

Bloomington City Code

Chapter 44 : Division 11 : Historic Preservation

Chapter 44 : Section 44.11-1 : Historic Preservation Commission.

A. Composition. The Bloomington Historic Preservation Commission shall consist of seven (7) members, residents of the City or owners of taxable real estate located within the corporate limits of the City and whose place of residence is located not more than five (5) miles from said corporate limits, all of whom shall be appointed by the Mayor and approved by the City Council. The Mayor shall make every reasonable effort to try to appoint persons with a demonstrated interest in the history or architecture of the City, and at least one (1) member of the Preservation Commission should, if possible, be an Illinois registered architect, one (1) an attorney and one (1) a person experienced in real estate. (Ordinance No. 2006-137)

B. Terms. Effective May 1, 2014, a person appointed to the Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Commission shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Vacancies shall be filled for the unexpired term only. Members may be recalled for cause as provided by Chapter 2, Section 80, of the Bloomington City Code, 1960 as amended. (Ordinance No. 2014-04)

C. Officers. Officers of the Preservation Commission shall consist of a chairman, a vice-chairman and a secretary elected by the Preservation Commission who shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as chairman for more than two (2) consecutive years. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both the chairman and vice-chairman are absent, a temporary chairman shall be elected by those present. The secretary to the Preservation Commission shall have the following duties:

1. Take minutes of each Preservation Commission meeting;
2. Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Preservation Commission to the members of the Preservation Commission;
3. Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
4. Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring Council consideration. (Ordinance No. 2006-137)

D. Meetings. A quorum shall consist of a majority of the members. All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at

the beginning of each calendar year or at any time upon the call of the chairman. No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Preservation Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Preservation Commission, as provided herein. The chairman, and in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public. The Preservation Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Director of Planning and Code Enforcement and shall be a public record. (Ordinance No. 2006-137)

E. Powers and Duties. The Preservation Commission shall have the following powers and duties:

1. To adopt its own procedural regulations;
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the United States of America, the State of Illinois, or the City;
3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural values as "landmarks";
4. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as "historic districts";
5. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
6. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
7. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
8. To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register Nominations submitted to the Preservation Commission upon request of the Mayor or City Council;

9. To inform and educate the citizens of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
10. To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
11. To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
12. To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;
13. To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks and historic districts. The Director of Planning and Code Enforcement shall send applications for special use or zoning variations to the Preservation Commission for comment prior to the date of the hearing by the Planning Commission or Board of Zoning Appeals;
14. To administer through the City Parks and Recreation Department any property or full or partial interest in real property, including easements, that the City may have or accept as a gift or otherwise, upon authorization and approval by the City Council;
15. To accept and administer through the Office of the Director of Finance on behalf of the City such gifts, grants, and money as may be appropriate for the purposes of Section 44.5-15 A. of this Code. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of Section 44.6-15 A. of this Code;
16. To call upon available City staff members as well as other experts for technical advice;
17. To retain such specialists or consultants with the permission of the City Council or to appoint such citizen advisory committees as may be required from time to time;
18. To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures, and areas;
19. To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers;
20. To develop a preservation component in the official comprehensive plan and to recommend it to the Planning Commission and to the City Council;

21. To periodically review the Bloomington Zoning Code and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and

22. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Code. (Ordinance No. 2006-137)

F. Surveys and Research. The Preservation Commission shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the Preservation Commission shall on its own initiative nominate any landmark for designation, it shall first develop a plan and schedule for landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one identifiable neighborhood or distinct geographical area of the City;
2. The potential landmarks associated with a particular person, event, or historical period;
3. The completion of a survey of the City to identify potential landmarks. The Preservation Commission shall then systematically identify potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
4. Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the City.

Chapter 44 : Section 44.11-2 : Nomination Process.

A. Nomination of Landmarks and Historic Districts. Nominations shall be made to the Preservation Commission on a form prepared by it and may be submitted by a member of the Preservation Commission, owner of record of the nominated property or structure, the City Council, or any other person or organization. (Ordinance No. 2006-137)

B. Criteria for Consideration of Nomination. The Preservation Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, or area meets one (1) or more of the following criteria:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City, County of McLean, State of Illinois or the United States of America (the Nation);
2. Its location as a site of a significant local, county, state, or national event;

3. Its identification with a person or persons who significantly contributed to the development of the City, County of McLean, State of Illinois, or the Nation;
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
5. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the City, County of McLean, State of Illinois or the Nation;
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative;
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
9. Its character as a particularly fine or unique example of a utilitarian structure, including, but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance; and/or
10. Its suitability for preservation or restoration.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration. (Ordinance No. 2006-137)

C. Report and Recommendation of Preservation Commission. The Preservation Commission shall within forty-five (45) days from receipt of a completed nomination in proper form adopted by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in Paragraph B. of this Section 44.11-2. The resolution shall be accompanied by a report to the Planning Commission containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
3. In the case of a nominated landmark found to meet the criteria for designation:
 - (a) The significant exterior architectural features of the nominated landmark that should be protected;

(b) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Section 44.11-5 of this Code.

4. In the case of a nominated historic district found to meet the criteria for designation:

(a) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;

(b) The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of Section 44.11-5 of this Code.

5. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district;

6. The relationship of the nominated landmark or historic district to the ongoing effort of the Preservation Commission to identify and nominate all potential areas and structures that meet the criteria for designation;

7. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district;

8. A map showing the location of the nominated landmark and the boundaries of the nominated historic district;

The recommendations and report of the Preservation Commission shall be sent to the Planning Commission within seven (7) days following the vote on the resolution and shall be available to the public in the Office of the City Clerk. (Ordinance No. 2006-137)

D. Design Guidelines. Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:

1. Height - The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district;

2. Proportions of Windows and Doors - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district;

3. Relationship of Building Masses and Spaces - The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible;

4. Roof Shape - The design of the roof should be compatible with the architectural style and character of the landmark and of surrounding structures and landscapes in historic districts;

5. Landscaping - Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts;

6. Scale - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district;

7. Directional Expression - Facades in historic districts should blend with other structures with regard to directional expression. Structures in a district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character;

8. Architectural Details - Architectural details including materials, colors, and textures should be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. (Ordinance No. 2006-137)

E. Notification of Nomination. The Planning Commission shall schedule a public hearing on the nomination within thirty (30) days following receipt of a report and recommendation from the Preservation Commission that a nominated landmark or historic district does or does not meet the criteria for designation. Notice of the date, time, place, and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, as well as to property owners adjoining the nominated landmark or historic district at least fifteen (15) days prior to the date of the hearing. Notice shall also be published in a newspaper having general circulation in the City. The notice shall state the street address and legal description of a nominated landmark and the boundaries of a nominated historic district. (Ordinance No. 2006-137)

F. Public Hearing. Oral or written testimony concerning the significance of the nominated landmark or historic district shall be taken at the public hearing from any person concerning the nomination. The Preservation Commission may present expert testimony or present its own evidence regarding the compliance of the nominated landmark or historic district with the criteria for consideration of a nomination set forth in Paragraph B. of this Section 44.11-2. The owner of any nominated landmark or of any property within a nominated preservation district shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony. (Ordinance No. 2006-137)

G. Determination by Planning Commission. Within thirty (30) days following close of the public hearing, the Planning Commission shall make a determination upon the evidence whether the nominated landmark or historic district does or does not meet the criteria for designation. Such a determination shall be passed by resolution of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation in Paragraph

B. of this Section 44.11-2 and the nominated landmark or historic district and all other information required by Paragraph C. of this Section 44.11-2. (Ordinance No. 2006-137)

H. Notification of Determination. Notice of the determination of the Planning Commission, including a copy of the report, shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and to the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the Planning Commission that the nominated landmark or historic district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the Council. A determination by the Planning Commission that the nominated landmark or historic district does not meet the criteria for designation shall not be valid unless such determination is approved by a two-thirds (2/3) vote of the Planning Commission members then holding office. (Ordinance No. 2006-137)

I. Appeal. A determination by the Planning Commission that the nominated landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Illinois Administrative Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within thirty (30) days after the postmarked date of the notice of the determination, file with the City Clerk a written appeal to the Council. (Ordinance No. 2006-137)

J. Action by City Council. The City Council shall, within sixty (60) days after receiving the recommendation that the nominated landmark or historic district be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the landmark or historic district by an ordinance. The Council may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in Paragraphs E. and F. of this Section 44.11-2. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the Council. The City Clerk shall provide written notification of the action of the Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the Council and shall be sent within seven (7) days of the Council action. A copy of each designation ordinance shall be sent to the Preservation Commission, the Planning Commission, and the Director of Planning and Code Enforcement. (Ordinance No. 2006-137)

K. The Designation Ordinance. Upon designation, the landmark or historic district shall be classified as a "S-4 Historic Preservation District" juxtaposed over one (1) or more of the other districts established in Sections 44.5-1 and 44.5-2 of this Code. The designating ordinance may prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; and sign regulations. The official zoning map of the City shall be amended to show the location of the "S-4 Historic Preservation District". (Ordinance No. 2006-137)

Chapter 44 : Section 44.11-3 : Interim Control.

No building permit shall be issued by the Director of Planning and Code Enforcement for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the date of the meeting of the Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal, or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days. (Ordinance No. 2006-137)

Chapter 44 : Section 44.11-4 : Amendment and Rescission of Designation.

Designation may be amended or rescinded upon petition to the Preservation Commission and compliance with the same procedure and according to the same criteria set forth herein for designation. (Ordinance No. 2006-137)

Chapter 44 : Section 44.11-5 : Certificate of Appropriateness.

A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken: (a) any construction, alteration, or removal requiring a building permit from the City; (b) any demolition in whole or in part requiring a permit from the City; or (c) any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

A. Applications for Certificates of Appropriateness. Every application for a demolition or a building permit, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark or of a property within a designated historic district shall be forwarded by the Director of Planning and Code Enforcement to the Preservation Commission within seven (7) days following receipt of the application by the Planning and Code Enforcement Department. The Planning and Code Enforcement Department shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Preservation Commission. Any applicant may request a meeting with the Preservation Commission before the application is sent by the Director of Planning and Code Enforcement to the Preservation Commission or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Preservation Commission and available at the Office of Director of Planning and Code Enforcement. The Preservation Commission shall consider the completed application at its next regular meeting. The Preservation Commission may establish a subcommittee of three (3) of its members to review applications for a certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant. A certificate of appropriateness may be issued with full authority of the Commission prior to the next regular meeting upon the signature of the Chairman of the subcommittee or upon the signature of the designated staff person with his or her written finding that the application is routine as described in this Section. The Commission may further designate staff support responsible for reviewing routine applications for certificates of appropriateness when the

proposed work is clearly appropriate and in accordance with the criteria set forth in Section 44.11-5 D.1. through 9. of this Code. (Ordinance No. 2006-137)

B. Determination by Preservation Commission. The Preservation Commission shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the certificate of appropriateness within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Planning and Code Enforcement Department within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval. (Ordinance No. 2006-137)

C. Denial of a Certificate of Appropriateness. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Preservation Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Preservation Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission. (Ordinance No. 2006-137)

D. Standards for Review. In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Preservation Commission shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or historic district:

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose;
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged;
4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected;
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material

being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken;
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;
9. Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. (Ordinance No. 2006-137)

Chapter 44 : Section 44.11-6 : Certificate of Economic Hardship.

A. Certificate of Economic Hardship. Application for a Certificate of Economic hardship shall be made on a form prepared by the Preservation Commission. The Preservation Commission shall schedule a public hearing concerning the application and provide notice in the same manner as in Section 44.11-2 E. of this Code and any person may testify at the hearing concerning hardship in the same manner as provided by Section 44.11-2 F. of this Code:

1. Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a certificate of appropriateness;
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or

applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

6. If the property is income producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
7. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
8. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
9. Assessed value of the property according to the two (2) most recent assessments;
10. Real estate taxes for the previous two (2) years;
11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
12. Any other information, including the income tax brackets of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners. (Ordinance No. 2006-137)

B. Determination of Economic Hardship. The Preservation Commission shall review all the evidence and information required of an applicant for a certificate of economic hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by Paragraph B. of Section 44.11-5 of this Code. (Ordinance No. 2006-137)

Chapter 44 : Section 44-11.7 : Appeals.

A. Appeals. A determination by the affirmative vote of less than five (5) members of the Preservation Commission that an applicant for a certificate of appropriateness or for a certificate of economic hardship be denied shall be an administrative decision reviewable by the City Council. An applicant may appeal such decision to the City Council by filing notice of intent to do so with the City Clerk within thirty (30) days after receiving notice of the decision of the Commission. An appeal from a final administrative decision as defined herein shall be to the Circuit Court as provided in the Administrative Review Act (735 ILCS 5/3-101 *et seq.*) For purposes of the Illinois Administrative Review Act any of the following shall constitute a final administrative decision:

1. a decision of the Bloomington City Council finally disposing of the matter;

2. a decision of the Historic Preservation Commission that is not subject to appeal under this Section 44.11-7;

3. an appealable decision of the Historic Preservation Commission that has not been appealed to the City Council at the end of the time for appeal to the City Council.
(Ordinance No. 2006-137)