



MEMO FROM COUNCIL OFFICE:

To: Members of the Common Council

From: Stephen Lucas, Council Administrator/Attorney

Date: March 1, 2024

Re: Ordinance 2024-02 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Lower Cascades Park (Bloomington Historic Preservation Commission, Petitioner)

Synopsis

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled “The List of Designated Historic Districts” in order to designate Lower Cascades Park as a historic district. The Bloomington Historic Preservation Commission, after a public hearing February 23, 2024, recommended that the park be designated historic with a rating as “Contributing.” This rating was based upon certain historic and architectural criteria set forth in BMC 8.08.010(e) entitled “Historic District Criteria.” Local designation will provide the protection needed to ensure that this property is preserved.

Relevant Materials

- Ordinance 2024-02
- Map of proposed historic district
- Staff Report from Bloomington Historic Preservation Commission

Summary

Ordinance 2024-02 would add “Lower Cascades Park” as a historic district under [Title 8](#) of the Bloomington Municipal Code (entitled “Historic Preservation and Protection”). The provisions of Title 8 are enabled by state law under [Indiana Code 36-7-11](#) (and following provisions) and are intended to:

- protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The [Historic Preservation Commission](#) (“HPC”) is authorized to make recommendations to the Council regarding the establishment of historic districts either on its own accord or by petition of the property owner. In this case, the HPC acted on its own to recommend that Lower Cascades Park be designated as a historic district due to it meeting at least three of



the criteria required by [Bloomington Municipal Code 08.08.010\(e\)](#) for the creation of a historic district.

In order to create a historic district, the HPC prepares a map describing the district, which may divide the district into primary and secondary areas. The HPC report also designates all buildings and structures within the proposed district as either historic or non-historic. Historic buildings and structures are then further classified as either Outstanding, Notable, or Contributing. Under [BMC 8.02.020](#), the definitions of the ratings are as follows:

- “Outstanding” 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.
- “Notable” 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.
- “Contributing” means the property is at least forty years old, but does not meet the criteria for an “Outstanding” or “Notable” 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.
- “Non-contributing” property 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.

The HPC staff report attached to the ordinance lists 10 contributing buildings/structures and three non-contributing (non-historic) buildings/structures.

Under [BMC 08.08.020](#), once an area is designated as a historic district, a certificate of appropriateness must be issued by the HPC prior to the issuance of a permit for, or prior to work beginning on, any of the following within all areas of the historic district:

- The demolition of any building;
- The moving of any building;
- 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
- Any new construction of a principal building or accessory building or structure subject to view from a public way.



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The HPC promulgates [rules and procedures](#) for reviewing changes to properties within historic districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes which, in some instances may be done by staff and other instances must be done by the Commission. Unless the property owner agrees to an extension, the action on the Certificate of Appropriateness must be taken with 30 days of submittal of the application.

According to the BMC, in order to bring forward a historic designation, the HPC must hold a public hearing and submit a map and staff report to the Council. The map identifies the district and classifies properties, and the Report explains these actions in terms of the historic and architectural criteria set forth in the ordinance (see also [BMC 08.08.010\(e\)](#)). These criteria provide the grounds for the designation.

In summary, [Ordinance 2024-02](#):

- Approves the map and establishes the district, which provides the basis for the designation;
- Attaches the map and the report as part of the legislation;
- Describes the district and classifies the properties;
- Inserts the newly-established district into the List of Historic and Conservation Districts contained within BMC 8.20.

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