

CITY OF EVANSVILLE
ORDINANCE # 2024-05

AN ORDINANCE UPDATING DIVISIONS 12 THROUGH 15 AND SECTION 130-1306 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 the goals of the Smart Growth Comprehensive Plan, last updated in September 2022, specifically those related to lot size, layout, density, and intent for certain residential districts.

SECTION 2. Excessive or poor use of artificial outdoor light has a negative effect on the rural and small town character of the City, in addition to disrupting the sleep patterns of residents, interrupting natural wildlife patterns, and creating nuisances on neighboring properties.

SECTION 3. The Evansville Plan Commission held a public hearing on July 2, 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 unanimous vote of the entire commission, has recommended Ordinance 2024-05 be approved by Common Council.

SECTION 4. The changes proposed in Ordinance 2024-05 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:

REPEAL DIVISION 12 OF CHAPTER 130 AND RECREATE AS FOLLOWS

DIVISION 12. LARGE LOT URBAN RESIDENTIAL DISTRICT (LL-R)

Sec. 130-921. Purpose and intent.

The purpose of the LL-R district is to provide a means of obtaining the residential goals and objectives of the Smart Growth Comprehensive Plan with regard for natural resource features that prevent may lots from conforming to the lot area maximums of the City's standard residential zoning districts. The LL-R district is intended allow for larger lots to fit in with neighboring properties when needed as part of the subdivision and platting process. This district is also made to accommodate annexed properties with existing dwelling units, formerly on private well and septic systems, and to provide those properties a way to subdivide buildable areas for future housing.

Sec. 130-922. Uses permitted by right.

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

- (1) One single-family dwelling unit; one or more private garages. 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 11 percent of the total area of the lot.
- (2) Two-family and two family twin dwellings.
- (3) Public and quasipublic owned parks and playgrounds and publicly-owned community buildings and grounds.
- (4) Graded schools, places of worship and their affiliated/accessory uses, water storage facilities and related structures.
- (5) Accessory building clearly incidental to the residential use of the property; provided, however, 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) Community living arrangement (one to eight residents) (per section 130-377).
- (8) Home occupation when meeting all of the criteria in section 130-531.
- (9) Family day care home (per section 130-532)
- (10) All existing structures and uses on lots that were zoned LL-R12 and LL-R15 prior to July 9, 2024.
- (11) Accessory Dwelling Units as defined in Section 130-6.

Sec. 130-923. Uses permitted as conditional use.

The following conditional uses shall be allowed in the LL-R 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 in section 130-531.
- (2) Community living arrangement (nine to 15 residents) (per section 130-378).
- (3) One single-family dwelling unit with an above-grade floor area of at least 900 and less than 1,200 square feet.
- (4) Railroad line (per section 130-485).
- (5) Group day care center (nine or more children). (per section 130-413) Bed and breakfast establishment (per section 130-412).

Sec. 130-924. Requirements for all uses.

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

- (1) Maximum building height of principal structure: 35 feet.
- (2) Height of detached garages or accessory buildings: Shall not exceed the height of the principal structure.
- (3) Minimum front yard setback: 25 feet or 20 feet when alternate standards are met (see Sec. 130-944(13)).
- (4) Minimum rear yard setback: 15 feet.
- (5) Minimum side yard setback: Eight feet; total 20 feet on both sides.
- (6) Minimum lot width at front setback line: 80 feet.
- (7) Minimum lot frontage on public road: 50 feet.
- (8) Minimum lot area:
 - a. Single family dwelling: 13,000 square feet.
 - b. Two-family dwelling: 15,000 square feet
 - c. Two-family twin dwelling: 16,000 square feet
- (9) Detached garage and accessory building side yard and street side yard setback:
 - a. Five feet for side and rear yards.
 - b. 20 feet for street side yards.
- (10) Minimum above-grade floor area: 1,200 square feet.
- (11) Minimum street side yard setback: 20 feet.
- (12) Maximum front yard setback: 35 feet.
- (13) 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.

Sec. 130-925. References to prior zoning district classifications

References throughout Chapter 130 relating to permitted and conditional uses in the LL-R12 and LL-R15 zoning districts shall be interpreted as permitted and conditional uses in the LL-R zoning district.

Sec.130-926. Uses permitted that meet special regulations.

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

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

DIVISION 13. LARGE LOT URBAN RESIDENTIAL DISTRICT (LL-R12)

Sec. 130-941. Uses and Requirements

- (1) All new uses in the LL-R12 district shall follow the uses and requirements set in Division 12 Large Lot Residential (LL-R) district.
- (2) All existing structures and uses on lots that were zoned LL-R12 prior to July 9, 2024 are permitted and deemed compliant with this chapter.

DIVISION 14. LARGE LOT URBAN RESIDENTIAL DISTRICT (LL-R15)

Sec. 130-961 Uses and Requirements

- (1) All new uses in the LL-R15 district shall follow the uses and requirements set in Division 12 Large Lot Residential (LL-R) district.
- (2) All existing structures and uses on lots that were zoned LL-R15 prior to July 9, 2024 are permitted and deemed compliant with this chapter.

ADDING TO ARTICLE XI: SECTION 130-1306. EXTERIOR LIGHTING STANDARDS.

Section 130-1306. Exterior Lighting Standards.

- (1) Purpose. The regulations of this section establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity, and prevent unnecessary glare and light trespass onto adjacent properties.
- (2) Light trespass.
 - a. Outdoor lighting shall be designed, installed, and maintained to confine illumination to the subject property. Compliance with these regulations must be achieved by fixture shielding, directional control designed into fixtures, fixture locations, height, aim, or a combination of these or other factors.
 - b. Maximum light trespass (spillover) is limited to the following levels according the zoning district of the lot receiving the spillover light:
 - i. All residential districts: 0.50 footcandles
 - ii. All other zoning districts: 3 footcandles
 - c. Spotlights and floodlights must be aimed so that they do not shine (aim point) across property lines.
- (3) Dark Sky Compliant Lighting.
 - a. New lighting fixtures shall use dark sky compliant lighting fixtures and installation practices in all areas of the City.
 - b. Changes in existing lighting shall follow this ordinance in all areas of the City.
 - c. This ordinance does not apply to cosmetic or decorative lighting below 250 lumens.
 - d. This ordinance does not apply to lighting approved by the Historic Preservation Commission by issuance of a Certificate of Appropriateness.

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