

GENERAL ORDINANCE NO. 5, 2022

CITY CLERK

AN ORDINANCE MODIFYING CERTAIN PROVISIONS OF THE TERRE HAUTE CITY CODE RELATED TO C-8 DOWNTOWN BUSINESS DISTRICT TO INCLUDE PORTIONS OF THE HISTORIC TWELVE POINTS COMMERCIAL 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 deletion of the stricken text as follows:

q. Preamble C-8.

The C-8 Downtown Business District Area is intended to be the city's major center for government, finance, offices, retailing, professional offices, health care facilities, services, and higher density residential; and to provide goods and services for a maximum concentration of pedestrian oriented traffic. All properties and uses within the area bounded by:

Cherry Street, from Wabash River to 9th Street, 9th Street, from Cherry Street to Wabash Avenue, Wabash Avenue, from 9th Street to the railroad tracks along 10th Street, railroad tracks, from Wabash Avenue to Poplar Street, Poplar Street, from the railroad tracks to the Wabash River, Wabash River, from Poplar Street to Cherry Street, and;

All parcels contiguous to Lafayette Avenue, from Buckeye Avenue to Woodley Avenue and all lots contiguous to 13th Street from Linden Avenue to Barbour Avenue; and all properties contiguous to Maple Avenue from Garfield Avenue to 13th Street.

excluding the C-9 area, are hereby defined as the Downtown Business District, and shall comply with the requirements described for the C-8 Downtown Business District.

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 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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

Introduced by: Neil Garrison Neil Garrison, Councilperson

Introduced by: Todd Nation Todd Nation, Councilperson

Passed in open Council this 10th day of November, 2022.

Cheryl Loudermilk Cheryl Loudermilk, President

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

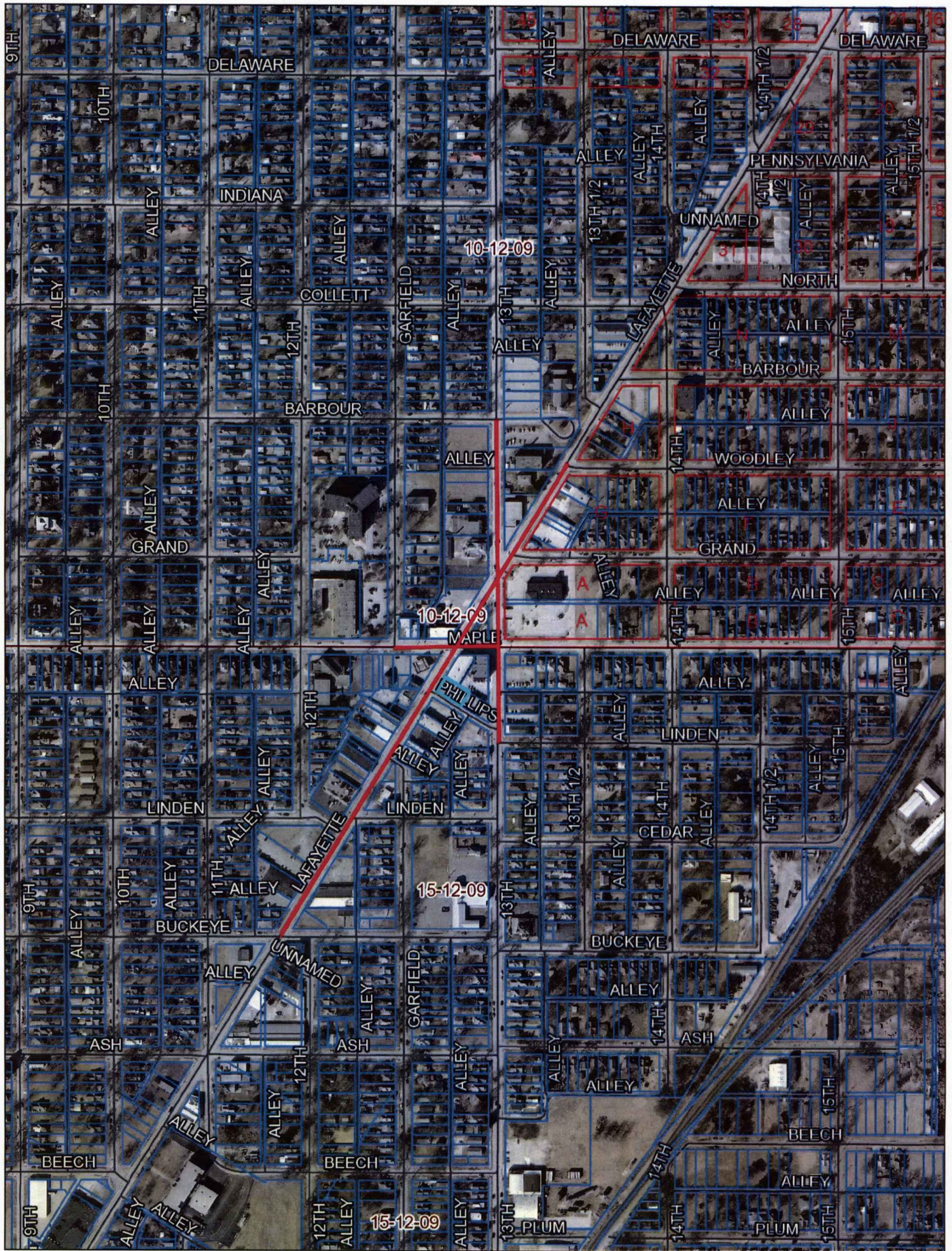
Presented by me to the Mayor this 14th day of November, 2022.

Michelle L. Edwards Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 14th day of NOVEMBER, 2022.

Duke A. Bennett Duke A. Bennett, Mayor

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





TERRE HAUTE
HIGHER 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

RESOLUTION G.O. #5-22

THE VIGO COUNTY AREA PLAN COMMISSION'S FINDINGS FOR A FAVORABLE RECCOMENDATION TO MODIFY CERTAIN PROVISIONS OF THE TERRE HAUTE CITY CODE RELATED TO C-8 DOWNTOWN BUSINESS DISTRICT

Whereas, I.C. 36-7-4, et seq. empowers the Area Plan Commission of Vigo County, Indiana, to hold hearings and make recommendations concerning ordinances for the zoning or districting of all lands within the incorporated or unincorporated areas of Vigo County.

Whereas, the Area Planning Commission of Vigo County, Indiana, has conducted a public hearing in Accordance with I.C. 36-7-4, et seq., with respect to a proposal to modify certain provisions of the Terre Haute City Code related to C-8 Downtown Business District of Vigo County, Indiana, and has certified such proposal to the Board of Commissioners of the County of Vigo.

Forwarded With a FAVORABLE Recommendation by the Vigo County Area Plan Commission, this 5th Day of October 2022.



A handwritten signature in cursive script, appearing to read "Fred L. Wilson".

Fred L. Wilson, President

Vigo County Area Plan

Commission:

ATTEST:

A handwritten signature in cursive script, appearing to read "Norm Froderman".

Norm Froderman, Secretary



SEE YOU IN
TERRE-HAUTE

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General Ordinance NO. 5, 2022

Staff Findings:

General Ordinance 5, 2022 (City of Terre Haute) is an attempt to rezone the area commonly known as 12 Points from various zonings to C-8 Downtown Business District. More specifically the area to be rezoned is described as:

All parcels contiguous to Lafayette Avenue, from Buckeye Avenue to Woodley Avenue and all lots contiguous to 13th Street from Linden Avenue to Barbour Avenue; and all properties contiguous to Maple Avenue from Garfield Avenue to 13th Street.

The origins of this ordinance are uncertain. For a rezoning of this type to occur, a member of City Council, or the Mayor must be the petitioner. Staff attended a meeting on September 1st where it was learned that the ordinance had been created and determined to be a benefit to the community. At the meeting, alternatives to the rezoning were explored but none were found acceptable. The ordinance was then submitted for hearing (September 2, 2022) in time to make the October APC agenda. In attendance at the meeting were Pat Goodwin, Council Member Todd Nation, City Attorney Eddie Felling, Sydney Shahar Asst. Dir. VCAP (Vigo County Area Planning) and Jared Bayler Dir. VCAP.

General Ordinance No. 5, as submitted, can be viewed in both a negative and positive light. Bullet points for each side of the arguments will be explored.

Arguments made in favor of adoption:

The C-8 zoning will help to maintain the historic look and feel of the neighborhood.

Historic Districts can and do draw crowds and host events surrounding the historic nature and uses.

A C-8 zoning will create a downtown feel and encourage the frequency of pedestrian uses.

The C-8 zoning is a more use permissive zoning classification.

C-8 contains specific language requiring no parking for uses so zoned.

Arguments made against the adoption:

12 points area seems to be building momentum in revitalizing the area. More restrictive development standards may slow or halt any ongoing efforts.

Property owners may feel that their rights have been impeded or taken (4th Amendment) being forced to comply with new development standards

Any property that loses legal nonconforming status will be made to bring the property into compliance and meet all C-8 development standards as outlined in §10-207, q. (attached).

Our office has not received any feedback from the community or neighborhood in favor or against this petition.

Ordinance Committee:

The Ordinance Committee for the APC met on 9/22 at 3PM to consider the proposed ordinance. The following are the minutes from the meeting and recommendation. Please note the minutes are a draft as they have not yet been approved.

Recommendation:

The ordinance should be tabled to allow for a public comment period of 30 to 60 days.

Staff Recommendation:

Ultimately the ordinance's fate should fall to whom it has the greatest impact. If the owners/tenants and residents of 12 Points feel this is in their best interest, then it should be adopted. If the opinion is that the ordinance will prove too restrictive and will inhibit future reuse and redevelopment, then it should be defeated.

It is difficult to ascertain the level of community support for this ordinance. Very little time has been allowed since notification to the businesses and residents of the 12 Points Neighborhood. Standard adjacent property owner's letters were mailed by the VCAP on 9/16 a full week ahead of the minimum 10-day voluntary minimum requirement. There are most likely many persons whom have a direct interest in this petition that have not yet been made aware of the efforts to rezone the properties.

Staff would recommend opening a 30 or 60-day window for public comment into this ordinance. Staff would also recommend the petitioner organize a community outreach meeting in the 12 Points Neighborhood to allow for open public comments. Staff will be happy to attend that meeting.

Requesting additional time for public comments would mean tabling the request.
Comment periods generally last between 30 and 60 days.