

FILED

FEB 05 2010

SPECIAL ORDINANCE NO. 4, 2010

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For the Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lot Number Thirty-six(36), Thirty Seven (37) in W.H. Hickman's Subdivision of the Northeast quarter of the North East quarter of the Southeast quarter of Section 33, Township 12 North of Range Nine (9) west, excepting 138 feet off of the North side

Grantors-trustees represent under oath that there is no Indiana gross income tax due as a result of this conveyance and that this deed is executed pursuant to and in and in the exercise of the power and authority granted to Trustees under said Trust Agreement and that powers referred to in said deed have never been amended and said Trust is still in existence

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to all legal highways, rights of way, and easements of record.

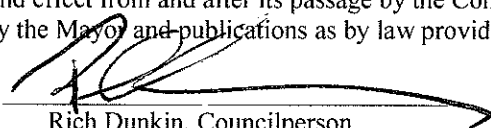
Subject to taxes thereon.

Commonly known as 2502 S 6th , Terre Haute, IN 47802.

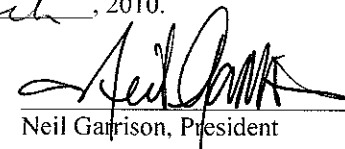
be and the same is, hereby established as a R-2 Two-Family Residence, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publications as by law provided.

Presented by Council Member,


Rich Dunkin, Councilperson

Passed in open Council this 11 day of March, 2010.


Neil Garrison, President

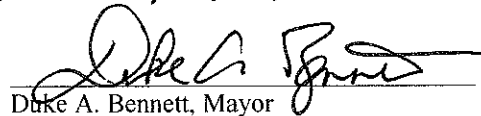
ATTEST:


Charles P. Hanley, City Clerk

Presented to me the Mayor of the City of Terre Haute, this 12th day of March, 2010.


Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this 12th day of MARCH, 2010.

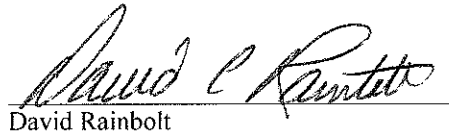

Duke A. Bennett, Mayor

ATTEST:


Charles P. Hanley, City Clerk

This instrument prepared by David Rainbolt 2502 S 6th Street Terre Haute, IN. 47802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.


David Rainbolt

AFFIDAVIT OF:

COMES NOW affiant DAVID C RAINBOLT

and affirms under penalty of law that affiant is the owner of record of the property located

at 2502 S 6TH STREET

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

DAVID C RAINBOLT

[Typed name of owner(s) on deed]

SIGNATURE:

David C Rainbolt

SIGNATURE: _____

STATE OF INDIANA)

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 5th day of February, ~~200~~ 2010.

Notary Public:

Dana Jill M. McGain

Dana Jill M. McGain

[Typed name]

My Commission Expires: June 18, 2017

My County Of Residence: Vermillion

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **David Rainbolt**, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lot number Thirty-six(36), Thirty seven(37) in W.H Hickman's Subdivision of the Northeast quarter of the North East quarter of the Southeast quarter of Section 33, Township 12 North of Range Nine (9) west, excepting 138 feet off of the North side

Grantors-trustees represent under oath that there is no Indiana gross income tax due as a result of this conveyance and that this deed is executed pursuant to and in and in the exercise of the power and authority granted to Trustees under said Trust Agreement and that the powers referred to in said deed have never been amended and said Trust is still in existence

Subject of easements, covenants, restrictions, leases, and other matters of record affecting title to the subject real estate.

Subject to taxes thereon.

Commonly known as: **(2502 S 6th Street), Terre Haute, Indiana 47802.**

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1 Single Family Residence.**

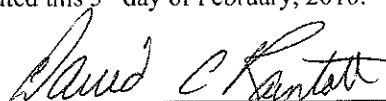
Your petitioner would respectfully state that the real estate is now **R-1 Single Family Residence.** Your petitioner intends to use the real estate to **R-2 Two-Family Residence.**

Your petitioner would request that the real estate described herein shall be zoned as a **R-2 Two Family Residence District.** Your petitioner would allege that the **R-2 Two Family Residence District** would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-2 Two Family Residence District** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 5th day of February, 2010.

BY: 
David Rainbolt

PETITIONER: David Rainbolt 2502 S 6th Street Terre Haute, IN. 47802.

This instrument was prepared by David Rainbolt 2502 S 6th Street Terre Haute, IN. 47802
(812)242-2882

TERRE HAUTE
A LEVEL ABOVE

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: Feb 5, 2010

Name: David Raebolt

Reason: Rezoning Notice of filing \$25.00

Rezoning - Petition \$28.00

TERRE HAUTE, IN
PAID

FEB 05 2010

Cash: _____

Check: #4500 CK# 1639

CONTROLLER

Credit: _____

Total: \$45.00

Received By: M. Drwell



TERRE HAUTE

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

DATE: March 4, 2010

REPORT TO THE CITY COUNCIL ON ZONING MAP AMENDMENT

THE VIGO COUNTY AREA PLAN COMMISSION HEREBY GIVES CERTIFICATION TO
SPECIAL ORDINANCE NUMBER #4-10

CERTIFICATION DATE: March 3, 2010

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 Special Ordinance No. 4-10. This Ordinance is a rezoning of the property located at 2502 South 6th Street. The Petitioner, David Rainbolt, Petitions the Plan Commission to rezone said real estate from zoning classification R-1 to R-2, Two Family Residence District, for garage with two apartments above.

Special Ordinance No. 4-10 was published in the Tribune-Star Newspaper in accordance with IC 5-3-1 and Division XIII of the Comprehensive Zoning Ordinance. Further, this ordinance was posted by the City Building Inspection Department in accordance with IC 36-7-4-604(c).

The Area Plan Commission considered Special Ordinance No. 4-10 at a public meeting and hearing held Wednesday, March 3, 2010. Remonstrators were not 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 Special Ordinance No. 4-10 as required by IC 36-7-4-302. The Area Plan Commission of Vigo County now hereby attaches certification to Special Ordinance No. 4-10 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 Special Ordinance No. 4-10, was FAVORABLE and will also support any request for an increase within the area outlined in the sub area.


Fred E. Wilson, President


Jeremy Weir, Executive Director

Received this 4th day of March, 2010

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #04-10

Doc: # 11

Date: March 2010

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APPLICATION INFORMATION

Petitioner: David Rainbolt

Property Owner: Same-As-Above

Representative: Same-As-Above

Proposed Use: Garage with two above apartments

Proposed Zoning: R-2, Two-Family Residence

Current Zoning: R-1, Single-Family Residence District

Location: The property is located on the east side of South 6th Street 100 feet from the intersection of Greenwood Street and South 6th Street.

Common Address: 2508 and 2514 South 6th Street (vacant lots)

COMPREHENSIVE PLAN GUIDANCE

Service Area: The City of Terre Haute

Guiding Policies: Enhancement areas

- Encourage infill development that is compatible with the land use mix and intensity of existing development.
- Identify areas that need sub-area plans prioritize the development of those plans by areas.
- Allow for a range of housing densities based on the zoning ordinance.
- Encourage neighborhoods to develop a unique sense of place, but still be part of the larger city.

Available Services: Area is well served by utilities.

Soil Limitations: Not studied.

Street Access: South 6th Street is a Local Roadway

Dev. Priority: Capital investment is a high priority

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #04-10

Doc: # 11

Date: March 2010

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ZONING COMPATIBILITY

Sur. Zones and Uses: **North** – R-2, Two-Family Residence District
East – C-6, Strip Business District
South – R-2, Two-Family Residence District
West – R-2, Two-Family Residence District

Character of Area: The current land-use pattern consists of Single-Family Dwellings on plated lots averaging 5000 Sq. Ft. Heavy industrial and commercial lay to the north and east of the residential dwellings. To encourage adequate and sustainable growth, this area would benefit from a sub-area redevelopment plan priorities medium and high density residential developments.

Contiguous Uses & Zones: Residential uses are contiguous to the north, south, east, and west. The current zoning of these uses are R-1, Single-Family Residence District, which permits the existing uses.

ZONING REGULATIONS

C-6 Purpose: Single-family and Two-Family dwellings Units

C-6 Uses: Any use permitted in the R-1, Single-family Residence District, such as Churches, Rectories, and Parish Houses, Convents and Monasteries; Gardening, including nurseries, provided that no offensive odors or dust are created; Public Libraries; Child Care as a Home Occupations; Parks, Playgrounds, and Schools; Residential Facility for the Developmentally Disabled. (Gen. Ord. No. 19, 1997, 2-12-98); Residential Facility for the Mentally Ill. (Gen. Ord. No. 19, 1997, 2-12-98).

C-6 Standards: Minimum Lot Size: 6,600 Sq. Ft.
FAR 0.5 %
Street Setback: 55 feet from centerline;
Rear setback 11';
Interior setback of 5' from the interior lot line;
One and a half (1.5) spaces per 1 Bedroom Unit

STAFF REVIEW – CITY OF TERRE HAUTE ZONE CHANGE

Number: SO #04-10

Doc: # 11

Date: March 2010

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FINDINGS and RECOMMENDATION

Staff Findings:

The request is in harmony with the Comprehensive plan, which calls for a range of housing densities based on the zoning ordinance and infill development that is compatible with the land-use mix and intensity of existing developments. The Comprehensive Plan also calls for Sub-Area Planning within Neighborhood Enhancement Areas that would priorities neighborhood infill development and renewal.

Allowing an increase in density of the whole area as outlined as a potential medium and high density residential sub-area, will provide a benefit to the vicinity for this part of the city. This will act as a buffer between the Regional Commerce uses, which have been identified along U.S. Hwy 41/ South 3rd Street, and the residential area laying east between Layher Avenue and South 7th Street. Within this fringe area efforts should be but forth to reduce conflicts between incompatible uses that ~~may has~~ resulted in ~~single-family~~ neighborhood decay. Limiting the density increase to South 7th Street, will function a buffer between medium and high residential to the west and single-family to east. ~~This will effectively reduce incompatibilities between high intensive commercial or industrial use and those uses associated with single-family~~

Recommendation: Favorable Recommendation, and in theory will also support any request for an increase within the area outline in the sub-area.