

# WITHDRAWN

3-5-2020

FILED

JAN. 07, 2020

CITY CLERK

## GENERAL ORDINANCE NO. 1, 2020

AN ORDINANCE MODIFYING CHAPTER 10, ARTICLE 2, SECTION 10-207 PROHIBITING VARIANCE REQUESTS FOR SURFACE PARKING AS A PRIMARY USE ON A LOT LOCATED ALONG WABASH AVENUE OR 7<sup>TH</sup> STREET IN THE C-9 PEDESTRIAN CORE AREA.

WHEREAS, the Common Council, from time to time, seeks to clarify conflicting portions of the *Terre Haute City Code*;

WHEREAS, the Common Council desires to restrict applications for variances that would allow surface parking as a primary use on a lot located along Wabash Avenue or 7<sup>th</sup> Street in the C-9 Pedestrian Core Area; and

WHEREAS, the Common Council believes said restriction is in concert with the spirit of the C-9 Pedestrian Core Area.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute that the *Terre Haute City Code* shall be modified as follows:

**SECTION 1.** *Terre Haute City Code* shall be modified with the insertion of the underlined text and/or removal of the stricken text as follows:

### ARTICLE 2. COMPREHENSIVE ZONING ORDINANCE

#### Division X. Commercial Districts

##### **Sec. 10-207 Uses, Permitted.**

...

##### hh. Off-Street Parking Provisions.

(1) There shall be no parking required for individual establishments in the C-9 Area, except as noted hereinafter. This will encourage the establishment of new enterprises which would find it especially difficult to provide parking on relatively small building lots.

(2) Any off-street parking or loading area shall be located behind the building that it serves. Under no circumstances shall surface parking be a primary use on a lot located along Wabash Avenue or 7th Street.

(3) All surface parking lots require a five foot (5') minimum width landscaping area between the vehicular use area and any street right-of-way, adorned with visual screening (other than berms) between thirty inches (30") to forty-two inches (42") height, plus one (1) tree per twenty (25) linear feet. Landscape plans shall be approved by the City Landscape Architect. Automobile access to any parking lot from the front property right-of-way is prohibited unless an alley entry or side yard entry/exit is not practical, as determined by the City Engineer.

ii. Variance From C-9 Requirements.

Applications for variances are permitted from any provision of Sec. 10-207 dd. through ~~hh.~~ gg. except for the provisions of Subsection dd. (Dimensional Requirements), but even those Dimensional Requirements may be varied for certain new construction as set forth in Sec. 10-261.

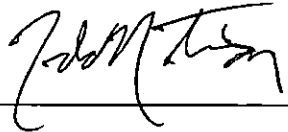
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**SECTION 2.** The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

**SECTION 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

# WITHDRAWN

Introduced by:  Todd Nation, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_ George Azar, President

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_ Duke A. Bennett, Mayor

ATTEST: \_\_\_\_\_ Michelle L. Edwards, City Clerk



**TERRE HAUTE**  
A LEVEL ABOVE

# Area Planning Department For Vigo County

159 Oak Street, Terre Haute, Indiana 47807

Telephone: (812) 462-3354

Fax: (812) 234-3248

Terre Haute • West Terre Haute • Riley • Seelyville

February 6, 2020

## REPORT TO THE CITY COUNCIL ON GENERAL ORDINANCE NO. 1-20 THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES

**CERTIFICATION TO GENERAL ORDINANCE NO. 1-20, AN ORDINANCE AMENDING TERRE HAUTE CITY CODE CHAPTER 10, ARTICLE 2, SECTION 10-207 PROHIBITING VARIANCE REQUESTS FOR SURFACE PARKING AS A PRIMARY USE ON A LOT LOCATED ALONG WABASH AVENUE OR 7<sup>TH</sup> STREET IN THE C-9 PEDESTRIAN CORE AREA.**

**CERTIFICATION DATE: FEBRUARY 5, 2020**

**TO: The Honorable Common Council of the City of Terre Haute**

**Dear Members:**

The Vigo County Area Plan Commission offers you the following report and certification on General Ordinance Number 1-20. This General Ordinance is Amending Terre Haute City Code, Chapter 10, Article 2, Section 10-207. This General Ordinance was published in the Tribune Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance.

The Area Plan Commission considered General Ordinance Number 1-20 at a public meeting and hearing held Wednesday, February 5, 2020. Remonstrators were present. At this meeting a quorum was present throughout the meeting pursuant to IC 36-7-4-301, and the Area Plan Commission took official action on General Ordinance Number 1-20 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to General Ordinance Number 1-20 as required by IC 36-7-4-401(a)(7) and IC 36-7-4-605(c).

Therefore, Area Plan Commission's certified recommendation on General Ordinance Number 1-20 was Unfavorable.

Handwritten signature of Fred L. Wilson in black ink.

Fred L. Wilson, President

Handwritten signature of Jared Bayler in black ink.

Jared Bayler, Executive Director

Received this 6th day of February, 2020