

NOTICE

A meeting of the City of Evansville Plan Commission will be held via video and/or audio remotely on the date and time stated below. 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. Submit Public Comments in advance by email to jason.sergeant@ci.evansville.wi, by leaving in the drop box in front of City Hall at 31 S Madison Street, or by mail to PO Box 529, Evansville, WI 53536.

City of Evansville **Plan Commission**
Regular Meeting
Tuesday, December 1, 2020, 6:00 p.m.

Due to County, State and Federal social distancing recommendations in response to COVID-19, this meeting is being held virtually. Commission members, applicants, and members of the public 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 November 3, 2020 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed
7. New Business
 - A. Discussion and Public Hearing of Ordinance 2020-12, Chapter 110 Subdivisions.
 - i. Staff Comments
 - ii. Public Hearing
 - iii. Plan Commissioner Questions and Comments
 - iv. Motion to Recommend Approval of Ordinance 2020-12 to Common Council.
 - B. Discussion and Public Hearing of Ordinance 2020-24, Chapter 130 Zoning.
 - i. Staff Comments
 - ii. Public Hearing
 - iii. Plan Commissioner Questions and Comments
 - iv. Motion to Recommend Approval of Ordinance 2020-24 to Common Council
 - C. Discussion of Final Land Division and Draft Development Agreement for Settler's Grove (placeholder)
8. Next Meeting Dates: Tuesday, January 5, 2020 at 6:00pm
9. Motion to Adjourn

-Mayor Bill Hurtley, Plan Commission Chair

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**City of Evansville Plan Commission
Regular Meeting
November 3, 2020, 6:00 p.m.
Meeting held virtually due to COVID-19 Guidelines**

MINUTES

1. Call to Order at 6:02 pm.

2. Roll Call:

Members	Present/Absent	Others Present
Mayor Bill Hurtley	P	Community Development Director Jason Sergeant
Aldersperson Rick Cole	A	Sue and Dan White, N Fourth Street
Aldersperson Erika Stuart	P	Scott and Tina, Das Haund Haus
Bill Hammann	A	Johanna Lema, Applicant
John Gishnock	P	Roger Berg, Applicant
Mike Scarmon	P	
Susan Becker	P	

3. Motion to approve the agenda, by Stuart, seconded by Gishnock. Approved unanimously.

4. Motion to waive the reading of the minutes from the October 6, 2020 Meeting and approve them as printed by Stuart, seconded by Gishnock. Approved unanimously.

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

6. Citizen appearances other than agenda items listed.

A. Sidewalk Concerns on Parcel 6-27-933.03A. Sergeant shared a homeowner would like to delay installation of a sidewalk in their new home. White shared she would like to delay the installation of sidewalks. She doesn't believe they would make any sense at this time. Hurtley asked if Sergeant would like to explain the City policy. Sergeant explained he is not empowered to allow a homeowner to delay installation, the ordinance is pretty clear on when they are required. An appeal for a variance would be possible, but might be more costly than installation. Sergeant feels the Inspector could delay installation until weather breaks in spring. White asked if there is any way to delay the installation via an agreement. Stuart said the ordinance applied to everyone and it would be difficult justifying delaying requirements for one person, and not any other. Gishnock asked if the requirement was disclosed earlier in the process. White said it was not and they have been in the house for almost a year. Cole thought it didn't make much sense to require installation in this situation. Commission could not hear Cole well, White summarized his comments. She asked if the City would provide engineering to locate the sidewalk. White asked if the installation could be deferred. Sergeant said Inspector can delay installation until next spring. Sergeant said the City Engineer could take a look and provide some guidance. White clarified she would talk to Larry about the timeline. Hurtley shared they are trying to connect

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sidewalks all over the city. Sergeant said this investment is \$50,000 to \$100,000 a year. White asked where her sidewalk would go to and said the City needs to look at common sense and not just because they are an ordinance. White and Hurlley discussed the cost for a variance and white expressed interest in moving forward with that

- B. Conditional Use Discussion for Dog Kennel.** Scott shared they are looking to buy a restaurant on N Union. Commission expressed some concern for location and sound of barking dogs. Sergeant shared the zoning code would guide the possible use.

7. New Business

- A. Discussion and Public Hearing of Conditional Use Permit Application CUP-2020-05 Conditional Use Permit for a Group Day Care Center (nine or more children) per Sec. 130-413 on parcel 6-27-132.6 and 6-27-132.5 at 295 S Union Street.**

- i. **Review Preliminary Plat and Staff Comments.** Sergeant summarized the application
- ii. **Public Hearing. Hurlley Opened, Becker commented she would like to see better enforcement of conditions.** Hurlley closed the public hearing.
- iii. **Plan Commissioner Questions and Comments.** Gishnock expressed concern that the plan was at a small scale and might be difficult for some to read. He also said he would be willing to help if the applicant needed any advice on tree location.
- iv. **Motion to approve. Motion to recommend to Common Council approval of certified survey map to divide parcel 6-27-533.514 (Tax ID 222 04701514) into a Two-family twin lot located at 554/556 Stonewood Court, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition the final CSM and joint cross access easement agreement is recorded with Rock County Register of Deeds. Motion by Cole, seconded by Stuart. Approved unanimously.**

- B. Discussion of Final Land Division and Draft Development Agreement for Settler's Grove.** Sergeant updated the Commission on the agreement, noting some portions still need research. Sergeant shared a letter sent to the applicant in response to the final application and looked for any items that the commission or applicant desired to be discussed. Olsen said he had his surveyor reviewing staff comments and will be providing updates and thinks all of those items can get resolved. Stuart asked if Baker Avenue will go all the way through and expressed concern that the street would not connect. She would like to see more than a sidewalk. Olsen said he intends to get a sidewalk in that will align with a sidewalk that aligns on the north side of Baker and will go into a possible future plat, drafted by the surveyor, Combs. Hurlley asked if this is a final approval. Sergeant explained a final decision is not yet being made, the important priority is getting the agreement finalized to put everything in writing so future commission or staff or developer members can understand what was agreed upon. Olsen said he would like to highlight a few areas that may need further discussion:

- **Park land dedication:** Olsen calculated park fees to be \$143,918.00 and he sees credits for land dedication and bike path as a possibility. Sergeant explained there is two parts to the discussion. One being dedication of park land to the amount of 4.7 acres, additionally trails need to install if mentioned in comprehensive plan. Sergeant explained he included the trail towards park land dedication.
- **Construction Monitor:** Developer intends to work with city on a monitor for regular construction activity and would like to be sure the costs are limited.
- **Water pressure:** Developer has no concern with booster station and asked if anything else

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- needs to be done. Sergeant reminded that Municipal Services Committee recommended not approved a booster station. Sergeant felt the agreement could be approved by committee or other action taken
- Porter Road: Olsen shared that the south side would not be improved. Sergeant agreed this was the case unless Town of Union is engaged in discussions. Some of porter road fronts city property and the costs for improvements would need to be negotiated further including a culvert replacement. The culvert as it exists is likely oversized and could afford an opportunity to replace with locally made culvert. Sergeant has requested City Engineer draft expected costs for improvements. The improvements can be looked at in two ways, one being the city is responsible for improvements to public roads, the other is that a developer is responsible for improvements to roads that benefit the development.
 - Sidewalks: 12,488 LF of sidewalk will need to be installed at a cost of \$200,000 and would be installed at the time curb and gutter go in, this is concern as to how much concrete will be destroyed or broken. Some estimates have up to 50% needing replacement after construction begins. Janesville does not require sidewalk going in first, but understands that sidewalk not going in needs to be developer's ultimate responsibility. Olsen asked what the current ordinances require. Sergeant said it has to be in by occupancy permit. However, the development wide scale would be treated differently. Olsen stated that consistent enforcement of City rules is important. Sergeant clarified the agreement as it is drafted requires sidewalk installed at time of curb. The reason is not for a lack of installation, but for the amount of staff time spent solving problems when each builder installs sidewalks and doesn't coordinated with neighboring properties.

C. Discussion on Municipal Services Recommended Ordinances 2020-10 and 2020-11. Sergeant shared these ordinance update Chapter 46, which needs to be more thoroughly reviewed by the building inspector. Commission agreed this should be delayed.

D. Discussion of Ordinance 2020-12, Chapter 110 Subdivisions. Sergeant shared this was intended to answered a concern brought forward by an applicant as to the enforceability of our current ordinance.

E. Discussion of Ordinance 2020-13, Chapter 130 Zoning. Sergeant shared changes from last month's discussion. This is in response to comprehensive plan guidance and concerns expressed for neighborhoods being more pedestrian friendly. Last month the commission discussed adding garage limits in the subdivision agreements, but all agreed it would be better dealt with in ordinance revision. Sergeant share that this responds to a demand for increased density and lower housing costs. This is achieved by allowing accessory dwelling units in historic districts, such as a apartment above a garage. This would allow a property owner to rent out a unit and help support the housing costs or move into the smaller unit as they age. They are limited in size and scale to be subordinate to the primary structure. Two family dwelling units would be allowed to be separate if needed as long as they are serviced by individual utilities. This would give more flexibility to housing layout to reduce garage frontage complaints. There is now a lot coverage limit on lots to make sure the entire parcel is not paved and parking isn't created in the front yards. 50% garage frontage is required and incentives are built in for builders, including bay windows in setbacks or front porches. If a builder accomplishes addition of a porch, narrow driveway or smaller garage, the setbacks will be reduced. Stuart asked what the next steps will be

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for revisions. Sergeant said it will return next month for approval. Stuart liked what was done and this would be a positive change. Gishnock agreed this would be a welcome change to ordinances. Cole said it looked good.

F. Motion to Recommend Resolution 2020-24 by Stuart, seconded by Gishnock, approved unanimously.

G. Discussion and Motion to Approve 2021 Meeting Dates by Stuart, seconded by Becker, approved unanimously.

8. Next Meeting Dates: Tuesday, December 1, 2020 at 6:00pm. Commission would like to meet virtually for next meeting.

9. Motion to Adjourn by Cole, seconded by Becker. Approved Unanimously.

**CITY OF EVANSVILLE
ORDINANCE #2020-12**

AN ORDINANCE AMENDING SECTION 110-230 OF THE
CODE OF ORDINANCES OF THE CITY OF EVANSVILLE
REGARDING EXTRATERRITORIAL PLAN APPROVALS

In accordance with Wis. Stats. Sec. 236.45(4), the Plan Commission having considered the amendments to Section 110-230 of the Code of Ordinances of the City of Evansville as set forth below, and having recommended approval of same to Common Council; and

The Common Council having held a duly noticed public hearing on the proposed amendments to Section 110-230 of the Code of Ordinances of the City of Evansville as set forth below, and following said public hearing having determined that said amendments are in the best interest of the city.

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

SECTION 1. Section 110-230 of the Code of Ordinances of the City of Evansville is hereby amended to read as follows:

Article VII. Land Divisions in the City's Extraterritorial Plan Approval Jurisdiction.

Sec. 110-230. Land Divisions in the City's Extraterritorial Plan Approval Jurisdiction.

- (a) Generally. Except as set forth in section 110-230 (b), all land divisions within the city's extraterritorial plan approval jurisdiction require approval of the city in accordance with the procedures of this chapter as applicable to land divisions within the city, as contained in section 110-81 through section 110-125 and must not create a lot less than 35 acres in size.
- (b) Exceptions. The requirements of section 110-230 (a) do not apply to the following:
 - (1) Land divisions of agriculturally zoned property which create a new lot for an existing residential structure, provided that the parcel from which the new lot is created is no less than 35 acres following said land division.
 - (2) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by the ordinances of the town in which the lots are located.
 - (3) Land divisions creating no more than 5 lots with a minimum lot size of 10 acres. For all land divisions allowed under this exception, the subdivider must provide a preliminary plat or map for future replatting at higher density. No more than one land division created under this option may be created in a 20 year period from an original parcel or from contiguous parcels owned by the same land owner.
 - (4) Cluster land divisions creating no more than 7 lots averaging less than 2 acres per lot where the lots are contiguous and at least 10 acres per lot of undivided and undeveloped land is reserved for future development. For all land divisions

allowed under this exception, the subdivider must provide a preliminary plat or map for future replatting at higher density. No more than one land division created under this option may be created in a 20 year period from an original parcel or from contiguous parcels owned by the same land owner.

SECTION 2. Effective Date. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this ____ day of _____, 2020

William Hurtley, Mayor

ATTEST:

Judy L. Walton, Clerk

Introduced:
Notices published:
Public hearing held:
Adopted:
Published:

FIRST ~~SECOND~~ READING
CITY OF EVANSVILLE
ORDINANCE #2020-13

AN ORDINANCE AMENDING CHAPTER 130 OF THE ZONING CODE

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

Evansville Municipal Code, Chapter 130 shall be amended as follows:

Sec. 130-6. Definitions.

Accessory Dwelling Unit (ADU) Unit means a detached subordinate structure, which is clearly incidental to ~~, and customarily found in connection with, the principle structure or use to which it is related,~~ and ~~which~~ is located on the same ~~lot~~ parcel as the principle structure. An ADU ~~is no more than 750 square feet in size and contains a dwelling unit, and at least a one car garage, is no more than 750 SF in size, contains no more than one full bathroom, and has a is connected with a~~ driveway ~~connected~~ to the street.

Dwelling, two-family means a building containing two dwelling units that are either ~~detached~~, vertically stacked one above the other or side-by-side, with a separate entrance to each unit and with yards on all sides of the dwelling. *Two Family Dwellings constructed after January 1, 2021 shall be serviced by individual utility connections and meters.*

Sec 130-675. General Regulations.

(5) *Setback exceptions.* A setback less than the setback required by this chapter may be permitted:

a. ~~W~~where there are at least five existing main buildings existing on June 1, 1978, within 500 feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or, if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the city plan commission and shall not require a special exception or variance.

b. ~~Bay windows, architectural features, roof overhangs, chimneys, window wells, or similar less than 24"~~

c. ~~Covered open porches in the front yard at least 25 square feet, but not exceeding 75 square feet in size.~~

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~~ Comprehensive Planguide. 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-traditional open-neighborhood~~ 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.

(12) Accessory Dwelling Unit per Section 130-6 that is also located within a city designated Historic Conservation Overlay District or locally landmarked/plaquesd parcel.

(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) Setbacks and Building Separation
 - a. Minimum front yard setback: 25 feet.
 - b. Maximum front yard and street side yard setback: 30 feet.
 - c. ~~(3)~~ Minimum rear yard setback: 15-20 feet.
 - d. ~~(4)~~ Minimum side yard setback: Eight feet, total of 20 feet on both sides.
 - e. Minimum side yard setback: Eight feet on both sides when any two of the following standards are met:
 - 1. Linear garage frontage does not exceed 40% of the building's front elevation.
 - 2. Building is a two-story structure
 - 3. Front Porch at least 25 square feet in size
 - 4. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
 - 5. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
 - f. Occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed
 - g. Driveway side and rear yard setbacks: 3 feet

~~(5) Maximum front yard and street side yard setback: 35 feet.~~

~~(6)(3)~~ 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.
- ~~b.c.~~ Five feet for rear yards.

~~(74)~~ 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.

~~(85)~~ Minimum lot frontage on public road: 50 feet.

~~(96)~~ 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.

~~(107)~~ 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.

~~(118)~~ Minimum above-grade floor area for single-family dwelling: 1,~~200-000~~ square feet.

~~(129)~~ Minimum floor area for two-family dwelling: 700 square feet per unit.

~~(1310)~~ Minimum street side yard setback: 20 feet.

~~(1411)~~ Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.

(12) Buildings and Structures Lot Coverage Standards

- a. Maximum lot coverage by impervious surfaces shall be forty percent (40%) of lot area.
- b. Maximum front yard coverage by impervious surfaces shall be thirty five percent (35%) of lot area, provided maximum lot coverages are not exceeded.
- c. Maximum linear garage coverage on a building's front elevation shall be fifty percent (50%)
- d. Maximum Driveway Width at sidewalk of 20 feet, ~~25~~ 30 feet at front setback line. 35 feet at front setback line when shared with adjacent parcel by access easement

(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~~ Comprehensive Planguide. 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) Setbacks and Building Separation
- (3) Minimum front yard setback: 25 feet.
- (4) Maximum front yard and street side yard setback: 30 feet.

(5) Minimum rear yard setback: 20 feet.

d. Minimum side yard setback: Eight feet, total of 20 feet on both sides.

-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.

a. Five feet for rear yards.

(5) Minimum lot width at front setback line: 70-75 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.~~

c. Two-family twin Alternate side yard setback: Eight feet on both sides when any two of the following standards are met:

1. Linear garage frontage does not exceed 40% of the building's front elevation.

2. Building is a two-story structure

3. Front Porch at least 25 square feet in size

4. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.

5. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.

f. Occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed

g. Driveway side and rear yard setbacks: 3 feet

- (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: 1,200-000 square feet.

(14) Buildings and Structures Lot Coverage Standards

- a. Maximum lot coverage by impervious surfaces shall be forty percent (40%) of lot area.
- b. Maximum front yard coverage by impervious surfaces shall be thirty five percent (35%) of lot area, provided maximum lot coverages are not exceeded.
- c. Maximum linear garage coverage on a building's front elevation shall be fifty percent (50%)
- d. Maximum Driveway Width at sidewalk of 20 feet, 25 feet at front setback line.

~~(13)~~

(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.



City of Evansville

Community Development Department

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December 1, 2020

To: Plan Commission

From: Jason Sergeant, Community Development Director

RE: Ordinance 2020-13, Zoning Revisions

The state requires the City to maintain a comprehensive plan and update it accordingly. The City of Evansville's Comprehensive Plan outlines a response to state planning requirements to house an increase of population growth over the next 20 years. Most importantly, the state requires the City to follow the plan's guidance. The plan was created with extensive public input and public involvement, including multiple in-person input sessions as well as extensive written and visual preference surveys.

Dating back to efforts began in 2014, the plan guides the Plan Commission to update zoning ordinances to reflect public input, and this includes increasing density on a lot, putting pedestrians first, and creating a visually appealing streetscape. Some highlights from the plan:

- Written survey data showed that many residents had concern over the idea of multifamily housing and accelerated community growth. However, over 70% preferred Evansville be a highly walkable community.
- The visual preference survey used 50 images of different types of building and development to ask the public to rate each image and leave comments if desired. The results of the visual survey contrasted and clarified the results of the written survey, specifically demonstrating that multi-family homes were often rated higher than single family homes. All of the highly rated images of multi-family homes had a traditional appearance with large porches and limited or no garages. Excerpts from the surveys are attached.
- Page 34 of the Comp Plan outlines ADUs as a priority, and as an opportunity to convert existing living space into a dwelling with minimal cost. Staff has been approached by two homeowners that would like to build ADUs on their property and three additional who would like to convert vacant space above garages back into legal rentable units. ADUs open up the possibility to generate income to offset high housing costs. The net result would be a more affordable rental unit as well as a more affordable single family home. Effectively this creates two affordable living units simultaneously.
- Pages 39-41 highlights the importance to change the zoning code to respond to the communities' preference for a variety of housing types, including smaller units, and units with a higher quality of design
- Page 44 outlines specific action steps to update the zoning code

- Page 162 outlines a plan theme of making residential development more attractive and more walkable as requested in surveys. This includes more sidewalks, range of lot sizes, building design that reflects historic character, narrower streets, homes that can be used multi-generationally, and homes that include entrances oriented toward the street, and rear parking.
- Pages 168 and 169 include examples of housing types requested by survey data and again outline subdivision revisions that need to be undertaken, including buildings placed closer to the street, mix of land uses, neighborhood amenities, narrow streets, pedestrian oriented design of housing, reducing the visual impact of front facing protruding garages.

The proposed Ordinance responds to the plan, but doesn't go as far as suggested (EG allowing only rear loading garages) the proposed ordinance:

- Increase access to affordable housing by allowing homeowners to add ADUs to their property, provides the ability to build two equally sized units on one lot, and reduces the minimum required home size.
- Increases equity of housing amongst various demographics by allowing seniors to "age in place" and provide ability for a true multi-generational home.
- Responds to public input for more pedestrian friendly neighborhoods by encouraging front porches, reducing setbacks, allowing architectural details in setbacks, reducing amount garage and driveway oriented towards pedestrians
- Increases amount of house that can be placed on a lot
- Increases the visual appeal and safety of the streetscape and encourages pedestrians to feel like they have priority by encouraging garages to be recessed, thereby getting parked cars further from the sidewalk, adding front porches to better allow for 'eyes on the street' to monitor neighborhood.
- Reduces the total amount of the lot that can be covered by impervious surface.
- Reduces the rear yard setback for accessory structures

City Staff and Plan Commission have heard numerous concerned residents comment on the appearance of many developments with a typical list of concerns that include, quality of design, landscaping, and reducing the amount of garage facing the street. Evansville has seen this type of construction since the plan's adoption. Three homes in the historic district have been constructed without front facing garages. An additional home has been constructed in the last year with a similar traditional appearance. The City has seen the value of these properties compete with newer construction and outpace the neighborhoods they are located in.

Traditional neighborhood design that reduces garage clutter and increases density is being constructed more and more often as a response to buyer's demand in city's north of Evansville. This represents Evansville's "competition" and further highlights the importance to assure Evansville stays the fastest growing community in the county.



Smart Growth Surveys

- **Spring 2014 Community Survey**
 - mailed to individual homes (712 responses)
- **Fall 2014 Economic Development Survey**
 - Economic Development Committee members individually visited businesses and mailed to businesses (60 responses)
- **2015 Visual Preference Survey & Mapping Activity**
 - community events, committee meetings, spoke with high school students. Input provided through an online response system (250+ responses)

Why so many surveys?

- Smart Growth Plan update occurs every 10 years
- Plan is a legally binding document
- A lot has changed in the last decade
- Community vision needs community-wide input
- 2014 Community Survey gave statistical data, Economic Development Survey provided business input and
- Visual Preference Survey and mapping activity informs what the community should *look* like

2014 Community Survey Highlights

- **92.8%** *very satisfied* with Evansville as a place to live.
 - 14.6% work in Evansville. **51.3%** would like to.
 - 55.6% work in Madison or Dane county
-
- **73.4%** highly walkable community is important
 - **44.5%** said Sidewalk access/conditions are fair/poor
 - **70% or more** willing to pay more for **sidewalks, historic preservation and downtown revitalization**
 - Why move to Evansville? Because: **parks, recreation, small city appeal & historic districts**

2014 Community Survey Highlights

- 58.6 % want **moderate growth**
- 62.8 **want diversity of local business** options
- 49.5% want nurturing of **entrepreneurship**
- 68% address **property maintenance** concerns
- **87.8% want affordable single family homes**

Visual Preference Survey

- Participants viewed 50 images showing examples of public parks, private development and homes. Ranked images from -3 to 3
- **Facilitated by staff. Input from activity fair, EDC school district staff, Lion's club, housing authority, city staff, WE3, Literary club and two highschool classes**
- Results enhance understanding of community survey

Mapping Activity

- Circled areas in need of **improvement in red**, areas **loved in green**, comments on sticky notes
- Lake Leota, parks and downtown are loved
- **More bicycle infrastructure and trails**
- More trees and green scaping (west)
- Multi-use path at Lake Leota
- Fill in missing sidewalk connections
- **Public gathering place downtown**
- **More restaurant and business choices**

Highest Ranked Images
Top 15 of 50



“yes, more narrow, tree-lined streets.”

“Beautiful trees; houses each have their own character; quiet looking street”

“This is beautiful. Small homes, big trees and a squirrel!”

“Would be better if all the wires were buried. This also applies to existing neighborhoods (bury the wires!)”

“Bury these power lines. Beautiful tree lined streets. A little too narrow.”



“I love the wide, brick sidewalks, walkability and the historic buildings.”
“I like the density in downtown and the walkability in the downtown area.”
“Lively colors help the area look more active and appealing.”
“Love the ‘charm’ this street exudes.”

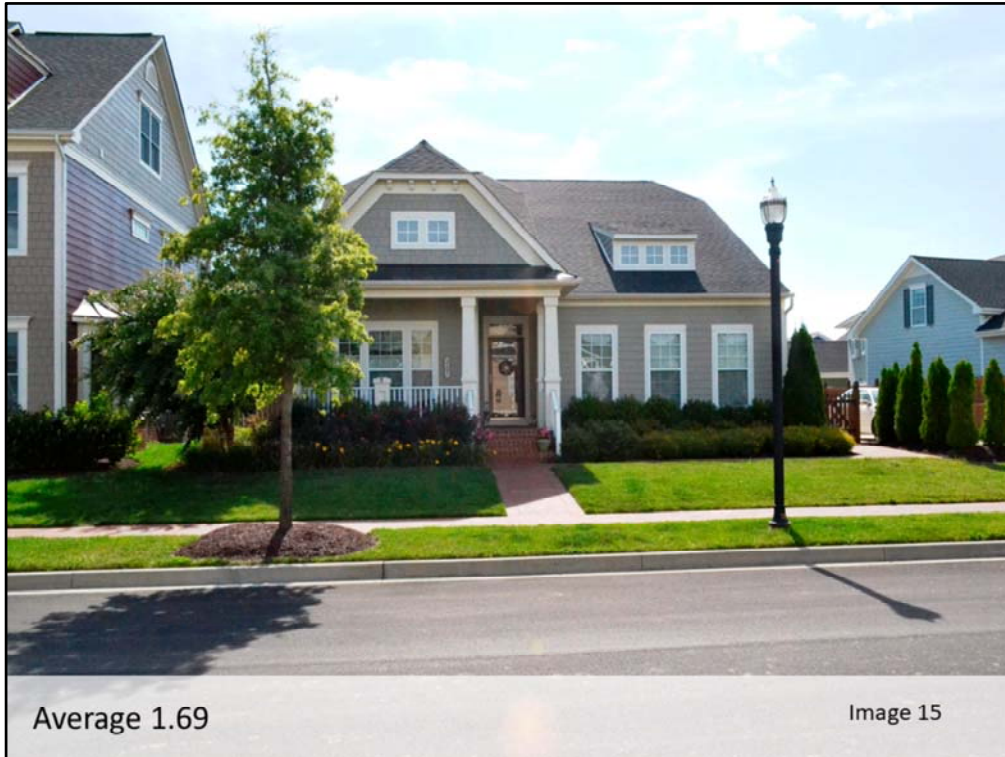


“I really like that you could build new houses that resemble the old historic district and tie the look and feel throughout the city.”

“too close to the sidewalk and the next house”

“yes, more neo-traditional neighborhoods with houses close to the sidewalks and no visible garages, please.”

“new construction fits with city character”



“mixed income housing together is excellent”
“Looks like a walkable are And I like the house towards the street and limited use of concrete. Nice variety in architectural styles with these 3 houses.”
“love the home, size but not how close it is to others”
“the ave. Rock co middle class or lower middle class resident can not afford this home..”



“love the outdoor area, good for building connections with residents, condos like this would be excellent addition“

“Great density and closeby parks. May be a bit ambitious for Evansville, but I like the density and traditional town center concept where everything is walkable.”

“VERY NICE!!! Relaxing, beautiful to look at and to visit, make friends, etc.”

“Only if someone will keep up on the weeding of gardens”

“gorgeous but HUGE”



"Garage overpowers the house; would look better if garage was set back from the front of the house, like the front porch is."

"house is nice, I don't like big garage on front"

"I am more a fan of original houses with character and this looks more like a cookie cutter house."

"Terrace trees would be a nice addition."

"too close to road, nice architecture"



Average 1.41

Image 30

“looks like a street I'd like to walk down and talk to neighbors.”

“not much variation in architecture, houses too close to the road, well kept”

“Nice starter trees in new neighborhood, home designs seems varied”

“Sidewalks!”

Lowest Ranked Images
Bottom 15 of 50



“mixed income owner occupied homes are positive for community”

“Closed, Cold. Drab. Not welcoming.”

“bad fence, no trees, poorly kept curb, no sidewalk”

“too much car, road, fence, garage look. Not very pedestrian friendly.”



“UGLY. The concept of row houses is fine, so long as they have complementary yet varied architecture.”

“yes to affordable, stackable housing but these have no charm, no character”

“I think we would all rather see porches, dormers, sidewalks and trees”

“This building is quite bare and unapproachable. No front porches, garage in front, little plant life besides grass.”



Average -1.45

Image 26

“Developer should be required to plant trees. And if they don't survive for three years, replant.”

“at least there's sidewalks”

“looks like everyone lives in garages.”

“I'm aware that people generally who have money and a nice home are opposed to this look alike housing..However, what About the middle class and lower class who can only afford this housing. What about their American dream of owning their own home?”

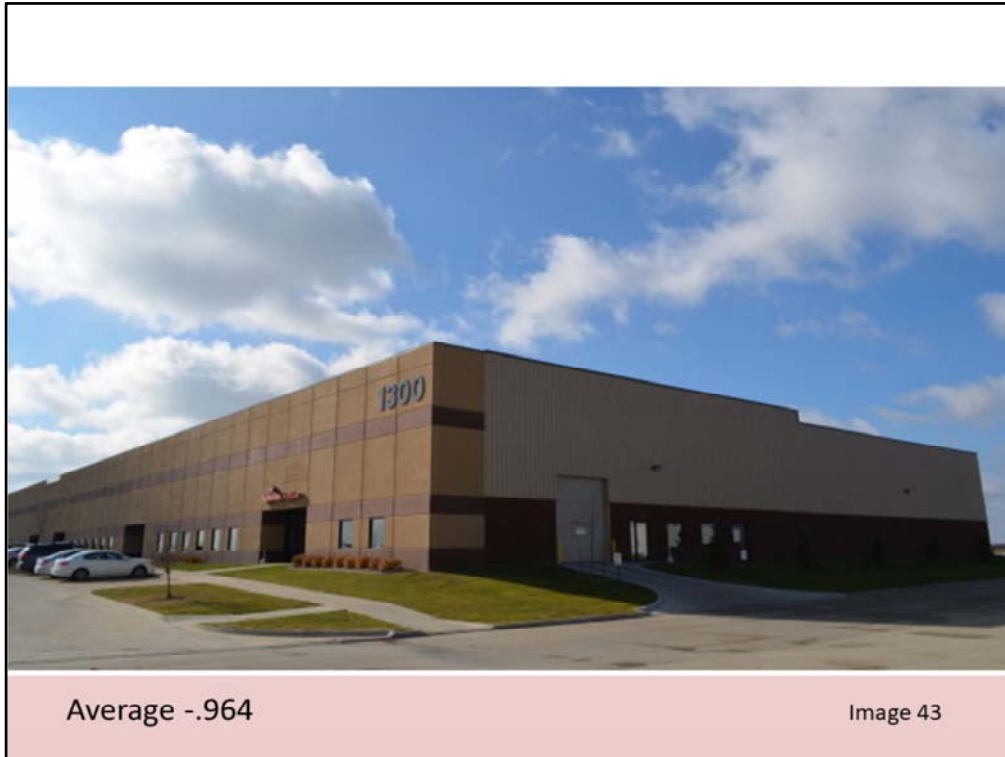


“UGH! So, do the residents live in the garages? Truly a hideous duplex. I'd give it a negative 5 if I could”

“yuck! I do not like seeing these gigantic garages...can't even see the home and too much concrete”

“ok as long as there aren't too many”

“too much garage. 4 car garage with a bit of house.”



“manufacturing look, edge of town, and could do a much better job landscaping”
“Just an ugly box”
“needs more green”
“We need industry to get a better tax mix”



“Just because it's a service station doesn't mean it has to be ugly. Kwiktrips have decent looking buildings. Signage should be lowkey. tho, and lighting should be downward only to minimize ;light pollution. Even so, I wouldn't want one of these anywhere near my house.”

“We have enough gas stations.”

“Verona has a historical-looking (but new) gas station that really blends in with the area.”

“Unfortunately, we still need to have gas stations.”

Some participant comments

- “Whether we like it or not, **Evansville is growing and is an attractive place for young families.** We need to be more open minded in many things. Support the ARTS & MUSIC. Think alternative, support the locals and think of our cities future. Public transportation, especially **connecting to Madison and Janesville.** Walking and bike paths are a MUST!!! In fact, while you are adding a path around Lake Leota, put in a beach. Thank you!!!”
- “**Thank you for this survey; it’s nice to live in a city that goes out of its way to encourage citizen participation** (and make it easy to participate!). I feel that this has been a worthwhile use of my time, and I hope that my opinions have been/will be helpful!”
- “Thank you for the opportunity to contribute to this discussion! I have been a community member for three years and am really interested in seeing it **grow and thrive in a sustainable way.** I feel **the current development and sprawl is moving away from the community I desire.** I would love an ecologically focused growth plan that encourages community and intentionality.”
- “I would like to see the City of Evansville grow & modernize, while **keeping some historic feel.** We need **business growth, large & small,** to keep the city thriving and supporting itself. We need to embrace some large business opportunities to help create more local jobs to support the service industries. When growth presents itself, the city finds a way to send it elsewhere...**embrace moderate growth.**”
- “Cities **where people can get out of their cars and accomplish several tasks, i.e., visiting a grocery store, pharmacy, library or bookstore,** other retail stores, government office, doctor’s office, park, walking/biking/running trail, etc., are ideal. **Neighborhoods that encourage community interaction,** with sidewalks, porches near sidewalks, multiple use spaces, community centers, are healthy and people-centric instead of car-centric.”

Common Themes

- Residents want growth in Evansville
- More business and housing choices
- Historic character is beloved by residents
- **Growth should respect historic character**
- New homes and businesses should respond to walkability concerns and priorities
- Streetscape and pedestrian improvements needed throughout

COMPARISON OF SIMILAR BUILDING TYPES

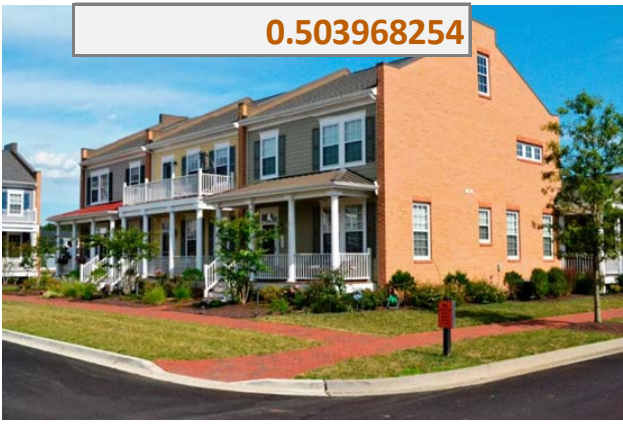
TOP 10 IMAGES



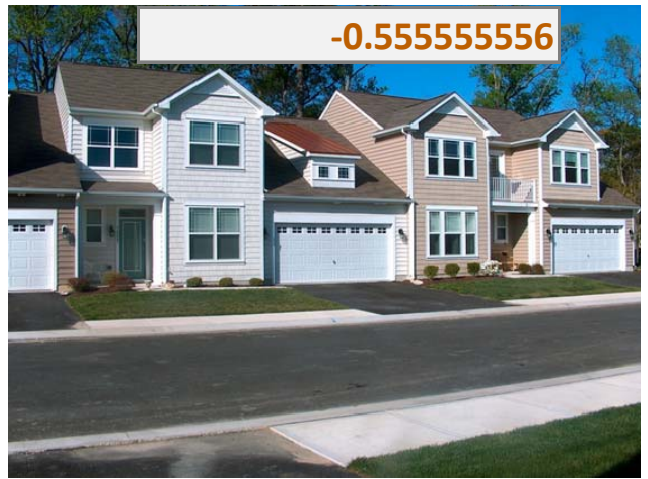
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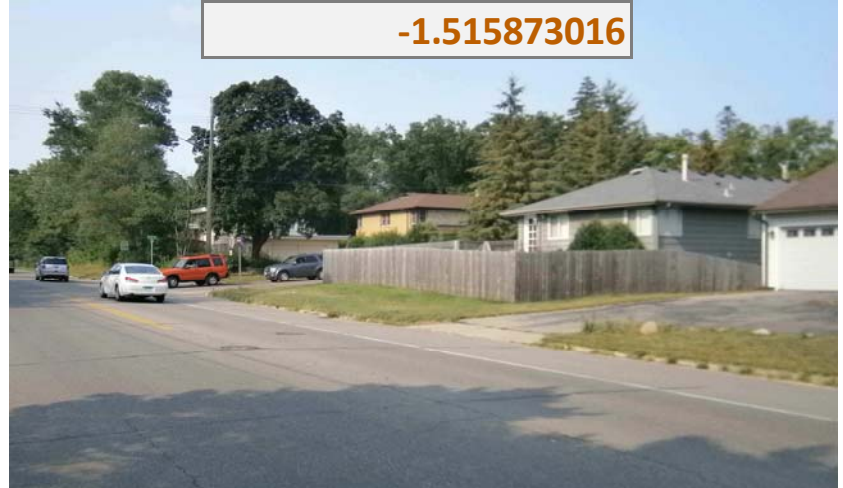
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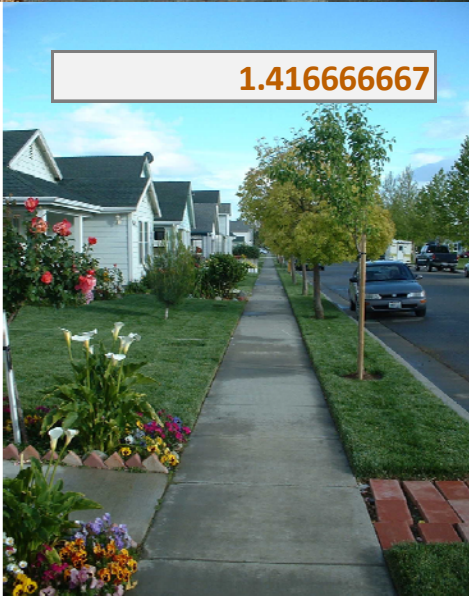
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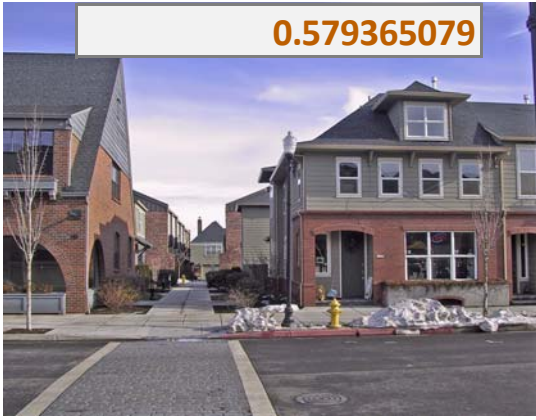
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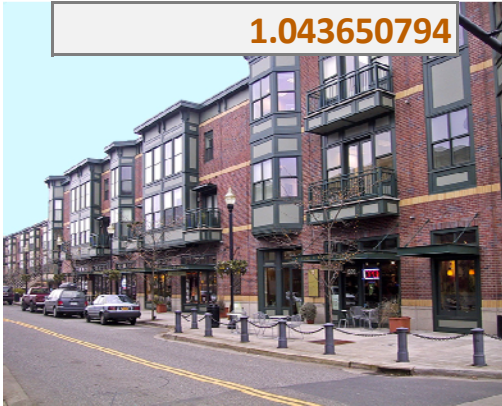
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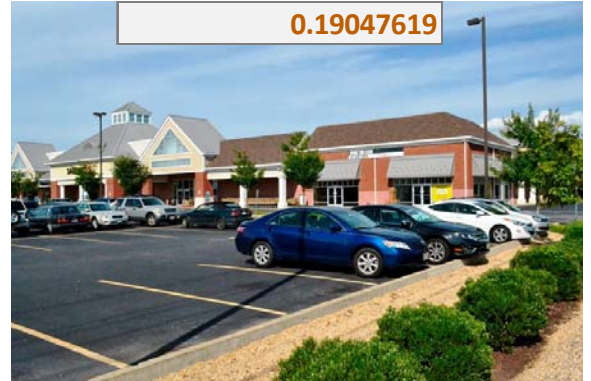
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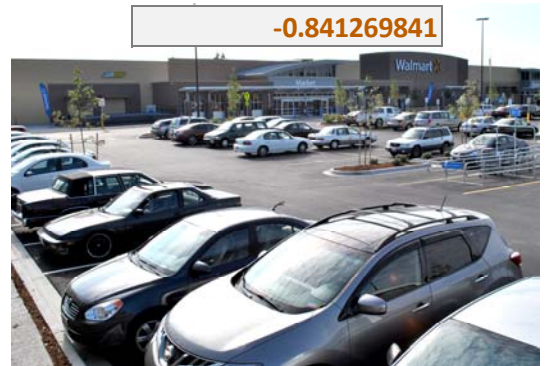
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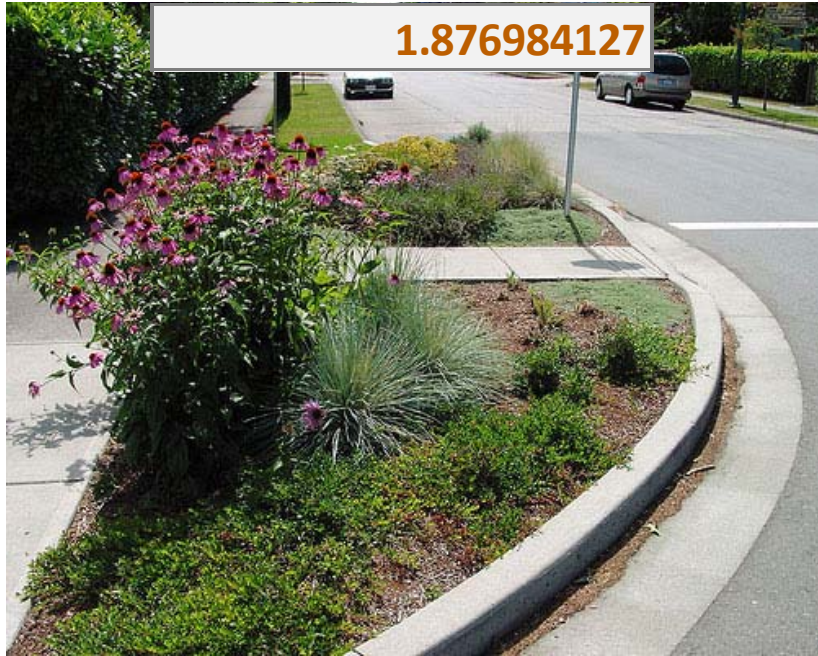


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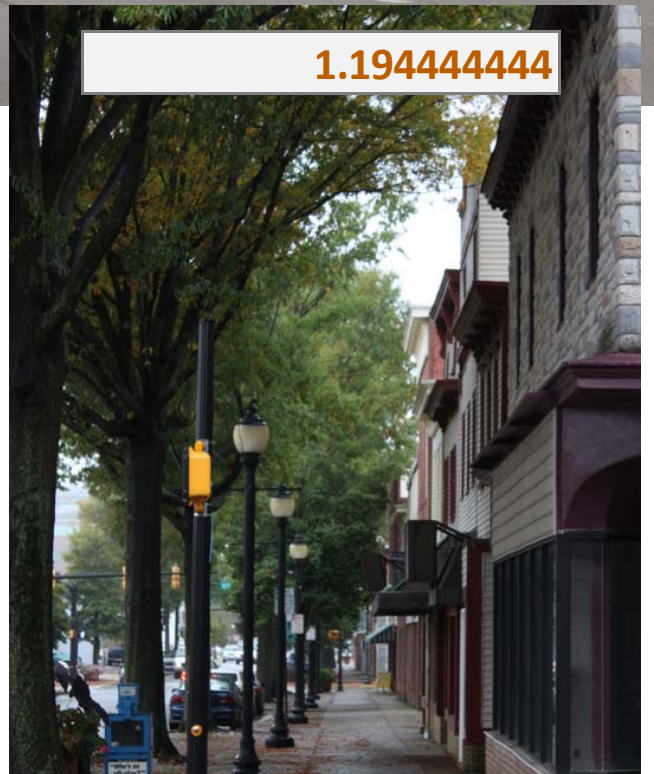
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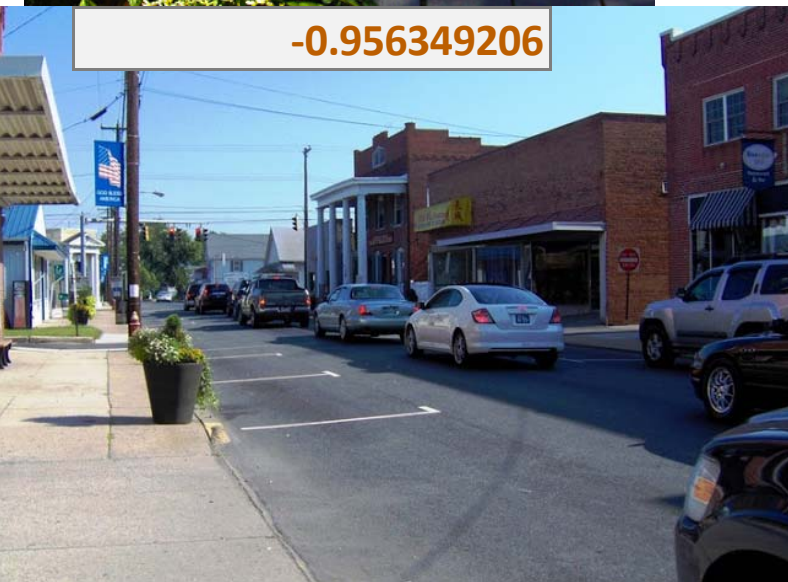
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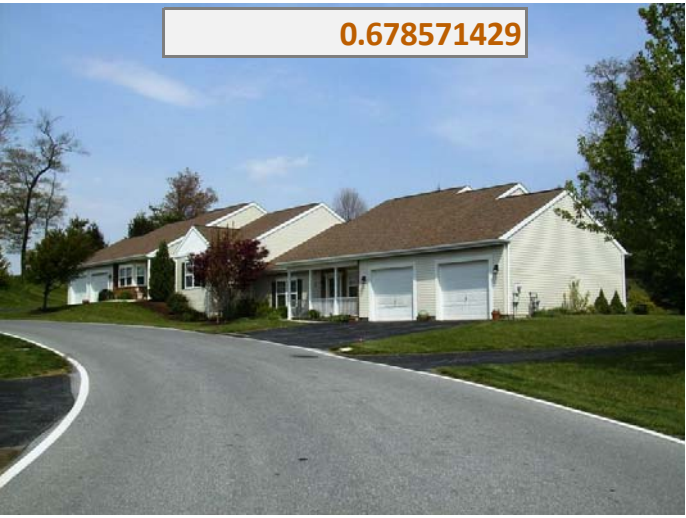
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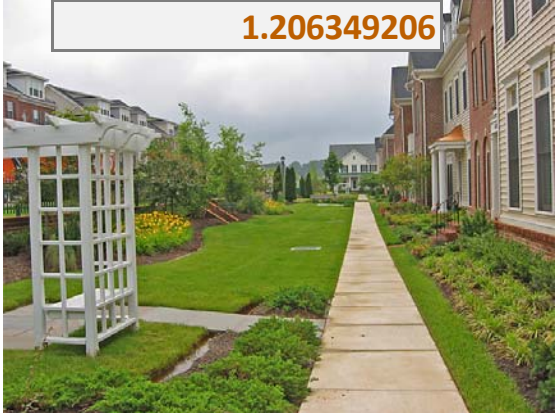




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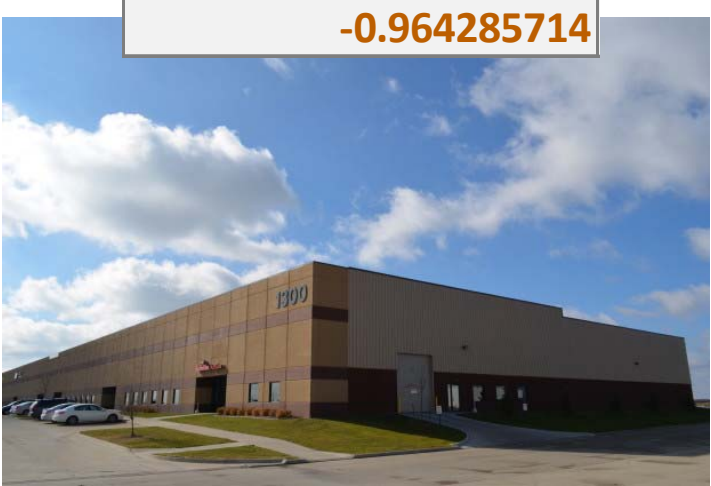
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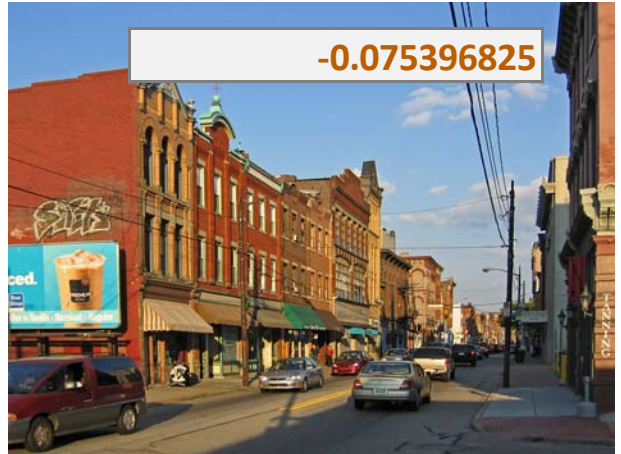
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