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FILED

JUN 15 2011

CITY CLERK

GENERAL ORDINANCE NO. 12, 2011

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 10, SECTION 10-207, COMMERCIAL DISTRICTS, USES, PERMITTED.

SECTION 1. The *Terre Haute City Code*, Chapter 10, Section 10-207, Commercial Districts, Uses, Permitted, is hereby amended by inserting the underlined text as follows:

...

r. Uses.

(1) Establishments for the retailing of goods and merchandise such as but not limited to food, groceries, clothing, hardware, toiletries, furniture, furnishings, meals, alcoholic beverages, package stores, vehicles, including accessories and servicing, jewelry, appliances, books, boutiques, farmer's markets – including seasonal fruit, vegetable and plant sales – antiques and similar establishments.

(2) Establishments for the sale or provision of services such as, but not limited to personal appearance or care, finance, legal, insurance, real estate, accounting, clothing and goods repair, offices, printing, parking, parking garages and facilities, entertainment, recreation, hotels, food and drink, apartments, and similar establishments.

(3) Establishments for community cultural and educational purposes such as, but not limited to, museums, libraries, churches, schools, art galleries, theaters, boutiques, art and photography studios, picture framing, printing, publishing, recreation and community centers, public safety buildings and other similar institutions and establishments.

(4) The ground floor of any building may not be used for residence or significant warehousing/storage.

(5) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards as set forth in Sec. 10-143, provided that performance standards shall in every case be applied at the boundaries of the lot on which such activities take place.

(6) Towers or other free-standing structures erected for broadcasting or relaying telephone, microwave, radio, or television signals are not allowed as Uses in C-8.

s. Accessory Uses Permitted in C-8.

(1) Accessory uses are allowed when they are clearly incidental and subordinate to an adjoining permitted principal use. Wholesaling, warehousing, or light industry will be considered only in mixed-use properties with public and pedestrian oriented ground level facilities complying with this Division.

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(2) Towers and other free-standing structures erected for broadcasting or relaying telephone, microwave, radio, or television signals are not allowed as Accessory Uses in C-8.

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z. Variance from C-8 Requirements.

Applications for variances are permitted from any provision of Sec. 10-207 t. through y. except for the provisions of Subsection (t) (Dimensional Requirements), but even those Dimensional Requirements may be varied for certain new construction as set forth in Sec. 10-261. Applications for variances are not permitted for Sec. 10-207r.(6) or Sec. 10-207s.(2).

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ii. Variance From C-9 Requirements.

Applications for variances are permitted from any provision of Sec. 10-207 dd. through hh. 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. Applications for variances are not permitted for Sec. 10-207bb. or Sec. 10-207cc.

Sec. 10-208 Uses, Special.

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e. Special Uses - C-8 and C-9 Districts.

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(7) Towers or other free-standing structures erected for broadcasting or relaying telephone, microwave, radio, or television signals are not allowed as Special Uses in C-8 or C-9. Applications for variances from this provision are not permitted.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: _____ Todd Nation, Councilman

Passed in open Council this _____ day of _____, 2011.

_____ John Mullican, President

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ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2011.

_____ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2011.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk