

**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, home to quality art, small business growth, and entertainment of every variety making it a leading center for art, culture, and entertainment;

WHEREAS, certain challenges are inherent in application of current off-street parking and loading requirements to the historic, traditional structures, lots, and development patterns that characterize the WFOZ;

WHEREAS, in addition to a cohesive, high density commercial district, the WFOZ also includes a portions of the Lamasco neighborhood containing residential uses immediately adjacent to the commercial uses to the north and south; 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, while minimizing adverse impacts to adjacent residential and commercial properties.

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

Section 1. Addition of Chapter 18.116 – West Franklin Overlay Zone.

Title 18 of the Evansville Metropolitan Code is hereby amended to add a new chapter designated as Chapter 18.116, establishing the West Franklin Overlay Zone, as follows:

18.116.010 Purpose.

The purpose of the West Franklin Overlay Zone ("WFOZ") is to facilitate investment involving improvements to land and structures within the district by offering more flexibility in uses allowed and relaxed parking standards that are consistent with the character of the Franklin Street Corridor. The WFOZ overlays properties that are already classified into existing zoning districts. The intended result of the overlay is to establish a mixed-use area as recommended in the

Comprehensive Plan, and to minimize the construction of new parking facilities, while still providing adequate parking that supports the desired diversity of uses, minimizes adverse impacts to adjoining residential parking, and encourages shared parking on available lots. The WFOZ establishes appropriate parking requirements in acknowledgement that the West Franklin Street corridor is a densely developed commercial area in proximity to the Lamasco residential neighborhood. Business uses in similar urban settings typically generate somewhat lower demand for off-street parking than what is reflected in the general parking requirements for the City.

18.116.015 Location.

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

18.116.020 Applicability.

(A) The underlying zoning classification of the district remains unchanged. All zoning code requirements not mentioned herein as part of the WFOZ continue to apply along with all other requirements of the underlying zoning classification.

(B) The WFOZ shall apply to all permitted uses allowed in non-residential zoning districts only. Uses permitted in Residential zoning districts must comply with the underlying zoning requirements.

18.116.025 Approval Criteria.

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

(A) Zoning District Requirements Specific to the WFOZ.

(1) The permitted uses in the C-4 Zoning District are those listed in the underlying zoning plus the following additional uses:

(a) Single-unit residential (upper floors only); and

(b) Multi-family residential (upper floors only).

(2) Outdoor seating shall be allowed for restaurants and similar uses permitted in the C-1 and C-2 Zoning Districts.

(B) Off-Street Parking Requirements.

The amount of Off-Street Parking required within the WFOZ shall be determined as follows:

(1) For the uses allowed in non-residential zoning districts, the minimum number of off-street parking spaces required to meet EMC 18.135.080 – Amount of Off-Street Parking shall be

reduced by 50%. If the minimum number of parking spaces required under EMC 18.135.080 is less than five, there shall be no reduction.

(2) The following Bicycle Parking Credit shall be applied for proposals that incorporate bicycle parking:

(a) This credit allows a reduction in the automobile parking spaces required for all non-residential uses at a ratio of one automobile parking space for every four bicycle parking spaces provided.

(b) The maximum credit allowed shall be no more than 20 percent of the required automobile parking spaces pursuant to this Subsection.

(c) For buildings with less than 20 required automobile parking spaces, up to 4 parking spaces may be replaced with bike parking.

(C) Off-Site Parking. In non-residential zoning districts, off-street parking shall be located on the same lot as the principal use or, if the size or shape of the lot or the existence of a nonconforming building or use prevents providing the parking facilities on the lot, the owner may provide the facilities on an alternate lot within 750 feet when a copy of the deed or lease agreement signed by the owner is filed for the alternate location of parking spaces with the Area Plan Commission.

(1) Shared Parking. A parking lot within the WFOZ may serve more than one property or development when:

(a) the periods of usage are not concurrent as allowed in 18.135.070 Joint uses; or

(b) the total number of parking spaces used by all properties or developments to meet their parking requirements does not exceed the number of parking spaces provided on the shared parking lot.

(2) Off-site parking agreements and shared parking agreements will be recorded on the standard shared parking agreement form provided by the Area Plan Commission.

18.116.030 Excessive Noise.

Commercial businesses within the WFOZ area defined in EMC 18.116.015 may not hold outdoor concerts or other entertainment which involve excessive noise. Excessive noise 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 or other pertinent EMC provisions. The City Police Department is responsible for enforcement of these local noise regulations. The provisions of this Section shall not apply to commercial activities or festivals occurring during the first full week of October.

Section 2. Amendment of Section 18.05.030 – Definitions.

Section 18.050.030 containing Definitions shall be amended by interlineation of the following definitions at the respective alphabetically-ordered positions:

Shared Parking. An off-street parking lot that provides parking spaces for two or more businesses to satisfy those businesses' minimum parking requirements per City code.

Off-Site Parking. A parking area located on a separate lot than the principal use it serves.

Section 3. 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 4. 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 _____, 20____, 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 _____, 20____, 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 _____, 20____, at _____ o'clock ____m.

Lloyd Winnecke, Mayor
City of Evansville, Indiana