City of Bloomington Indiana

City Hall
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Bloomington, Indiana 47402

Office of the Common Council
(812) 349-3409
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email: council@city.bloomington.in.us

To: **Council Members**
From: **Council Office**
Re: **Weekly Packet**
Date: **January 16, 2004**

Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:
None
Committee Reports:
Report on the Status of the McDoel Conservation District

- Report; Ballot; Memo from Michael Flory, Assistant City Attorney; Boundaries of McDoel Conservation District; Guidelines; Ord 01-04
- Action: Motion to Accept Report (and continue the McDoel Conservation District) (or other motion proposed by the Council)

Contact: *Nancy Hiestand, Housing Coordinator at 349-3507 or hiestann@city.bloomington.in.us*
Michael Flory, Assistant City Attorney at 349-3551 or florym@city.bloomington.in.us

Legislation for Final Action:
Ord 04-01 To Amend the Bloomington Zoning Maps from RS3.5/PRO6 to PUD and to Adopt the Preliminary Plan for the Adams Grove Planned Unit Development - Re: 1201 S. Adams Street (Millennium Property Management, Petitioners)

(Please see the December 30th packet for legislation, summary, and background materials)

Contact: *James Roach at 349-3527 or roachja@city.bloomington.in.us*

Legislation and Background Material for First Reading:
None
Minutes from Regular Session:
None

Memo

One Item and a Report are Ready for Final Action, But No Items are Ready for Introduction at the Regular Session on Wednesday, January 21st

The Council will hold a Regular Session next Wednesday where a report and an ordinance are ready for final action, but no legislation will be introduced for first reading. Please note that the absence of any new legislation (or any new resolutions) means that you should consider a motion to cancel the Committee of the Whole meeting on January 28th. The one ordinance and report are briefly noted below and the report is more fully explained further in the memo and included in the packet with other related material.

Regular Session - Reports

McDoel Conservation District Report	Report on the survey of owners of property within the McDoel Conservation District regarding the status of the district's future after its 3rd anniversary
Action	*Motion to Accept the Report (and continue the district) or other motion considered by the Council.*

Regular Session - Final Actions on Legislation

Ord 04-01	Amending the Bloomington Zoning Maps from RS3.5/PRO6 to PUD and Adopting Preliminary Plan for a 160 Unit Apartment Complex - Re: 1201 S. Adams Street (Millennium Property Management, Petitioners)
Action	*Motion to Adopt*

Regular Session - Second Readings

None	*Action*	*Motion to Cancel the January 28th Committee of the Whole*

Committee Reports - Report on the Vote Regarding the Status of the McDoel Conservation District

The Council will receive a report on the vote of property owners regarding the status of the McDoel Conservation District next Wednesday evening. As many of you

recall, the Common Council established the McDoel Conservation District by overriding Mayor Fernandez's veto of Ord 01-04 in February of 2001. That ordinance called for the HAND department to survey the owners of property within the district regarding the future of the district after its third anniversary and report the results to the Council no later than 45 days before that anniversary.

Before explaining the voting procedure, it might useful to provide some background on historic districts. The next few paragraphs briefly summarize the purpose of historic districts in general, offer a statistical overview of the McDoel Conservation District in particular, and distinguish between historic conservation and (full) historic districts.

Purpose of Historic Districts. Historic districts are enabled under I.C. 36-7-11 (Historic Preservation Generally) and BMC Title 8 (Historic Preservation) and are created in order to: ensure harmonious and orderly growth and development; maintain established residential neighborhoods in danger of having their distinctiveness destroyed; enhance property values and attract new residents; ensure the vitality of the traditional downtown area; and encourage tourism.

Statistical Overview of the McDoel Historic Conservation District. When adopted in the winter of 2001 this district contained:

> 271 structures in two regions (see the map of the boundaries in the packet);
> 1 outstanding, 26 notable and 210 contributing and 86 non-contributing properties; and
> 110 registered rentals.

Distinguishing Historic Conservation and Historic Districts. There are two forms of historic districts that can be created under Indiana law and two important ways in which they differ. One district is the "historic conservation" district and the other is the (full) "historic" district. One way they differ is the extent to which the Historic Preservation Commission (Commission) can review changes to property within the district and the other way they differ is in the duration of the district.

Before drawing the first distinction, it is important to note that, whether in one kind of district or the other, the Historic Preservation Commission (Commission) is solely limited to reviewing changes that:

- affect the external appearance of buildings and structures, and
- can be seen from a public right-of-way.

For the sake of simplicity and without elaborating upon some statutory details that don't apply to the McDoel Conservation district, one can say that the "historic conservation" district imposes a first and less intrusive tier of review than imposed under a full "historic" district. On the one hand, under a "historic conservation" district, the Commission only looks at:

- the demolition or removal of any buildings, and
- the construction of any structures (that are subject to view from a public way).

On the other hand, under a full "historic" district, the Commission also looks at:

- additions, reconstructions, and alterations that conspicuously change the external appearance of all buildings, as well as
- any changes to walls and fences (that are subject to view from a public way).

Please note that the McDoel Neighborhood Association has formulated guidelines for the Commission to use when asked to review changes to property (which they do through a request for a certificate of appropriateness). (Please see a copy of the Guidelines in this packet)

The other way a historic conservation district differs from a full, historic district is in its duration. While state law treats historic districts as permanent, it treats conservation districts as an interim designation that will be elevated to a historic district after three years, unless a majority of property owners in the district oppose that action, in which case, it would remain as a conservation district. However, given the unlikelihood of obtaining a response from a majority of affected property owners and the overwhelming sentiments three years ago against elevation to a full historic district, Ord 01-04 set forth procedures for surveying the affected property owners, but left the ultimate decision regarding the status of the district to Council.

Balloting Procedure

The procedures for balloting the property owners are found in Section of 5 of Ord 01-04. That section required the HAND department to survey all eligible property owners within the district prior to the third anniversary of the district. Those property owners were determined by using a definition borrowed from national register districts that allocated votes to each owner of property rather than each property. Under that definition one vote was given to:

- the husband who lives and owns property at an address in the district and another to the wife,
- every person on the deed,
- the owner of multiple parcels, and
- the owner of parcels held in the name of a legal entity (e.g. corporation).

These property owners were then to be asked:

> Whether the conservation district status should be retained or rescinded and
> Whether the conservation district should be elevated to historic district.

Once the survey was completed, the ordinance required the HAND department to submit a report to the Council no later than 45 days before the 3rd anniversary of the district. If necessary, it was to be accompanied by an ordinance that reflected the opinion of the property owners. An ordinance was not necessary if a majority of the property owners preferred the status quo or if the responses did not result in a majority for any of these options. And, if none of the options on the ballot received a majority vote, then the conservation would stay in effect unless other action was taken by the Council.

The Report

The HAND department filed a report to the Council by the January 12th deadline indicating that, while no option received a majority vote, an overwhelming majority of those who responded preferred keeping the conservation district in place. The report stated that there were a total 240 parcels for which owners could vote. This included the parcels that remained after striking second or more parcels owned by the same person or entity. The report also indicated that staff used our GIS files to estimate the minimum number of eligible votes at 353. That number may have been higher because the GIS files list only the names of the first three owners. Given those and other caveats and explanations, the report offered the following tally of votes:

- To retain the conservation district 105
- To rescind the conservation district 34
- Not to elevate it to historic district 121
- To elevate it to a historic district 5

Motion to Accept the Report

According to Ord 01-04 the conservation district will remain in effect unless the Council adopts an ordinance to change it. After hearing the report and input from the public (which will include a presentation for the McDoel Neighborhood Association), a motion to accept the report would be in order. This motion implicitly endorses the continuation of the district and council members who may wish to revisit this designation, should contact Dan early next week to prepare another motion for consideration by the Council.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, JANUARY 21, 2003
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:
1. **Councilmembers**
2. **The Mayor and City Offices**
3. **Council Committees**
   Report on McDoel Historic Conservation District
4. **Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 04-01 To Amend the Bloomington Zoning Maps from RS3.5/PRO6 to PUD and to Adopt the Preliminary Plan for the Adams Grove Planned Unit Development – Re: 1201 S. Adams Street (Millennium Property Management, Petitioners)

Committee Recommendation: Do Pass 9 - 0

VII. LEGISLATION FOR FIRST READING

None

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT

City of
Bloomington
Indiana

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Office of the Common Council
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To: Council Members
From: Council Office
Re: Calendar for the Week of
January 19, 2004 – January 24, 2004
Date: January 16, 2004

Monday, January 19, 2004

City Holiday: Martin Luther King, Jr. Day – "A Day On! Not a Day Off"
Please see www.bloomingtonIN.gov *for MLK Day volunteer service projects.*

There are no meetings scheduled for today.

Tuesday, January 20, 2004

4:00 pm Board of Public Safety, Police Station – 220 East Third Street
5:30 pm Public Transportation Corporation Board, Transit Center – 130 West Grimes Lane
6:30 pm Animal Control Commission, McCloskey
7:30 pm Telecommunications Council, Council Chambers

Wednesday, January 21, 2004

2:00 pm Hearing Officer, Kelly
7:00 pm Council of Neighborhood Associations, McCloskey
7:30 pm Common Council – Regular Session, Chambers

Thursday, January 22, 2004

7:00 pm Environmental Commission, McCloskey

Friday, January 23, 2004

12:00 pm Economic Development Commission, Hooker Room

Report to the City of Bloomington Common Council
McDoel Conservation District Vote

RECEIVED
JAN 12 2004
Office of the City Clerk

Filed 01/06/04

General Procedure

The McDoel Conservation District ballots were counted on November 20th in the McCloskey Room. Those in attendance:

Nancy Hiestand	Program Manager, Department of Housing and Neighborhood Development, staff to the Historic Commission
Michel Flory	Assistant City Attorney, staff to the Historic Commission
Regina Moore	City Clerk, staff to the Common Council

Ballots were sent out covering 240 parcels in the McDoel district. No ballots were opened until Hiestand, Flory and Moore met on November 20th. At that meeting the ballots were opened and counted. The group established strict guidelines to safeguard the integrity of the voting process, and to try to assure that a person's vote was not discarded due to a technicality. A ballot that contained all required information in the proper format was considered "unambiguous." This category covered ballots with names of all persons voting, address of the property covered, and a numerical notation of the number of vote(s) for each option. A few "ambiguous" ballots were returned. Those include ballots that listed names of, e.g., two persons voting, but had only a check mark or "X" for an option. One ballot contained the names of persons voting, a numerical notation of votes for an option, but no address of property. The "ambiguous" ballots were set aside for an effort to determine the intent of the voter. Where, for example, two voters were listed and where only one check or "X" was given for an option, it was decided to count that as two votes for the option. By checking courthouse records it was determined that the ballot with names listed, but no address, did represent property owners in the district, so their votes were counted.

VOTE

Tally of Unambiguous Ballots:

105 to retain the Conservation District
34 to rescind the Conservation District
121 against elevation to a Historic District
5 to elevate to a Historic District

The vote was counted according to Council's decision to count all individual owners rather than have votes representing each parcel of ground. There were a total of 240

parcels for which owners could vote, this included a minimum of 353 eligible voters. Using this minimum total, and it is determined that no opinion reached a majority.

Tally of "Ambiguous" Ballots

Among the ballots were votes determined by the counters and witnesses to be unclear and they were considered "ambiguous" ballots.

The following is a tally of the ambiguous votes:

10 to retain the Conservation District
8 to rescind the Conservation District
17 against elevation to a Historic District

Tally of All Countable Ballots

Total including both those ballots that were clear and those ballots on which intent had to be determined.

115 to retain the Conservation District
42 to rescind the Conservation District
138 against elevation to an Historic District
5 to elevate to a Historic District

There was essentially no change in the results when disputed ballots were taken into account.

Summary

Ordinance 01-04 provides that the Bloomington Historic Preservation Commission shall file a report concerning this vote with Common Council no later than 45 days before the 3rd anniversary of the vote (February 28, 2004). The following is a summary of the balloting.

Ballots were sent out to parcels representing over 353 individual property owners. This figure is estimated because the GIS property ownership record only lists up to three property owners per parcel, when in fact this figure could be higher. Using this figure, it is clear that no opinion was supported by a majority of the owners. However the vote does indicate that voters supported retention of the conservation district over its removal by a margin of 3 to 1 in unambiguous votes and 2.7 to 1 in the tally of all countable ballots. The largest number of voters held the opinion that the conservation district should not be elevated to historic district status.

Ordinance 01-04 indicates that, based upon this vote, the conservation district shall remain in effect, unless other action is taken by the Common Council.

"4. If the report indicates that a no option on the ballot receives a majority cote, then the conservation district shall remain in effect, unless other action is taken by Common Council."

In light of the results of the vote and the directives of ordinance 01-04 printed above, the Bloomington Historic Preservation Commission voted, to recommend support for the continuance of the McDoel Conservation District. They recommended that Common Council take no action and, as a result of this, the Conservation District will stay in place.

McDOEL CONSERVATION DISTRICT BALLOT

On February 21, 2001 the City of Bloomington Common Council established a Conservation District in the McDoel Gardens area. When the Conservation District was established the Common Council determined it would review the district at the end of three years, and give the owners of property in the district an opportunity to vote on whether they would like to have the Conservation District continue or be changed. Your vote will assist the Common Council in its review of the McDoel Conservation District.

Address of Property:_____

Who can vote:

1. Owners listed on deed
2. Husband and wife if they own the property jointly
3. Only one vote per person, no matter how many properties owned
4. One vote for a company, partnership or trust that owns property

Signatures, followed by printed name, of all owners of Property who are voting on this ballot. Use the back of the ballot if you need additional space :

_____
(signature/printed name)

_____
(signature/printed name)

Owners may vote on BOTH question 1 and 2.

1. Would you like to see the the Conservation District status of McDoel Gardens kept or removed?

votes for keeping Conservation District designation_____

votes for removing Conservation District designation_____

2. Would you like to see McDoel Gardens designated as a Historic District?

votes for designation as Historic District_____

votes against designation as Historic District_____

Please return this ballot in the enclosed envelope, postmarked no later than November 14, 2003.

If you have any questions, contact HAND at 349-3507.

Use these lines if you need additional space for signatures of property owners who are voting:

_____
(signature/printed name)

_____
(signature/printed name)

_____
(signature/printed name)

_____
(signature/printed name)

_____
(signature/printed name)

_____
(signature/printed name)

INTERDEPARTMENTAL MEMORANDUM

City of Bloomington Legal Department

TO: Members of the Common Council

FROM: Michael Flory, City Legal Department MF

DATE: 14 January, 2004

RE: McDoel Conservation District

The Common Council established the McDoel Conservation District in February of 2001 by Ordinance 01-04. That ordinance was adopted under the authority of BMC Title 8, "Historic Preservation," which is enabled by I.C. 36-7-11-1 et.seq.

A conservation district provides the least restrictive level of protection for structures under our code. In a conservation district a property owner must obtain a certificate of appropriateness from the Historic Preservation Commission prior to:

1. Moving a building;
2. Demolishing a building; or
3. Constructing a new principal or accessory building that would be visible from a public way.

In a Conservation District property owners are free to make any changes or additions to the exterior appearance of their property. This is the primary difference between a conservation district and a full historic district— in a historic district a property owner must obtain a certificate of appropriateness from the HPC prior to making a conspicuous change in the exterior appearance of a structure.

Title 8 provides for the Common Council to review a conservation district three years after its establishment. At that time the Common Council could consider elevation of the Conservation District to full Historic District status—or removal of the Conservation District status. The Conservation District status remains in effect unless the Council chooses to take specific action to change it. To assist the Common Council in its review, the ordinance establishing the McDoel district provided for polling property owners on two questions:

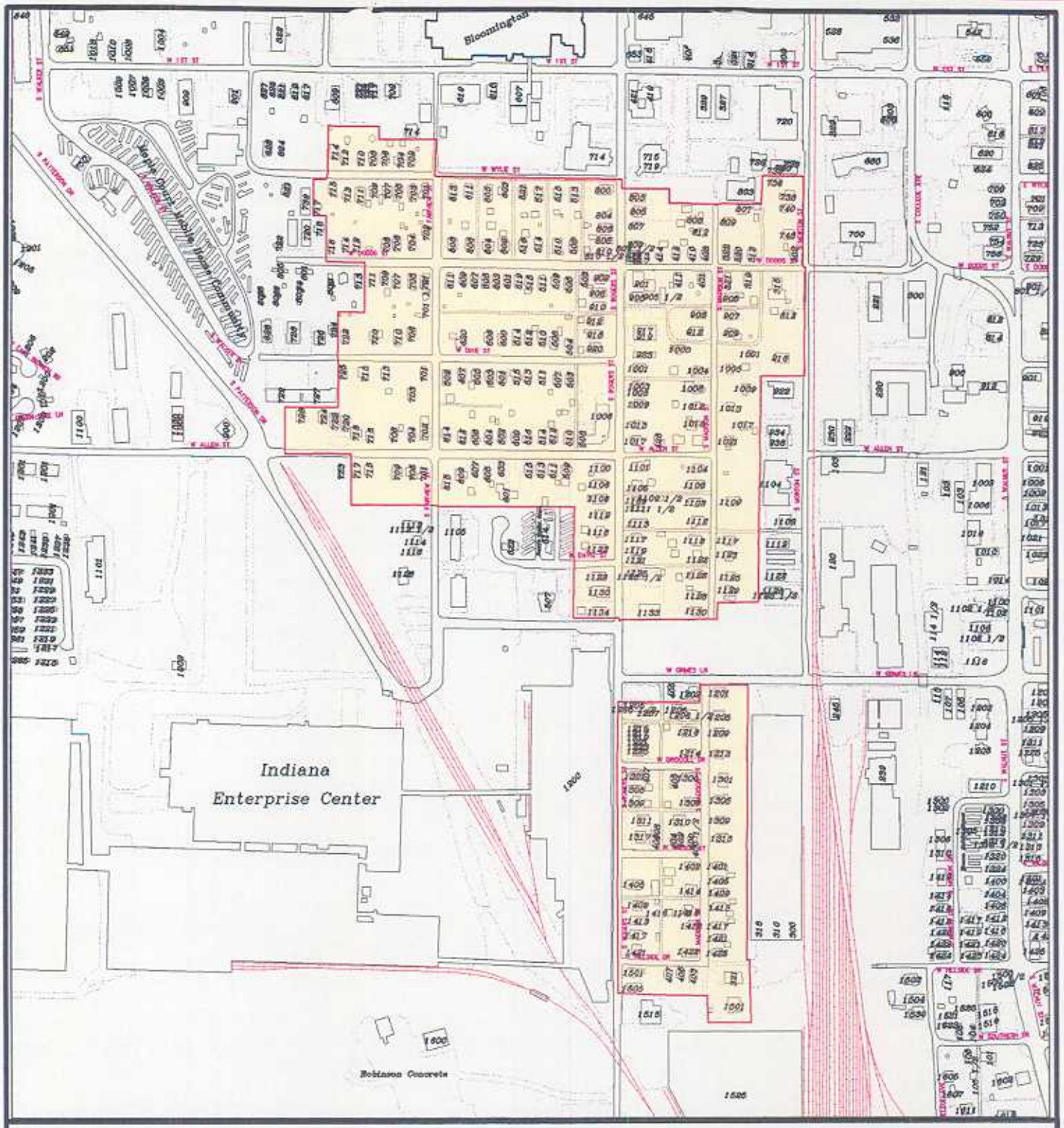
1. Should the Conservation District status be retained or rescinded?
2. Should the Conservation District status be elevated to full Historic District?

The method for polling the property owners in the McDoel District, and the results of that vote are outlined in the report that the HPC has submitted to the Common Council. When the methodology for polling the district was discussed, the Common Council

debated whether to count each parcel as having one vote, or ascribing one vote to each property owner. The Council decision was to view each separate owner as holding one vote in the polling process. The final outcome of the vote—overwhelming preference for no change in the Conservation District status—would have been the same, regardless of allowing one vote per owner, or one vote per parcel.

In summary, the vote of property owners in the McDoel Conservation District indicates that 115 owners prefer retention of the Conservation District status; 42 owners prefer recission of the Conservation status. Regarding elevation to full Historic District status, 138 property owners would be opposed and 5 would be in favor. Under our ordinance no action is needed by the Common Council to retain the Conservation District status.

RMF:pc



City of Bloomington, Indiana

McDoel Gardens Conservation District

Housing and
Neighborhood Development

N

Scale: 1 inch = 500 feet

500 0 500 1000 1500

Geographic Information System

For use as map information only. Information is NOT warranted.

TmcdoLP

McDoel Gardens Neighborhood Conservation District

Proposed Guidelines for Residential Structures

Note: Planning, zoning, and construction regulations for the City of Bloomington regulating building construction and demolition may be more restrictive than these guidelines. The guidelines for the McDoel Gardens Conservation District function within the existing regulations.

General Guiding Principles

1) The purpose of the McDoel Gardens Conservation District is to save our neighborhood for the people who live in it. The neighborhood, which has been home to four generations of working people, has seen many homes destroyed over the past two decades. The Conservation District establishes a border around our houses to prevent further erosion of our neighborhood.

2) McDoel has always been a mixed neighborhood of residential, commercial, industrial, and religious structures, and the creation of the McDoel Gardens Conservation District does not change that basic fact. The guidelines are intended to protect residential areas, not to prevent commercial, industrial, or religious use in areas where these activities have traditionally taken place.

3) New construction of residential structures should be visually compatible with "contributing" house types found in the neighborhood. There is diversity among house types within the neighborhood, and this diversity allows a wide variety of styles for proposed new structures. "Contributing" houses are those that contribute to the traditional character of the neighborhood, by being fifty years old or older and not significantly altered from their original form. "Non-contributing" houses are houses less than fifty years in age or those that have been significantly altered from their original form. See the accompanying map for identification of contributing houses.

4) The intent of these guidelines is to maintain a living, healthy neighborhood. Our goal is to maintain property values for current home owners. The Historic Preservation Commission should interpret the guidelines flexibly rather than rigidly, and should seek the input of neighbors when reviewing proposed projects covered by these guidelines.

Guideline Application

These Conservation District guidelines are to be used by the Historic Preservation Commission in the review of proposed changes in the residential areas of McDoel Gardens, and apply to demolition or moving of houses, construction of new accessory structures associated with contributing houses, and construction of new houses. Examples of items NOT restricted by the guidelines are:

- additions to a principle structure or house
- carports
- sheds not on permanent foundations
- exterior siding on existing structures
- windows size and placement on existing structures
- porch enclosures
- fences
- patios
- decks
- satellite dishes and antennas
- driveways
- swimming pools
- ponds and other landscaping
- kennels
- yard art

Demolition of Existing Principal Structures

Guiding principles

Existing houses within the neighborhood should be maintained when feasible.

Factors to consider

Is the structure a contributing structure (fifty years old or older and not significantly altered from its original form)?

What condition is the structure in?

Determinations

a) If a structure is a contributing structure, and is in good or repairable condition (that is, if restoration would cost less than replacement), then a certificate of approval for demolition of the structure will not generally be given. Exceptions may be made if demolition of the structure contributes to the public good of the neighborhood.

b) If a structure is non-contributing, but is a part of the neighborhood's residential context, a certificate of approval may be given if demolition contributes to the public good of the neighborhood

Moving of Existing Principal Structures

Guiding principles

Existing contributing houses within the neighborhood should be kept in place when feasible.

Factors to consider

Is the structure a contributing structure (fifty years old or older and not significantly altered from its original form)?

What condition is the house in?

Determinations

a) If a structure is a contributing structure, is in good or repairable condition (that is, if restoration would cost less than replacement), then a certificate of approval for moving the structure will not generally be given. Exceptions may be made if moving the structure contributes to the public good of the neighborhood.

b) If a structure is non-contributing, but is a part of the neighborhood's residential context, a certificate of approval may be given if moving the structure contributes to the public good of the neighborhood

New Construction

Accessory Structures

Guiding principles

New structures accessory to contributing houses should be visually compatible with existing neighborhood patterns. Review of new structures accessory to non-contributing house is NOT required.

Definition of accessory structures

Accessory structures are permanent structures that are physically separate from the house and have a below-ground foundation. Examples of accessory structures are sheds with below-ground foundations, and one- and two-car garages. See examples of accessory features NOT covered by these guidelines above, under "Guideline Application."

Public ways

"Public ways" in the McDoel Gardens Neighborhood are: South Rogers St., South Madison St., West Wylie St., West Dodds St., West Dixie St., West Allen St., West Hillside St. (facing south). Not considered public ways: South Fairview St., West Driscoll St., West Wilson St., West Hillside St. (facing north), alleys.

(continued on back)

Accessory Structures--*continued*

Placement on lot

Existing historic accessory structures are generally found within the back yard of the lot. To be compatible with this pattern, permanent new accessory structures should be placed within the back yard where feasible. Existing historic accessory structures placed in back yards are often visible from the public way; this is acceptable with new accessory structures as well.

Structure design

Permanent new accessory structures visible to public view (that is, seen from the defined public ways by casual passers-by) are encouraged to be visually compatible with existing structures. Garages are limited to a maximum two-car size. Roof lines that match the pitch of the main structure on the lot are encouraged but not required.

Materials

There are no material restrictions for accessory structures within these guidelines.

Principal Residential Structures

Guiding principles

New construction of residential structures should be visually compatible with contributing house types found in the neighborhood.

Definition of principal residential structures

A principal residential structure is the residential structure on the lot.

Placement on lot

The contributing houses in McDoel are generally (though not exclusively) placed in the center of the lot in the side-to-side dimension, and somewhat forward of center in the front-to-back dimension, creating two approximately equal side yards, and a front yard smaller than the back yard. Where feasible this pattern is encouraged in placing new residential structures on their lots. New residential structures should be set back from the street a distance consistent with the set-back depths of contributing houses (that is, within the minimum and maximum set-back ranges; see illustration).

Structure design (size, height, roof line, porch)

Design of new residential structures is encouraged to follow the basic design patterns of the contributing houses found in the neighborhood. These include size (ca. 800-1500 square feet on ground level, typically one to three bedrooms); height (one to two stories); and main roof configuration (gabled roofs, including single gable, two perpendicular gables, and pyramid styles). Roof pitch for new residential structures should be within the range found on houses on that block (see illustration). In cases where a new residential structure is built to replace a house formerly located on the lot, the new structure should follow the same footprint (placement and outline on lot) as the former house. Exceptions may be made if the original house was placed off center (side to side) or its set-back was not in the range of contributing houses. If the original house was exceedingly small, the replacement house may be larger but should be within the size range of contributing houses. Where feasible, front porches are encouraged as compatible with the neighborhood's character.

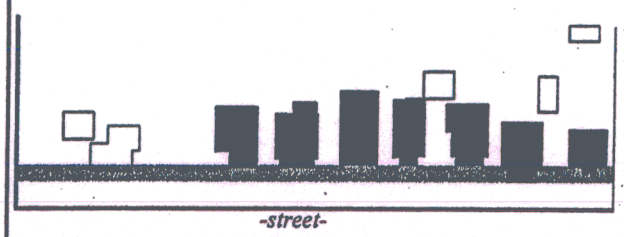
Parking considerations

Typically, houses with off-street parking in the neighborhood feature straight driveways off the street, placed on one side of the house. This configuration is compatible and acceptable in new construction.

Materials

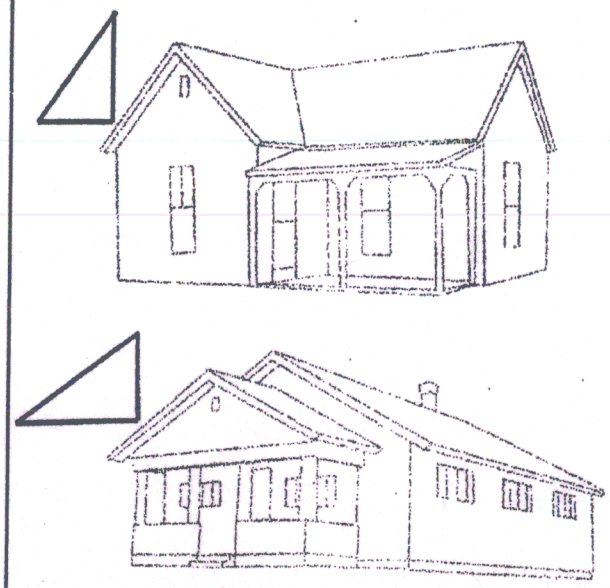
The contributing homes in the neighborhood feature a wide variety of materials. This variety is compatible and acceptable for new residential structures as well. Typically, contributing homes feature a masonry foundation (stone or block), with exterior walls sided in wood, aluminum, fiber, vinyl, or composite materials; design of new residential structures is encouraged to follow this pattern where feasible.

SET-BACK



Set-back zone for new residential structures should be determined by the set-back ranges of contributing houses on that block, as shown by the grey band in this drawing.

ROOF PITCH



Roof pitch range for new residential structures should be within the range of roof pitches found on the main roofs of contributing houses on that block. This illustration shows examples of roof pitch variations found on typical contributing houses in the McDoel Neighborhood.

Procedures for Changing the Guidelines

1) Changes to the guidelines, if desired, shall be initiated from and drafted by the McDoel Gardens neighborhood organization.
2) The neighborhood organization shall inform the Historic Preservation Commission of the proposed changes to the guidelines.
3) All property owners in the Conservation District shall be notified of the proposed changes in the guidelines. They will be given copies of the proposed changes and notice of the time and place of the public hearing on the proposal.
4) The neighborhood organization shall provide a system whereby all property owners have the opportunity to cast a vote on the proposal.
5) If 51% of the property owners who cast a vote approve the changes, the new guidelines are forwarded to the Historic Preservation Commission for ratification.

December 1, 2000

ORDINANCE 01-04

TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED "HISTORIC PRESERVATION AND PROTECTION " TO ESTABLISH A HISTORIC DISTRICT
Re: The McDoel Conservation District
(Petitioner(s): The Bloomington Historic Preservation Commission)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on November 9, 2000, which was continued to January 11, 2001, and was for the purpose of allowing discussion and public comment on the proposed historic district designation of the McDoel Conservation District located roughly between Wylie and Hillside, the CSX railroad right-of-way and Patterson Drive and the Indiana Enterprise Center; and

WHEREAS, at the January 11, 2001 meeting the Historic Preservation Commission found that the Historic Preservation Commission, having had input from residents of the proposed conservation district and from the City administration regarding future public works projects involving Hillside Drive, resolved to support the concept of connectivity of Hillside from the CSX right-of-way to Rogers Street and will cooperate with the public works department to create the best design possible; and

WHEREAS, at the January 11, 2001 meeting the Historic Preservation Commission found that that the areas outlined on the map are related by history and development sufficiently to be considered one district;

WHEREAS, at the January 11, 2001 meeting the Historic Preservation Commission found that the district has historic and architectural significance that merits the protection of the property as a conservation district; and

WHEREAS, the Commission has prepared a map and written report, which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10;

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

SECTION 1. The map setting forth the proposed conservation district and the accompanying report are hereby approved by the Common Council, and the McDoel Conservation District is hereby established. A copy of the map submitted by the Historic Preservation Commission is attached and made a part of this ordinance. The accompanying report is incorporated by reference and two copies are on file in the office of the City Clerk for public inspection. The McDoel Conservation District shall consist of the following addresses:

714, 712, 710, 708, 706, 704, 702 and 717, 715, 713, 711, 709, 707, 705, 703, 701, 613, 611, 605, 603, 521, 517, 515, 513 West Wylie Street;

716, 714, 712, 708, 706, 704, 702, 608, 606, 604, 602, 516, 514, 510, 508, 414, 412, 410, 408, 322, 320, 312, 302 and 711, 709, 707, 705, 701, 701 ½, 611, 609, 607, 605, 603, 601, 519, 515, 511, 509, 505, 503, 411, 401, 321, 319, 315 West Dodds Street;

722, 720, 710, 708, 620, 606, 600, 514, 512, 510, 506, 504, and 725, 715, 713, 703, 701, 609, 607, 605, 603, 601, 515, 513, 511, 507, 503 West Dixie;

728, 724, 722, 720, 716, 706, 704, 702, 614, 612, 608, 604, 600, 516, 514, 512, 510, 508, 428, 414 and 716, 715, 709. 705, 701, 615, 609, 607, 605, 603, 601, 515, 513, 511, 509, and 415 West Allen Street;

407 and 405 West Driscoll Drive;

408, 406, 404, 402, 400, 400 ½ West Wilson;

407, 405, 403, 321 West Hillside Drive;

800, 804, 806, 808, 810, 810 ½, 902, 902 ½ , 908, 910, 912, 916, 920, 1006, 1100, 1106, 1108, 1112, 1116, 1122, 1128, 1130, 1134, and 803, 805, 807, 809, 809 ½ , 811, 813, 815, 817, 901, 905, 905 ½, 917, 919, 923, 1001, 1003, 1005, 1009, 1013, 1017, 1101, 1105, 1109, 1109 ½ , 1111, 1111 ½ , 1113, 1117, 1119, 1121, 1125, 1125 ½ , 1133, 1205, 1205 ½ , 1207, 1215, 1217, 1219, 1221, 1223, 1225, 1301, 1305, 1309, 1311, 1317, 1405, 1409, 1413, 1417, 1421, 1501, 1505 South Rogers Street;

808, 812, 904, 908, 912, 1000, 1004, 1008, 1012, 1016, 1020, 1104, 1106, 1108, 1112, 1118, 1122, 1126, 1128, 1130, 1206, 1206 ½ , 1210, 1214, 1300, 1306, 1310, 1402, 1414, 1416, 1418, 1422, and 809, 905, 907, 909, 1001, 1005, 1009, 1013, 1017, 1021, 1109, 1117, 1123, 1125, 1129, 1201, 1205, 1209, 1213, 1301, 1305, 1309, 1313, 1401, 1405, 1409, 1413, 1417, 1421, 1425, 1501 South Madison Street; and

736, 738, 740, 748 812 and 916 South Morton Street; and

the boundaries of the district are further described as follows:

Hillcrest Lots 1-20; Dixie Highway Lots 1-33, and ½ of a vacated alley lying north of Lots 29-33, Lots 40-73, 88-110, 120-136; Duncan Subdvision Lots 4-16 and Lots 19-22; Seminary Part Lot 38 plat # 38Q, 38V, 38W, 38V, 38U, and 38T; and Seminary Part Lot 54 plat# 54A, 54B, 54C, 54D, 54E, 54F, and 54G; MM Campbell Subdivision Lots 1-23, 26-31, 34-39, 42-47, 50-55, 58-63, 66-71, 75-76; Stull Subdivision Lots 1-15; Dodds Subdivision Lots 15-26, 28-52; Libey Subdivision Lots 2 and 3; Allentown Village Plat# U601E, U601D, U601B, U601C, U601A and U603and Perry Section 8, Township 8N, Range 1W Plat # 5, 56, 6, 54, 8, and 76; Monroe County, the City of Bloomington.

SECTION 2. The following addresses in the McDoel Conservation District shall be assigned the rating classifications as indicated below:

The following properties shall be rated as "outstanding":
748 South Morton

The following properties shall be rated as "notable":
908, 920 South Rogers
712, 606, 604, 602, 503, 320, 321, 315 West Dodds
907 South Madison
710, 720, 713, 708, 507 West Dixie
710, 709, 708, 707, 701, 613, 603 West Wylie
722, 509, 508 West Allen

The following properties shall be rated as "Non-contributing":
714, 711 West Wylie
701 ½ , 414 West Dodds
620, 703, 609, 601 West Dixie
718, 716, 702, 612, 608, 705, 701, 615, 609, 601 West Allen
407, 405 West Driscoll
400- 408 West Wilson
805, 809-817, 901, 905, 917, 919, 923, 1109-11 ½, 1125, 1125 ½ , 1205-1207, 1215-1225, 1311, 1130 South Rogers
808, 912, 1000, 1008-1016, 1118, 1122, 1206, 1310, 1416, 1416 ½ , 807, 905, 1005, 1009, 1021, 1201, 1301, 1309, 1313 South Madison

738 South Morton

All other property addresses listed in Section 1, but not mentioned previously in Section 2, shall be rated as "contributing"

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled A List of Designated Historic Districts, is hereby amended to include the McDoel Conservation District and the entry shall read as follows:

McDoel Conservation District

Section 4. Pursuant to BMC 8.08.010(b)(1), this conservation district is being established with the intent of future review of its status by the Common Council and its status as a conservation district shall be changed only by ordinance of the Common Council.

Section 5. Prior to two and one-half years following the adoption of this ordinance, the Department of Housing and Neighborhood Development (HAND) shall survey all property owners in the conservation district to receive input on the future of the conservation district after it has been in effect for three years. HAND shall send each property owner, by first class mail, a ballot affording the property owner the options of voting:

A. Whether the conservation district status should be retained or rescinded; and

B. Whether the conservation district status should be elevated to historic district status.

An envelope with the HAND department's return address shall be included with the ballot. To be valid for tabulation, a ballot must include the signatures of the voting property owner, or owners, and the address of the property.

Ballots shall be mailed by HAND in the two week period prior to the two and one-half year anniversary of the adoption of this ordinance. Each ballot shall be clearly marked with the dates between which the ballot must be received by HAND. HAND shall tabulate the responses and report the tallies to the Historic Preservation Commission.

No later than forty-five days prior to the third anniversary of the adoption of this ordinance, the Historic Preservation Commission shall file with the City Clerk and submit to the Common Council a report or report and proposed ordinance as reflected by the following scenarios accurately drawn from the ballot vote:

1. If the report indicates that a majority of property owners oppose continuation of the conservation district, then the proposed ordinance shall be for rescission of the conservation district;

2. If the report indicates that a majority of property owners favor continuation of the conservation district, then the conservation district shall continue in effect unless other action is taken by the Common Council;

3. If the report indicates that a majority of property owners favor elevation of the conservation district to full historic district status, then the proposed ordinance shall be for elevation of the conservation district to full historic district status;

4. If the report indicates that no option on the ballot receives a majority vote, then the conservation district shall remain in effect, unless other action is taken by the Common Council.

For the purposes of determining a "property owner" the following rule shall apply:

1. Property owned by an estate, trust, corporation, S-corporation, limited liability corporation or partnership, shall be considered to have one (1) owner.

2. An owner of two or more properties in the conservation district shall be allowed only one (1) vote.

3. Properties owned by a husband and wife shall be considered to have two owners, as opposed to ownership by the entireties, and thus two votes.

4. Where two or more persons appear on a deed, each person shall have one (1) vote.

SECTION 6. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of February, 2001.

Patricia Cole
PATRICIA COLE, President
Bloomington Common Council

ATTEST:

Regina Moore
Regina Moore, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of February, 2001.

Regina Moore
Regina Moore, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____ day of _____, 2001.

VETOED 2/18/01
MESSAGE ATTACHED

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the List of Designated Historic Districts in the City of Bloomington by establishing the McDoel Conservation District. In recommending this designation, the Bloomington Historic Preservation Commission has: conducted a survey; held public hearings; submitted a map describing the boundaries of the district and classifying the 271 properties within the district; and, filed a report to the Council demonstrating how this district meets the necessary criteria. The area was developed from the 1890's through the 1920's and is significant for its portrayal of the development patterns and working class lifestyles associated with that past industrial era. The inventory of modest bungalows, gabled-ells and kit homes in the district express the built environment during Bloomington's booming years in the limestone, railroad and furniture making industries. The conservation district is, in general, less restrictive than a full historic district, and only requires the review of proposals to demolish or move buildings or construct new principal or accessory buildings. In addition, this conservation district will be governed by the guidelines adopted by the Commission at its January 11th meeting.

Note: At their February 7, 2001 Regular Session the Common Council adopted Am 1 by a vote of 5 – 4. This amendment inserted new Sections 4 and 5 and renumbered the initially proposed sections accordingly. These sections clarified what will occur at the end of the first three years of this conservation district. Other amendments were either defeated or not introduced by the Council. In particular, Am 4, and Am A and Am B, which would have amended Am 1, were defeated; and, Am 2, Am 3, and Am 5 were not introduced by the Council. After action on the foregoing amendments, the Council adopted the ordinance as amended by a vote of 6 – 3.

Clerk's Notes:

The following is a chronology regarding Ordinance 01-04:

January 24, 2001 -- In a Common Council Committee of the Whole meeting the council voted a recommendation of Do Pass by a vote of 4-3-2.

February 7, 2001 -- In a Common Council Regular Session the council took final action with a vote of 6-3-0.

February 9, 2001 -- Amended legislation presented to the mayor for signature.

February 18, 2001 -- Mayor John Fernandez officially vetoed Ordinance 01-04. Veto statement (dated 2-19-01) filed with the ordinance.

February 21, 2001 -- In a Common Council Regular Session, the council overrode the mayor's veto with a vote of Ayes: 6; Nays: 3 (Willsey, Banach, Sabbagh).

Regina Moore

Regina Moore, CLERK
City of Bloomington