

City of Bloomington Common Council

Informational Packet – Addendum

Containing materials related to:

Wednesday, 15 October 2025
Deliberation Session at 6:30pm

IC 36-7-11**Chapter 11. Historic Preservation Generally**

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IC 36-7-11-1 Application of chapter

Sec. 1. This chapter applies to all units except:

- (1) counties having a consolidated city;
- (2) municipalities in counties having a consolidated city; and
- (3) townships.

[Pre-Local Government Recodification Citation: 18-7-22-2 part.]

As added by Acts 1981, P.L.309, SEC.30.

IC 36-7-11-1.5 "Commission" defined

Sec. 1.5. As used in this chapter, "commission" refers to a historic preservation commission established through the adoption of an ordinance under section 4 of this chapter.

As added by P.L.227-1997, SEC.1.

IC 36-7-11-2 Continuation of existing historical preservation commissions; new commissions; commissions for the preservation of historic street area

Sec. 2. (a) If before July 1, 1977, a unit established by ordinance a commission for the purpose of historic preservation, that commission may continue to operate, regardless of whether that ordinance is subsequently amended or is consistent with this chapter. If the unit wants to operate a historic preservation commission under this chapter, it must adopt an

ordinance under section 4 of this chapter, and this chapter then provides the exclusive method for operation of a historic preservation agency in the unit.

(b) If a unit did not establish a commission for the purpose of historic preservation before July 1, 1977, this chapter provides the exclusive method for operation of a historic preservation agency in the unit.

(c) Subsections (a) and (b) do not limit the power of a municipality to establish a commission for the preservation of a historic street area under IC 36-7-11.3.

[Pre-Local Government Recodification Citation: 18-7-22-1.]

As added by Acts 1981, P.L.309, SEC.30. Amended by Acts 1982, P.L.77, SEC.3; P.L.1-1995, SEC.80; P.L.227-1997, SEC.2.

IC 36-7-11-3 Legislative intent; conflicts between zoning districts and historic districts

Sec. 3. The historic district regulation provided in this chapter is intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic districts. Zoning districts lying within the boundaries of the historic district are subject to the regulations for both the zoning district and the historic district. If there is conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

[Pre-Local Government Recodification Citation: 18-7-22-2 part.]

As added by Acts 1981, P.L.309, SEC.30.

IC 36-7-11-4 Commission; establishment

Sec. 4. (a) A unit may establish, by ordinance, a historic preservation commission with an official name designated in the ordinance. The commission must have not less than three (3) nor more than nine (9) voting members, as designated by the ordinance. The voting members shall be appointed by the executive of the unit, subject to the approval of the legislative body. Voting members shall each serve for a term of three (3) years. However, the terms of the original voting members may be for one (1) year, two (2) years, or three (3) years in order for the terms to be staggered, as provided by the ordinance. A vacancy shall be filled for the duration of the term. In the case of a commission with jurisdiction in a city having a population of more than one hundred thousand (100,000) but less than one hundred ten thousand (110,000), the commission must after June 30, 2001, include as a voting member the superintendent of the largest school corporation in the city.

(b) The ordinance may provide qualifications for members of the commission, but members must be residents of the unit who are interested in the preservation and development of historic areas. The members of the commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. The ordinance may also provide for the appointment of advisory members that the legislative body considers appropriate.

(c) The ordinance may:

- (1) designate an officer or employee of the unit to act as administrator;
- (2) permit the commission to appoint an administrator who shall serve without compensation except reasonable expenses incurred in the performance of the administrator's duties; or
- (3) provide that the commission act without the services of an administrator.

(d) Members of the commission shall serve without compensation except for reasonable expenses incurred in the performance of their duties.

(e) The commission shall elect from its membership a chair and vice chair, who shall serve for one (1) year and may be reelected.

(f) The commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for

the calling of special meetings. All meetings of the commission must be open to the public, and a public record of the commission's resolutions, proceedings, and actions must be kept. If the commission has an administrator, the administrator shall act as the commission's secretary, otherwise, the commission shall elect a secretary from its membership.

(g) The commission shall hold regular meetings, at least monthly, except when it has no business pending.

(h) A final decision of the commission is subject to judicial review under IC 36-7-4 as if it were a final decision of a board of zoning appeals.

[Pre-Local Government Recodification Citation: 18-7-22-7.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.7-1987, SEC.168; P.L.227-1997, SEC.3; P.L.158-2001, SEC.2; P.L.170-2002, SEC.157; P.L.126-2011, SEC.64; P.L.119-2012, SEC.200; P.L.127-2017, SEC.184.

IC 36-7-11-4.3 Commission; authority to grant or deny certificate of appropriateness

Sec. 4.3. (a) An ordinance that establishes a historic preservation commission under section 4 of this chapter may authorize the staff of the commission, on behalf of the commission, to grant or deny an application for a certificate of appropriateness.

(b) An ordinance adopted under this section must specify the types of applications that the staff of the commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a certificate of appropriateness for the following:

- (1) The demolition of a building.
- (2) The moving of a building.
- (3) The construction of an addition to a building.
- (4) The construction of a new building.

As added by P.L.227-1997, SEC.4.

IC 36-7-11-4.6 Commission; acquisition and disposition of property

Sec. 4.6. An ordinance that establishes a historic preservation commission under section 4 of this chapter may:

- (1) authorize the commission to:
 - (A) acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the commission;
 - (B) hold title to real and personal property; and
 - (C) sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the commission considers best; and
- (2) establish procedures that the commission must follow in acquiring and disposing of property.

As added by P.L.227-1997, SEC.5.

IC 36-7-11-5 Concern for visual quality in historic district

Sec. 5. The commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in the historic district. However, the commission may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district. A commission established by a county may not take any action that affects property located in a municipality.

[Pre-Local Government Recodification Citations: 18-7-22-3 part; 18-7-22-12.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.6.

IC 36-7-11-6 Maps of historic districts; classification of historic buildings and structures

Sec. 6. (a) The commission shall conduct a survey to identify historic buildings, structures, and sites located within the unit. Based on its survey, the commission shall submit to the legislative body a map describing the boundaries of a historic district or historic districts. A district may be limited to the boundaries of a property containing a single building, structure, or site. The map may divide a district into primary and secondary areas.

(b) The commission shall also classify and designate on the map all buildings, structures, and sites within each historic district described on the map. Buildings, structures, and sites shall be classified as historic or nonhistoric in the manner set forth in subsections (c) and (e).

(c) Buildings, structures, and sites classified as historic under this section must possess identified historic or architectural merit of a degree warranting their preservation. They may be further classified as:

- (1) outstanding;
- (2) notable; or
- (3) contributing.

(d) In lieu of the further classifications set forth in subsection (c), the commission may devise its own system of further classification for historic buildings, structures, and sites.

(e) Nonhistoric buildings and structures are those not classified on the map as historic under subsection (b).

[Pre-Local Government Recodification Citation: 18-7-22-4 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.7.

IC 36-7-11-7 Approval of maps of historic districts

Sec. 7. The map setting forth the historic district boundaries and building classifications must be submitted to, and approved in an ordinance by, the legislative body of the unit before the historic district is established and the building classifications take effect.

[Pre-Local Government Recodification Citation: 18-7-22-4 part.]

As added by Acts 1981, P.L.309, SEC.30.

IC 36-7-11-8 Additional surveys and maps

Sec. 8. The commission may conduct additional surveys, and draw and submit additional maps for approval of the legislative body, as it considers appropriate.

[Pre-Local Government Recodification Citation: 18-7-22-5.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.8.

IC 36-7-11-8.5 Interim protection

Sec. 8.5. (a) When submitting a map to the legislative body under section 7 or 8 of this chapter, the commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.

(b) Not more than two (2) working days after declaring a building or structure to be under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building or structure with a written notice of the declaration. The written notice must:

- (1) cite the authority of the commission to put the building or structure under interim protection under this section;
- (2) explain the effect of putting the building or structure under interim protection; and
- (3) indicate that the interim protection is temporary.

(c) A building or structure put under interim protection under subsection (a) remains under interim protection until:

- (1) in a county other than a county described in subdivision (2), the map is:
 - (A) submitted to; and
 - (B) approved in an ordinance or rejected by;

the legislative body of the unit; or

(2) in a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000), the earlier of:

(A) thirty (30) days after the building or structure is declared to be under interim protection; or

(B) the date the map is:

(i) submitted to; and

(ii) approved in an ordinance or rejected by;

the legislative body of the unit.

(d) While a building or structure is under interim protection under this section:

(1) the building or structure may not be demolished or moved; and

(2) the exterior appearance of the building or structure may not be conspicuously changed by:

(A) addition;

(B) reconstruction; or

(C) alteration.

As added by P.L.227-1997, SEC.9. Amended by P.L.158-2001, SEC.3; P.L.119-2012, SEC.201.

IC 36-7-11-9 Assistance from unit officials; legal counsel

Sec. 9. (a) Each official of the unit who has responsibility for building inspection, building permits, planning, or zoning shall provide any technical, administrative, or clerical assistance requested by the commission.

(b) The attorney for the unit is the attorney for the commission. However, the commission may employ other legal counsel authorized to practice law in Indiana if it considers it to be necessary or desirable.

[Pre-Local Government Recodification Citation: 18-7-22-6.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.146-1992, SEC.1; P.L.227-1997, SEC.10.

IC 36-7-11-10 Construction projects within historic districts; certificates of appropriateness required; exception

Sec. 10. Except as provided in sections 19 and 20 of this chapter, a certificate of appropriateness must be issued by or on behalf of the commission before a permit is issued for or work is begun on any of the following:

(1) Within all areas of the historic district:

(A) the demolition of any building;

(B) the moving of any building;

(C) a conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving exterior color change; or

(D) any new construction of a principal building or accessory building or structure subject to view from a public way.

(2) Within a primary area of the historic district:

(A) a change in walls and fences or the construction of walls and fences along public ways; or

(B) a conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change.

[Pre-Local Government Recodification Citation: 18-7-22-3 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.146-1992, SEC.2; P.L.227-1997, SEC.11.

IC 36-7-11-11 Applications for certificates of appropriateness

Sec. 11. Application for a certificate of appropriateness may be made in the office of the commission on forms provided by that office. Detailed drawings, plans, or specifications are not required. However, to the extent reasonably required for the commission to make a decision, each application must be accompanied by sketches, drawings, photographs, descriptions, or other information showing the proposed exterior alterations, additions, changes, or new construction.

[Pre-Local Government Recodification Citation: 18-7-22-8.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.12.

IC 36-7-11-12 Approval or denial of application for certificates of appropriateness

Sec. 12. (a) The commission may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.

(b) If an application for a certificate of appropriateness:

(1) is approved by the commission; or

(2) is not acted on by the commission;

within thirty (30) days after it is filed, a certificate of appropriateness shall be issued. If the certificate is issued, the application shall be processed in the same manner as applications for building or demolition permits required by the unit, if any, are processed. If no building or demolition permits are required by the unit, the applicant may proceed with the work authorized by the certificate.

(c) If the commission denies an application for a certificate of appropriateness within thirty (30) days after it is filed, the certificate may not be issued. The commission must state its reasons for the denial in writing, and must advise the applicant. An application that has been denied may not be processed as an application for a building or demolition permit and does not authorize any work by the applicant.

(d) The commission may grant an extension of the thirty (30) day limit prescribed by subsections (b) and (c) if the applicant agrees to it.

[Pre-Local Government Recodification Citation: 18-7-22-9.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.13.

IC 36-7-11-13 Reconstruction, alteration, maintenance, and removal of historic buildings and structures; preservation of historic character

Sec. 13. (a) A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.

(b) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (a).

[Pre-Local Government Recodification Citation: 18-7-22-10.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.14.

IC 36-7-11-14 Demolition of buildings following failure to secure certificates of appropriateness; notice

Sec. 14. (a) The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the unit, and to afford the unit, historical organizations, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

(b) If a property owner shows that a historic building is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the commission fails to approve the issuance of a certificate of appropriateness, the building may be demolished.

However, before a demolition permit is issued or demolition proceeds, notice of proposed demolition must be given for a period fixed by the commission, based on the commission's classification on the approved map but not less than sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.

(c) The commission may approve a certificate of appropriateness at any time during the notice period under subsection (b). If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

[Pre-Local Government Recodification Citation: 18-7-22-11 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.15.

IC 36-7-11-15 Conformance to statutory requirements for buildings

Sec. 15. Historic buildings shall be maintained to meet the applicable requirements established under statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

[Pre-Local Government Recodification Citation: 18-7-22-11 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.227-1997, SEC.16.

IC 36-7-11-16 New buildings and nonhistoric buildings within historic districts; compatibility required; exception

Sec. 16. Except as provided in section 20 of this chapter, the construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance, or repair involving a color change conspicuously affecting the external appearance of any nonhistoric building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district, particularly with buildings designated as historic, and with squares and places to which it is visually related.

[Pre-Local Government Recodification Citation: 18-7-22-11 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.146-1992, SEC.3.

IC 36-7-11-17 Compatibility factors; exception

Sec. 17. Except as provided in section 20 of this chapter, within the primary area of the historic district, new buildings and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:

- (1) Height. The height of proposed buildings must be visually compatible with adjacent buildings.
- (2) Proportion of building's front facade. The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.
- (3) Proportion of openings within the facade. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (4) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- (5) Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.

(6) Rhythm of entrances and porch projections. The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.

(7) Relationship of materials, texture, and color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.

(8) Roof shapes. The roof shape of a building must be visually compatible with the buildings to which it is visually related.

(9) Walls of continuity. Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.

(10) Scale of a building. The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.

(11) Directional expression of front elevation. A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

[Pre-Local Government Recodification Citation: 18-7-22-11 part.]

As added by Acts 1981, P.L.309, SEC.30. Amended by P.L.146-1992, SEC.4.

IC 36-7-11-18 Ordinances; penalties for violations

Sec. 18. Ordinances adopted under this chapter may provide for penalties for violations, subject to IC 36-1-3-8.

[Pre-Local Government Recodification Citation: 18-7-22-11 part.]

As added by Acts 1981, P.L.310, SEC.71.

IC 36-7-11-19 Phases; certificate of appropriateness; objections

Sec. 19. (a) In an ordinance approving the establishment of a historic district, a unit may provide that the establishment occur in two (2) phases. Under the first phase, which lasts three (3) years from the date the ordinance is adopted, a certificate of appropriateness is required only for the activities described in section 10(1)(A), 10(1)(B), and 10(1)(D) of this chapter. At the end of the first phase, the district becomes fully established, and, subject to subsection (b), a certificate of appropriateness must be issued by the commission before a permit may be issued for or work may begin on an activity described in section 10 of this chapter.

(b) The first phase described in subsection (a) continues and the second phase does not become effective if a majority of the property owners in the district object to the commission, in writing, to the requirement that certificates of appropriateness be issued for the activities described in section 10(1)(C), 10(2)(A), and 10(2)(B) of this chapter. The objections must be received by the commission not earlier than one hundred eighty (180) days or later than sixty (60) days before the third anniversary of the adoption of the ordinance.

[Pre-Local Government Recodification Citation: 18-7-22-13.]

As added by P.L.146-1992, SEC.5. Amended by P.L.227-1997, SEC.17.

IC 36-7-11-20 Changes in paint colors; exclusion from activities requiring certificate of appropriateness

Sec. 20. In an ordinance approving the establishment of a historic district, a unit may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under section 10 of this chapter before a permit may be issued or work begun.

As added by P.L.146-1992, SEC.6.

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IC 36-7-11-21**"Interested party" defined; private rights of action; allegations; bond; liability; attorney's fees and costs; revenue; other remedies**

Sec. 21. (a) As used in this section, "interested party" means one (1) of the following:

- (1) The executive of the unit.
- (2) The legislative body of the unit.
- (3) The agency having land use planning jurisdiction over a historic district designated by the ordinance adopted under this chapter.
- (4) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this chapter.
- (5) An owner or occupant owning or occupying property located in a historic district established by an ordinance adopted under this chapter.
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.
- (7) The state historic preservation officer designated under IC 14-21-1-19.

(b) Every interested party has a private right of action to enforce and prevent violation of a provision of this chapter or an ordinance adopted by a unit under this chapter, and with respect to any building, structure, or site within a historic district, has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this chapter or an ordinance adopted by a unit under this chapter.

(c) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

(d) The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

(e) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this chapter, or an ordinance adopted by a unit under this chapter, had been, or was about to be violated or breached.

(f) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney's fees and court costs from the person against whom judgment was rendered.

(g) An action arising under this section must be brought in the circuit or superior court of the county in which the historic district lies and no change of venue from the county shall be allowed in the action.

(h) The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

As added by P.L.146-1992, SEC.7. Amended by P.L.1-1995, SEC.81.

IC 36-7-11-22**Removal of classifications in certain counties**

Sec. 22. (a) This section applies only to a county having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000).

(b) Notwithstanding any other provision, in the case of a building or structure owned by a political subdivision that is classified by a commission as historic and for which the classification is approved by the legislative body of the unit that established the commission, the commission may remove the historic classification of the building or structure without the adoption of an ordinance by the legislative body of the unit if the commission determines that removal of the classification is in the best interest of the unit and the political subdivision.

As added by P.L.158-2001, SEC.4. Amended by P.L.119-2012, SEC.202.

IC 36-7-11-23 Removal of historic district designation

Sec. 23. (a) This section provides the exclusive method for removing the designation of a historic district. The owner or owners of a building, structure, or site designated as a single site historic district may sign and file a petition with the legislative body of the unit requesting removal of the designation of the building, structure, or site as a historic district. In the case of a historic district containing two (2) or more parcels, at least sixty percent (60%) of the owners of the real property of the historic district may sign and file a petition with the legislative body of the unit requesting removal of the designation of the historic district.

(b) The legislative body shall submit a petition filed under subsection (a) to the historic preservation commission of the unit. The historic preservation commission shall conduct a public hearing on the petition not later than sixty (60) days after receiving the petition. The historic preservation commission shall provide notice of the hearing:

- (1) by publication under IC 5-3-1-2(b);
- (2) in the case of a historic district comprised of real property owned by fewer than fifty (50) property owners, by certified mail, sent at least ten (10) days before the hearing, to each owner of real estate within the historic district; and
- (3) in the case of a single building, structure, or site designated as a historic district, by certified mail, sent at least ten (10) days before the hearing, to each owner of the real estate abutting the building, structure, or site designated as a historic district that is the subject of the petition.

(c) The historic preservation commission shall make the following findings after the public hearing:

- (1) Whether a building, structure, or site within the historic district continues to meet the criteria for inclusion in a historic district as set forth in the ordinance approving the historic district map under section 7 of this chapter. The determination must state specifically the criteria that are applicable to the buildings, structures, or sites within the district.
- (2) Whether failure to remove the designation of the historic district would deny an owner of a building, structure, or site within the historic district reasonable use of the owner's property or prevent reasonable economic return. Evidence provided by the petitioner may include information on:
 - (A) costs to comply with regulations;
 - (B) income generation;
 - (C) availability of contractors to perform work;
 - (D) real estate values;
 - (E) assessed values and taxes;
 - (F) revenue projections;
 - (G) current level of return;
 - (H) operating expenses;
 - (I) vacancy rates;
 - (J) financing issues;
 - (K) efforts to explore alternative uses for a property;
 - (L) availability of economic incentives; and
 - (M) recent efforts to sell or rent property.
- (3) Whether removal of the designation of a historic district would have an adverse economic impact on the owners of real estate abutting the historic district, based on testimony and evidence provided by the owners of the real estate and licensed real estate appraisers or brokers.
- (4) Whether removal of or failure to remove the designation of the historic district would have an adverse impact on the unit's historic resources, and specifically whether it would result in the loss of a building, structure, or site classified as historic by the commission's survey prepared under section 6 of this chapter.

(d) Not later than ten (10) days after the public hearing, the historic preservation commission shall submit:

- (1) its findings on the petition; and
- (2) a recommendation to grant or deny the petition;

to the legislative body of the unit.

(e) Not later than forty-five (45) days after receiving the historic preservation commission's findings, the legislative body of the unit shall:

- (1) take public comment and receive evidence in support of or in opposition to the petition; and
- (2) do one (1) of the following:
 - (A) Deny the petition.
 - (B) Grant the petition by adopting an ordinance that removes the designation of the historic district by:
 - (i) a majority vote, if the recommendation of the historic preservation commission is to grant the petition; or
 - (ii) a two-thirds (2/3) vote, if the recommendation of the historic preservation commission is to deny the petition.

The legislative body shall record an ordinance adopted under subdivision (2) with the county recorder not later than ten (10) days after the legislative body adopts the ordinance. The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

(f) If the legislative body of the unit does not grant or deny the petition within forty-five (45) days after receiving the historic preservation commission's findings:

- (1) the petition is considered granted or denied in accordance with the recommendation of the historic preservation commission; and
- (2) if the petition is considered granted, the legislative body shall, not later than fifty-five (55) days after receiving the historic preservation commission's findings:
 - (A) adopt an ordinance that removes the designation of the historic district; and
 - (B) record the ordinance with the county recorder.

The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

As added by P.L.206-2013, SEC.1.

Title 8

HISTORIC PRESERVATION AND PROTECTION

Chapter 8.02 PURPOSE AND DEFINITIONS

8.02.010 Purpose of historic preservation and protection.

In order to promote the educational, cultural and general welfare of the citizens of Bloomington and to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional downtown area and to enhance tourism within the city; it is deemed essential by the city that qualities relating to its history and a harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the city through this title to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods which impart a distinct aesthetic quality to the city and serve as visible reminders of its historic heritage.

(Ord. 95-20 § 1 (part), 1995).

8.02.020 Definitions.

The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"Alteration" means a material or color change in the external architectural features of any structure within an historic district.

Conservation District. Pursuant to Indiana Code 36-7-11-19, the provision that a district may be created which is called a conservation district, the second phase of which is the conversion to historic district status upon the conclusion of three years, subject to written objection by a majority of property owners in the district. Regulation in a conservation district is less stringent than in an historic district. In a conservation district, a certificate of appropriateness must be granted for:

- (1) The demolition of any building;
- (2) The moving of any building (the moving of a building does not include raising a building for purposes of foundation repair or replacement, provided the building is replaced on its original footprint once the foundation has been repaired or replaced);
- (3) Any new construction of a principal building or accessory building or structure subject to view from a public way.

"Demolition" means the complete or substantial removal of any structure. The term "demolition," except where it appears in Sections 8.08.020(a)(3)(B), 8.08.010(b), and 8.02.020 "Conservation district," shall also include partial demolition as defined herein.

"Design guidelines" means criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

Economic Hardship. For the purpose of this title, "economic hardship" shall be established when a preponderance of evidence establishes that the property in question cannot obtain a reasonable economic return or be put to any economically beneficial use.

"Fair market value" means the most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

"Historic district" means a single building, structure, object, or site or a concentration of buildings, structures, objects, spaces, or sites designated by ordinance adopted under this title. Property not so designated will not be considered an historic district within the terms of this title.

"Historic preservation and protection district ordinance," hereinafter to be referred to as "this title."

"Interested party" means one of the following:

- (1) The mayor;
- (2) The common council;
- (3) The city plan commission;
- (4) A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of an historic district designated by an ordinance adopted under this title;
- (5) An owner or occupant of a property located in an historic district established by an ordinance adopted under this title;
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors;
- (7) The state historic preservation officer designated under Indiana Code 14-21-1-19.

"Partial demolition" shall have the meaning assigned to it in Chapter 20.11 of the Bloomington Municipal Code.

"Primary area" means the principal area of historic and/or architectural significance within an historic district.

"Ratings":

- (1) Outstanding: The "O" rating means that the property has sufficient historic or architectural significance that it is already listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.
- (2) Notable: A rating of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable structure may be eligible for the National Register.
- (3) Contributing: A "C" rating means the property is at least forty years old, but does not meet the criteria for an "O" or "N" rating. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed on the National Register only as part of an historic district.

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- (4) Non-contributing: Property rated "NC" is not included in an inventory unless it is located within the boundaries of an historic district. Such properties may be less than fifty years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for the National Register.

"Reasonable return" means a measure of the economic return that is, or can be, earned on the fair market value of a property, and that demonstrates that the owner has not been deprived of all economically beneficial or productive use of the property.

"Routine maintenance" means work which would not require a building permit, and any change that is not construction, removal or alteration and for which no certificate of appropriateness is required.

"Secondary area" means an area in an historic district that is adjacent to a primary area and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

"Streetscape" means appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e.g., street lamps, trash receptacles, benches, etc.), use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

"Substantial removal" as used in the definition of "demolition" means an alteration, pulling down, destruction or removal of a portion of a structure which jeopardizes a structure's individual eligibility for listing in the National Register of Historic Places, or its status as a contributing structure in a national, state or local register of historical places, which shall include, but not be limited to, the removal of a defining architectural feature or element which defines or contributes to the historic character of the structure or the removal of twenty-five percent of the structure, including its roof, if the part which is removed is on a façade which is subject to view from a public thoroughfare.

"Visual compatibility" means those elements of design that meet the standards set out in Section 8.08.040 of this title.

(Ord. 07-03 §§ 1, 2, 2007; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 1—3, 11-6-2013)

Chapter 8.08 HISTORIC DISTRICTS, CONSERVATION DISTRICTS, AND STANDARDS¹

8.08.010 Establishment of historic districts and conservation districts.

- (a) Initiating an Historic District Recommendation. All recommendations for establishment of an historic district shall be in the form of a written report and must be based on the criteria outlined in this title. A recommendation for establishing an historic district may be initiated from either of the following two sources:

¹Editor's note(s)—Ord. No. 13-21, § 4, adopted Nov. 6, 2013, changed the title of Ch. 8.08 from "Historic District Standards" to "Historic Districts, Conservation Districts, and Standards."

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- (1) Based on its survey, the commission may draw and submit historic district maps for common council approval.
 - (2) Owners of property in fee simple wishing to establish an historic district which includes their property may petition the commission to consider drawing and submitting a map of such a district to the common council for its approval. The commission may establish in its rules criteria to be met before it considers a petition. The commission shall determine its recommendation within ninety days of receipt of a petition.
- (b) The commission may recommend, and the council may provide that the establishment of an historic district shall occur in two phases. Under the first phase, to be called a conservation district, a certificate of appropriateness is required for the following activities: the demolition of any building; the moving of any building; and any new construction of a principal building or accessory building, or structure subject to view from a public way.
- (1) The first phase shall last three years;
 - (2) At the end of the first phase, upon the expiration of the three-year period, the conservation district shall become a historic district, subject to subsection (3); and
 - (3) The conservation district may continue past the three-year term, thereby avoiding the designation of a historic district, if a majority of property owners in the district object to the commission, in writing, to the elevation to a historic district. Said objections must be received by the commission not earlier than one hundred eighty days or later than sixty days before the third anniversary of the adoption of the conservation district.
- (c) Commission Preparation of Historic District Maps. In order to establish an historic district, the commission shall first prepare a map describing the district in accordance with the following:
- (1) The map shall be based on a survey conducted or adopted by the commission which identifies historic buildings, structures, and places located within the city.
 - (2) A district may be limited to the boundaries of a property containing a single building, structure, or site.
 - (3) The map may divide the district into primary and secondary areas as follows:
 - (A) Primary area: The principal area of historic and architectural significance;
 - (B) Secondary area: An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.
 - (4) The commission shall classify and designate all buildings and structures within each proposed district as historic or non-historic. Historic buildings or sites may include those buildings or sites that meet the architecturally worthy criteria set out in subsection (e)(2) of this section. The commission shall further classify and designate all buildings and structures within a proposed historic district as follows:
 - (A) Historic buildings and structures shall be further classified as Outstanding, Notable, or Contributing, as established by the Indiana State Division of Historic Preservation and Archaeology and the local survey.
 - (B) All non-historic buildings shall be classified as non-contributing.
 - (5) A written report shall accompany all recommendations for designation before the common council, in accordance with the criteria for designation, stating the case for accepting the district.
- (d) Common Council Approval of Maps of Historic Districts. Before an historic district or conservation district is established and the building classification takes effect, the map setting forth the district's boundaries and

building classifications must be submitted to, and approved in an ordinance by the common council. The procedure for doing so shall be as follows:

- (1) The commission must take official action deciding whether or not to submit a map to the common council for its approval.
 - (2) Prior to taking action at a meeting, the commission shall hold a public hearing to allow public comment. A public hearing may be held separately or in conjunction with the meeting where action on the district is to occur.
 - (3) A public hearing held by the commission for the purpose of allowing comment on a proposed historic district designation shall be preceded by public notice as set forth in Indiana Code 5-3-1-1 et seq. In addition, the commission shall adopt rules that ensure that owners of all property within the proposed historic district, and all adjacent property owners, as determined by the most recent real estate tax lists, shall receive written notice of the hearing on the proposed historic district.
 - (4) A written report shall accompany the map submitted to the common council validating the proposed district by addressing the criteria listed in this section.
- (e) Historic District Criteria. An historic district shall include a building, groups of buildings, structure(s), site(s), monument(s), streetscape(s), or neighborhood(s) which meet at least one of the following criteria:
- (1) Historic:
 - (A) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
 - (B) Is the site of an historic event; or
 - (C) Exemplifies the cultural, political, economic, social, or historic heritage of the community.
 - (2) Architecturally worthy:
 - (A) Embodies distinguishing characteristics of an architectural or engineering type; or
 - (B) Is the work of a designer whose individual work has significantly influenced the development of the community; or
 - (C) Is the work of a designer of such prominence that such work gains its value from the designee's reputation; or
 - (D) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - (E) Contains any architectural style, detail, or other element in danger of being lost; or
 - (F) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city; or
 - (G) Exemplifies the built environment in an era of history characterized by a distinctive architectural style.
- (f) An ordinance approving the establishment of an historic district, may exclude changes in paint colors from the activities requiring the issuance of a certificate of appropriateness under Section 8.08.020 before a permit may be issued or work begun.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 6—8, 11-6-2013)

8.08.015 Interim protection.

- (a) When submitting a map to the city council under Section 8.08.010 of this title, the commission may declare one or more buildings, structures, or sites that are classified and designated as historic on the map to be under interim protection.
- (b) Not more than two working days after declaring a building, structure, or site under interim protection under this section, the commission shall, by personal delivery or first class mail, provide the owner or occupant of the building structure or site with a written notice of the declaration. The written notice must:
 - (1) Cite the authority of the commission to put the building, structure or site under interim protection under this section;
 - (2) Explain the effect of putting the building, structure, or site under interim protection; and,
 - (3) Indicate that the interim protection is temporary.
- (c) A building, structure, or site put under interim protection under subsection (a) remains under interim protection until the map is:
 - (1) Submitted to; and
 - (2) Approved in an ordinance or rejected by the common council of the city.
- (d) While a building, structure, or site is under interim protection under this section:
 - (1) The building, structure, or site may not be demolished or moved, and,
 - (2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:
 - (A) Addition,
 - (B) Reconstruction, or
 - (C) Alteration.
- (e) The commission may approve a certificate of appropriateness at any time during the interim protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in Section 8.08.020 and any proposed preservation guidelines prepared for the building, structure, or site, but the certificate of appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the common council of the city.

(Ord. 98-43 § 1, 1998).

(Ord. No. 13-21, §§ 9—11, 11-6-2013)

8.08.016 Limited effect of interim protection or historic designation in certain situations.

Placing a property under interim protection pursuant to Section 8.08.015, or historic designation of a property pursuant to this chapter, which includes designation as a conservation district, 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; provided, however, when the waiting period was triggered by an application for partial, rather than complete, demolition, the limitations on this provision that are set forth in Title 20 of the Bloomington Municipal Code, including but not limited to Sections 20.09.040(b); 20.09.120(d)(6)(B) and 20.09.230(b)(4), shall obtain:

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- (a) During any one-year period after the termination of a demolition waiting period pursuant to Section 20.09.230 of the Bloomington Municipal Code; 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 Section 20.09.230 of the Bloomington Municipal Code 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.

(Ord. 07-03 § 3, 2007).

8.08.020 Certificates of appropriateness.

- (a) Certificates of appropriateness required. A certificate of appropriateness must be issued by the commission before a permit is issued for, or work is begun on, any of the following:
 - (1) Within all areas of an historic district:
 - (A) The demolition of any building,
 - (B) The moving of any building,
 - (C) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such a building, including walls, fences, light fixtures, steps, paving, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change if cited by individual ordinance, or
 - (D) Any new construction of a principal building or accessory building or structure subject to view from a public way;
 - (2) Within a primary area of an historic district:
 - (A) A change in walls and fences, or the construction of walls and fences along public ways,
 - (B) A conspicuous change in the exterior appearance of nonhistoric buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change;
 - (3) Within a conservation district:
 - (A) The moving of any building,
 - (B) The demolition of any building, or
 - (C) Any new construction of a principal building or accessory building or structure subject to view from a public way.
- (b) Application for Certificates of Appropriateness. An application for certificate of appropriateness shall be made in the office of the commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the commission as permitted by I.C. 36-7-11-11.
- (c) Approval or Denial of Certificate of Appropriateness. The commission may approve or deny certificates of appropriateness for any actions covered by this title. If an application for a certificate of appropriateness is approved by the commission, or is not acted on by the commission within thirty days after it is filed, a certificate of appropriateness shall be issued. The commission may grant an extension of the thirty-day limit if the applicant agrees to it. The commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the certificate of appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit

shall be issued unless a copy of the certificate of appropriateness is provided by the applicant with the application. In accordance with I.C. 36-7-11-12, the commission may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.

- (d) Right to Commission Review. In any case where an applicant does not receive a certificate of appropriateness or otherwise feels aggrieved by an action of the commission, the applicant shall have the right to a rehearing by the commission upon submission of additional evidence or new information.
- (e) Criteria for Considering Effect of Actions on Historic Buildings. The commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of an historic building or structure, or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the commission shall consider, among other things, the following:
 - (1) Purposes of this title;
 - (2) Historical and architectural value and significance of the building, structure, or appurtenance;
 - (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
 - (4) The texture, material, color, style, and detailing of the building, structure or appurtenance;
 - (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
 - (6) The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same historic district, including for primary areas, visual compatibility as defined in Section 8.08.040(b); and
 - (7) The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 12, 13, 11-6-2013)

8.08.025 Staff approvals.

- (a) The commission may authorize the staff of the commission, on behalf of the commission, to grant or deny an application for a certificate of appropriateness.
- (b) The commission must specify the types of applications for minor classifications of work that the staff of the commission is authorized to grant or deny. The staff shall not be authorized to grant or deny an application for a certificate of appropriateness for the following:
 - (1) The demolition of a building, structure, or site.
 - (2) The moving of a building or site.
 - (3) The construction of an addition to a building or structure.
 - (4) The construction of a new building or structure.

(Ord. 98-43 § 2, 1998).

8.08.030 Maintenance standards.

- (a) Conformance to Statutory Requirements of Buildings. Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features. Historic buildings shall be maintained to meet all applicable requirements established under statute and ordinance for buildings generally, including but not limited to Title 16 (Residential Rental Unit and Lodging Establishment Inspection Program) of the Bloomington Municipal Code where applicable.
- (b) Ordinary Repairs and Maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.
- (c) A certificate of appropriateness is not required for the following:
 - (1) Ordinary repairs and maintenance as defined in subsection (b) of this section;
 - (2) Repairs and maintenance designated by the commission under its rules;
 - (3) Special exceptions granted by the commission.

(Ord. 98-43 § 3, 1998; Ord. 97-06 § 18, 1997; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, § 14, 11-6-2013)

8.08.040 Development standards.

- (a) For new construction, contemporary design, and nonhistoric buildings: The purpose of this section is to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work. The construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any nonhistoric building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places to which it is visually related.
- (b) Criteria for considering visual compatibility within historic primary areas or conservation districts: Changes in the primary areas of historic and conservation districts, which are subject to review by staff or the commission, must be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:
 - (1) Height: The height of proposed buildings must be visually compatible with adjacent buildings.
 - (2) Proportion of building's front facade: The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings, squares, and places to which it is visually related.
 - (3) Proportion of openings within the facility: The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
 - (4) Relationship of solids to voids in front facades: The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.

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- (5) Rhythm of spacing of buildings on streets: The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.
 - (6) Rhythm of entrances and porch projections: The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with the buildings, squares, and places to which it is visually related.
 - (7) Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (8) Roof shapes: The roof shape of a building must be visually compatible with the buildings to which it is visually related.
 - (9) Walls of continuity: Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.
 - (10) Scale of the building: The size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.
 - (11) Directional expression of front elevation: A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

(Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 15, 16, 11-6-2013)

8.08.050 Preservation of historical and architectural character upon alteration or relocation mandated.

- (a) An historical building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.
- (b) An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (a) of this section.

(Ord. 95-20 § 1 (part), 1995).

8.08.060 Survey adopted.

The commission's official survey, entitled Indiana Historic Sites and Structures Survey: 2001 City of Bloomington Interim Report, adopted by the commission on October 17, 2002, as the same may be hereafter amended or replaced, is hereby adopted and made a part of this title. The survey identifies properties that may be proposed for historic designation under this chapter, and further serves as the basis for mandatory delay of proposed demolition as set forth in Title 20 "Unified Development Ordinance" of the Bloomington Municipal Code. Two copies of said survey are available for inspection and copying in the office of the city clerk and in the office of the housing and neighborhood development department, city of Bloomington.

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(Supp. No. 48, Update 1)

(Ord. 07-03 § 4, 2007).

8.08.070 Removing the designation of a historic district.

This section provides the exclusive method for removing the designation of a historic district.

- (a) The owner or owners of a building, structure, or site designated as a single sit historic district may sign and file a petition with the city common council requesting removal of the designation of the building, structure, or site as a historic district. In the case of a historic district containing two or more parcels, at least sixty percent of the owners of the real property of the historic district may sign and file a petition with the city common council requesting removal of the designation of a historic district.
- (b) The city common council shall submit a petition filed under subsection (a) to the commission. The commission shall conduct a public hearing on the petition not later than sixty days after receiving the petition. The commission shall provide notice of the hearing:
 - (1) By publication under Indiana Code 5-3-1-2(b);
 - (2) In the case of a historic district comprised of real property owned by fewer than fifty property owners, by certified mail, at least ten days before the hearing, to each owner of real estate within the historic district; and
 - (3) In the case of a single building, structure, or site designated as a historic district, by certified mail, at least ten days before the hearing, to each owner of the real estate abutting the building, structure, or site designated as a historic district that is the subject of the petition.
- (c) The commission shall make the following findings after the public hearing:
 - (1) Whether a building, structure, or site within the historic district continues to meet the criteria for inclusion in a historic district as set forth in this chapter. The determination must state specifically the criteria that are applicable to the buildings, structures, or sites within the district.
 - (2) Whether failure to remove the designation of the historic district would deny an owner of a building, structure, or site within the historic district reasonable use of the owner's property or prevent reasonable economic return. Evidence provided by the petitioner may include information on:
 - (A) Costs to comply with regulations;
 - (B) Income generation;
 - (C) Availability of contractors to perform work;
 - (D) Real estate values;
 - (E) Assessed values and taxes;
 - (F) Revenue projections;
 - (G) Current level of return;
 - (H) Operating expenses;
 - (I) Vacancy rates;
 - (J) Financing issues;
 - (K) Efforts to explore alternative uses of the property;
 - (L) Availability of economic incentives; and

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- (M) Recent efforts to sell or rent the property.
- (3) Whether removal of the designation of a historic district would have an adverse economic impact on the owners of real estate abutting the historic district, based on testimony and evidence provided by the owners of the real estate and licensed real estate appraisers or brokers.
- (4) Whether failure to remove the designation of the historic district would have an adverse impact on the unit's historic resources, and specifically whether it would result in the loss of a building, structure, or site classified as historic by the commission's survey.
- (d) Not later than ten days after the commission's public hearing, the commission shall submit to the city common council the following:
- (1) Its findings on the petition; and
- (2) A recommendation to grant or deny the petition.
- (e) Not later than forty-five days after receiving the commission's findings the city common council shall do one of the following:
- (1) Deny the petition;
- (2) Grant the petition by adopting an ordinance that removes the designation of the historic district by:
- (A) A majority vote, if the recommendation of the commission is to grant the petition; or
- (B) A two-thirds vote, if the recommendation of the commission is to deny the petition.
- The city common council shall record an ordinance adopted under subsection (2) with the county recorder not later than ten days after the city common council adopts the ordinance. The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.
- (f) If the city common council does not grant or deny the petition within forty-five days after receiving the commission's findings:
- (1) The petition is considered granted or denied in accordance with the recommendation of the commission; and
- (2) If the petition is considered granted, the city common council shall, not later than fifty-five days after receiving the commission findings:
- (A) Adopt an ordinance that removes the designation of the historic district; and
- (B) Record the ordinance with the county recorder.

The historic district designation is considered removed on the date the ordinance is recorded with the county recorder.

(Ord. No. 13-21, § 17, 11-6-2013)

Chapter 8.12 DEMOLITION AND PUBLIC SAFETY

8.12.010 Generally.

- (a) Purpose. The purpose of this section is to preserve historic buildings and structures that are important to the education, culture, traditions, and economic value of the community by affording the city, preservation

organizations, and interested persons the opportunity to acquire or arrange for the preservation of these buildings.

- (b) Certificate of Appropriateness Required. A certificate of appropriateness must be issued by the commission before a demolition permit is issued by other agencies of the city and work is begun on the demolition of any building or structure in any area of an historic district or conservation district. Pursuant to Section 8.02.020 of this title, demolition of a building or structure in a conservation district excludes partial demolition as defined herein.
- (c) Criteria for the commission to consider in the case of a proposed demolition include the following:
- (1) Effect of the demolition on the character of the historic district;
 - (2) State of deterioration, disrepair, and structural stability of the structure. The condition of the building resulting from neglect shall not be considered grounds for demolition;
 - (3) Balance of the public interest in preserving the structure or the integrity of the district with the interest of the owner of the building or structure in the use and utilization of the property; and
 - (4) Possible alternatives to demolition.
- (d) Factors for Allowing Demolition without Certificate of Appropriateness. If the commission denies the issuance of a certificate of appropriateness for the demolition of a building or structure, a demolition permit may be issued by other agencies and a building may be demolished, but only after the property owner has established all of the following:
- (1) The property owner must demonstrate to the commission that an historic building or structure is incapable of earning a reasonable return on its value.
 - (2) The property owner shall file with the administrator documented evidence that an appraisal of the property's fair market value by a licensed real estate appraiser has occurred.
 - (3) Notice of the proposed demolition must be given for a period fixed by the commission, based on the commission classification on the approved map, but not less than sixty days nor more than one year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than fifteen days after the application for a permit to demolish is filed, and the final publication at least fifteen days before the date of the permit issuance.
- (A) The period of time that notice of the proposed demolition must be given is herein fixed by the commission and subsequently codified as follows, i.e.:

Outstanding	12 months
Notable	12 months
Contributing	6 months
Non-contributing	3 months

- (B) The commission may approve a certificate of appropriateness at any time during the notice period described in the preceding paragraph. If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

(Ord. 07-03 § 5, 2007; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 13-21, §§ 18, 19, 11-6-2013)

8.12.020 Public safety.

Nothing in this section shall be construed to prevent the construction, reconstruction, alteration, or demolition of a structure, building, or any part thereof within an historic district when so ordered by an agency of government having jurisdiction thereof provided that the following actions occur first:

- (a) The agency having jurisdiction shall determine that a structure or building or any part thereof is immediately hazardous or dangerous to the health and safety of persons or to property;
- (b) The agency issuing such an order shall notify the commission administrator of intent to issue a demolition permit order; the commission administrator in turn shall notify the commission;
- (c) If demolition is ordered, the agency issuing such an order shall make every reasonable effort to secure the property or otherwise delay demolition until the commission can act as designated in this section. Demolition so ordered may occur prior to commission action only when an immediate hazard or danger to the health and safety of persons or property exists and no reasonable steps can be taken to afford protection to persons or properly affected;
- (d) The commission, on its own initiative, may file a petition with the public safety and housing officer requesting that said officer proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by this section so that such structure be preserved and protected in consonance with this chapter and the public safety and housing ordinance. This section requires that the owner make necessary structural repairs to remain in compliance with minimum building standards and the intent of this chapter. If the owner is unwilling to repair then the city may repair the building and place a lien for said repairs upon the property;
- (e) The city has determined it will not undertake such repairs that will remove the threat to health and safety of persons or property and place a lien for said repairs on the property.

(Ord. 95-20 § 1 (part), 1995).

Chapter 8.16 ADMINISTRATION AND ENFORCEMENT

8.16.010 Conflicts with zoning districts.

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.

(Ord. 95-20 § 1 (part), 1995).

8.16.020 Enforcement, penalties, and judicial review.

- (a) Enforcement. This section shall be enforced using personnel and policies designated by the director of housing and neighborhood development.
- (b) Penalties and Remedies.
 - (1) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this title shall pay a fine, as follows, for each offense. Each day any violation of this title continues without correction shall be a separate offense for purposes of the penalties and remedies specified in this chapter. Correction shall include but not be limited to:

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- (A) Cessation of an unlawful practice;
 - (B) Removal of a building, structure, or other improvement;
 - (C) Faithful or otherwise-approved restoration or replacement of a building, structure, site or other feature; and/or
 - (D) Other remedy acceptable to the city.
- (2) Any person, whether as principal agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who demolishes or removes a structure subject to regulation under this Title shall pay a fine of two thousand five hundred dollars for the first offense, five thousand dollars for the second offense and seven thousand five hundred dollars for the third offense, in addition to any and all other remedies provide for by law. Correction of the demolition or removal of a structure subjected to regulation under this title shall not occur until an acceptable application for a certificate of appropriateness has been filed with the historic preservation commission.
 - (3) Each violation of this chapter, except for the violation described in Section 8.16.020(b)(2), shall be subject to a fine of not more than two thousand five hundred dollars for the first offense, and not more than seven thousand five hundred dollars for the second and subsequent offenses, in addition to any and all other remedies provided for by law. A second or subsequent offense means a violation of any provision of this title within three years of the first violation of any provision of this title.
 - (4) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provision of this title is declared to be in violation of this title and unlawful. The city may institute a suit for injunction in circuit court to restrain any person or governmental unit from violating a provision of this title or an ordinance adopted under this title and to cause such violation to be prevented, abated, corrected and/or removed or any other remedy available in law or equity. Such action may also be instituted by any interested party who is adversely affected by the violation of any provision of this title.
 - (5) If a property which is subject to regulation under Section 20.09.30 of the city's Municipal Code is demolished in violation of said Section, the penalties provided for in Section 20.10.020(f) of the city's Municipal Code may also apply.
- (c) Every interested party has a private right of action to enforce and prevent violation of a provision of this title or an ordinance adopted under this title, and with respect to any building, structure, or site within a historic or conservation district, has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this title or an ordinance adopted under this title.
 - (1) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this title;
 - (2) The interested party bringing an action under this title is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this title, or an ordinance adopted under this title, had been, or was about to be violated or breached;
 - (3) The interested party does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice;
 - (4) An interested party who obtains a favorable judgment in an action under this title may recover reasonable attorney fees and court costs from the person against whom judgment was rendered;

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- (5) An action arising under this title must be brought in the circuit court of Monroe County. No change of venue from the county shall be allowed in this action;
- (6) The remedies provided in this title are in addition to other remedies that may be available at law or in equity.
- (d) In accordance with Indiana Code § 36-7-11-4(h), a final decision of the commission is subject to judicial review under Indiana Code § 36-7-4 as if it were a final decision of a board of zoning appeals.
- (Ord. 07-03 § 6, 2007; Ord. 97-06 § 19, 1997; Ord. 95-20 § 1 (part), 1995).
- (Ord. No. 13-21, §§ 20—26, 11-6-2013)

8.16.030 Recording the fact of historic district designation.

The boundaries of any historic district or conservation district shall be available in the office of the city of Bloomington planning department.

(Ord. 95-20 § 1 (part), 1995).

8.16.040 Listing of designated historic districts.

Preexisting historic districts: The following historic districts established under previous ordinances shall be subject to this title but in all other respects shall remain unchanged. All areas within existing districts shall be considered primary areas as defined in this title.

(Ord. 95-20 § 1 (part), 1995).

Chapter 8.20 LIST OF DESIGNATED HISTORIC AND CONSERVATION DISTRICTS

The Old Library	202 East Sixth Street
Elias Abel House	317 North Fairview Street
Seminary Park	West Second Street between College Avenue and Walnut Street
Paris Dunning House	608 West Third Street
Cochran House	405 North Rogers Street
Morgan House	532 North Walnut Street
The Depot	7th Street and Morton Street
Wylie House	307 East Second Street
Princess Theater	204 North Walnut Street
J.L. Nichols House and Studio	820 North College Avenue
Showers Bridwell House	409 North Washington Street
Farmer House	529 North Washington Street
Second Baptist Church	321 North Rogers Street
Lamp Posts	Hawthorne Street
Fieldstone Sidewalk	East side of Dunn Street between 3rd Street and 4th Street
Showers-Teter-Barrett House	508 North Washington Street

Title 8 - HISTORIC PRESERVATION AND PROTECTION
Chapter 8.20 LIST OF DESIGNATED HISTORIC AND CONSERVATION DISTRICTS

Showers-Smith Matthews-House	514 North Washington Street
Showers-Freese House	522 North Washington Street
George Henley House	512 East Eighth Street
George Wylie House	321 North Indiana Avenue
Hicks-Sperry House	625 North Walnut Street
Henley House	322 West Second Street
Elisha Ballentine House	315 East Seventh Street
Washington Street Apartments	316 North Washington Street
	503 East Smith
Tri-Delta House	812 East Third Street
Hudgins-Fagan House	323 East Sixth Street
Hudgins House	303 East Sixth Street
Parker Hawkins House	514 West Kirkwood Avenue
Prospect Hill Historic District	(28 properties)
Smallwood Pike Buildings	414—424 North Morton Street
The property at 209 South Dunn Street	209 South Dunn Street
The building at 514 North Fess Avenue	514 North Fess Avenue
The building located at 324 East Second Street	324 East Second Street
Buskirk-Chumley Theater	112—114 East Kirkwood Avenue
Breaking Away House	756 South Lincoln Street
Parks Home	821 West Sixth Street
Fairview Historic District	(10 properties)
Victoria Towers	221 East Kirkwood Avenue
The Von Lee Theater Building	517 East Kirkwood Avenue
Brummett House	312 South Euclid Avenue
The duplex located at 315—317 North Fess Avenue	315—317 North Fess Avenue
McDoel Historic District	(271 properties)
Limestone Hitching Posts	416 East Fourth Street and 615 West Sixth Street
The Garton Farmstead	2820—2920 East 10th Street
The Fleener Building	112 East 3rd Street
The brick streets in University Courts	The brick streets located in the public right-of-way bounded by 10th Street on the north, 7th Street on the south, Indiana Avenue on the west, and Woodlawn Avenue on the east, including Fess Avenue, Park Avenue, 8th Street and 9th Street
The Home Laundry Building	300 East 3rd Street
Apartment Row	314—316, 318—320 and 322—324 North College Avenue
1115 North College Avenue	1115 North College Avenue
2102 West Vernal Pike	2102 West Vernal Pike
430 North Washington, 209—211 East 8th Street	A part of Out Lot Number 31
Greater Prospect Hill Historic District	(355 properties)
The Elks Lodge #446	400 North Walnut Street
Garden Hill Historic District	(97 properties)
700 North Walnut Street	700 North Walnut Street

Title 8 - HISTORIC PRESERVATION AND PROTECTION
Chapter 8.20 LIST OF DESIGNATED HISTORIC AND CONSERVATION DISTRICTS

Elm Heights Historic District	(263 properties)
Showers Brothers Furniture Complex Historic Districts	(6 properties)
Courthouse Square Historic District	(57 properties)
Greater Restaurant Row Historic District	(21 properties)
Kirkwood Manor	322 East Kirkwood Avenue
The property at 304 East Melrose Avenue	304 East Melrose Avenue
The property at 306 East Melrose Avenue	306 East Melrose Avenue
The property at 2233 East Moores Pike	2233 East Moores Pike
Nathan Silverstein House	1033 South Ballantine Road
The Batman-Waldrone House	403 West Kirkwood Avenue
The Willow Terrace Apartment Building	605 South Fess Avenue
The Ralph and Ruth Rogers House	506 South High Street
The Maple Heights Conservation District	(119 properties)
The Harvey-Nelson House	1175 S. Smith Road
The Near West Side Conservation District	(324 properties)
The Kohr Building	The building located at the southeast corner of parcel number 53-08-05-100-058-000-009, located at the corner of West 1st Street and South Rogers Street in the City of Bloomington, Monroe County, Indiana
The Thomas Smith House	1326 South Pickwick Place
The James Faris House	2001 East Hillside Drive, Lot 8
Johnson's Creamery	400 West Seventh Street
Bloomington National Savings and Loan Association	200 East Kirkwood Avenue
The Bethel A.M.E. Church and Parsonage	302 and 308 N. Rogers Street

(Ord. 08-04 § 3, 2008; Ord. 07-15 § 3, 2007; Ord. 05-30 § 3, 2005; Ord. 05-16 § 3, 2005; Ord. 05-13 § 3, 2005; Ord. 05-09 § 3, 2005; Ord. 05-07 § 3, 2005; Ord. 05-06 § 3, 2005; Ord. 04-33 § 3, 2004; Ord. 01-11 § 3, 2001; Ord. 01-04 § 3, 2001; Ord. 00-37 § 3, 2000; Ord. 00-27 § 3, 2000; Ord. 00-10 § 3, 2000; Ord. 00-03 § 3, 2000; Ord. 99-37 § 2, 1999; Ord. 99-36 § 2, 1999; Ord. 99-35 § 2, 1999; Ord. 99-15 § 3, 1999; Ord. 98-15 § 3, 1998; Ord. 98-12 § 3, 1998; Ord. 96-28 § 3, 1996; Ord. 95-20 § 1 (part), 1995).

(Ord. No. 09-21, § 3, 11-4-2009; Ord. No. 11-05, § 3, 6-1-2011; Ord. No. 12-05, § 3, 3-1-2012; Ord. No. 12-16, § 3, 7-18-2012; Ord. No. 13-21, § 27, 11-7-2013; Ord. No. 14-01, § 3, 2-19-2014; Ord. No. 14-02, § 3, 3-12-2014; Ord. No. 14-15, § 7, 9-3-2014; Ord. 15-11, § 3, 5-20-2015; Ord. 15-25, § 3, 12-2-2015; Ord. No. 16-02, § 3, 3-29-2016; Ord. No. 16-03, § 3, 3-29-2016; Ord. No. 16-07, § 3, 6-1-2016; Ord. No. 16-13, § 1, 6-22-2016; Ord. No. 16-23, § 3, 10-19-2016; Ord. 17-05, § 3, 3-1-2017; Ord. No. 18-03, § 3, 2-21-2018; Ord. No. 18-07, § 3, 5-30-2018; Ord. No. 18-08, § 3, 5-30-2018; Ord. No. 19-03, § 3, 1-16-2019; Ord. No. 19-04, § 3, 1-16-2019; Ord. No. 19-25, § 3, 12-4-2019; Ord. No. 21-04, § 3, 2-3-2021; Ord. No. 21-32, § 3, 9-1-2021; Ord. No. 21-46, § 3, 12-17-2021; Ord. No. 22-06, § 3, 4-8-2022; Ord. No. 22-18, § 3, 6-15-2022; Ord. No. 22-21, § 3, 8-17-2022)

**Bloomington Historic Preservation Commission (“Commission”)
Rules and Procedures**

Article I: Meetings

- A. The Commission shall meet on the second and fourth Thursday of every month at 5:00 P.M. Meetings shall be in the McCloskey Conference Room of Showers City Hall unless noticed at another location.
- B. Notices of Meetings shall be submitted by the City of Bloomington Housing and Neighborhood Development Department (“HAND”) to the newspaper and posted in the Municipal Building at least 48 hours before each meeting.
- C. Special meetings may be called by the chairperson and shall be called upon request of two voting members of the commission. Three days notice is required.
- D. The agenda shall be set at least six days before each meeting and mailed to members.
- E. A majority of voting members shall constitute a quorum.
- F. All decisions, votes, recommendations, motions and communications of the Commission shall be by roll call. The vote of each member of the Commission shall be entered in the records of the Commission and shall appear in the minutes.
- G. No member of the Commission shall participate in the decision of the Commission involving any matter in which that person is directly or indirectly financially interested, other than the preparation of a Master Plan. In the event that any member disqualifies himself or that any member’s eligibility is challenged by members of the public such fact shall be entered on the records of the Commission and shall appear in the minutes
- H. As soon as possible, a summary of the minutes of the proceedings shall be made available to each member of the Commission. The minutes shall include a record of the Commission members and visitors present.
- I. All minutes or tape recordings of the proceedings and exhibits submitted by petitioners, remonstrators and staff shall be public records and shall be filed in the HAND office. The materials shall be part of the case and all such materials shall be held by the HAND office for a period of at least two years.
- J. The final disposition of any request, petition or resolution shall be in terms of a motion to grant, deny, or continue by the Commission. Additionally, the members of the Commission may attach such conditions to a motion as are deemed necessary to promote the purposes of Title 8 of the City of Bloomington Municipal Code.
- K. No petition or request will be heard unless the petitioner or his/her authorized representative is present at the time their case is called to be heard. The petition will be moved to the end of the agenda if a petitioner has not appeared in time for the hearing. If the petitioner does not appear, the case will be continued to the next noticed meeting. A petitioner who is unable to attend the hearing on his or her petition may request that the Staff Liaison present the petition to the Commission. Petitioner shall be clearly told that Staff will

merely present but not advocate for the petition and that petitioner will have thereby waived any real or perceived conflict. For purposes of these Rules and Procedures, no Demolition Delay case will be considered a petition, however members of the Commission may decide to delay the discussion until enough information is presented

- L. Upon resignation of a Commission member, the Mayor within 90 days shall appoint, a new member for the remainder of the resigning member's term.

Article II: Officers

- A. Annually at its first meeting of the year, the Commission shall select by majority vote of its members a Chair and Vice-Chair, who shall each serve for one year and who may be reelected to second one-year terms.
- B. The Chair shall preside over Commission meetings and on behalf of the Commission has the authority to take action on behalf of the Commission as authorized herein, and shall exercise general supervision over the administration of affairs, including entering into contracts and agreements, the appointment of subcommittees and representatives, the determination of points of order and procedure, and the signing of all official documents. The Vice-Chair shall have authority to act as Chair of the Commission during the absence or disability of the Chair. In the case of the resignation or death of the Chair, the Vice-Chair shall succeed to the Office of Chair until a new Chair is selected from the membership at the next duly noticed general meeting.
- C. The Vice Chair, with the assistance of HAND staff, shall be responsible for supervising the keeping of an accurate and complete record of all Commission proceedings, including keeping of records and minutes, the custody and preservation of all papers and document of the Commission, the maintenance of a current roster and qualifications of members, and the authority to certify all official acts on behalf of the Commission
- D. The City's Director of Planning or his designee shall appear at meetings and assist the Commission by presenting factual opinion on significant issues.

Article III: Filing and Processing of Petitions:

- A. Petitions for Historic Designation or Certificates of Appropriateness shall be made by the petitioner at least twelve (12) days prior to a Commission Meeting on forms approved by the Commission which are available on request in the Office of Housing and Neighborhood Development.
- B. Notices shall be posted no later than six (6) days before the Historic Preservation Commission hearing for designation of a property. For regular meetings the 48 hour public notice requirement shall be honored.
- C. A petition may be withdrawn at any time by the petitioner.

Article IV: Certificates of Appropriateness

- A. The Commission shall consider and may make final disposition of said petition at any properly scheduled meeting, but in no case more than thirty days after the acceptance of the complete application as certified by the Vice-Chair. However, the HAND staff may notify the petitioner that the petitioner may choose to attend a preliminary hearing to advise the Commission of the merits of the submittal in anticipation of the formal hearing and disposition of the request.
1. An application for Certificate of Appropriateness shall be subject to the following requirements:
 - a. No fee shall be charged for the application.
 - b. The application shall be accompanied by appropriate sketches, photographs, descriptions, and other information which the Commission finds necessary for its decision.
 - c. The Commission must state findings in report form addressing the criteria in Title 8. The Commission may attach conditions to the approval.
 - d. A Certificate of Appropriateness shall be issued by the Commission, if approved by the Commission, or if the petition is not acted upon by the Commission within thirty (30) days after it is filed.
 - e. The Commission may grant an extension of the thirty days' limit if the applicant agrees with the extension.
 - f. Expiration of a Certificate of Appropriateness: The Certificate of Appropriateness shall expire two years after issuance, unless at the time the Certificate is approved, the Commission approves an extension upon the request of the petitioner.
 - g. Right to Commission Review: In any case where an applicant does not receive a Certificate of Appropriateness or otherwise feels aggrieved by an action of the HAND staff, the applicant shall have the right to a review by the Commission. If an applicant feels aggrieved by an action of the Commission, the applicant shall have the right to a review by the Commission but only upon submission of new information.
- B. The Vice-Chair with the assistance of HAND staff shall be responsible for completion of the Commission report and creation of the Certificate of Appropriateness. A copy of the Certificate of Appropriateness shall be submitted to the petitioner. The original shall be kept with case records in the HAND Office.
- C. The Vice-Chair with the assistance of HAND staff shall also be responsible for notifying the petitioner of the Commission's decision.
- D. A Certificate of Appropriateness is not required for the following activities:
1. Routine maintenance as defined in Title 8: Work which would not require a building permit and any change that is not construction, removal, or alteration.

2. The installation of a single wall mounted mailbox near the main entrance on the front of the structure.
 3. The removal of an inappropriate fence type: chain link, board and batten, basket weave, split rail or stockade.
 4. Repair or replacement of existing sidewalks, driveways, and steps with the same materials.
 5. Roof repair where the surface matches existing roof materials, including both flat and shingled surfaces.
 6. Replacement or installation of mechanical equipment, skylights, or vents on a flat roof provided the new element is not visible from the public way.
 7. Ground installation of central air conditioning equipment provided that it is screened and not visible from the public way.
- E. Staff may approve or deny Certificates of Appropriateness for certain minor requests by property owners as set forth below. Certificates approved at the staff level, along with staff's findings of fact, shall be listed on the agenda for the next monthly meeting of the Commission.
1. Staff has approval authority regarding changes to:
 - a. pavement or exterior mechanicals or reception devices
 - b. trees (removal)
 - c. fencing
 - d. sidewalks
 - e. paving materials
 - f. patios or decks
 - g. placement of temporary or removable structures such as sheds or playground equipment
 - h. paint color
 - i. changes authorized for staff level approval by Design Guidelines approved by the Commission
 2. Staff shall not be authorized to grant or deny Certificates of Appropriateness for the following activities within a historic or conservation district:
 - a. demolition of a building, structure, or site
 - b. moving of a building or structure
 - c. construction of an addition to a building or structure
 - d. construction of a new building or structure
 3. An owner or any interested party aggrieved by a staff level decision may appeal the staff decision to the Commission.
 - a. Such appeal shall be filed with HAND within five days of the staff level decision being rendered.

- b. The filing shall specify the grounds for the appeal.
 - c. The appeal shall be filed on the form established by the Commission.
- 4. At the request of staff, an application for staff level approval may be forwarded to the full Commission at the next regularly scheduled meeting for full Commission review and consideration. In no case shall the time for approval of a completed application exceed 30 days.
 - 5. Staff shall consist of and be limited to those persons employed by the City's HAND whose job description includes the requirement that he or she assist the Commission.

Article V: Historic Designation

- A. The Commission may initiate or accept by petition of owners in fee simple, a request for designation of an Historic District or Conservation District.
 - 1. The Commission shall prepare a map based upon a survey conducted or adopted by the Commission which documents historic properties within the corporate limits of the City of Bloomington.
 - 2. The Commission may divide the district into secondary and primary areas.
 - 3. The Commission shall classify all buildings and structures within the districts as Outstanding, Notable, Contributing or Non-contributing.
 - 4. A report shall accompany all petitions to the Common Council for designation citing cause for accepting the district under the criteria in Title 8 of the Municipal Code.
- B. After three years, the status of a Conservation District will be reviewed by the Commission. Property owners will be notified 185 days before the 3rd anniversary of designation as a conservation district and asked to vote on whether to remain a conservation district or be elevated to a historic district. Unless 51% of the owners object in writing to the Commission, the Conservation District will be elevated to historic district status. Otherwise it will remain a conservation district. All owners shall have one vote, regardless of how many parcels or units they own in the district.
- C. A public hearing shall be held by the Commission to allow for public comment. Such public comment may be held separately or in conjunction with the Commission meeting where the action on the district is to occur. Other meetings involving the residents and owners, and Common Council members may be held to educate and publicize the proposed district.
- D. The Vice-Chair with the assistance of HAND staff shall be responsible for forwarding the findings of the Commission to the Common Council for final vote.
- E. The Commission recommends that design guidelines be adopted for a district, whether at the time of the designation or at a later time.

- F. The Commission may declare that a proposed district be placed under interim protection until action of the Common Council.
 - 1. After declaring interim protection, staff shall notify the owner(s) by certified mail, to be postmarked no later than two days after the hearing at which the action was taken.
 - 2. The written notice shall include the appropriate ordinance citation, a description of the restrictions that apply to the property or properties, and advise the owner(s) that the restrictions are temporary until the action of the Common Council.
 - 3. An owner may apply for a Certificate of Appropriateness during interim protection but it will be invalid unless and until the district is approved by the Common Council. The Commission and owner(s) may use this process to come to an agreement on proposals for a building's future use and disposition.

Article VI: Committees

- A. A Historic District Committee comprised of three voting members shall be appointed by the Chair immediately after the first meeting of the year. It shall be the duty of this committee to:
 - 1. Review applications for historic districts submitted by property owners for consistency with guidelines and standards.
 - 2. Prepare criteria and standards on which the Commission bases its actions, and define elements the Commission should consider of particular importance to a specific district being proposed.
 - 3. Present to the Commission proposals for the adoption of new districts and landmarks, based upon special significance or impending threats.
- B. Such other Committees, standing or special, as the Commission from time to time deems necessary to carry on the work of the Commission, may be created and members appointed by the Chair. The Chair and the advisory members of the Commission shall be ex-officio members of such committees.

Article VII: Maintenance

- A. Upon presentation of supporting evidence, the Commission may act upon reports of neglect and/or lack of maintenance that endangers significant architectural details of a property designated pursuant to Title 8 of the BMC.
 - 1. Before any official action by the Commission, staff shall notify the property owner of the Commission's intent, giving a minimum of 21 days' advance notice.
 - 2. The owner or his or her agents may appear to present plans or evidence of upkeep at the next regular meeting of the Commission after such notice is made.
 - 3. After consideration of all the evidence, the Commission may find that a building's condition constitutes a threat to the historic fabric of the area

where the building is located and may move to forward these findings to the City's Legal Department for appropriate legal action.

Article VIII. Procedure for the review of a National Register nomination

A. From time to time the Commission may receive applications for listing a structure or a district on the National Register of Historic Places. Within five days of receiving an application, staff must email the Indiana Division of Historic Preservation and Archaeology to notify them that an application has been received. After reviewing the completeness of the application according to the U.S. Department of the Interior's Bulletin #15, the Commission will duly notice a public hearing. Staff will draft a report applying the National Park Service criteria for evaluating whether to place a structure or district on the National Register. The public hearing will be noticed according to the following procedure, as fits the circumstances:

1. Letter announcing the nomination sent to the owner of an individual property not located in a historic district
2. Letter announcing the nomination sent to the owner(s) of property located in a historic district.
3. Letter announcing the nomination to the local authority (Mayor)
4. Letter announcing the nomination to the County Commissioners,
5. Legal Notice placed in the paper (if under 50 property owner)

B. At an appropriately noticed public meeting (notice shall be not less than 30 days before the local hearing and not more than 75 days before the State Review Board Hearing) a determination will be made as to whether the structure or district meets the criteria for inclusion. The Commission's findings and the report will be forwarded to the State Review Board for their consideration. Following the notification by the Keeper of the National Register that a property has been listed, the following notices will be made:

The listing will be noticed according to the following procedure:

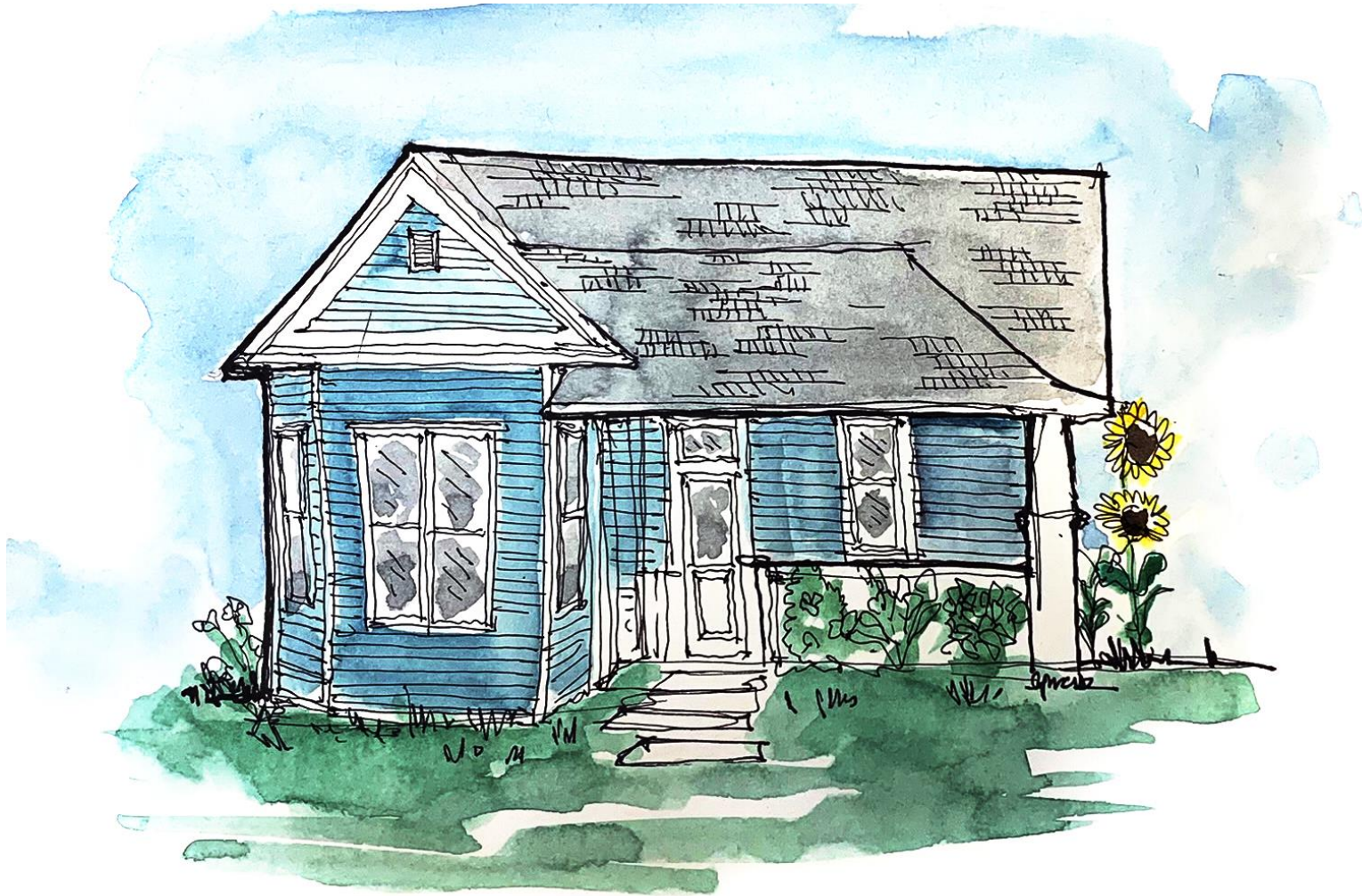
1. Letter of notification to all owners whose property is affected of the inclusion on the list.
2. Legal notice placed in local newspaper to announce the listing (if it contains more than 50 properties or letter #6 must be sent to each owner (if it contains fewer than 50 property owners).

BLOOMINGTON HISTORIC PRESERVATION COMMISSION

Noah Sandweiss
Historic Preservation Program Manager

October 15, 2025
6:30 p.m.

Commission Appointments



Review Process and Delegation



Repairs and Maintenance



Demolition and New Construction



Enforcement and Incentives



Other Topics

