

CITY OF EVANSVILLE  
ORDINANCE # 2024-04

AN ORDINANCE UPDATING CERTAIN SECTIONS OF CHAPTER 130 (ZONING)

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

SECTION 1. It is in the best interest of the City and that of its citizens to amend the Chapter 130 from time to time in order to accurately reflect current land uses and zoning districts, specifically those related to site layout and design for certain businesses, driveway and access standards for business districts, maximum lot sizes for single and two family dwelling units, and to address issues of consistency and continuity between chapter divisions and section.

SECTION 2. The presence of commercial and retail buildings that are either vacant, under construction or otherwise not conducting business windows are boarded, shuttered, or otherwise screened from view have an adverse affect and impair the economic welfare of the adjacent owners' property, deter pedestrian traffic, and lead to economic distress. Additionally, the Wisconsin Economic Development Corporation has estimated the cost of this impact to be \$70,000 in lost revenue per property each year. Finally, the aim of the B-2 Central Business District is to encourage foot traffic and create a welcoming atmosphere that encourages commerce. Therefore, it in the best interest of the City to enforce standards for window treatments in the B-2 Central Business District, which encompasses the majority of the City's historic downtown.

SECTION 3. The Evansville Plan Commission held a public hearing on June 4, 2024, in compliance with the requirements of Section 62.23(7)(d)(2), Wis. Stats., regarding the proposed amendment of the zoning ordinance, and by a vote of 4-2 of the entire commission, has recommended Ordinance 2024-04 be approved by Common Council.

SECTION 4. The changes proposed in Ordinance 2024-04 are consistent with the City's adopted Smart Growth Comprehensive Plan.

The Common Council of the City of Evansville, Rock County, Wisconsin, do hereby amend sections of Chapter 130 as follows:

## **FROM ARTICLE V, DIVISION 5. COMMERCIAL LAND USES**

### **Sec. 130-407. In-vehicle sales or service.**

In-vehicle sales and service, land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except for vehicle repair and maintenance services, see section 130-417). Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities. This use does not include drive-in financial institutions, carwashes, or gas station/convenience store/food counters. These uses are handled as separate land use categories. If performed in conjunction with a principal land use (for example, a drive-up window or an ATM machine), in-vehicle sales and service land uses shall be considered an accessory use (see section 130-528). The following regulations are applicable to this use:

- (1) Permitted by right: B-4, as regulated in subsections (2)a--g. and (3) below.
- (2) Conditional use regulations: B-3, B-5.
  - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes.
  - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.
  - d. No drive-through window or stacking lane should obscure the front façade or street-facing side of the principal building.
  - e. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
  - f. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four-ton axle load.
  - g. The facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see section 130-270).
  - h. Interior curbs shall be used to separate driving areas from exterior fixtures such as canopy supports and landscaped islands. The curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to any property line.
  - i. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.
- (3) Parking requirements:

- a. For principal land uses, one space per 200 square feet of gross floor area. For accessory land uses, refer to the parking requirements of the principal land use on site.
- b. Each drive-up lane shall have a minimum stacking length of 100 feet (or less if requested and need is demonstrated through the conditional use permit process) behind the pass-through window and 40 feet beyond the pass-through window.

(Ord. No. 1997-18, § 13(17.70(4)(g)), 1-19-1998; Ord. No. 2002-11, § 1, 11-12-2002, Ord. 2005-44)

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### **Sec. 130-419. Gas station/convenience store/food counter.**

Gas station/convenience store/food counter uses are gas station facilities which are commonly designed to include a convenience store and food counter within the enclosed building. With the exception of any development proposals which may have been submitted in writing to the plan commission prior to the time of adoption of the ordinance from which this article is derived, these uses shall not include any drive-in, drive-up and drive-through facilities, which are considered in-vehicle sales or service uses(see section 130-407). Such land uses often have high traffic volumes which exhibit their highest levels concurrent with peak traffic flows. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: B-1, B-3, B-4, B-5.
  - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the gas pumps and driving lanes.
  - b. Any convenience store/food counter building shall be located within the building envelope closest to the street side or occupy the corner area of any lot it occupies. Gas pump areas shall not be located in any front yard area. See Exhibit 1 at the end of this section 130-419 for a desired layout that reflects these standards.
  - c. The gas pump areas shall be designed so as to not impede or impair vehicular and pedestrian traffic movement,or exacerbate the potential for pedestrian/vehicular conflicts.
  - d. In no instance shall a gas pump area be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.
  - e. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, and a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.

- f. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.
  - g. The facility shall provide a bufferyard along all property borders abutting residentially zoned property with a minimum opacity per section 130-270.
  - h. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. The curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to any property line.
  - i. Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.
- (1) Parking requirements: One space per 300 square feet of gross floor area of convenience store, plus one space per three seats of food counter seating, and one space per employee on the largest work shift of the food counter.
- (2) Sign regulations: no gas station/convenience store/food counter is allowed an electronic message sign beyond those that display fuel prices.

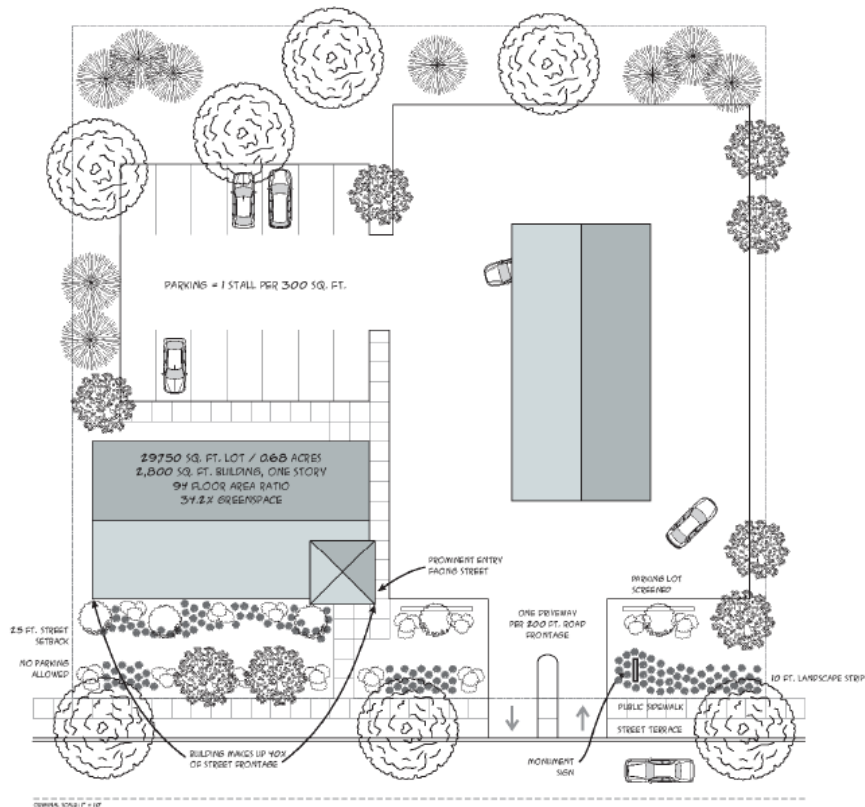


Exhibit 1. Example of a compliant layout for a new gas station site.

(Ord. No. 1997-18, § 13(17.70(4)(s)), 1-19-1998; Ord. No. 1998-19, § 1, 11-10-1998; Ord. No. 1998-12, § 5(17.70(4)(s)), 9-8-1998, Ord. 2005-44)

## **FROM ARTICLE V, DIVISION 9. ACCESSORY LAND USES.**

### **Sec. 130-538. Outdoor commercial food and beverage service.**

Outdoor commercial food and beverage service uses include the sale of food or beverages for on-site consumption on the premises of a restaurant or tavern. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: O-1, B-1, B-2, B-3, B-4
  - a. The size of the outdoor service area shall not be more than 100 percent of the floor area of the restaurant or tavern or 300 percent of the floor area in the B-2 Central Business District.
  - b. The outdoor service area shall lie within the same parcel as the restaurant or tavern and shall not lie within any public right of way.
  - c. The outdoor service area shall not lie within a required bufferyard or a required front, side, or rear yard setback.
  - d. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, all borders of the outdoor service area that abut or would otherwise be visible from the residentially zoned property shall have a bufferyard with a minimum opacity per section 130-270.
  - e. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, no person may occupy the outdoor service area after 9:30 PM.
  - f. No alcoholic beverages shall be served if the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property.
  - g. No alcoholic beverages shall be served unless the liquor, beer or wine license, whichever is applicable, as issued by the state of Wisconsin explicitly states that consumption is permitted within the outdoor service area.
  - h. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier (or other material as directed by alcohol licensing laws in the State of Wisconsin) shall be erected to prevent entry to the outdoor service area by any other means.
  - i. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons, and no temporary toilet facilities will be permitted.
  - j. Such uses shall comply with article II, division 4 of this chapter, pertaining to procedures applicable to conditional uses.
- (3) Parking requirements: One space per every three patron seats, calculated on the sum of the indoor and outdoor patron seats. This requirement may be waived by the plan commission for businesses in the B-2 district, following a request from the applicant.

## **FROM ARTICLE VII, DIVISION FIVE. LOCAL BUSINESS DISTRICT (B-1)**

### **Sec. 130-762. Uses permitted by right.**

Land uses permitted by right in the B-1 district are as follows:

- (1) Single-family and two family uses (per section 130-321).
- (2) Twin house/duplex (per section 130-321).
- (3) Cultivation (per section 130-341).
- (4) Selective cutting (per section 130-346).
- (5) Passive outdoor public recreation (per section 130-371).
- (6) Active outdoor public recreation (per section 130-372).
- (7) Indoor institutional uses (per section 130-373).
- (8) Public services and utilities (per section 130-375).
- (9) Office (per section 130-401).
- (10) Personal or professional services (per section 130-402).
- (11) Indoor sales or service (per section 130-403).
- (12) Indoor maintenance service (per section 130-405).
- (13) Group day care center (nine or more children) (per section 130-413).
- (14) Commercial Apartment (per section 130-522).

(Code 1986, § 17.32; Ord. No. 1997-18, § 4(17.32(2)(a)), 1-19-1998)

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### **Sec. 130-763. Uses permitted as conditional use.**

Land uses permitted as conditional uses in the B-1 district are as follows:

- (1) Two-flat (per section 130-321).
- (2) Townhouse (per section 130-321).
- (3) Multiplex (per section 130-321).
- (4) Apartment (per section 130-321).
- (5) Institutional residential uses (per section 130-322).
- (6) Clear cutting (per section 130-347).
- (7) Outdoor institutional uses (per section 130-374).
- (8) Community living arrangement (one to eight residents) (per section 130-377).

- (9) Community living arrangement (nine to 15 residents) (per section 130-378).
- (10) Community living arrangement (16 or more residents) (per section 130-379).
- (11) Indoor commercial entertainment (per section 130-408).
- (12) Bed and breakfast establishments (per section 130-412).
- (13) Boardinghouse (per section 130-415).
- (14) Group development (per section 130-418).
- (15) Gas station/convenience store/food counter (per section 130-419).
- (16) Railroad line (per section 130-485).
- (17) Artisan studio (per section 130-423).

(Code 1986, § 17.32; Ord. No. 1997-18, § 4(17.32(2)(b), 1-19-1998, Ord. 2005-44, Ord. 2007-4)

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### **Sec. 130-768. Requirements for nonresidential uses.**

The following regulations are applicable to nonresidential uses in the B-1 district:

- (1) (1 Nonresidential intensity requirements:
  - a. Maximum number of floors: Two.
  - b. Minimum landscape surface ratio: 30 percent.
  - c. Maximum floor area ratio: 0.275.
  - d. Minimum lot area: 7,500 square feet.
  - e. Maximum building size: 5,000 square feet.
- (2) Nonresidential bulk and lot dimension requirements:
  - a. Minimum lot area: 7,500 square feet.
  - b. Minimum lot width: 75 feet.
  - c. Minimum street frontage: 50 feet.
- (3) Minimum setbacks and building separation:
  - a. Building to front lot line: 10 feet, 40 feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
    - i. Building to street side lot line: 15 feet, 40 feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
  - b. Building to residential side lot line: 10 feet.
  - c. Building to residential rear lot line: 30 feet.
  - d. Building to nonresidential side lot line: Not applicable.
  - e. Building to nonresidential rear lot line: 12 feet.



- f. Minimum paved surface setback: 5 feet from side or rear; 10 feet from street.
  - g. Minimum building separation: 10 feet or zero feet on the zero lot line side where two nonresidential structures are adjacent.
  - h. Minimum accessory building setback: 5 feet.
- (4) Maximum building height: 35 feet.
- (5) Driveways and Access
- a. Maximum driveway width at sidewalk: 25 feet
  - b. One driveway allowed per street on which lot has frontage
- (6) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article V of this chapter.
- (7) Landscaping requirements
- a. Forty landscaping points per 100 linear feet of building foundation.
  - b. Fifteen landscaping points per 1,000 square feet of gross floor area.
  - c. Forty landscaping points per 100 linear feet of street frontage.
  - d. Eighty landscaping points per 10,000 square feet of paved area/20 stalls.

(Code 1986, § 17.32; Ord. No. 1997-18, § 4(17.32(4)), 1-19-1998, Ord. 2005-1, Ord. 2023-15)

## ARTICLE VIII, DIVISION SIX. CENTRAL BUSINESS DISTRICT (B-2)

### Sec. 130-799. Window Treatment in Central Business District.

- (1) This section shall apply to any and all windows of first floor commercial spaces located within the B-2 Central Business District where the interior can be observed from the public streets or sidewalks of the city.
- (2) All windows of vacant first floor commercial and retail buildings within the B-2 Central Business District which windows can be viewed from the public streets and sidewalks of the city and which expose the interiors of such buildings, shall screen the vacant interior of the building in which they are located. On the glass of the window there shall be an attractive display. This display may feature fresh displays of the incoming tenant, signs indicating vacancy and availability, posters advertising community events, or artwork appropriate for all audiences. At no point should these posters cover more than 50% of the glass area. The window glass shall be clean both inside and outside.
- (3) No windows or storefronts of commercial and retail buildings in the B-2 Central Business District which are either vacant or otherwise not conducting business for a period of thirty consecutive business days shall not be boarded or shuttered, or covered from the inside by means of tarp, cardboard, or other non-commercial window treatments.
- (4) No more than 50% of a window of a first floor commercial space in the B-2 Central Business District shall be covered permanently with standard window treatments (e.g. blinds, curtains, etc.)
- (5) Definitions
  - a. Boarding means the placement of plywood or some type of construction material as a barrier, temporary or permanent, to cover and obscure a window or storefront.
  - b. Fresh displays means the displays between the window treatment and glass and which have been rotated or changed every 120 days.
  - c. Shuttered means the placement of metal shutters, roll down grates and accordion types of barriers, temporary or permanent, commonly used to protect a building.
  - d. Vacant means properties which are not open to the public, or to clientele of any sort, and which buildings are not being used for the display or merchandising of any product, and have been in such a position for a period of more than thirty consecutive business days. These terms shall not apply to new buildings under construction or new buildings never having been previously occupied, but shall apply to existing buildings conducting internal construction, renovation, maintenance or demolition that does not include the building's edifice.

**FROM ARTICLE VIII, DIVISION SEVEN. COMMUNITY BUSINESS DISTRICT.**

**Sec. 130-822. Uses permitted by right.**

Land uses permitted by right in the B-3 district are as follows:

- (1) Cultivation (per section 130-341).
- (2) Selective cutting (per section 130-346).
- (3) Passive outdoor public recreation (per section 130-371).
- (4) Active outdoor public recreation (per section 130-372).
- (5) Indoor institutional uses (per section 130-373).
- (6) Public services and utilities (per section 130-375).
- (7) Office (per section 130-401).
- (8) Personal or professional services (per section 130-402).
- (9) Indoor sales or service (per section 130-403).
- (10) Indoor maintenance service (per section 130-405).
- (11) Off-site parking lot (per section 130-481).
- (12) Artisan studio (per section 130-423).
- (13) Group development (per section 130-418).
- (14) Group day care center (nine or more children) (per section 130-413).

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(2)(a)), 1-19-1998, Ord. 2007-4, Ord. 2017-01)

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**Sec. 130-823. Uses permitted as conditional use.**

Land uses permitted as conditional use in the B-3 district are as follows:

- (1) Clear cutting (per section 130-347).
- (2) Outdoor institutional uses (per section 130-374).
- (3) Institutional residential uses (per section 130-376).
- (4) Outdoor display (per section 130-404).
- (5) In-vehicle sales or service (per section 130-407).
- (6) Indoor commercial entertainment (per section 130-408).
- (7) Outdoor commercial entertainment (per section 130-409).
- (8) Commercial animal boarding (per section 130-410).
- (9) Commercial indoor lodging (per section 130-411).

- (10) Bed and breakfast establishment (per section 130-412).
- (12) Boardinghouse (per section 130-415).
- (13) Vehicle repair and maintenance (per section 130-417).
- (14) Gas station/convenience store/food counter (per section 130-419).
- (15) Carwash (per section 130-420).
- (16) Personal storage facility (per section 130-453).
- (17) Railroad line (per section 130-485).
- (18) Motor vehicle storage yard (per section 130-457).
- (19) Commercial Apartment (per section 130-522)
- (20) Apartment (per section 130-321) in conjunction with non-residential land uses.

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(2)(b)), 1-19-1998, Ord. 2005-44, Ord. 2006-42, Ord. 2017-01)

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### **Sec. 130-827. Requirements for nonresidential uses.**

Regulations applicable to nonresidential uses in the B-3 district are as follows:

- (1) Nonresidential intensity requirements:
  - a. Maximum number of floors: Four.
  - b. Minimum landscape surface ratio: 15 percent.
  - c. Maximum Building Coverage: 60 Percent
  - d. Maximum floor area ratio: 1.5
  - e. Minimum lot area: 9,000 square feet.
  - f. Maximum building size: 20,000 Square Feet per Floor
  - g. Maximum Parking Lot Street Frontage: 50 Percent
- (2) Nonresidential bulk and lot dimension requirements:
  - a. Minimum lot area: 9,000 square feet.
  - b. Minimum lot width: 70 feet.
  - c. Minimum street frontage: 50 feet.
- (3) Minimum setbacks and building separation:
  - a. Building to front or street side lot line: 10 feet, 35 feet maximum or for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
  - b. Building to residential side lot line: Ten feet.
  - c. Building to residential rear lot line: 25 feet.

- d. Building to nonresidential side lot line: Ten feet or zero feet on zero lot line side.
  - e. Building to nonresidential rear lot line: 25 feet.
  - f. Minimum paved surface setback: Five feet from side or rear, ten feet from street.
  - g. Minimum building separation: 12 feet, or zero feet on zero lot line side.
- (4) Maximum building height: 40 feet.
- (5) Driveways and Access
- a. Maximum width at sidewalk: 25 feet
  - b. One driveway allowed per street on which lot has frontage.
- (5) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article XI of this chapter.
- (6) Nonresidential landscaping requirements (nonresidential, two-family and multifamily): See landscaping requirements per article IV of this chapter.

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(4)), 1-19-1998, Ord. 2017-01)

## **FROM ARTICLE VIII, DIVISION EIGHT. REGIONAL BUSINESS DISTRICT.**

### **Sec. 130-852. Uses permitted by right.**

Land uses permitted by right in the B-4 district are as follows:

- (1) Cultivation (per section 130-341).
- (2) Selective cutting (per section 130-346).
- (3) Passive outdoor public recreation (per section 130-371).
- (4) Active outdoor public recreation (per section 130-372).
- (5) Indoor institutional uses (per section 130-373).
- (6) Public services and utilities (per section 130-375).
- (7) Indoor sales or service (per section 130-403).
- (8) Indoor maintenance service (per section 130-405).
- (9) In-vehicle sales or service (per section 130-407).
- (10) In-vehicle sales and service incidental to on-site principal land use (per section 130-528).
- (11) Artisan studio (per section 130-423).
- (12) Group day care center (nine or more children) (per section 130-413).

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(2)(a)), 1-19-1998; Ord. No. 2002-11, § 5, 11-12-2002, Ord. 2007-4)

### **Sec. 130-853. Uses permitted as conditional use.**

Land uses permitted as conditional uses in the B-4 district are as follows:

- (1) Clear cutting (per section 130-347).
- (2) Outdoor institutional uses (per section 130-374).
- (3) Institutional residential uses (per section 130-376).
- (4) Personal or professional services (per section 130-402).
- (5) Outdoor display (per section 130-404).
- (6) Drive-in financial institutions (per section 130-537).
- (7) Indoor commercial entertainment (per section 130-408).
- (8) Commercial animal boarding (per section 130-410(3)).
- (9) Commercial indoor lodging (per section 130-411).
- (10) Boardinghouse (per section 130-415).
- (11) Vehicle repair and maintenance (per section 130-417).
- (12) Group development (per section 130-418).

- (13) Gas station/convenience store/food counter (per section 130-419).
- (14) Carwash (per section 130-420).
- (15) Large-format retail store (per section 130-422).
- (16) Railroad line (per section 130-485).
- (17) Business district mixed commercial/residential uses. (per section 130-421)
- (18) Commercial Apartment (per section 130-522).

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(2)(b)), 1-19-1998; Ord. No. 2002-11, § 6, 11-12-2002, Ord. 2005-44, Ord. 2005-47, Ord. 2006-25, Ord 2009-02, Ord. 2017-02)

### **Sec. 130-857. Requirements for nonresidential uses.**

Regulations applicable to nonresidential uses in the B-4 district are as follows:

(1) Nonresidential intensity requirements:

- a. Maximum number of floors: Two.
- b. Minimum landscape surface ratio: 25 percent.
- c. Maximum floor area ratio: 0.5
- d. Minimum lot area: 40,000 square feet.
- e. Maximum building size: Not applicable.
- f. Minimum building size 10,000 square feet
- g. Maximum Parking Lot Street Frontage: 50 percent.

(2) Nonresidential bulk and lot dimension requirements:

- a. Minimum lot area: 40,000 square feet.
- b. Minimum lot width: 100 feet.
- c. Minimum street frontage: 50 feet.

(3) Minimum setbacks and building separation:

- a. Building to front or street side lot line: 15 feet, 50 feet maximum or for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
- b. Building to residential side lot line: Ten feet.
- c. Building to residential rear lot line: 25 feet.
- d. Building to nonresidential side lot line: 10 feet or zero feet on zero lot line side.
- e. Building to nonresidential rear lot line: 25 feet.
- f. Minimum paved surface setback: Five feet from side or rear; ten feet from street.
- g. Minimum building separation: 20 feet or zero feet on zero lot line side.

(4) Maximum building height: forty (40) feet.

(5) Driveway and Access.

- a. Maximum width at sidewalk: 25 feet
- b. One driveway allowed per street on which lot has frontage.

(6) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article XI of this chapter.

(7) Nonresidential landscaping requirements (nonresidential, two-family and multifamily uses): See landscaping requirements per article IV of this chapter.

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(4)), 1-19-1998; Ord. No. 2000-12, § 2(17.35(4)), 6-13-2000; Ord. No. 2002-11, § 8, 11-12-2002, Ord. 2017-02)



## **FROM ARTICLE VIII, DIVISION FIFTEEN. RESIDENTIAL DISTRICT ONE (R-1)**

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

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

- (1) Maximum building height: 35 feet.
- (2) Setbacks and Building Separation
  - a. Minimum front and street side yard setback: 25 or 20 feet when alternate standards are met (see Sec. 130-984(3)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8 feet, total of 20 feet on both sides or 8 feet when alternate standards are met (see Sec. 130-984(3)).
  - e. Minimum side yard setback:
  - f. Occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
  - g. Driveway side and rear yard setbacks: 3 feet.
- (3) Alternative setback standards referenced in this section may be used when any of the two following standards are met:
  - a. Linear garage frontage does not exceed 40% of the building's front elevation.
  - b. Building is a two-story structure.
  - c. Front Porch at least 25 square feet in size .
  - d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
  - e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
- (4) Detached ADU, garage and accessory building side yard and street side yard setback:
  - a. 3 feet for side yards, five (5) feet for ADUs only.
  - b. 20 feet for street side yards.
  - c. Five (5) feet for rear yards.
- (5) Lot width at front setback line:
  - a. Minimum: 60 feet
  - b. Maximum: 100 feet
- (6) Minimum lot frontage on public road: 50 feet.
- (7) Minimum lot area for single-family dwelling: 6,000 square feet
- (8) Minimum lot area for two-family dwelling: 8,000 square feet
- (9) Maximum lot area for a single family dwelling: 14,000 square feet
- (10) Maximum lot area for a two-family dwelling: 16,000 square feet
- (11) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.

- (12) Minimum floor area for two-family dwelling: 700 square feet per unit.
- (13) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
- (14) Buildings and Structures Lot Coverage Standards
- a. Maximum lot coverage by impervious surfaces shall be forty five percent (45%) of lot area.
  - b. Maximum front yard coverage by impervious surfaces shall be forty five percent (45%) of lot area, provided maximum lot coverages are not exceeded.
  - c. Maximum linear garage coverage, as measured across the street facing façade, on a building's front elevation shall be fifty five percent (55%)
  - d. Front facing façade of garage recessed from, or no more than, eight (8) feet offset from primary façade at ground level.
  - e. Maximum driveway width at sidewalk of twenty (20) feet.

(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, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)

**FROM ARTICLE VIII, DIVISION 16. RESIDENTIAL DISTRICT TWO (R-2)**

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

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

- (1) Maximum building height: 35 feet.
- (2) Setbacks and Building Separation
  - a. Minimum front yard and street side yard setback: 25 feet or 20 feet when alternate standards are met (see Sec.130-1004(8)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8 feet, total of 20 feet on both sides.
  - e. Detached garage and accessory building side yard and street side yard setback:
    1. 3 feet for side yards.
    2. 20 feet for street side yards.
    3. 5 feet for rear yards.
- (3) Lot width at front setback line:
  - a. Minimum: 60 feet Two-family twin lots shall have a minimum of 35 feet per lot.
  - b. Maximum: 100 feet
- (4) Minimum lot frontage on public road: 75 feet, except that two-family twin lots shall have a minimum of 25 feet per lot.
- (5) Minimum lot area:
  - a. Single-family: 6,000 square feet
  - b. Two-family: 8,000 square feet
  - c. Two-family twin: 5,000 square feet per lot.
  - d. Three-family: 12,000 square feet.
  - e. Four-family: 14,000 square feet.
- (6) Maximum lot area:
  - a. Single family: 14,000 square feet
  - b. Two family: 16,000 square feet
  - c. Two family twin: 8,000 square feet
- (7) Minimum side yard setback:
  - a. Single-family, two-family, three-family, and four-family: 8 feet; total 20 feet on both sides.

- b. Two-family twin: Zero feet on the interior (common wall) lot line. 10 feet on exterior side lot lines or 8 feet on both sides when alternate standards are met (see Sec.130-1004(8)).
  - c. Detached occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
  - d. Driveway side and rear yard setbacks: 3 feet.
- (8) Maximum front yard and street side yard setback: 30 feet.
- (9) Alternative setback standards referenced in this section may be used when any of the two following standards are met:
- a. Linear garage frontage does not exceed 40% of the building's front elevation.
  - b. Building is a two-story structure.
  - c. Front Porch at least 25 square feet in size.
  - d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
  - e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
- (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) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.
- (12) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.
- (13) Buildings and Structures Lot Coverage Standards
- a. Maximum lot coverage by impervious surfaces shall be fifty percent (50%) of lot area.
  - b. Maximum front yard coverage by impervious surfaces shall be fifty percent (50%) of lot area, provided maximum lot coverages are not exceeded.
  - c. Maximum linear garage coverage on a building's front elevation shall be fifty five percent (55%)
  - d. Front facing façade of garage recessed from, or no more than eight (8) feet offset from primary façade at ground level.
  - e. Maximum Driveway Width at sidewalk of 20 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, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)



## **FROM ARTICLE X SIGNS**

### **Sec. 130-1276. Signs permitted in the local business district (B-1), community business district (B-3), special use business district (B-5), and planned office district (O-1) with a sign permit.**

Except for signs permitted without a sign permit under section 130-1274, all signs in the local business district (B-1), community business district (B-3), special use business district (B-5), or planned office district (O-1) and not in a historic preservation district are prohibited except for a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Freestanding/ground/pole signs shall have no projections and are limited to one per parcel. They shall not exceed 50 square feet in area nor 15 feet in height measured from the mean centerline street grade to the top of the sign.

(b) Shopping center/group development/office park signs. One freestanding sign, showing only the name of said center and each represented business. They shall not exceed 60 square feet in area, 15 feet in height above finished grade, nor be placed within 20 feet of the property line.

(c) Projecting signs shall not extend over a public sidewalk and must maintain a clear vertical clearance of ten feet.

(d) Wall signs shall not project more than 16 inches from such wall. One sign is permitted on the front wall of any principal building. The sign area shall not exceed one-tenth building's front face (including doors and windows), with a maximum area of 200 square feet. If a single principal building is devoted to two or more businesses, the operator of each business may install a front wall sign. The maximum area of each sign shall be determined by using the proportional share of the front face (including doors and windows) occupied by each business and applying such proportion to the total sign area permitted for the front wall of the building. If the building is located on a corner lot, a sign may also be placed on the side wall facing the secondary street up to one-tenth of the wall's face in area, not to exceed 100 square feet. In no case shall the total area of all wall signs be in excess of 200 square feet or there be more than two wall signs per business.

(e) Awning signs and canopy/marquee signs are limited to a total of two such signs for each business, and the signage may be placed on the flap of the awning that hangs vertically and/or on the sloping portion of the awning, provided the signage does not occupy more than 50 percent of such area or to the part of the canopy/marquee that is a vertical face. The portion of the awning or canopy/marquee displaying a message or symbol shall be included in the total signage area per parcel area calculation.

(f) Window signs in excess of 25 percent of the glazed area but less than 50 percent of the glazed area provided the sign is not an electronic message sign.

(g) Lighting. Signs may be indirectly illuminated by a hooded reflector, shall not create glare nor be flashing.

(h) Total signage area per parcel cannot exceed 250 square feet.

(i) Sandwich board signs may only be displayed during business hours. They shall be securely fastened to prevent any hazardous condition. No sign shall exceed 12 square feet in area on each face, nor 4 feet in height above finished grade.

(j) Church bulletins may be directly illuminated/backlit or indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight feet from any other zoning lot.

(k) Searchlights are not allowed in this district.

(l) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers or architects and displayed only during the time of construction.

(m) Banners. Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 30 days per 90 day period. Banners shall not exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade. Any banner attached to or displayed on public property will require a no fee permit from the zoning administrator.

(Ord. No. 2002-9, § 1, 3-11-2003, Ord. 2005-19, Ord. 2005-44, Ord. 2006-8, Ord. 2006-16, Ord. 2010-02, Ord. 2016-02)

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF EVANSVILLE, WISCONSIN;**

This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Dianne Duggan, Mayor

ATTEST:

\_\_\_\_\_  
Leah Hurtley, City Clerk

Introduced: 06/10/2024

Adopted: 07/09/2024

Published:

\_\_/\_\_/2024