

*(passed 7-2)
Baruch, Salafin*

ORDINANCE 05-02

**TO AMEND TITLE 8 "HISTORIC PRESERVATION AND PROTECTION" AND
TITLE 17 "CONSTRUCTION REGULATIONS"
OF THE BLOOMINGTON MUNICIPAL CODE
TO IMPLEMENT DEMOLITION DELAY FOR CERTAIN STRUCTURES**

WHEREAS, the City of Bloomington has a rich historic and architectural heritage, which has been catalogued in the 2001 City of Bloomington Survey of Historic Sites and Structures; and

WHEREAS, amendments to Title 20 "Zoning Ordinance" of the Bloomington Municipal Code being considered contemporaneously with this Ordinance will, if adopted, impose a delay upon demolition of certain buildings and structures that have been listed on the Survey but not yet protected by formal historic designation; and

WHEREAS, such a demolition delay will allow the Historic Preservation Commission ("HPC") and the Common Council, where applicable, to consider prior to demolition whether formal preservation action should be taken, and will also allow property owners and the community to discuss and identify alternatives to demolition that may result in preservation of such buildings or structures; and

WHEREAS, parallel amendments to the Historic Preservation and Construction Regulations sections of the Bloomington Municipal Code are needed in order to implement the aforementioned amendments to the Zoning Ordinance;

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

Amendments to Title 8 "Historic Preservation and Protection"

SECTION I. Chapter 8.08 "Historic Districts and Standards" shall be amended to add Section 8.08.016, "Limited Effect of Interim Protection or Historic Designation in Certain Situations."

8.08.016 Limited Effect of Interim Protection or Historic Designation in Certain Situations. Placing a property under Interim Protection pursuant to 8.08.015, or Historic designation of a property pursuant to 8.08, shall not result in revocation of, or prevent issuance of, any permit or Certificate of Zoning Compliance authorizing demolition of a property in the following situations:

(a) During any one-year period after the termination of a demolition waiting period pursuant to BMC 20.03.05.03(e); or

(b) During any one-year period following a final vote of the Common Council not to adopt an ordinance designating a property as historic, where the council was acting during a demolition waiting period pursuant to BMC Section 20.03.05.03(e) or was acting after the expiration of such a waiting period but as a result of an HPC recommendation that included interim protection and was made during a demolition waiting period under that Section.

Amendments to Title 17 "Construction Regulations"

SECTION II. Section 17.04.050, Definitions, shall be amended to add a new subdivision (k) as follows:

(k) Demolition shall include not only complete destruction of any building or structure but also any action that would result in partial demolition of any exterior portion of a building or structure that is listed as Outstanding, Notable or Contributing on the 2001 City of Bloomington Survey of Historic Sites and Structures adopted on October 17, 2002 by the Bloomington Historic Preservation Commission (hereinafter "HPC") as the same may be hereafter amended or replaced (hereinafter "Historic Survey").

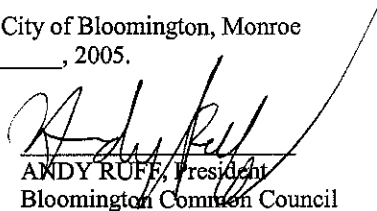
SECTION III. Chapter 17.08 "Administration and Enforcement" shall be amended to add Section 17.08.100 "Permits Involving Demolition" to read as follows:

17.08.100. Permits Involving Demolition. Any permit issued by Monroe County or the City of Bloomington authorizing demolition of any building or structure within the City corporate boundaries, whether denominated a "demolition permit" or any other type of permit authorizing demolition, shall require approval by City Engineering, which shall not approve such permit until the Planning Director or his designee has approved such permit. Approval by the Planning Director shall indicate that the proposed demolition complies with all applicable provisions of Title 8 and Title 20 of the Bloomington Municipal Code, including but not limited to those provisions restricting demolition of certain buildings and structures on the Historic Inventory.


SECTION IV. Severability. 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.

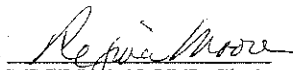
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of JANUARY, 2005.


ANDY RUFFE, President
Bloomington Common Council

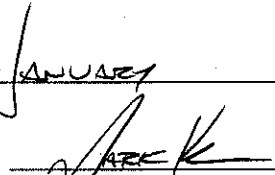
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of JANUARY, 2005.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of JANUARY, 2005.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 8 and Title 17 to implement the demolition delay provisions added to the zoning ordinance by Ordinance 05-01.

Signed Copies to:
Controller
Legal (5)
Engineering
HAND
HPC
Monroe Co. Planning
File
Clerk