

**AN ORDINANCE AMENDING THE ZONING CODE BY ESTABLISHING
AN OVERLAY ZONE IN THE WEST FRANKLIN STREET AREA
RELAXING CERTAIN PARKING REQUIREMENTS**

WHEREAS, the City of Evansville, Indiana, desires to assist the continued growth and revitalization of the West Franklin Street commercial district, which is generally bounded by St. Joseph Avenue on the west, North Fulton Avenue on the east, West Michigan Street on the north, and the West Illinois Street on the south (hereinafter, “West Franklin Street Overlay Zone”);

WHEREAS, the West Franklin Street Overlay Zone serves as a major cultural hub and the “Main Street” of the city’s West Side commercial district;

WHEREAS, the West Franklin Street Overlay Zone is home to quality art, small business growth, and entertainment of every variety making it a leading center for art, culture, and entertainment;

WHEREAS, the West Franklin Street Overlay Zone is a cohesive, high density commercial district; and

WHEREAS, the Common Council of Evansville desires to amend the City Zoning Code to establish a West Franklin Street Overlay Zone by relaxing certain parking requirements to encourage continued investment, commercial development, and promote interest in and revitalization of the West Franklin Street Overlay Zone.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Addition of Section 18.117 of the Code. Chapter 18 of the Evansville Municipal Code is hereby amended by the addition of a new Section 18.117 which shall read as follows:

18.117.10 Guidelines.

(A) Purpose. The purpose of the West Franklin Street overlay zone (“WFOZ”) is to facilitate investment involving improvements to land and structures within the district, while encouraging commercial development. The WFOZ overlays properties already classified into existing zoning districts. The objective is to offer more flexibility in uses allowed and development standards in the WFOZ as incentives for new development. The intended result of the overlay is to help establish a mixed use area with restaurants, bars, entertainment-related businesses, other low intensity, neighborhood-supporting businesses, live/work units, and traditional residences integrated together in a manner that maintains the character of the area. The WFOZ allows business owners commercial property with relaxed parking and public art requirements that would otherwise not be allowed in many of the underlying zoning districts.

18.117.015 Location.

The WFOZ is established in the West Franklin Street area of the Evansville Independence Historic District business district as shown on the West Franklin Street overlay zone map included at the end of this chapter, and on the official City of Evansville zoning map.

18.117.20 Approval criteria.

All new development and additions, expansions, or modifications of existing structures within the WFOZ must meet the following criteria in order to be approved:

(A) Zoning. The underlying zoning classification of the district is unchanged. Land owners desiring to improve their property have the option to proceed using the underlying district regulations or the requirements of this overlay. All zoning code requirements not mentioned herein as part of the WFOZ are subject to the requirements of the underlying zoning classification (including the development standards in Table A in EMC 18.130.010).

(B) Parking.

(1) In residential zoning districts, parking lots or parking spaces installed are subject to approval by the Site Review Committee, and must comply with development standards of the underlying zoning classification.

~~(2) In commercial zoning districts, the off-street parking requirement shall be one parking space per each four hundred (400) square feet of floor area. All off-street parking must be located in the rear of the property.~~ be determined by the number of seats or by floor space, whichever results in fewer required spaces, using the following scales:

Parking spaces per seats

0-25	0
26-50	1 space per 7 seats
51-100	1 space per 5 seats
101-150	1 space per 4.5 seats
151-200	1 space per 4 seats
201-300	1 space per 3 seats
301+++	1 space per 2 seats

Parking spaces per Sq. Ft.

< 500	0
501-3500	0.5 space per 100 sq. ft.
3501-7000	1 space per 100 sq. ft.
7001-8000	1.5 spaces per 100 sq.ft.
8001-9000	2 spaces per 100 sq. ft.
9001-10000	2.5 spaces per 100 sq ft.
10000+++	3 spaces per 100 sq. ft.

(C) Access drives. Access drives are determined as follows:

0 - 150 feet of road frontage	One access drive
150 - 400 feet	Two access drives
Over 400 feet	Access drives to be determined

(D) Excessive Noise. Commercial businesses within the area defined in EMC 18.117.015 may not involve concerts or other entertainment which involve excessive noise. Excessive noise in commercial areas is defined as 75 decibels or greater as measured at the property line. Commercial activities must comply with all federal, state, and local environmental laws including the City noise regulations in EMC 16.05.390. The provisions of this section 18.117.020(D) shall not apply to commercial activities or festivals occurring during the first full week of October.

(E) Placement of Public Art. The placement or erection of outdoor sculpture and murals within the WFOZ which is intended to be viewed from a public right-of-way or other public property shall not be subject to setback standards of the zoning district and shall not require permit approval; provided, that:

- (1) The art is not for sale as the product of an art studio within the zone;
- (2) The art does not constitute an advertisement; and

(3) The placement does not impede the flow of pedestrian, bicycle, or vehicular traffic, and does not block traffic visibility at intersections, alleys or driveway entrances.

(F) Approval Process. Any parking changes to any residential or commercial use in the WFOZ requires site review approval prior to issuance of permits.

(G) Applicability of Other Provisions. This chapter is intended to operate and be applied independently of any other provision in this title that governs parking requirements. An applicant may proceed under this section or under the other provisions of the zoning code that apply to a proposed use.

Section 2. Severability. If any provision of this Ordinance is found to be invalid, the remaining provisions of this Ordinance shall not be affected by such a determination. These other provisions of this Ordinance shall remain in full force and effect without the invalid provision.

Section 3. Effective Date. This ordinance shall be in full force and effect on the day of its final passage and adoption.

PASSED BY the Common Council of the City of Evansville, Indiana, on the _ day of _____, 2017, and on said day signed by the President of the Common Council and attested by the City Clerk.

ATTEST:

Missy Mosby
President of the Common Council

Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the day of _____, 2017, at o'clock .m. for his consideration and action thereon.


Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this _____ day of _____, 2017, at _____ o'clock .m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana

West Franklin Street Overlay Zone

Untitled layer



West Franklin Street Overlay
Zone

Ordinance G-2017-19

