

## NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below at City Hall, 31 South Madison Street, Evansville, Wisconsin 53536. Notice is further given that members of the City Council might be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall: (608)-882-2266 with as much advanced notice as possible. Please silence cell phones and electronic devices during the meeting.

City of Evansville **Plan Commission**  
Regular Meeting  
Tuesday, July 7, 2020, 6:00 p.m.

***Due to State and Federal mandated social distancing in response to COVID-19, this meeting is being held virtually from the above location. To ensure the safety of commission members and members of the public all attendees will be required to participate via the virtual format. To participate via video, go to this website: <https://meet.google.com/fes-vcir-rfv>. To participate via phone, call this number: +1 608-764-9643 and enter PIN: 352 918 263# when prompted.***

## AGENDA

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the June 2, 2020 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed
7. New Business
  - A. Public Hearing and Review of Rezone Application RZ-2020-02 to rezone parcel 6-27-343 (Tax ID 2220014007) to Special Industrial (I-3) located at 155 S Union Street.
    - i. Review Staff Report and Applicant Comments
    - ii. Public Hearing
    - iii. Plan Commissioner Questions and Comments
    - iv. Motion with Conditions
  - B. Public Hearing and Review of Conditional Use Permit Application CUP-2020-04 to operate a heavy industrial use on parcel 6-27-343 located at 155 S Union Street.
    - v. Review Staff Report and Applicant Comments
    - vi. Public Hearing
    - vii. Plan Commissioner Questions and Comments
    - viii. Motion with Conditions
  - C. Concept discussion and updates on Settler's Grove Subdivision
  - D. Review existing Residential Zoning Requirements.
  - E. Discuss possible recommendations to improve lighting at Bluescope facility.
  - F. Updates and Discussion of 2020-2025 Outdoor Park and Recreation Plan
8. Next Meeting Dates: Tuesday, August 11, 2020 at 6:00pm
9. Motion to Adjourn

*-Mayor Bill Hurtley, Plan Commission Chair*



*These minutes are not official until approved by the City of Evansville Plan Commission.*

**City of Evansville Plan Commission  
Regular Meeting  
June 2, 2020, 6:00 p.m.  
Meeting held virtually due to COVID-19 Guidelines**

**MINUTES**

1. **Call to Order** at 6:00 pm.

2. **Roll Call:**

<b>Members</b>	<b>Present/Absent</b>	<b>Others Present</b>
Mayor Bill Hurtley	P	Community Development Director Jason Sergeant
Aldersperson Rick Cole	P	Doug Tessman, 129 W Church
Aldersperson Erika Stuart	P	Bill Lathrop
Bill Hammann	A	Resident
John Gishnock	P	Roger Berg
Mike Scarmon	P	Dan Butcher
Susan Becker	P	

3. **Motion to approve the agenda, by Cole, seconded by Becker. Approved unanimously.**

4. **Motion to waive the reading of the minutes from the May 5, 2020 Meeting and approve them as printed by Cole, seconded by Becker. Approved unanimously.**

5. **Civility Reminder.** Hurtley noted the City's commitment to civil discourse.

6. **Citizen appearances other than agenda items listed.**

**A. Discussion regarding Industrial User at 155 S Union.** Butcher share his upcoming plans to operate an industrial facility at 155 S Union that includes manufacturing of ammunition and other items. Gishnock asked if the landscaping requirements were agreeable. Butcher said he doesn't think it will survive along the street, Sergeant clarified staff expects pavement to be removed and landscaping added. Stuart asked what he will primarily do at the facility. Butcher expects to manufacture e-bikes along with other items, including firearms. Sergeant clarified the City has been informed of his operations through the federal government. Hurtley noted that everything his firearms license covers can be done in a residential home, but butcher would prefer to be in an industrial location. Sergeant added that no residential properties directly about the subject property.

7. **New Business**

**A. Public Hearing and Review of Conditional Use Permit Application CUP-2020-02 to construct a new garage in the Historic Conservation Overlay District per Sec. 130-1123(a) on parcel 6-27-170 (Tax ID 222001173) located at 129 W Church Street.**

*These minutes are not official until approved by the City of Evansville Plan Commission.*

- i. **Review Staff Report and Applicant Comments.** Sergeant relayed information in staff report including that the project has been approved by HPC. Tessman added he hopes to match the siding on his house.
- ii. **Public Hearing.** Hurlley opened the hearing at 6:20pm and a Resident spoke in support of the application. Hurlley closed the public hearing at 6:21pm.
- iii. **Plan Commissioner Questions and Comments.** Becker asked if the garage will be easy to access from the alley, Tessman said it would be.
- iv. **Motion to Approve.** *The Plan Commission approves issuance of a Conditional Use Permit for construction of a detached garage on parcel 6-27-170, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following condition: Any variation from Historic Preservation Commission approved plans including exterior materials. Building openings or general building form will require a new CUP by Stuart, seconded by Cole. Motion passed unanimously.*

**B. Public Hearing and Review of Conditional Use Permit Application CUP-2020-03 to operate a café with outdoor dining per Sec. 130-408 and 130-538 on parcel 6-27-983A (Tax ID 22207700801) located at 510 S Madison Street.**

- i. **Review Staff Report and Applicant Comments.** Sergeant highlighted the history of the property getting rehabbed and the intention to operate a coffee shop. Parking and landscaping meet the provisions of the code.
- ii. **Public Hearing.** Hurlley opened the hearing at 6:27pm with no comments. Hurlley closed the public hearing at 6:28pm.
- iii. **Plan Commissioner Questions and Comments.** Commission discussed the use was a good fit and the upgrades to the property are a large improvement.
- iv. **Motion with Conditions.** *The Plan Commission approves the issuance of a Conditional Use Permit for a café per Sec. 130-408 with Outdoor Food and Beverage Service per Sec. 130-538 on parcel 6-27-983A, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:*
  - 1. *CUP is recorded with the Rock County Register of Deeds.*
  - 2. *Applicable State of WI certifications, approvals and licensing for all facilities are maintained*
  - 3. *Operating hours no earlier than 6am and no later than 10pm daily.*
  - 4. *3 trees planted and 7 individual parking spaces delineated by June 30, 2020.*

*Motion by Stuart, seconded by Cole. Motion passed unanimously.*

**C. Discuss meeting at Bluescope facility: Two possible dates, after 8pm.** Commission would like to look at meeting after 8pm on June 22<sup>nd</sup> or 29<sup>th</sup>.

- 8. **Discussion of in-person Meeting Dates: Tuesday, July 7, 2020 at 6:00pm.** Commission would like to meet virtually for next meeting and return to regular meetings in August.
- 9. **Motion to Adjourn by Cole, seconded by Becker. Approved Unanimously.**

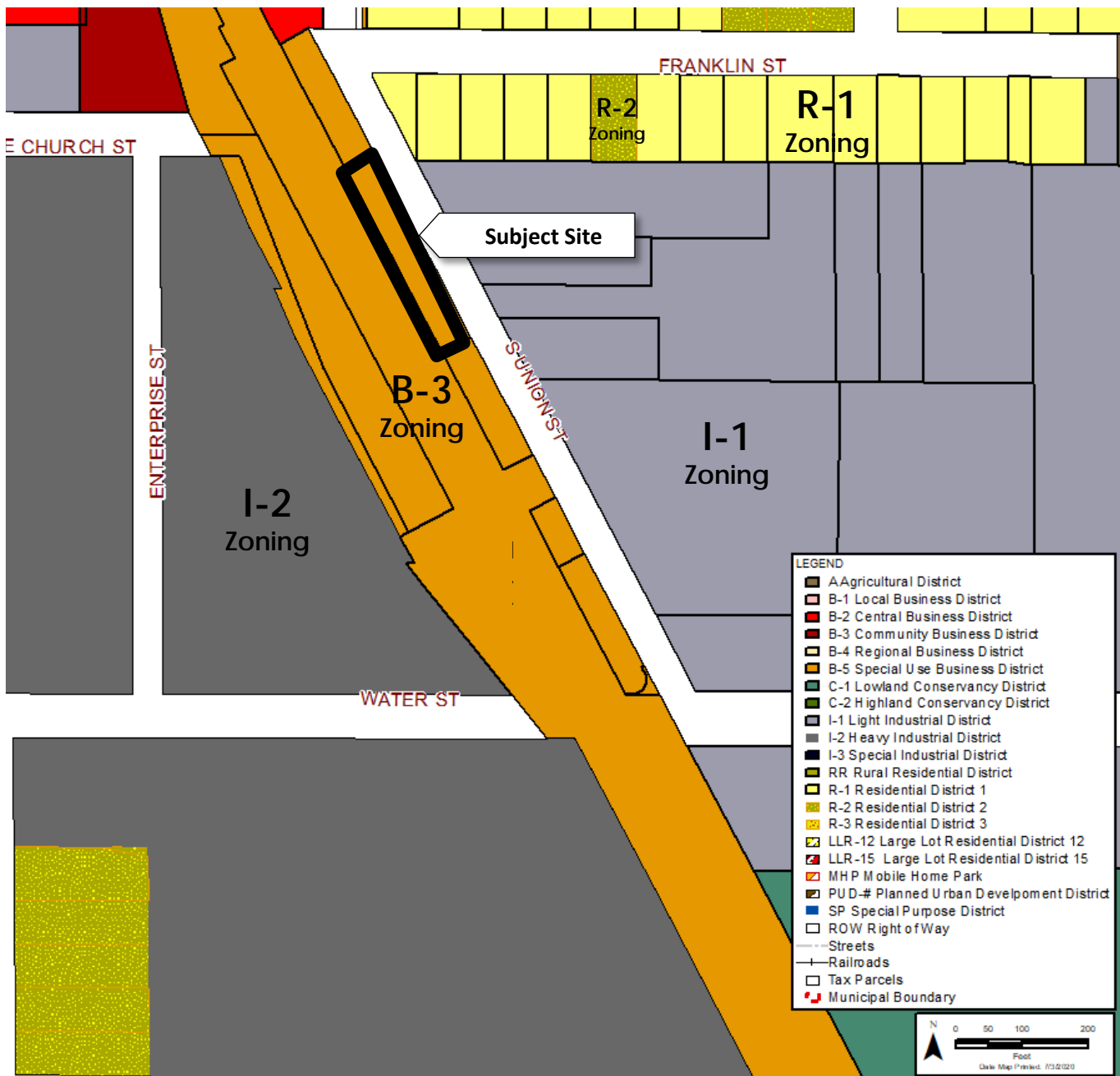


APPLICATION FOR REZONING – STAFF REPORT  
APPLICATION NUMBER: RZ-2020-02 (ORDINANCE 2020-09)

Applicant: Pleasy R Berg Trust  
Parcel 6-27-343, 155 S Union Street

July 7, 2020

Prepared by: Jason Sergeant, Community Development Director  
Prepared for: City of Evansville Plan Commission



**Description of request:** The request is to change the zoning classification of Parcel 6-27-343 at 155 S Union Street, as depicted in the map above, from Special Use Business District (B-5) to Special Industrial District (I-3) in accordance with Section 130-176 of City Ordinances. The applicant is requesting the zoning change to accommodate a conditional use request for a heavy industrial use. The facility will be used to assemble e-bikes, house an outdoor TV network, and assemble gun components and tactical apparel. One of the uses includes assembly of ammunition. This use is regulated by the Federal government and is the only factor in the request that is resulting in a zoning change.

**Background of request:** The property currently has an industrial building with two units. The building and parcel predate any zoning ordinances enacted by the city. The current zoning district was designed to address the narrow lots found along Union Street. However, the permitted land uses do not align with what is typically found in this industrial area. Plan Commission has recommended approval.

**Staff Analysis of Request:** This rezoning will not allow any greater density of structures than currently on site. The requested Special Industrial I-3 zoning envisions being used in areas that are industrial by nature but truly unique in land shape, building size and expected uses. This rezone will increase flexibility on the parcel, still limiting many more intense uses to conditional uses subject to public hearings. The Smart growth Plan encourages economic diversity of businesses, this rezone aligns with those goals.

**Required Plan Commission findings:** The following factors, consistent with Section 130-131 (1) through (6) of the Evansville Zoning Ordinance shall be considered in the review of a rezoning application:

**Section 130-131 (1) Site design and physical characteristics**

- a. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- b. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- c. Where public sewers are not available, the percolation characteristics of the soil.
- d. Adequacy of the proposed internal circulation system, including safety considerations.
- e. Access to sites from the internal circulation system.
- f. The costs of providing various public services.
- g. Appearance (how the area will look).

**Staff Comments:** This parcel is currently connected to City sewer and water. The developer will be responsible for the costs of installing sewer to the property and connecting to water and other utilities if needed. This proposal does not change the expected development pattern, density or infrastructure needs.

**Section 130-131 (2) Site location relative to public road network**

- a. Convenient access to a public road network (safety of access points).
- b. Visibility from the proposed road and the need for visibility.

- c. *Access; the location is to provide access primarily by right-hand turning movements.*

**Staff comments:** Any future use will not have an adverse impact on the road network, as appropriate driveways are present.

**Section 130-131 (3) Land use**

- a. *Compatibility with existing or proposed uses in the area.*
- b. *Relation to any existing land use plan.*
- c. *Relation to existing or proposed development at nearby interchanges.*
- d. *In reviewing an application for a zoning district change to a business district, the plan commission and city council shall consider whether the proposed zoning district change likely will result in increased vehicular traffic on nearby local streets in areas of existing residential development and whether such increased traffic will have an adverse impact on the existing residential development.*

**Staff comments:** The proposed use is consistent with the neighboring industrial uses. The use is consistent with the zoning code and the City's Comprehensive Plan.

**Section 130-131 (4) Traffic generation**

- a. *Amount of daily and peak hour traffic to be generated, related to site size. Traffic shall be sub-classified as to arterial, collector and local streets.*
- b. *Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.*
- c. *Expected composition of site-generated traffic by vehicle types.*
- d. *Effect of site-generated traffic on the operation of the area.*
- e. *Safety and convenience of future users.*

**Staff comments:** An increase in traffic will not be expected.

**Section 130-131 (5) Community effects**

- a. *Immediate and long-range tax base.*
- b. *Access to market or service area.*
- c. *Relation to scenic or recreation values.*
- d. *Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.*
- e. *Compliance with the master plan's goals and objectives.*

**Staff comments:** The proposal is in compliance with the City's zoning code and Comprehensive Plan.

**Section 130-131 (6) Other relevant factors**

- a. *Compliance with the Performance Standards in Article III of the zoning code.*
- b. *Additional impacts.*

**Staff comments:** The site must comply with the performance standards contained within Article III of the zoning code.

**Staff recommended motion:**

**Motion to recommend Ordinance 2020-09, Rezoning Parcel 6-27-343 at 155 S Union Street from Special Use Business District (B-5) to Special Industrial District (I-3), finding that the public benefits of the proposed rezoning outweigh any and all potential adverse impacts, as identified in Section 130-174(3)a-c of City ordinances.**

SECOND READING

CITY OF EVANSVILLE  
ORDINANCE # 2020-09

**An Ordinance Rezoning Territory from Special Use  
Business District (B-5) to Industrial District Three (I-3)**  
(155 S Union Street)

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

**SECTION 1. Zoning Classification.** In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, the zoning classification of parcel 6-27-343 is changed from Special Use Business District (B-5) to Special Industrial District Three (I-3). The area to be rezoned is indicated on the map below:



**SECTION 2. Zoning Map Amendment.** The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Special Industrial District Three (I-3).



**SECTION 3. Severability.** If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 4. Effective Date.** This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this\_    day of July, 2020

\_\_\_\_\_  
William Hurtley, Mayor

ATTEST:

\_\_\_\_\_  
Judy Walton, City Clerk

Introduced:                    -  
Notices published: 6/17/20 and 6/24/20  
Public hearing held: 7/6/20  
Adopted:                        -  
Published:                      -

*Sponsors: This is a citizen-initiated ordinance.*

*Drafted on June 8, 2020 by Jason Sergeant, Community Development Director*





## STAFF REPORT – CONDITIONAL USE PERMIT APPLICATION

App. No.: CUP-2020-04

Applicant/Property Owner: Pleasy R Berg Trust

Address: 155 S Union St.

Parcel No.: 6-27-343

Tax ID: 222014007

July 7, 2020

Prepared by: Jason Sergeant, Community Development Director  
 Prepared for: City of Evansville Plan Commission



Figure 1 Location Map

**Description of request:** an application for a conditional use permit on parcel 6-27-343 (Tax ID 222014007) located at 155 S Union Street has been submitted for consideration by the Plan Commission. **The request is to operate a heavy industrial use section 130-502.** The Parcel is zoned I-3 Community Business, as per the Evansville Zoning Ordinance a CUP is required for all heavy industrial uses.

**Staff Analysis of Request:** The proposal is believed to meet the minimum standards of the zoning district. Site plan improvements require removal of pavement and planting of trees and bushes to better comply with landscaping standards.

**Required Plan Commission findings for Conditional Use Permit request:** Section 130-104 (3) of the Municipal Code, includes criteria that should be considered in making this decision:

1. **Consistency of the use with the comprehensive plan.** The proposed use in general and in this specific location is consistent with the city's comprehensive plan of November 2015.  
*Staff Comment: The Comprehensive plan indicates a desire to promote a diversity of businesses and promote the reuse of existing facilities.*
2. **Consistency with the City's zoning code, or any other plan, program, or ordinance.** The proposed use in general and in this specific location is consistent with City's zoning code, or any other plan, program, or ordinance, whether adopted or under consideration pursuant to official notice of the city.  
*Staff comment: The proposed use is consistent with the City's zoning code and other plans, programs, and ordinances.*
3. **Effect on nearby property.** The use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the City's zoning code, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city.  
*Staff Comment: No adverse effect is anticipated on nearby property.*
4. **Appropriateness of use.** The use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.  
*Staff Comment: industrial assembly and light manufacturing is an appropriate use in the district.*
5. **Utilities and public services.** The use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by the City or any other public agency serving the subject property.  
*Staff Comment: the property is connected to public utilities.*

**Required Plan Commission conclusion:** Section 130-104(3)(f) of the Municipal Code requires the Plan Commission to determine whether the potential public benefits of the conditional use do or do not outweigh any and all potential adverse impacts. The proposed motion below states that benefits do in fact outweigh any and all potential adverse impacts. The recommended motion includes a condition.

**Staff recommended motion for CUP:** *The Plan Commission approves the issuance of a Conditional Use Permit for a heavy industrial use per Sec. 130-502 on parcel 6-27-343 at 155 S Union Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:*

1. *CUP is recorded with the Rock County Register of Deeds.*

2. *Applicable Federal, State of WI certifications, approvals and licensing for all facilities are maintained*
3. *Operating hours no earlier than 6am and no later than 8pm daily.*
4. *No exterior storage.*
5. *3 trees planted, 2 bushes planted, and pavement replaced with green space by July 30, 2020*
6. *Sidewalk constructed along S Union Street within 5 years of City notice.*
7. *Ordinance 2020-09 Approved by Common Council*

# CONDITIONAL USE APPLICATION

Evansville, Wisconsin

Version: December 2017

**General instructions.** Complete this application as it applies to your project. Submit one copy of the application form, **20 copies of any maps**, and the required application fee to the Community Development Director. Before you formally submit your application and fee, you may submit one copy to the Community Development Director, who will ensure it is complete. If you have any questions, contact the Interim Community Development Director at 608.882.2285 or [jason.sergeant@ci.evansville.wi.gov](mailto:jason.sergeant@ci.evansville.wi.gov). You may download this file off of the City's website at: [www.ci.evansville.wi.gov](http://www.ci.evansville.wi.gov).

PLEASE COMPLETE ALL SECTIONS OF THIS APPLICATION AND INCLUDE ALL REQUESTED MAPS. THE APPLICATION WILL NOT BE REVIEWED UNTIL THE ENTIRE APPLICATION IS COMPLETED.

**- Office Use Only -**

Initial application fee	\$300
Receipt number	1141073
Date of pre-application meeting	-
Date of determination of completeness	6/1/20
Name of zoning administrator	J.S.
Date of Plan Commission review	7/7/20
Application number	CUP-2020-04

**1. Applicant information**

Applicant name Pleasy R. Berg Trust  
 Street address 102 E. Main St.  
 City EVANSVILLE  
 State and zip code WI 53536  
 Daytime telephone number 608-882-0897  
 Fax number, if any 608-882-0951  
 E-mail, if any bergrental@att.net

222 014007

CITY OF EVANSVILLE  
 31 SOUTH MADISON STREET  
 PO BOX 529  
 EVANSVILLE WI 53536 608-882-2266

Receipt No: 1.141073 May 26, 2020

**2. Agent contact information.** Include the names of agents, if any, that helped prepare this application. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Agent 1	Agent 2
Name	ROGER M. Berg	
Company	Pleasy R. Berg Trust	
Street address	102 E. Main St.	
City	EVANSVILLE	
State and zip code	WI 53536	
Daytime telephone number	608-882-0897	
Fax number, if any	608-882-0951	
E-mail, if any	bergrental@att.net	

PLEASY R BERG TRUST  
 Previous Balance: .00  
 PLANNING/DEVELOPMENT REVENUE  
 VARIANCE FEE-155 S UNION 200.00  
 ST  
 10-44400-560  
 ZONING PERMITS & FEES  
 PLANNING/DEVELOPMENT REVENUE  
 REZONING FEES-155 S UNION 150.00  
 ST  
 10-44400-560  
 ZONING PERMITS & FEES  
 PLANNING/DEVELOPMENT REVENUE  
 CON USE PERMIT-155 S 300.00  
 UNION ST  
 10-44400-560  
 ZONING PERMITS & FEES

Total: 650.00  
 CHECK  
 Check No: 4590 650.00  
 Payor:  
 PLEASY R BERG TRUST  
 Total Applied: 650.00  
 Change Tendered: .00

**3. Subject property information**

Street address	<u>155 S. Union St EVANSVILLE, WI</u>	
Parcel number	<u>6-27-343</u>	Note: the parcel number can be found or obtained from the City.
Current zoning classification(s)	Agricultural District	A
	Residential Districts	RR LL-R12 LL-R15 R-1 R-2 R-3
	Business Districts	B-1 B-2 B-3 B-4 B-5
	Planned Office District	O-1
	Industrial Districts	(1-1) I-2 I-3 now change to 1-3

CONDITIONAL USE APPLICATION

Evansville, Wisconsin

Version: December 2017

Describe the current use	warehouse
Full legal description *You can request this information from Real Property Division of Rock County *This may be attached as a separate file	PT SE 1/4 Evans & Spencer's Add Lots 12-17 & SLY 10' Lot 11

4. Proposed use. Describe the proposed use. HEAVY INDUSTRIAL PER SEC. 130-502 J.

1. Build E-bike 2. Manufacture Knife Sheaths 3. Manufacture gun components 4. Manufacture Ammunition 5. Headquarters for Outdoor Trade Shows Network TV 6. Headquarters for Red Legion Defense	7. Manufacture tactical equipment & apparel 8. Operations for Outdoor Trade Shows
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5. Operating conditions. For non-residential uses, describe anticipated operating conditions (hours of operation, conditions that may affect surrounding properties, etc.)

Hours: 7AM to 5PM Monday-Friday Conditions that may affect surrounding properties - NONE
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6. Potential nuisances. Describe any potential nuisances relating to street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

NONE
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7. Review criteria. Describe the reasons why you believe the proposed use is in keeping with the City's master plan. Refer to Section 130-104(3)a-f of the Municipal Code for the review criteria.

Existing warehouse in an industrial area
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# CONDITIONAL USE APPLICATION

CUP-2020-04

Evansville, Wisconsin

Version: December 2017

8. **Other information.** Provide any other information relating to the intended project and its relation to nearby properties.

*No effects on nearby properties*

9. **Site plan.** Include **20 copies** of a site plan (11" x 17") with the application. In addition, the Community Development Director may require one copy that is 24" x 36". A checklist of items that must be shown on the site plan is included at the end of this application.

10. **Location map.** Include a map (8 1/2" x 11") that shows the subject property and all parcels lying within 250 feet of the subject property. This map shall be reproducible with a photocopier, at a scale which is not less than one inch equals 600 feet. It shall include a graphic scale and a north arrow.

11. **Applicant certification**

- ◆ I certify that the application is true as of the date it was submitted to the City for review.
- ◆ I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Municipal Code.

*Robert Berg*

Applicant Signature *PLEASE R. BERG Trust*

Date *5/20/2020*

*ROBERT U. BERG, CoTrustee*

12. **Landlord certification (if applicable)**

*\*If you do not own the building that houses your business, you must have your landlord sign this application*

- ◆ I certify that the application is true as of the date it was submitted to the City for review.
- ◆ The applicant has discussed their plans with me, and I support their application for this conditional use permit in my building.

Landlord Signature

Date

**Governing Regulations**

The procedures and standards governing this application process are found in Chapter 130, Article 2, Division 8, of the Municipal Code.



**CONDITIONAL USE APPLICATION**  
**Evansville, Wisconsin**

**CUP-2020-04**

Version: December 2017

Site Plan Checklist	Yes	No
a. Title block with name, address, and phone and fax numbers of the current property owner and/or agents (developer, architect, engineer, planner) for the project	<input type="checkbox"/>	<input type="checkbox"/>
b. Date of the original plan and the latest date of revision	<input type="checkbox"/>	<input type="checkbox"/>
c. North arrow and graphic scale (not smaller than one inch equals 100 feet)	<input type="checkbox"/>	<input type="checkbox"/>
d. Parcel number of the subject property	<input type="checkbox"/>	<input type="checkbox"/>
e. Property lines and existing and proposed right-of-way lines, with bearings and distances clearly labeled	<input type="checkbox"/>	<input type="checkbox"/>
f. Existing and proposed easement lines and dimensions with a key on the margin describing ownership and purpose	<input type="checkbox"/>	<input type="checkbox"/>
g. Required building setback lines	<input type="checkbox"/>	<input type="checkbox"/>
h. Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls	<input type="checkbox"/>	<input type="checkbox"/>
i. The location and dimension (cross section and entry throat) of all access points onto public streets	<input type="checkbox"/>	<input type="checkbox"/>
j. The location and dimensions of on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this chapter	<input type="checkbox"/>	<input type="checkbox"/>
k. The location and dimension of all loading and service areas of the subject property	<input type="checkbox"/>	<input type="checkbox"/>
l. The location of all outdoor storage areas and the design of all screening devices	<input type="checkbox"/>	<input type="checkbox"/>
m. The location, type, height, size, and lighting of all signage (existing and proposed)	<input type="checkbox"/>	<input type="checkbox"/>
n. The location, type, height, design/type, illumination power and orientation of all exterior lighting on the subject property, including clear demonstration of compliance with lighting requirements of the zoning code	<input type="checkbox"/>	<input type="checkbox"/>
o. The location and type of any permanently protected green space areas	<input type="checkbox"/>	<input type="checkbox"/>
p. The location of existing and proposed drainage facilities	<input type="checkbox"/>	<input type="checkbox"/>
q. In the legend, data for the subject property as follows:	<input type="checkbox"/>	<input type="checkbox"/>
1. Lot area (square feet or acres)	<input type="checkbox"/>	<input type="checkbox"/>
2. Floor area (square feet)	<input type="checkbox"/>	<input type="checkbox"/>
3. Floor area ratio	<input type="checkbox"/>	<input type="checkbox"/>
4. Impervious surface area (square feet)	<input type="checkbox"/>	<input type="checkbox"/>
5. Impervious surface ratio	<input type="checkbox"/>	<input type="checkbox"/>
6. Building height (feet)	<input type="checkbox"/>	<input type="checkbox"/>

## CONDITIONAL USE APPLICATION

Evansville, Wisconsin

Version: December 2017

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**FACT SHEET*****What is a conditional use?***

A conditional use is a land use that would not be appropriate generally or without restriction throughout a specified area but which, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, or general welfare.

***What is the purpose of a conditional use permit?***

A conditional use permit allows for the possibility of a conditional land use to exist within the City's zoning code. Conditional use permits are often required to protect residential neighborhoods against potentially disruptive uses. For example, uses which might generate substantial amounts of noise, odor, traffic, or are otherwise incompatible with the neighborhood.

It is the responsibility of the property owner to demonstrate that the use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole. The Evansville Plan Commission may issue a conditional use permit after considering the appropriateness of the use in the proposed location and evaluating how potential undesirable impacts, if any, will be addressed.

***What are some examples of uses requiring a conditional use permit?***

Some examples of conditional uses include: restaurants, taverns, theaters, arcades, indoor commercial entertainment community living arrangements, vehicle sales or rental, drive through facilities, group day care centers, vehicle repair and maintenance uses, car washes, personal storage facilities, group developments, or heavy industrial uses.

***What information is required to apply for a conditional use permit?***

The applicant must submit maps clearly identifying the property and location of the proposed use. A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations and a site plan are also required. The applicant should also provide written justification as to the reasons why the applicant believes the proposed conditional use is appropriate and does not create undesirable impacts on nearby properties, the environment, or the community.

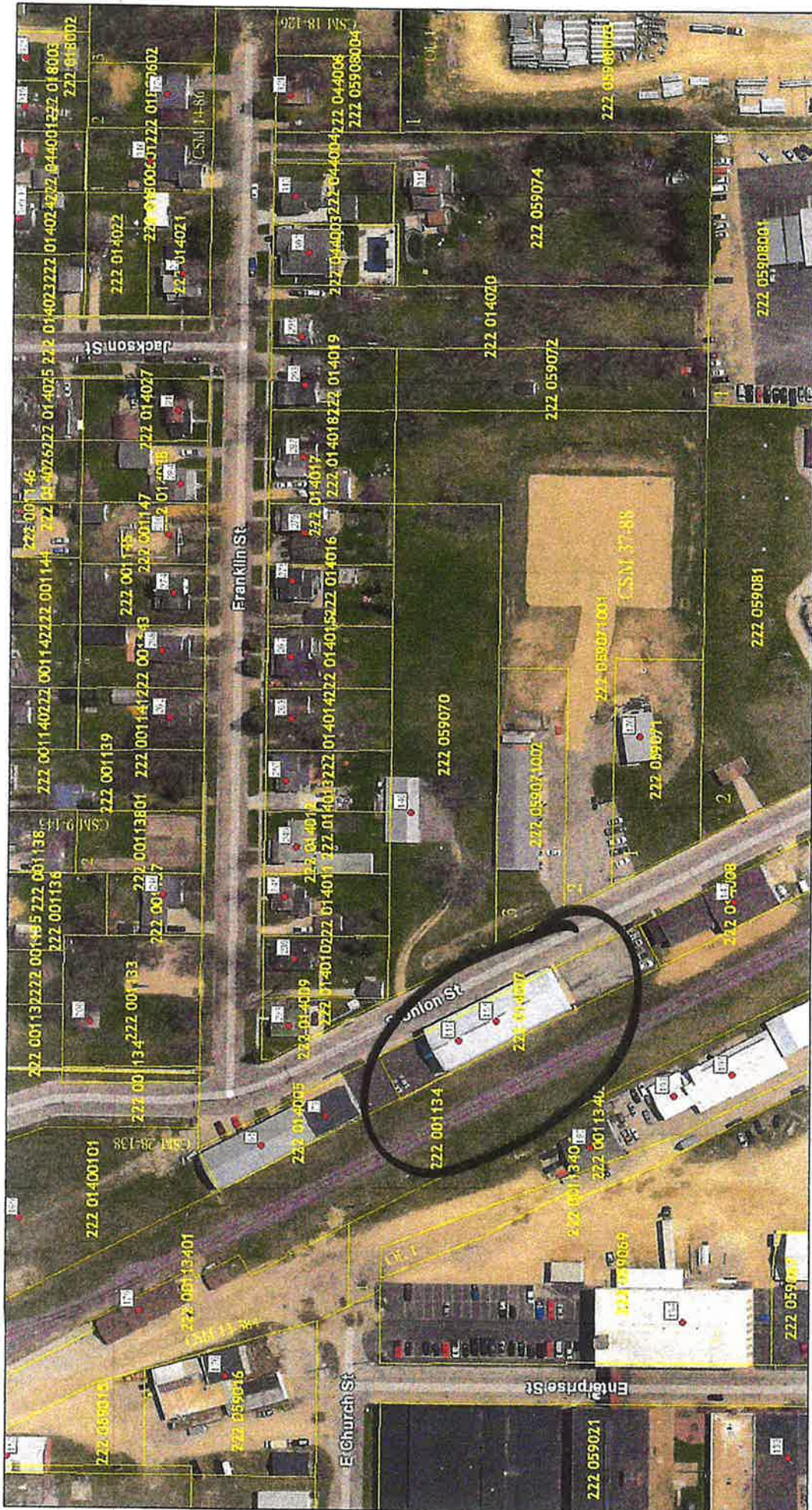
***What is the process?***

The applicant is encouraged to meet with the City Community Development Director to discuss any questions prior to the submission of the application. After the application is submitted, it will be reviewed by City staff, who will check it for completeness and evaluate whether the use is in harmony with the goals of the City's Comprehensive Plan. The Plan Commission will hold a public hearing, consider the staff recommendations, and make a decision within 60 days of the public hearing. There is a fee of \$300, plus reimbursement of municipal consulting costs. (This fee is in addition to the \$300 fee for site plan review.)

***Are there opportunities for public input?***

A public hearing will be scheduled for a Plan Commission meeting. Notice of the hearing will be sent to property owners within 250 feet of the subject property, posted at City Hall, and published in the *Evansville Review*. Interested individuals are encouraged to contact the Community Development with questions prior to the hearing and attend the hearing to share their opinions regarding the application.

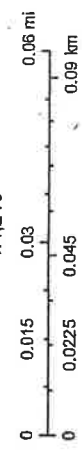
Note: This fact sheet is prepared to facilitate an understanding about conditional use permits. Applicants should refer to the City's zoning code for further explanation and requirements. Please contact the Community Development Director at 608.882.2285 or [jason.sergeant@ci.evansville.wi.gov](mailto:jason.sergeant@ci.evansville.wi.gov) if you have any questions.



July 29, 2019

Addresses  
Parcels

1:1,219

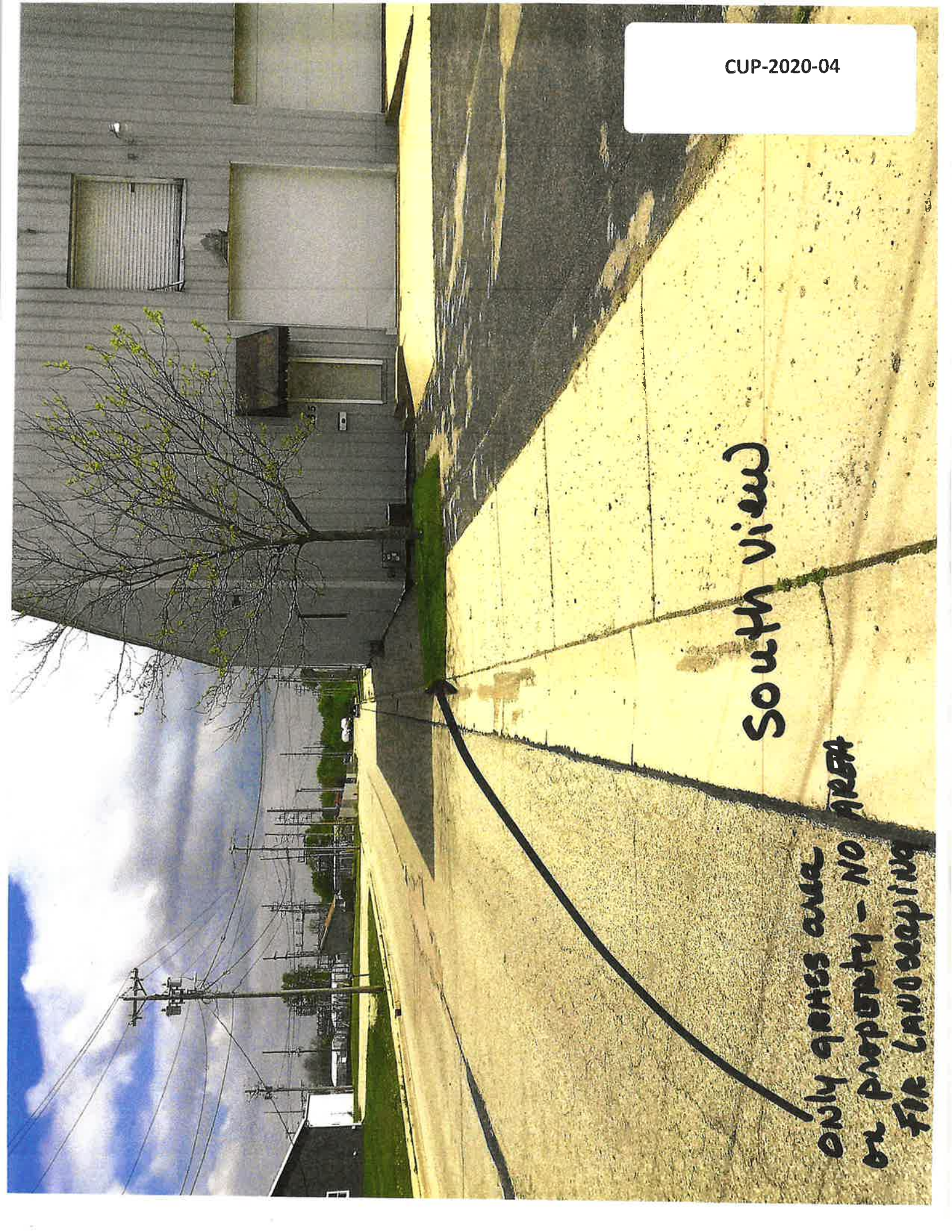


Rock County Real Property List

CUP-2020-04

South view

only grass area  
on property - NO AREA  
FOR LANDSCAPING



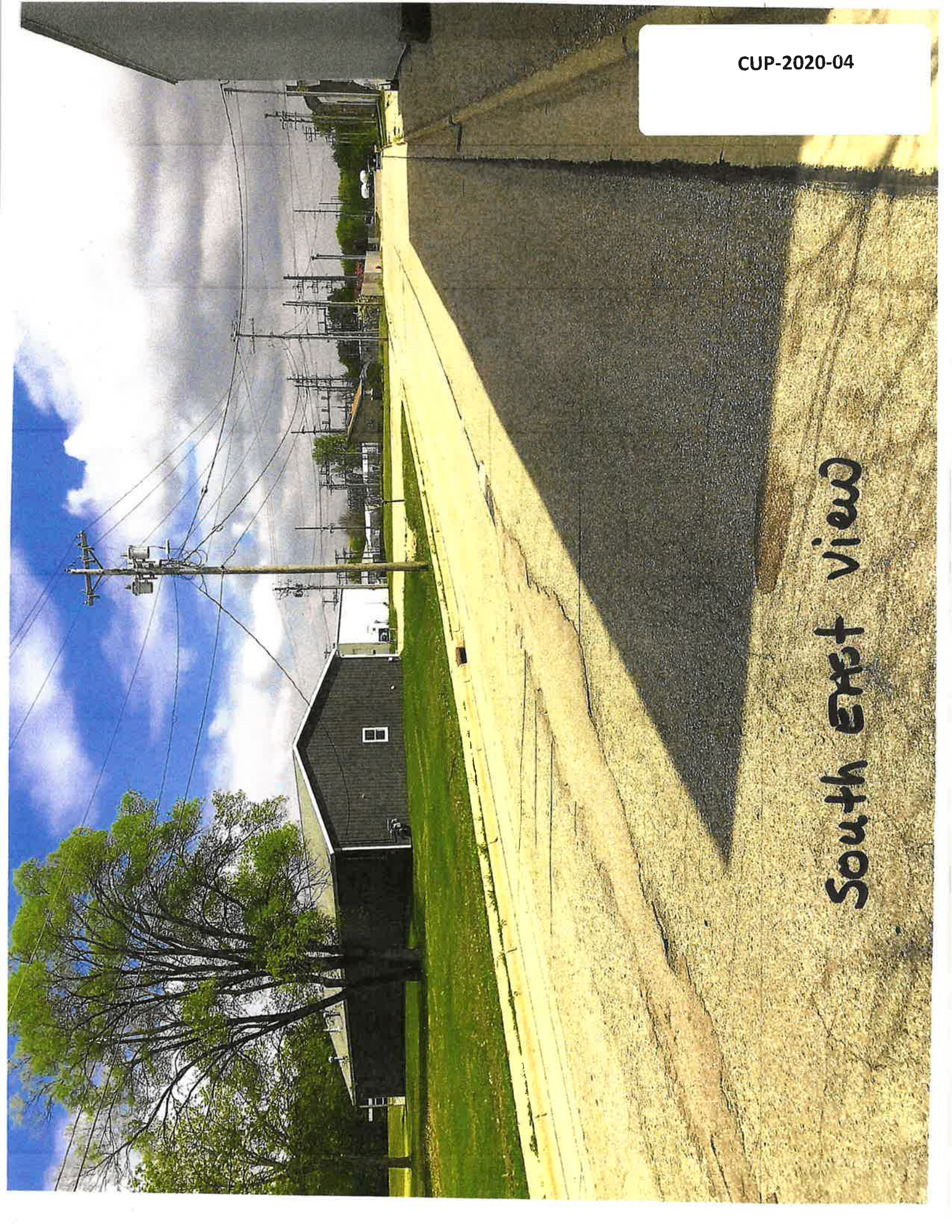
South view / west side



*North - Front*

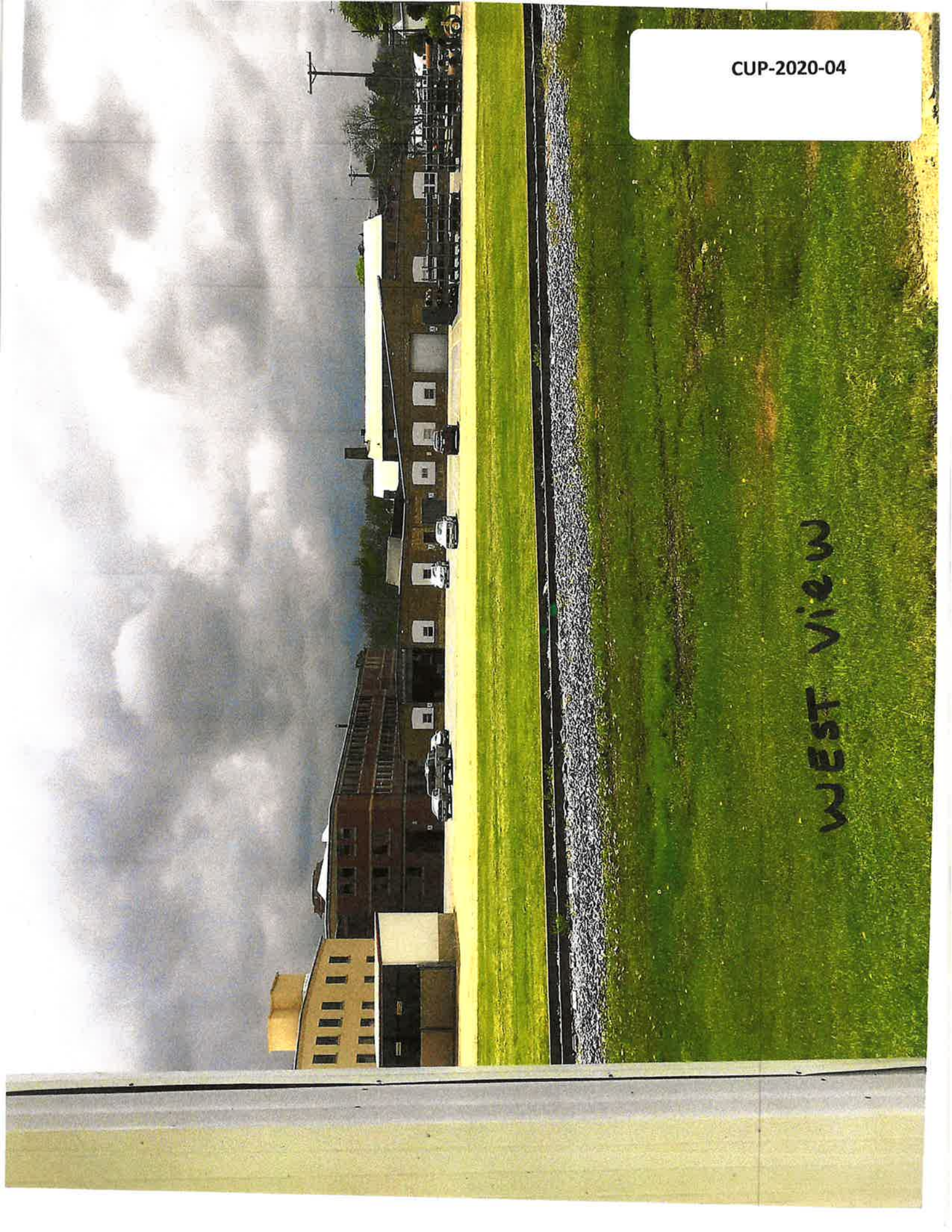


South East View



CUP-2020-04

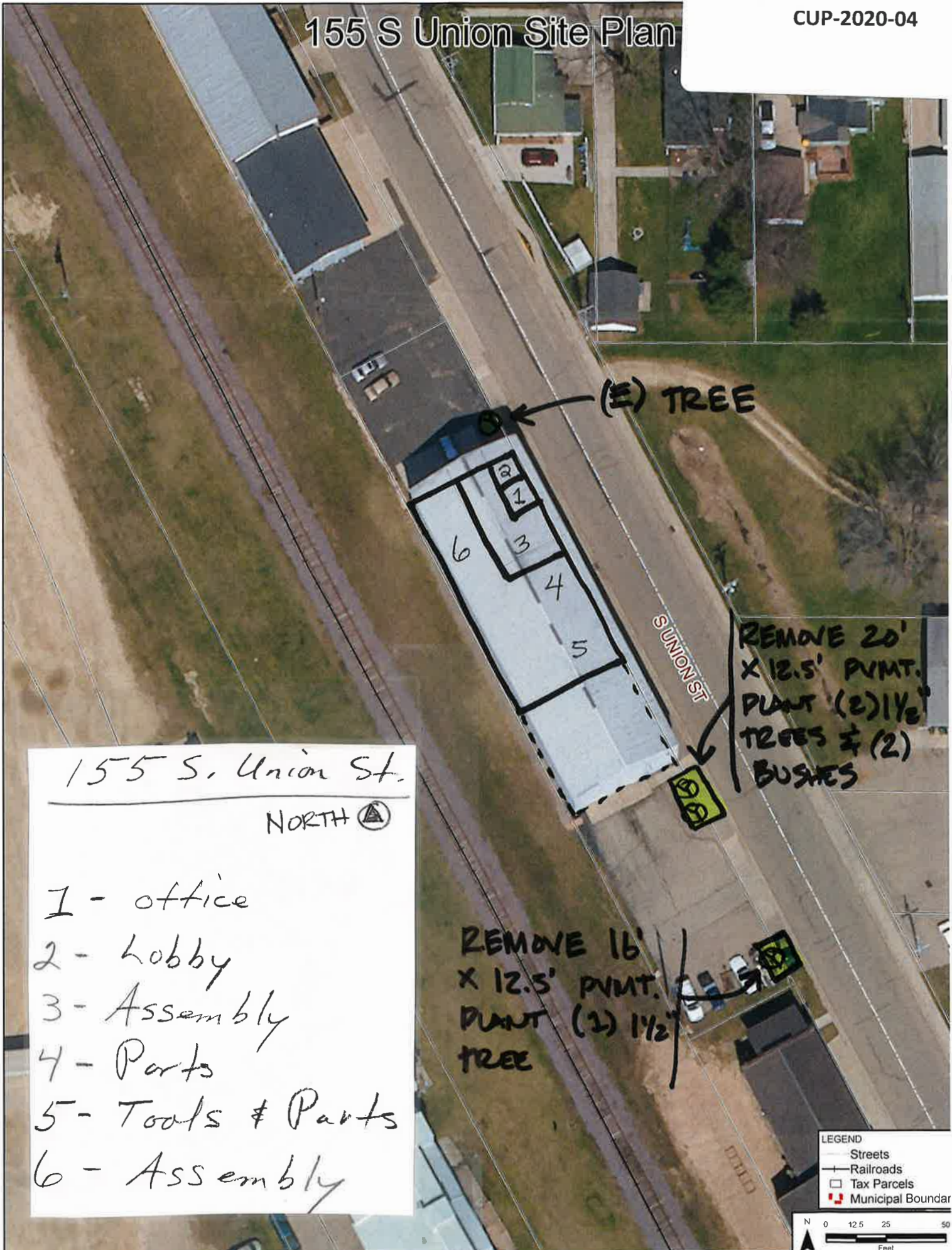
WEST VIEW





# 155 S Union Site Plan

CUP-2020-04



(E) TREE

S UNION ST

REMOVE 20' X 12.5' PVMT. PLANT (2) 1 1/2" TREES & (2) BUSHES

REMOVE 16' X 12.5' PVMT. PLANT (2) 1 1/2" TREE

155 S. Union St.  
NORTH ▲

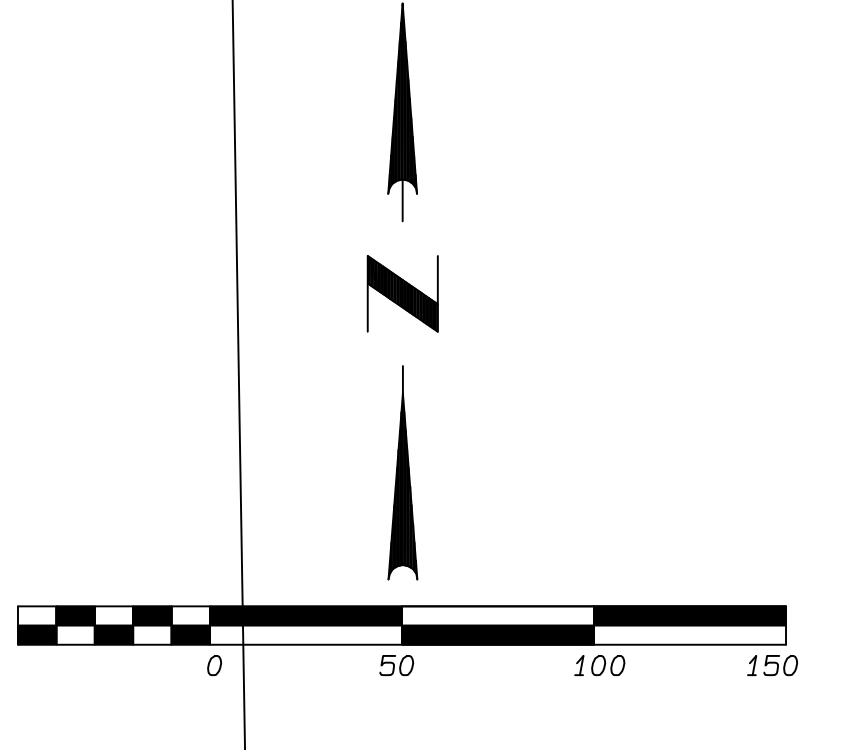
- 1 - office
- 2 - Lobby
- 3 - Assembly
- 4 - Parts
- 5 - Tools & Parts
- 6 - Assembly

LEGEND

- Streets
- Railroads
- Tax Parcels
- Municipal Boundar

N 0 12.5 25 50  
Feet





PRELIMINARY LOT LAYOUT  
 FOR  
**SETTLER'S GROVE**  
 LOCATED IN THE NE 1/4 OF THE SE 1/4 OF  
 SECTION 29, T.4N., R., 10E. OF THE 4TH P.M.,  
 CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.

NOTE:  
 ALL FRONT AND REAR SETBACKS ARE 25'  
 ALL SETBACKS ARE 10' UNLESS OTHERWISE NOTED

 109 W. Milwaukee St. Janesville, WI 53448 TEL: 608 752-0575 FAX: 608 752-0534	LAND SURVEYING LAND PLANNING CIVIL ENGINEERING	DATE 06/26/20 BY BFG APPROVED RJC PROJECT NO. 120-080	REVISIONS





## City of Evansville

Community Development Department

www.ci.evansville.wi.gov  
 31 S Madison St  
 PO Box 529  
 Evansville, WI 53536  
 (608) 882-2266

July 7, 2020

To: Plan Commission

From: Jason Sergeant, Community Development Director

### RE: Staff Comments for Commission Discussion

March of this year, a version of this subdivision was reviewed and commented on by Plan Commission. The developer has returned with a revised concept with the intention of seeking preliminary approval from the Commission in August. Previous comments are below, with resolutions in bold:

- Fully integrated trail system East to West and along western edge with connection to trail in Westfield Meadows. **Trail now has a connection to the West and North.**
- More direct street connections to neighboring parcels. **All neighboring parcels now have at least one street connection.**
- Re-aligned intersection at Porter Road with intersection at top of hill crest. **This has been done**
- Connection to trail between lots 42 and 43. **This has been done**
- More pockets of green space. **These have not been added**
- Sidewalk connecting mid-block North to South. **This has been done**
- Lot sizes to accommodate a mix of housing developments (EG single family, two family townhouses). **Some mix of housing types have been included.**

The following items were also discussed, but would be part of a zoning request, developer agreement, and future construction drawings:

- Include multi-family, mixed use and light commercial land uses. **Some mix of land uses included.**
- Visually appealing streetscape with no driveways and garages. **Not yet addressed.**
- Duplexes on corner lots only. **Duplex lots are clustered along one street.**
- Increase density to 6 dwelling units per acre (currently at 2.3). **Density increased to approximately 2.8.**
- Trail crossings on Porter Road and other roads in development should have curb "bump-outs". **Not yet addressed**

Staff has reviewed the revised plat and would offer the following comments that should be reflected as revisions before formal application:

- Extend an eastern street connecting through lots 27 and 28 to avoid an excessively long block in future developments. Also add an additional connection to the west.
- Remove entrance signage
- Create out lots for USPS centralized delivery, these lots will not be owned or maintained by the city.
- Assure all lots are wide enough to meet a max 50% garage coverage requirement of front elevation.

The following items should also be addressed, but would be formalized as part a zoning request, developer agreement, and future construction drawings:

- Include additional multi-family, mixed use and light commercial land uses. An existing B-1 zoned parcel to the southwest may stay at the current size, so demand for B-1 in this subdivision may be less.
- Visually appealing streetscape with no driveways and garages.
- Increase density even further, 125 units would equal 3 units/acre. Smart growth identifies 6 dwelling units per acre as a goal. The development currently will have about 114 units.
- Move R-2 zoned lots to corners only.
- Trail crossings on Porter Road and other roads in development should have curb “bump-outs”.
- Plan Commission should discuss park and recreation land dedication requirements to best align with priorities in smart growth and park plans. Currently about .5 acres is dedicated via the trail system, and additional 4.5 acres is required.
- Porter Road will need additional improvements to accommodate this development, what those improvements look like should be better outlined.
- A water pressure boost pump system is needed for some homes in the development. This should be further discussed.

## DIVISION 15. RESIDENTIAL DISTRICT ONE (R-1)

**Sec. 130-981. Purpose and intent.**

The purpose of the R-1 district is to provide a means of obtaining the residential goals and objectives of the development guide. The R-1 district is intended to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites. The intent of this district is to provide a suitable open character for single- and two-family detached dwellings at low densities which are served by public sewer and other basic community services.

(Code 1986, § 17.39(1))

**Sec. 130-982. Uses permitted by right.**

The following uses are permitted in the R-1 district:

- (1) One single-family dwelling unit. One or more private garages for each residential lot. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (2) Churches and all affiliated uses, all grade schools, libraries, water storage facilities and related structures.
- (3) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (4) Public parks and playgrounds and recreational and community center buildings and grounds.
- (5) Accessory buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may exceed 150 square feet.
- (6) Uses customarily incidental to any of the uses listed in subsections (1)--(5) of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (7) Not over four boarders or lodgers not members of the family.
- (8) Greenhouses.
- (9) Home occupation, when meeting all of the criteria of section 130-531.
- (10) Community living arrangement (one to eight residents) (per section 130-377).
- (11) One two-family dwelling unit, subject to site plan approval, only on those lots denoted for such use on the face of a final subdivision plat or certified survey map which were approved by the common council after September 30, 2005.

One or more private garages may be provided for each residential unit as provided for in this subsection. The total area of any attached garages for each residential unit shall not exceed the area of the foundation of the residential unit. The total area of any detached garages for each residential unit shall not exceed the area of the foundation of the residential unit. In addition, the total area of the private garage(s) for each residential unit shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.

(Code 1986, § 17.39(2); Ord. No. 2002-4, § 12, 4-9-2002; Ord. No. 2003-7, § 7, 10-14-2003, Ord. 2005-28, Ord. 2005-38, Ord. 2016-18)

### **Sec. 130-983. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the R-1 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Two-family dwelling units, and one or more private garages for each residential unit. The total area of any attached garages for each residential unit shall not exceed the area of the foundation of the residential unit. The total area of any detached garages for each residential shall not exceed the area of the foundation of the residential unit. In addition, the total area of the private garage(s) for each residential unit shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (2) Home occupation, which does meet all of the criteria of section 130-531.
- (3) Public buildings such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages, or storage areas.
- (4) Institutions of a charitable or philanthropic nature; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (5) Telephone, telegraph and electric transmission lines, buildings or structures.
- (6) Indoor institutional uses (per section 130-373) and indoor residential uses (per section 130-376).
- (7) Day care centers and nursery schools (less than 9 children).
- (8) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (9) Bed and breakfast establishments, subject to the following restrictions:
  - a. *Off-street parking.* At least one space shall be provided by the operator for every one to two rooms being rented and two spaces for every three and four rooms being rented.



- b. *Signs.* A sign no larger than four square feet in size will be allowed on the property, with the location and design of the sign to be subject to the approval of the police chief and historic preservation commission, respectively.

(10) Community living arrangement (nine to 15 residents) (per section 130-378).

(11) Railroad line (per section 130-485).

(12) Single-family dwelling units with an above-grade floor area of at least 900 and less than 1,200 square feet.

(Code 1986, § 17.39(3); Ord. No. 2002-4, § 13, 4-9-2002; Ord. No. 2003-7, § 8, 10-14-2003, Ord. 2005-23, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21)

### **Sec. 130-984. Requirements for all uses.**

Within the R-1 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Minimum front yard setback: 25 feet.
- (3) Minimum rear yard setback: 15 feet.
- (4) Minimum side yard setback: Eight feet, total of 20 feet on both sides.
- (5) Maximum front yard and street side yard setback: 35 feet.
- (6) Detached garage and accessory building side yard and street side yard setback:
  - a. Three feet for side yards.
  - b. 20 feet for street side yards.
- (7) Minimum lot width at front setback line: 70 feet for lots platted after December 31, 2000; 60 feet for lots platted before January 1, 2001.
- (8) Minimum lot frontage on public road: 50 feet.
- (9) Minimum lot area for single-family dwelling: 8,000 square feet for lots platted after December 31, 2000; 6,000 square feet for lots platted before January 1, 2001.
- (10) Minimum lot area for two-family dwelling: 10,000 square feet for lots platted after December 31, 2000; 8,000 square feet for lots platted before January 1, 2001.
- (11) Minimum above-grade floor area for single-family dwelling: 1,200 square feet.
- (12) Minimum floor area for two-family dwelling: 700 square feet per unit.
- (13) Minimum street side yard setback: 20 feet.
- (14) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.

(Code 1986, § 17.39(4); Ord. No. 2003-9, § 4, 9-9-2003; Ord. No. 2003-11, § 4, 10-14-2003, Ord. 2004-2, Ord. 2005-1, Ord. 2005-9, Ord. 2005-50, Ord. 2007-21, Ord. 2012-16)

**Sec. 130-985. Uses permitted that meet special regulations.**

The following special uses shall be allowed in the R-1 district subject to special regulations:

- (1) Chicken Keeping, which meets the special use regulations outlined in Section 130-541.

**Secs. 130-985--130-1000. RESERVED**

## DIVISION 16. RESIDENTIAL DISTRICT TWO (R-2)

### **Sec. 130-1001. Purpose and intent.**

The purpose of the R-2 district is to provide a means of obtaining the residential goals and objectives of the development guide. The R-2 district is intended to provide areas which are to be occupied substantially by single-family and two-family dwellings and attached dwellings.

(Code 1986, § 17.40(1), Ord. 2005-50)

### **Sec. 130-1002. Uses permitted by right.**

The following uses are permitted in the R-2 district:

- (1) Single-family dwellings.
- (2) Two-family dwellings (per section 130-324).
- (3) Two-family twin dwellings (per section 130-323).
- (4) Churches and all affiliated uses, all grade schools, libraries and hospitals, water storage facilities and related structures.
- (5) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (6) Public parks, playgrounds, and recreational and community center buildings and grounds.
- (7) One or more private garages and one accessory building clearly incidental to the residential use of the property; provided, however, that no accessory building may exceed 150 square feet. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (8) Uses customarily incidental to any of the uses listed in subsections (1)--(5) of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (9) Not over four boarders or lodgers not members of the family.
- (10) Home occupation, when meeting all of the criteria of section 130-531.
- (11) Community living arrangement (one to eight residents) (per section 130-377).
- (12) Community living arrangement (nine to 15 residents) (per section 130-378).

(Code 1986, § 17.40(2); Ord. No. 2002-4, § 14, 4-9-2002; Ord. No. 2003-7, § 9, 10-14-2003, Ord. 2005-28, Ord. 2012-02)

### **Sec. 130-1003. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the R-2 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Home occupation, which does not meet all of the criteria of section 130-531.
- (2) Public buildings such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages or storage areas.
- (3) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (4) Telephone, telegraph and electric transmission lines, buildings or structures.
- (5) Indoor institutional uses (per section 130-373) and indoor residential uses (per section 130-376).
- (6) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (7) Three-family and four-family dwelling units.
- (8) Day care centers and nursery schools (less than nine children).
- (9) Railroad line (per section 130-485).
- (10) Single-family dwelling units with an above-grade floor area of at least 900 and less than 1,200 square feet.

(Code 1986, § 17.40(3), Ord. 2005-23, Ord. 2005-44, 2007-21)

### **Sec. 130-1004. Requirements for all uses.**

Within the R-2 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Minimum front setback: 25 feet.
- (3) Minimum rear yard setback: 15 feet.
- (4) Detached garage and accessory building side yard and street side yard setback:
  - a. Three feet for side yards.
  - b. 20 feet for street side yards.
- (5) Minimum lot width at front setback line: 70 feet for lots platted after December 31, 2000; 60 feet for lots platted before January 1, 2001. Two-family twin lots shall have a minimum of 35 feet per lot.
- (6) Minimum lot frontage on public road: 50 feet, except that two-family twin lots shall have a minimum of 25 feet per lot.

- (7) Minimum lot area:
  - a. Single-family: 8,000 square feet for lots platted after December 31, 2000; 6,000 square feet for lots platted before January 1, 2001.
  - b. Two-family: 10,000 square feet for lots platted after December 31, 2000; 8,000 square feet for lots platted before January 1, 2001.
  - c. Two-family twin: 5,000 square feet per lot.
  - d. Three-family: 12,000 square feet.
  - e. Four-family: 14,000 square feet.
- (8) Minimum side yard setback:
  - a. Single-family, two-family, three-family, and four-family: Eight feet; total 20 feet on both sides.
  - b. Two-family twin: Zero feet on the interior (common wall) lot line. Ten feet on exterior side lot lines.
- (9) Minimum street side yard setback: 20 feet.
- (10) Maximum front yard and street side yard setback: 35 feet.
- (11) Usable open space: Usable open space shall be provided on each lot used for multifamily dwellings of three or more units. Usable open space shall compose at least 25 percent of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, drives or drainageways.
- (12) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
- (13) Minimum above-grade floor area for single-family dwelling: 1,200 square feet.

(Code 1986, § 17.40(4); Ord. No. 2003-9, § 5, 9-9-2003; Ord. No. 2003-11, § 5, 10-14-2003, Ord. 2005-1, Ord. 2005-9, Ord. 2005-50, Ord. 2007-21, Ord. 2012-02, Ord. 2012-16)

**Secs. 130-1005--130-1020. Reserved.**

## DIVISION 17. RESIDENTIAL DISTRICT THREE (R-3)

### **Sec. 130-1021. Purpose and intent.**

The purpose of the R-3 district is to provide a means of obtaining the residential goals and objectives of the development guide. The R-3 district is intended to protect and enhance the character and value of residential areas primarily occupied by varied dwelling types of moderate density and to accommodate areas planned for new residential development of moderate density.

(Code 1986, § 17.41(1))

### **Sec. 130-1022. Uses permitted by right.**

The following uses are permitted in the R-3 district:

- (1) Single-family and two-family dwellings.
- (2) Churches and all affiliated uses, all grade schools, libraries and hospitals, water storage facilities and related structures.
- (3) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
- (4) Public parks, playgrounds, and recreational and community center buildings and grounds.
- (5) One or more private garages and one accessory building clearly incidental to the residential use of the property; provided, however, that no accessory building may exceed 150 square feet. The total area of any attached garages shall not exceed the area of the foundation of the dwelling. The total area of any detached garages shall not exceed the area of the foundation of the dwelling. In addition, the total area of the private garage(s) shall not exceed 13 percent of the total area of the lot, if the area of the lot is less than 10,000 square feet, and shall not exceed 11 percent of the total area of the lot, if the area of the lot is 10,000 square feet or more.
- (6) Uses customarily incidental to any of the uses listed in subsections (1)--(5) of this section, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (7) Not over four boarders or lodgers not members of the family.
- (8) Multiple-family dwellings up to eight units.
- (9) Roominghouses, boardinghouses or lodginghouses for not more than 15 roomers or boarders.
- (10) Home occupation, when meeting all of the criteria of section 130-531.
- (11) Community living arrangement (one to eight residents) (per section 130-377).
- (12) Community living arrangement (nine to 15 residents) (per section 130-378).

(Code 1986, § 17.41(2); Ord. No. 2002-4, § 15, 4-9-2002; Ord. No. 2003-7, § 10, 10-14-2003, Ord. 2005-28)

**Sec. 130-1023. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the R-3 district only after issuance of a conditional use permit as prescribed by article II, division 4 of this chapter:

- (1) Home occupation, which does not meet all of the criteria of section 130-531.
- (2) Public buildings, such as colleges and universities, including private music, dancing, business, and vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages or storage areas.
- (3) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums; and libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (4) Telephone, telegraph and electric transmission lines, buildings or structures.
- (5) Indoor institutional uses (per section 130-373) and indoor recreational uses (per section 130-376).
- (6) Day care centers and nursery schools (less than 9 children).
- (7) Funeral homes, undertaking establishments and cemetery memorial retail businesses.
- (8) Multiple-family dwellings greater than eight units and multiple-family dwellings where there are more than one principal-land-use structures on the same lot.
- (9) Community living arrangement (16 or more residents) (per section 130-379).
- (10) Railroad line (per section 130-485).
- (11) Single-family dwelling units with an above-grade floor area of at least 900 and less than 1,200 square feet.

(Code 1986, § 17.41(3), Ord. 2005-1, Ord. 2005-23, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21)

**Sec. 130-1024. Requirements for all uses.**

Within the R-3 district, the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Minimum front setback: 25 feet.
- (3) Minimum rear yard setback: 25 feet.
- (4) Minimum side yard setback: Ten feet; 25 feet for both yards.

- (5) Detached garage and accessory building side yard and street side yard setback:
- a. Three feet for side yards.
  - b. 20 feet for street side yards.
- (6) Minimum lot width at setback line: 70 feet.
- (7) Minimum lot frontage on public road: 50 feet.
- (8) Minimum lot area:
- a. Single-family: 8,000 square feet.
  - b. Two-family: 10,000 square feet.
  - c. Multifamily dwelling units larger than two units, but eight units or less: 10,000 square feet plus 1,500 square feet for each additional unit over two.
  - d. Units containing more than eight dwelling units: 2,500 square feet per unit.
- (9) Minimum street side yard setback: 20 feet.
- (10) Usable open space: Usable open space shall be provided on each lot used for multifamily dwellings of three or more units. Usable open space shall compose at least 25 percent of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development, but shall not include public or private streets, drives or drainageways.
- (11) Maximum front yard and street side yard setback: 35 feet.
- (12) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
- (13) Minimum above-grade floor area for single-family dwelling: 1,200 square feet.

(Code 1986, § 17.41(4); Ord. No. 2003-9, § 6, 9-9-2003; Ord. No. 2003-11, § 6, 10-14-2003, Ord. 2007-21, Ord. 2012-16)

**Secs. 130-1025--130-1040. Reserved.**