



## MEMO FROM COUNCIL OFFICE:

**To:** Members of the Common Council

**From:** Ash Kulak, Interim Council Administrator/Attorney

**Date:** September 13, 2024 (revised September 27, 2024)

**Re:** Ordinance 2024-18 - To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Green Acres Conservation District (Green Acres Historic Designation Committee, Petitioner)

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### Synopsis

This ordinance amends the List of Designated Historic Districts in Chapter 8.20 of the Bloomington Municipal Code by establishing the Green Acres Conservation District. In recommending this designation, the Bloomington Historic Preservation Commission held a public hearing and submitted a map and accompanying report to the Council. The map sets forth the boundaries of the district and classification of buildings within the district. The report demonstrates how this district meets the necessary criteria. At the end of three years after adoption of this ordinance, this conservation district will elevate into a full historic district, unless within 180 and 60 days before that date, a majority of the property owners provide the Historic Preservation Commission with written objections to the elevation.

### Relevant Materials

- Ordinance 2024-18
- Map of proposed Conservation District
- Staff Report from Bloomington Historic Preservation Commission
- Green Acres Conservation District Survey & Corresponding Cover Memo by City Staff
- [*new material*] Staff Presentation Slides
- July 29, 2024 Application from Green Acres Historic Designation Committee
- July 29, 2024 Appendix to Application
- Signed Petition to Historic Preservation Commission from Green Acres residents
- Letters of Objection [*additional letters received after first reading included herein*]
- Green Acres Neighborhood Plan (2007)

### Update after First Reading

Since this item was read by the City Clerk by title and synopsis only at the September 18, 2024 Regular Session, additional items were sent to the council office for inclusion in the legislative packet. Those items include additional letters of objection from residents. The packet also includes the powerpoint slides city staff intends to show during the staff presentation.

### Summary

Ordinance 2024-18 would add “Green Acres Conservation District” as a conservation 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, as stated in BMC 8.02.010:



- 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 Green Acres Historic Designation Committee petitioned the HPC to consider designating Green Acres as a historic district due to it meeting at least three of the criteria required by [Bloomington Municipal Code 8.08.010\(e\)](#).

Indiana Code ([I.C. 36-7-11-19](#)) allows for the establishment of a historic district in two phases, first as a conservation district and then as a full historic district. [BMC 8.08.010\(b\)](#) spells out this two-phase process, in which the first phase is called a conservation district and lasts three years. Conservation districts are generally less restrictive than a full historic district and automatically elevate to historic districts upon the third anniversary of the adoption of the ordinance, unless a majority of owners submit their objections in writing within a window of 60-180 days before that date.

In order to create a historic or conservation 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 outstanding, notable, contributing, and non-contributing. The classifications for each property in the proposed Green Acres Conservation District are listed in the ordinance as well as the survey promulgated by city staff.

In order to bring forward a conservation or historic district 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 8.08.010\(e\)](#)). These criteria provide the grounds for the designation.

The HPC held the required public hearing on August 12, 2024 and voted to submit to the Council the map and report recommending local historic designation of the properties as a conservation district. The HPC also voted to grant interim protection on the properties, which will expire upon passage or failure of this ordinance. Under [BMC 8.08.015](#), buildings, structures, or sites under interim protection may not be demolished, moved, nor may their exteriors be conspicuously changed by addition, reconstruction, or alteration.



## City of Bloomington Indiana

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Under [BMC 8.08.020](#), once an area is designated as a conservation 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 moving of any building;
- The demolition of any building; or
- Any new construction of a principal building or accessory building or structure subject to view from a public way.

The HPC's [rules and procedures](#) dictate the process for applying for and reviewing proposed changes to properties within conservation or historic districts. Article IV outlines this process in detail, in line with the requirements under [BMC 8.08.020](#).

In summary, [Ordinance 2024-18](#):

- 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;
- Addresses the elevation to a full historic district at third anniversary of the adoption of the ordinance, unless a majority of property owners object to the Commission in writing within a specified time frame.

### Contacts

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