those provided by the Plan Commission. Such rules and regulations shall not be inconsistent with the provisions of this chapter. The study committee may, subject to appropriation, employ clerical assistance or consultants and may accept money gifts and expend the same in a manner not inconsistent with the provisions of this chapter.

20.09.05.00 Certificate of Appropriateness

No building or structure, including stone walls, fences, steps and paving shall be erected, reconstructed, altered, restored, moved or demolished if designated as historic or if within an historic district, and no signs, lights, fence or wall or other appurtenant fixture, hereafter referred to as appurtenant fixtures, shall be erected or displayed on any building, or structure designated as historic, or on any lot, building or structure located within an historic district, unless an application for a certificate of appropriateness shall have been considered by the study committee, which shall submit its recommendation to the Plan Commission, and said certificate has been approved by the Plan Commission.

20.09.05.01 Study Committee Review

In considering applications for certificates of appropriateness for any purpose specified five (5), the study committee and the Plan Commission shall consider the appropriateness of proposed exterior features of buildings

structures, and appurtenant fixtures, location on lot, and the removal or demolition of any building or structure designated as historic or within an historic district, whenever such exterior features, buildings or structures and appurtenant fixtures are subject to public view from a public street or way. All plans, elevations and other information deemed necessary by the study committee or Plan Commission to determine the appropriateness of the exterior features or buildings in question shall be made available to either body by the applicant.

20.09.05.02 Attributes of Plan

The study committee and Plan Commission, in considering the appropriateness of exterior features, shall keep in mind the purposes of this chapter as set forth in section 20.09.02.00, and shall consider, inter alia, the historical and architectural value and significance, architectural style, the general design, arrangement, texture, materials and color of the building or structure and appurtenant fixtures in question, the relation of such features to similar features of buildings in the immediate surroundings, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The study committee or Plan Commission shall not make any recommendations or requirements except for the purpose of preventing developments or alterations obviously incongruous to the historic aspects of an historic building or structure, its surroundings or obviously incongruous to an historic district.

20.09.05.03 Plan Commission Review

An application for a certificate of appropriateness shall be initially considered by the study committee, which shall issue recommendations as to the propriety, necessity and affect of granting the certificate. Upon receipt of the study committee recommendations, the Plan Commission shall make final determinations as to the issuance of said certificate based upon the study committee recommendations and information gathered in public hearings.

20.09.06.00 Public Hearings

Within thirty (30) days after filing with the Plan Commission an application for a certificate of appropriateness, the study committee shall have forwarded its recommendation to the Plan Commission. Within ten (10) days of receiving the study committee recommendations, the Plan Commission shall determine the estates to be

materially affected by such application and forthwith send by mail to the applicant, to the owners of all such estates as they appear on most recent real estate tax list, and to any person filing a written request for notice of hearings, such requests to be renewed yearly in December, reasonable notice of the public hearing to be held by the Plan Commission on said application.

As soon as convenient, may be after such public hearing, but in all events within a period of sixty (60) days after filing of the application for certificate of appropriateness, or within such further time as the applicant may in writing allow, the Plan Commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving or demolition of the building (s) structure(s), or appurtenant fixture(s) involved will be appropriate to the preservation of the integrity of the historic building or structure or to the preservation of the historic district for the purposes of this chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the building or structure involved, but within an historic district not affecting said district generally, failure to issue a certificate of appropriateness will involve a substantial hardship, financial or otherwise, to the applicant, and such certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this chapter.

If the Plan Commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, or is not appropriate, owing to conditions as aforesaid but that failure to issue a certificate of appropriateness would involve substantial hardship to the applicant and that issuance thereof may be made without substantial detriment or derogation as aforesaid or if said Plan Commission fails to make a determination within the time herein before prescribed, the Plan Commission shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness. If the Plan Commission determines that a certificate of appropriateness should*be issued, it shall place upon its records the reasons for such determination, and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition. The Plan Commission shall forthwith notify the applicant of such determination and shall provide for him an attested copy of its reasons therefor and its recommendations, if any, as appearing in the records of said Plan Commission.

* Add the word "not", omitted from original. 6/25/80 Nora Connors, City Clerk

