

ORDINANCE NO. 79-96

AN ORDINANCE TO AMEND THE BLOOMINGTON HISTORIC
BUILDINGS PRESERVATION ORDINANCE

WHEREAS, the existing zoning ordinance of the City of Bloomington provides for periodic review and recommendations for changes by the Plan Commission,

WHEREAS, after review the Plan Commission recommends the following amendments to the Zoning Ordinance of the City of Bloomington, Indiana,

WHEREAS, the petitioner, the Historic Buildings and Districts Study Committee, requests that the Common Council of the City of Bloomington consider this petition for the revisions to the historic designation chapter,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, that Chapter 20.09, the Historic Buildings Preservation Ordinance of the Municipal Zoning Code have various sections added and amended as follows:

SECTION I. Section 20.09.01.00 Title is amended to read as follows:

20.09.01.00 Title

This Chapter is deemed to be a part of the Zoning Ordinance for the City of Bloomington, and all other relevant portions of said Zoning Ordinance shall be applicable hereto, including, but not limited to, Chapter 20.21 ADMINISTRATION AND ENFORCEMENT.

SECTION II. Section 20.09.03.00 Procedure for the Establishment of Historical Preservation Zoning and Practices is amended as follows:

20.09.03.00 Procedure for the Establishment of Historical Preservation Zoning and Practices:

- (a) The Study Committee established herein shall receive for consideration, or formulate on their own initiative, all requests for historic designation under the provisions of this ordinance. The committee shall investigate all applications and prepare a report addressing the historic, cultural and educational significance of the building, structure, feature, site and/or district proposed for designation. A public meeting shall be held by the Study Committee to discuss the investigative findings and formulate a recommendation of action or non-action.
- (b) Copies of the report, with committee recommendation and documentation of significance, shall be transmitted to the Plan Commission within 30 days of the Study Committee public meeting. Should the Study Committee determine a request for designation to be unsubstantiable, the applicant may still file an application with the Plan Commission seeking historic designation; however, the Study Committee report will be transmitted to the Commission as part of the case documentation.
- (c) Public Hearing before the Plan Commission shall occur within sixty (60) days of the transmittal of said report and shall take the form of a hearing for rezoning which shall require the notification of adjacent property owners and all other procedures involved with rezoning.

- (d) The Common Council shall finally and officially designate buildings, structures, or districts historic. Following the Common Council action on any Historic Designation application, the Study Committee shall designate responsibility for notifying the petitioner of the Council decision. When the Council action is affirmative, the Study Committee shall also notify the Planning Department, the Engineering Department, the Mayor's Office, and the Monroe County Recorder's Office.

SECTION III. Section 20.09 03.01 is added

20.09.03.01 Criteria for Designation:

- (a) Structures, sites and districts proposed for historic designation must be described and documented in a form provided by the Study Committee. Any structure, site or district nominated for historic designation status by either the Study Committee and/or by petition from private citizens must possess one or more of the following significant attributes:
- (1) Be associated with events that have made a significant contribution to the broad patterns of Bloomington history;
 - (2) Be associated with the lives of persons significant in Bloomington's past;
 - (3) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
 - (4) Yield, or may likely yield, information important in pre-history or history;
- (b) Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;
 - (2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his/her productive life;
 - (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
 - (5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

- (6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own significance;
- (7) A property achieving significance within the past 50 years if it is of exceptional importance.

SECTION IV. Section 20.09.04.00 Establishment of Study Committee is amended as follows:

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 (1) making investigations of historic buildings, structures and districts for Historic Designation status; (2) promulgating standards for local historic significance; (3) disseminating information to the general public about the historic resources available in Bloomington; and (4) maintaining and making additions to Bloomington's historic structures survey.

SECTION V. Section 20.09.04.03 Reporting Decisions is added:

20.09.04.03 Reporting Decisions:

The Study Committee shall cause to be made a record of all its proceedings, setting forth in writing its reasons for its recommendations.

SECTION VI. Section 20.09.05.03 Plan Commission Review is amended as follows:

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 effect of granting the certificate. Upon receipt of the Study Committee recommendations, the Plan Commission shall approve with qualification, or deny the certificate based on the Study Committee recommendation and information gathered in public hearings.

SECTION VII. Section 20.09.06.01 Maintenance is added:

20.09.06.01 Maintenance:

- (a) A certificate of appropriateness, in addition to a demolition permit, is required to raze a structure which has been designated historic under this ordinance, except in the following conditions:
 - (1) If the structure has been determined to be a public safety hazard by the City Engineering Department, or
 - (2) If the structure is irretrievably damaged by fire, storm, or similar disastrous occurrence.
- (b) Ordinary maintenance may be performed on historically designated structures without obtaining a certificate of appropriateness. "Ordinary maintenance" refers to any repair(s) that is necessary to keep in proper condition the structure(s) in order to prevent deterioration. Any repair(s) that in essence changes the structure(s) architecturally is not considered ordinary maintenance.

SECTION VIII. 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 6th day of December, 1979.

Tomilea Allison
Tomilea Allison, President
Bloomington Common Council

ATTEST:

Nora M. Connors
Nora M. Connors, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of December, 1979.

Nora M. Connors
Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this 12th day of December, 1979.

Francis X. McCloskey
Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance would amend Chapter 20.09 of the Bloomington Municipal Code, entitled "Historic Buildings Preservation Ordinance". The revisions have been submitted by the Plan Commission's Historic District and Buildings Study Committee with the intent of qualifying the local ordinance for national certification. Once a district is designated historic under a certified local ordinance, the property owners qualify for state and federal tax benefits, loans and grants without pursuing state or federal designation. These revisions are basically "housekeeping" in nature, on the recommendation of the National Trust Office.

I HEREBY MOVE THAT ORDINANCE APPROPRIATION

ORDINANCE # 79-96, ENTITLED To Amend

Blgtn's Historic Buildings
Preservation Ordinance

BE INTRODUCED AND READ FOR FOR FIRST READING BY TITLE
ONLY AT THE COUNCIL MEETING HELD ON Nov. 15, 1979

Floyd W. Decott

(Signature)