



# CommUNITY2020 E/VC Creation of Unified Development Ordinance for Evansville & Vanderburgh County

Task Force Meeting 2 | 10 June 2019



**RUNELL ERNSTBERGER ASSOCIATES**  
URBAN DESIGN + LANDSCAPE ARCHITECTURE + PLANNING



**John Molitor, Attorney at Law**

Advisory Task Force Meeting 2 | Evansville & Vanderburgh County, Indiana Unified Development Code

# AGENDA

# AGENDA

- Recap
- What We Heard
- Best Practices
- Discussion
- Next Steps

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# RECAP

**DISCOVERY**

**AUDIT**

**DRAFTING**

**ADOPTION**

Project Management

Public Input

Project Task Force

Kick Off

Comprehensive Plan Review

Ordinance Review

Issues/Needs Identification

Framework Discussion (Public Input)

Analyze Ordinances

Diagnosis Memorandum

Diagnosis Memorandum Presentation

Table of Contents

Creation of Modules

Review Meetings

UDO Draft

Public Meetings

Revise Draft

APC Hearing

County Commissioners Hearing

Evansville City Council Hearing

Final UDO

April – June '19

June – Sept. '19

Sept. '19 – Sept. '20

Sept. – Feb. '21

*Approach*



# What We Heard At Last TF Meeting

- Parking issues
- Sidewalks inconsistencies
- Aging in place
- Single-family homes splits and conversions to multi-family
- Lot size requirements outside of the city
- Residential standards
- Sign concerns
- Aesthetic improvements
- Rules and procedures update
- Solar and wind regulations
- Improve residential neighborhood connectivity

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# **BEST PRACTICES IN ORDINANCES**

# Best Practices




- Organizational changes
- Simplify ordinance language
- Use of graphics
- Use of tables
- Streamlined processes

Table 4.1 Development Standards															
STANDARD	DISTRICT														
<ul style="list-style-type: none"> <li>■ = Required</li> <li>□ = Optional (Alternative Compliance)</li> <li>* = Not required</li> </ul>	AR	SF	MR	TG	AC	CC	TA	DS	SS	IN	IO	HRO	MPD	VBO	TND
Diagram 4.4															
4.10.1.2	Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.														
	x	x	x	■	x	x	■	x	■	x	■	■	■	■	■



# Organizational Changes

- Simplify Layouts – more user friendly
- Chapters that contain specific information instead of scattering it throughout the document.
  - Processes
  - Definitions
  - Use regulations
- Use Cross References
  - Within ordinance
  - To other ordinances

12	3.0 ZONING DISTRICTS ESTABLISHED	ZONING CODE																								
PURPOSE & SCOPE	<b>3.5.3 R-8 SUBURBAN MEDIUM DENSITY NEIGHBORHOOD (R-8)</b>																									
PROVISIONS	<b>PURPOSE</b> The purpose of the R-8 Medium Density Neighborhood District is to provide areas for the development of medium density, single family residential and related uses. It is the intent of this ordinance that existing residential developments be protected from encroachment of undesirable and incompatible uses and that new developments be constructed according to sound, reasonable, and desirable regulations as stated within this ordinance.	<b>TYPICAL BUILDING TYPE</b> 																								
ZONING DISTRICTS	<b>PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS</b>	<b>TYPICAL LOT PATTERN</b> 																								
USE REGULATIONS	<table border="1"><tr><td>Minimum lot area (sf)</td><td>8000</td></tr><tr><td>Minimum lot width (ft)</td><td>85</td></tr><tr><td>Minimum floor area per dwelling unit (sf)</td><td>1600</td></tr><tr><td>Maximum building coverage (% of lot area)</td><td>45%</td></tr><tr><td>Maximum height (ft.)</td><td>40</td></tr><tr><td>Minimum front yard depth (ft)</td><td>25</td></tr><tr><td>Minimum side yard depth (ft)</td><td>5</td></tr><tr><td>Minimum rear yard depth (ft)</td><td>25</td></tr><tr><td>District Land Use</td><td>See Section 4</td></tr><tr><td>Development Standards</td><td>See Section 5</td></tr><tr><td>Mobility Standards</td><td>See Section 6</td></tr><tr><td>Parking Requirements</td><td>See Section 7</td></tr></table>	Minimum lot area (sf)	8000	Minimum lot width (ft)	85	Minimum floor area per dwelling unit (sf)	1600	Maximum building coverage (% of lot area)	45%	Maximum height (ft.)	40	Minimum front yard depth (ft)	25	Minimum side yard depth (ft)	5	Minimum rear yard depth (ft)	25	District Land Use	See Section 4	Development Standards	See Section 5	Mobility Standards	See Section 6	Parking Requirements	See Section 7	
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Mobility Standards	See Section 6																									
Parking Requirements	See Section 7																									
DEVELOPMENT STANDARDS	NOTES: (sf = square feet, ft = feet) Site plan review is required according to Section 9.9 Height limits shall not apply to spires, cupolas, antennas, chimneys, or other mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy or to be used for any commercial or advertising purposes.																									
STREET STANDARDS	<b>TYPICAL DEVELOPMENT CONFIGURATION</b> 																									
PARKING																										
SIGNS																										
ADMINISTRATION																										
DEFINITIONS																										

# Simplify Ordinance Language so it is Clear and Easy to Read

## **Current Language: 17.12.150 Nonconforming Uses.**

Within the zoning districts of this title or by amendments which may later be adopted, there exist nonconforming structures; nonconforming uses of land; nonconforming uses of land and structures in combination; and nonconforming characteristics of uses which lawfully exist as of the effective date of the ordinance codified in this title, but which would be prohibited, regulated, or restricted under the terms of this title or future amendments thereto. It is the intent of this title to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconforming uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other uses or structures which are prohibited elsewhere in the same zoning district. Note: illegal uses existing at the time the ordinance codified in this title is enacted shall not be validated by virtue of its enactment.

# Simplify Ordinance Language so it is Clear and Easy to Read

## **Simplified Language: 17.12.150 Nonconforming Uses.**

A legal nonconforming use is a use existing legally at the time of the passage of this Ordinance, or the time of annexation into Evansville, which does not, because of use, conform to the regulations of the district in which it is located. A use established after the passage of this Ordinance, which does not conform to regulations of the district in which it is located, shall be considered an illegal nonconforming use and is a violation of this Ordinance. Legal nonconforming uses of land or structures may continue only in accordance with all the following provisions.

# Simplify Ordinance Language so it is Clear and Easy to Read

- Avoid unnecessary jargon and simplify language
- Correct misuse of words
- Avoid longer or more complex words when shorter, simpler ones suffice
- Avoid the use of “and/or”
- Avoid the use of passive voice and write in as clear and concise a manner as possible

# Code Processes & Requirements

The minor plat shall be submitted to the Area Plan Commission in the form of an **original tracing using black drawing ink on tracing cloth or mylar. Stick-on lettering or sheets are not acceptable. The plats may be prepared on paper using stick-on from which a permanent mylar is made. Ammonia process mylars are not acceptable.** The standard size tracings shall be 24 inches by 36 inches using a scale of one inch equals 50 feet. Larger scales up to one inch equals 100 feet may be used to accommodate large plat areas with the approval of the Area Plan Commission. For small plat areas, tracings may be prepared on 18-inch by 24-inch sheets using one inch equals 50 feet.

# Code Processes & Requirements

- Locate all processes together
- Consolidate and update processes to simplify applications
- Create some processes which only require administrative approval.
- Remove application requirements allowing the APC to update them when needed.
- Provide flexibility indicators that can be approved by staff.

# Tables & Graphics: Uses

- (A) Retail stores specializing in the sale or rental of any of the following:
- (1) Art galleries;
  - (2) Bakery goods;
  - (3) Books;
  - (4) Candy;
  - (5) China, ceramics, and pottery;
  - (6) Clothing or shoes;
  - (7) Crafts;
  - (8) Drugstores, limited to stores with a total area less than 3,000 square feet;
  - (9) Film exchange;
  - (10) Flowers or plants;
  - (11) Fruits or vegetables;
  - (12) Gifts;
  - (13) Groceries, limited to stores with a total area of less than 3,000 square

# Tables & Graphics: Uses

PERMITTED USES TABLE																
Use	Zoning District															
	Residential							Commercial			Employment			Special Districts		
	RR	R-12	R-8	RM-8	RM-4	RH	MH	NC	CC	RC	I-1	I-2	ORC	VMU	PUD	TND
<b>Agriculture</b>																
Agriculture	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Residential</b>																
Duplex	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P	P
Manufactured home	C	C	-	-	-	-	P	-	-	-	-	-	-	-	-	-
Multifamily, four or fewer units	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P	P
Multifamily, more than four units	-	-	-	-	-	P	-	-	-	-	-	-	-	P	P	P
Upper Floor Residential	-	-	-	-	-	-	-	P	P	-	-	-	-	P	-	P
Single family	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	P

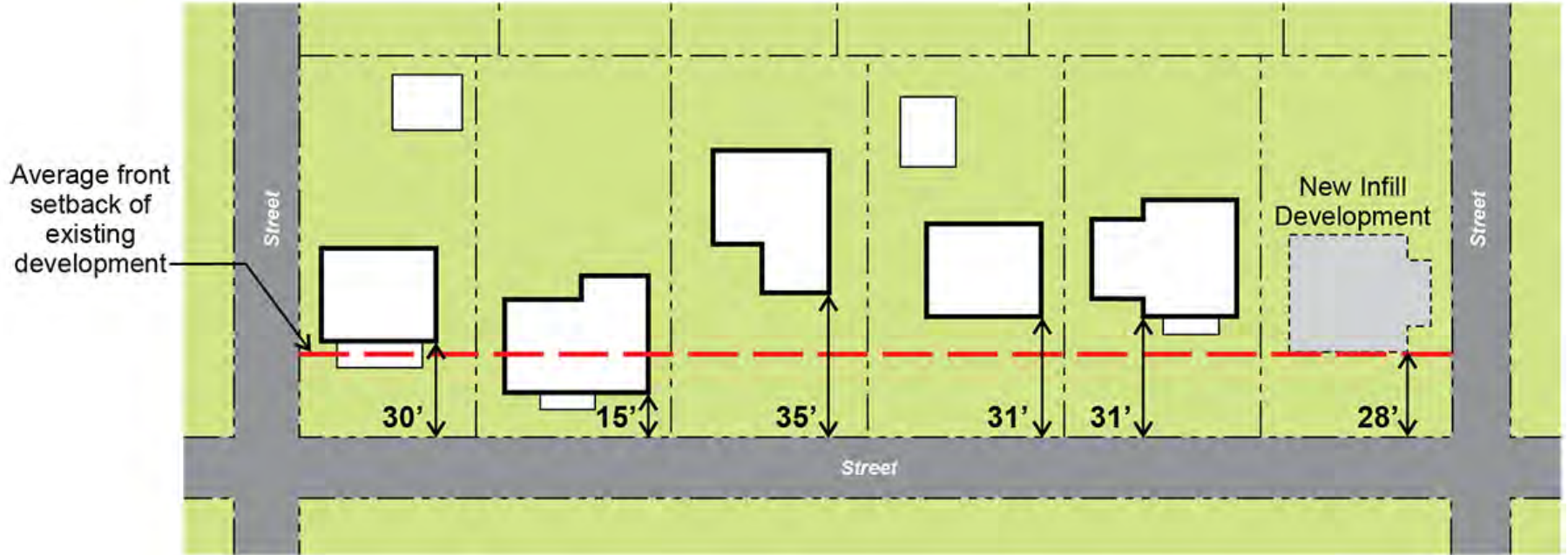


# Table & Graphics: Setbacks

(M) Within Pigeon Township, the front yard may be reduced for single-family and duplex uses to the average setback of other existing residential principal structures within the same block, subject to the following:

- The depth of the front yard is not less than 10 feet.
- There is at least 15 feet of green space between the edge of the pavement (sidewalk or, if no sidewalk exists, back edge of the curb) and the front of any new residence or residential addition.
- The depth of the front yard for any front-loading garage attached to a residence is not less than 20 feet.

# Table & Graphics: Setbacks



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# DISCUSSION

# Protect Character & Property Values

Ordinances generally work to protect character & property values.

- Design & Character Standards
- Updated Districts (mixed use)
- Use Standards
- Parking Flexibility
- Digital Access

**SEC. 2.3.3. BUILDING PLACEMENT**

Building Setbacks		
<b>A</b>	Primary street: principal structure	15' min
<b>B</b>	Primary street: accessory structure	60' min
<b>C</b>	Side street	10' min
<b>D</b>	Side: common lot line/alley	5' min
<b>D</b>	Side: single-unit attached, between abutting units	0' min
<b>E</b>	Rear: common lot line/alley	10' min

TABLE 8D: ACCESSORY SURFACE PARKING LOCATION

	FRONT YARD	CORNER SIDE YARD	INTERIOR SIDE YARD	REAR YARD
N-1D				●
N-1C				●
N-1S			●	●
N-2C				●
N-2E				●
N-2R				●
N-3C				●
N-3E			●	●
N-3R				●
N-4-30				●
N-4-50				●
D-R			●	●
D-M			●	●
D-E			●	●
D-S	●	●	●	●
D-C	●	●	●	●
D-IL	●	●	●	●
D-IH	●	●	●	●
D-OS				
D-OG	●	●	●	●
D-ON	●	●	●	●
C-M				●
C-R	●	●	●	●

● Permitted  
 ○ Only permitted through major site plan review



# Discussion Topics

Are there elements of the zoning ordinance that do not work.

- Districts & Standards
- Parking
- Signage
- Landscaping, Screening, and Buffers
- Other areas?



# Districts

- Refer to Handout for Districts & Descriptions

# Zoning Districts: Residential

District	Maximum Height (feet)	Minimum Lot Size (S.F.)	Minimum Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Side Yard on a Street Side of a Corner Lot (ft.)	Minimum Rear Yard (ft.)	Lot Coverage	Green Space Required
A	35	6,000	60	25	5	10	25	30%	100% FRONT YARD IN ALL ZONES
R-1	35	6,000	60	25	5	10	25	30%	
R-2	35	5,000	50	25	5	10	25	40%	
R-3	35	5,000	50	20	5	10	20	40%	
R-4	40	5,000	50	20	5	10	20	40%	
R-5	150	5,000	50	20	5	10	20	40%	

# Zoning Districts: Residential





# Zoning Districts: Commerical

District	Maximum Height (feet)	Minimum Lot Size (S.F.)	Minimum Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Side Yard on a Street Side of a Corner Lot (ft.)	Minimum Rear Yard (ft.)	Lot Coverage	Green Space Required
CO-1	35	6,000	60	20	5	10	NONE	40%	100% FRONT YARD IN ALL ZONES
CO-2	35	6,000	60	20	5	10	NONE	40%	
C-1	35	NONE	NONE	10	5	10	NONE	75%	
C-2	50	NONE	NONE	10	NONE	5	NONE	75%	
C-3	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE	
C-4	50	NONE	NONE	10	NONE	5	NONE	75%	

# Zoning Districts: Industrial

District	Maximum Height (feet)	Minimum Lot Size (S.F.)	Minimum Width (ft.)	Minimum Front Yard (ft.)	Minimum Side Yard (ft.)	Minimum Side Yard on a Street Side of a Corner Lot (ft.)	Minimum Rear Yard (ft.)	Lot Coverage	Green Space Required
<b>M-1</b>	NONE	NONE	NONE	10	NONE	5	NONE	75%	100% FRONT YARD IN ALL ZONES
<b>M-2</b>	NONE	NONE	NONE	10	NONE	5	NONE	75%	
<b>M-3</b>	NONE	NONE	NONE	10	NONE	5	NONE	75%	

# Zoning Districts: Uses

## **18.125.110 Use Group 8.**

List of uses permitted in the C-2, C-3, C-4, M-1, M-2, and AIR districts, which meet the requirements and restrictions of those zones:

Retail stores specializing in the sale or rental of any of the following:

- Antiques;
- Automobile new parts, equipment, and accessories;
- Bicycles or mopeds;
- Carpets;
- Drugstores, with a total area greater than 3,000 square feet;
- Electrical and plumbing fixtures;
- Household furnishings, including large appliances and furniture;
- Ice;
- Lawnmowers;
- Office equipment and furniture;
- Package liquor stores;
- Paint;
- Pawnshop;
- Pets or pet supplies;
- Rugs and floor coverings;
- Shrubbery or plants.

# Zoning Districts: Uses

USE GROUPS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19*	20	21	
A	X	X															X	X	X			A
R-1	X	X																				R-1
R-2	X	X	X																			R-2
R-3	X	X	X	X																		R-3
R-4	X	X	X	X		X																R-4
R-5	X	X	X	X		X																R-5
C0-1	X		X	X	X	X														X		C0-1
C0-2	X		X	X	X	X														X		C0-2
C-1			X	X	X	X														X		C-1
C-2			X	X	X	X	X															C-2
C-4				X	X	X	X	X	X										X		X	C-4
M-1				X	X	X	X	X	X			X						X		X	X	M-1
M-2					X	X	X	X	X			X	X	X				X		X	X	M-2
M-3									X	X		X	X	X	X						X	M-3
F-1																						F-1
AIR									X	X		X	X	X			X	X	X			AIR
CON																	X	X				CON
W-1									X	X		X	X	X	X							W-1
W-R	X		X	X							X								X	X		W-R

# Zoning Districts

## 3.04.K. COMMUNITY COMMERCIAL (CC)

### PURPOSE

The Community Commercial District is intended to provide locations for supermarkets, general merchandise retailers, and offices. It may include large-footprint retail uses as well as smaller outlets or strip centers. The Community Commercial District should be sited along transportation thoroughfares that can accommodate the increased traffic demands these uses can create.

### EXAMPLE BUILDING TYPE



### INTENSITY AND DIMENSIONAL STANDARDS

Minimum Lot Area (ac)	n/a <sup>1</sup>
Minimum Lot Width (ft)	100
Maximum Residential Density (units/ac)	n/a
Maximum Floor Area Ratio (FAR)	1
Maximum Height (ft)	40
Minimum Front Yard Depth (ft)	15
Minimum Side Yard Depth (ft)	10 / 35 <sup>2</sup>
Minimum Rear Yard Depth (ft)	10 / 35 <sup>2</sup>

### CROSS REFERENCES

Permitted and Conditional Uses	<a href="#">Article 4</a>
Dimensional Requirements	<a href="#">Article 5</a>
Development Standards	<a href="#">Article 7</a>
Natural Resource and Environmental Standards	<a href="#">Article 8</a>
Parking and Loading Standards	<a href="#">Article 10</a>
Signs	<a href="#">Article 11</a>

### NOTES

<sup>1</sup> Must be able to meet all setback, parking, landscape, screening, and similar requirements of this Ordinance.

<sup>2</sup> When abutting a residential district.

### EXAMPLE LOT PATTERN



### EXAMPLE DEVELOPMENT CONFIGURATION





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## **NEXT STEPS**

# NEXT STEPS

## This Week

- Project Website:  
[www.community2020evc.com](http://www.community2020evc.com)
- Public Meeting (2)
  - Tonight @ E/VC Public Library  
5:30pm to 7:00pm
  - Tomorrow @ CK Newsome  
Community Center 5:30pm to  
7:00pm
- Focus Group Meetings
  - Tuesday & Wednesday

## Coming Up Next

- Online Input
- Continued Discussion of Existing Ordinance
  - Task Force Meeting – August
    - Results of Public Meeting
    - Design
    - Environmental
    - Subdivisions
    - Administration & Rules of Procedures
- Presentation of Detailed Analysis of Ordinance
  - Task Force Meeting – October
  - Public Meeting - October





**THANK YOU!!!**

**Task Force Meeting 2 | 02 April 2019**



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URBAN DESIGN + LANDSCAPE ARCHITECTURE + PLANNING



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