

## ARTICLE II. HISTORICAL PRESERVATION

### SEC. 15.15. DEFINITIONS.

The following words and terms as used in this Article shall have the following meanings unless the context clearly indicates otherwise:

**Bloomington Historical Register** - a ranked listing of burial ground and historic sites which is hereby incorporated and made a part of this Article as if set out in full.

**Burial Ground Site** - consists primarily of burial mounds and related earthworks that contain or has a high potential to contain human remains based on physical evidence and historical records and includes, without limitation, the Burial Ground sites in the Bloomington Historical Register.

**Class I Sites** - sites and improvements which rank highest in terms of associative value based on historical significance, architectural quality, and community development impact and include the sites classified as such in the Bloomington Historical Register.

**Class II Sites** - sites and improvements which rank next highest in terms of associative value based on historical significance, architectural quality, and community development impact and include the sites designated as such in the Bloomington Historical Register.

**Demolish** - when used with reference to buildings, structures, or improvements, includes partial demolition of such buildings, structure, or improvement.

**Improvement** - a building, structure, Indian mound, wall, or other object constituting a physical betterment of real property.

**Ordinary Maintenance and Repair** - consists of painting of previously painted surfaces, caulking, reglazing, and maintenance activities which use materials and techniques of the period and in the identical design and usage of the improvement being maintained.

### SEC. 15.16. STANDARDS.

- (a) **Burial Ground Sites.** Except as otherwise expressly permitted, no person shall demolish, move, or materially alter a Burial Ground site.
- (b) **Class I Sites.** Except as otherwise expressly permitted, no person shall demolish, move, or materially alter the exterior appearance of a Class I site.
- (c) **Class II Sites.** Except as otherwise expressly permitted, no person shall move or demolish a Class II site.

### SEC. 15.17. EXEMPTIONS.

- (a) Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.
- (b) Repair or reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, if such repair or reconstruction is limited to that required for the protection of the public safety as determined by the City.

### SEC. 15.18. PERMITS FOR PREHISTORIC, CLASS I, AND CLASS II SITES.

- (a) **Certificate of Appropriateness.**
  - (1) Burial Ground and Class I Sites - An owner or person in charge of a Burial Ground or Class I site may apply to the Issuing Authority of the City for a Certificate of Appropriateness to demolish, move, or materially alter the exterior of an improvement on the site or to construct new improvements.
  - (2) Class II Sites - An owner or person in charge of a Class II Site may apply to the Issuing Authority of the City for a Certificate of Appropriateness to demolish an improvement on the site.
- (b) **Permit Procedures.**
  - (1) The Issuing Authority shall, within three weeks of filing of the application, determine whether the demolition, removal, or alteration of the site would be detrimental to the public interest. In determining whether the demolition, removal, or alteration would be detrimental to the public interest, the Issuing Authority shall consider the following factors:

- (A) The effect of the proposed change upon the general cultural, historical, and architectural nature of the City;
  - (B) the effect of the proposed change on any historical, cultural, or architectural feature of the site and whether such work is appropriate and consistent with the spirit and intent of this Article;
  - (C) whether the improvement is capable of earning an economic return on its value; and
  - (D) whether the improvement is in a deteriorated, dilapidated, hazardous, or dangerous condition which cannot reasonably be restored.
- (2) The Issuing Authority shall promptly forward its findings and recommendations to the next available City Council meeting for final action by the City Council at a public hearing.

**SEC. 15.19. NOTIFICATION.**

The City shall make a bona fide attempt to notify the owners of all Burial Ground, Class I, and Class II sites of the passage of this Article, of its provisions, and of the penalty for a violation thereof.

**SEC. 15.20. PENALTY.**

- (a) Violation of any provision of this Article shall be a misdemeanor.
- (b) The City shall institute any appropriate action or proceedings including injunctive relief to prevent any unlawful construction, restoration, demolition, razing, or maintenance to restrain, correct, or abate such violation.