

Bloomington Historic Preservation Commission ("Commission") Rules and Procedures

Article I: Meetings

- A. From January-October, 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. For November and December, the commission shall meet on the second Thursday of the month only.
- 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. A special meeting of a board, commission or council may be called by the chairperson, the mayor, or by a majority of the members then serving on the board, commission or council requesting such meeting in writing. Upon receiving such request, the chairperson shall thereafter call a special meeting to be held within twenty days. Three days' notice is required.
- D. The agenda for regularly scheduled meetings shall be set at least six days before each meeting and emailed 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 secretary and/or HAND staff shall record the vote of each member of the Commission in the records of the Commission and 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 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 HAND staff 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. If the petitioner does not attend a meeting for which Commission Review is scheduled, the Commission may deny the application without prejudice. 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. Parliamentary Procedure. Meetings shall be conducted according to procedures set forth in Roberts Rules of Order.
- M. Removal for Cause. Except for appointees who serve at the pleasure of the mayor, a member of a board, commission or council may be removed for cause. Cause shall include, but not be limited to, violations of the code of conduct specified in subsection (3) and excessive absenteeism. Excessive absenteeism is a failure to attend three consecutive regularly scheduled meetings of the board, commission, or council or four regularly scheduled meetings in any twelve-month period; provided, that any member may submit in writing to the appointing authority any extenuating circumstances. Such written submission shall be made within five business days before the formal decision to remove is reached. Acceptance of extenuating factors by the appointing official or body puts the member on notice that further excessive absenteeism shall result in removal.
- O. Vacancies by Death, Resignation-Failure to Appoint. In the event that a vacancy occurs in the membership of a board, commission, or council through resignation or death, the appointing authority shall appoint a person to fill the unexpired term of the resigned or deceased member. If a member's term has expired, but the appointing authority has failed to act, the appointment of the member whose term has expired carries over until the appointing authority reappoints or appoints a successor.

Article II: Officers

- A. Annually at its first meeting of the year, the Commission shall select by majority vote of its members a Chair, Vice-Chair, treasurer, and secretary who shall each serve for one year and who may be reelected to second one-year terms. The Commission may appoint a non-member to serve as secretary.

- 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. The Vice-Chair shall sign off on all COA documents and read procedural statements regarding demolition delays and historic designations during Commission meetings. The secretary shall keep for every meeting written minutes in which the results of any vote are recorded and, when appropriate, specific findings of facts and conclusions are set forth.
- C. HAND staff with the assistance of the secretary, 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 documents 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 their 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. Only fully completed petitions will be accepted for consideration by the HPC. This includes filling out forms and providing required attachments such as pictures and plans.
- 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 HAND staff. 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 HAND staff and 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. HAND staff, with the assistance of the Vice-Chair 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. 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, with the assistance of HAND staff, 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, with the assistance of HAND staff, 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. HAND staff will notify property owners 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. 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, HAND 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. The chair shall appoint a Historic District Committee, composed of three voting members immediately after the first meeting of the year. It shall be the duty of this committee to:
1. Review applications for Historic Districts or Conservation Districts submitted by property owners for consistency with guidelines and standards.
 2. 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, HAND 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, HAND 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), the Historic Preservation Commission will make a determination as to whether the structure or district meets the criteria for inclusion. HAND staff will forward 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. HAND staff will send a letter of notification to all owners whose property is affected by the inclusion on the list.
2. HAND staff will place legal notice 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).