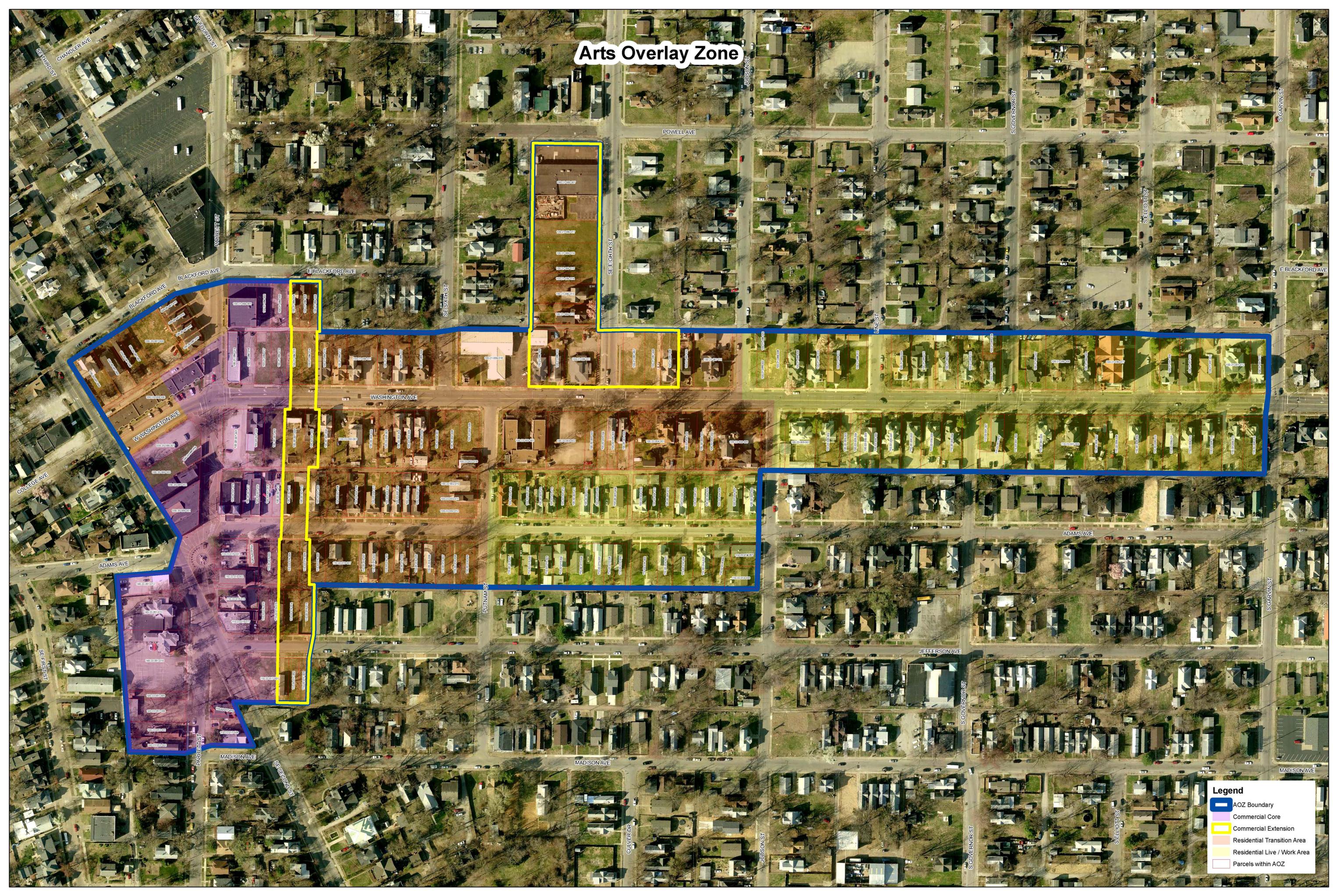


# Arts Overlay Zone



**Legend**

- AOZ Boundary
- Commercial Core
- Commercial Extension
- Residential Transition Area
- Residential Live / Work Area
- Parcels within AOZ

## **SECTION 1. AMENDMENT OF SECTION 18.05.030**

Section 18.05.030 of the Evansville Municipal Code is amended to include the following definition:

**“ARTIST:** An individual who practices in the creation, manufacture, exposition, display, sale, teaching, instruction, or assemblage of all art in any forms and media, including persons engaged in culinary arts (except as would qualify as a restaurant).” The term “artist” shall apply to painters (excluding paint contractors), sculptors, authors, screenwriters, playwrights, film makers, dancers, potters, weavers, jewelers, exhibitors, printers, costumers, musicians, photographers, architects, engineers, designers, planners, computer programmers, video game developers, and other similar or related uses as approved by the Area Plan Commission Executive Director. The term “artist” shall not be applied to individuals engaged or in the practice of operating a Sexually-Oriented or Adult business as defined within this ordinance.

**“LIVE/WORK UNIT:** A unit containing both a residential and commercial component within the same structure, where a resident of the unit works in the business enterprise that constitutes the commercial component of the unit.

## **SECTION 2. NEW SECTION 18.115**

Chapter 18 of the Evansville Municipal Code is amended by the addition of a new Section 18.115. which shall read as follows:

### **18.115 ARTS OVERLAY DISTRICT**

#### 18.115.010 Guidelines

##### A. Purpose

The purpose of the Arts Overlay Zone (AOZ) is to facilitate investment involving improvements to land and structures within the district, while encouraging artistic and creative uses. This Zone overlays properties already classified into existing zoning districts. The objective is to offer more flexibility in uses allowed and development standards in the AOZ as incentives for new development. The intended result of the Overlay is to help establish a mixed use area with art-related businesses, other low intensity, neighborhood-supporting businesses, live/work units and traditional residences integrated together in a manner that maintains the residential character of the area. The AOZ uses an innovative approach allowing artists and owners and operators of support businesses to occupy joint living and commercial space within the same structure that would otherwise not be allowed in many of the underlying zoning districts. The creation of the AOZ promotes investment through mixed use development that expands the presence of and/or otherwise enhances the arts within the Zone.

##### B. General requirements for mixed use

The Arts Overlay Zone will function as follows:

- (1) In the residential zoning districts, the commercial or non-residential uses allowed will

be limited to low-intensity commercial and arts-related uses as defined in 18.115.020(C) and (D).

- (2) The commercial component of the use shall generally be accessory to the residential use on residentially-zoned properties, and the residential component of the use shall be accessory to the commercial use on commercially-zoned properties.
- (3) All non-residential uses in residential zoning districts, shall have a residential component unless the commercial use can meet the conditions established herein to be considered a primary use.
- (4) All residential units must comply with the minimum size requirement for a dwelling in Section 18.130.020 of this Title.
- (5) Commercial uses must not produce odor, fumes, dust, light, glare, noise, or other similar impacts extending beyond the property line of the lot where the live/work unit is located.
- (6) All commercial uses not located in a C-4 zoning district in the Arts Overlay Zone shall be conducted inside enclosed structure(s), with no outside storage areas. Several examples of artwork or product may be displayed outside on a site only during hours of operation of the non-residential use.

#### 18.115.015 Location

The Arts Overlay Zone is established in the Haynie's Corner area south of the Evansville Central Business District as shown on the attached Arts Overlay Zone Map, and on the official City of Evansville Zoning Map.

#### 18.115.020 Approval Criteria

All new development and additions, expansions or modifications of existing structures within the Arts Overlay Zone 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. Live/work uses, nonresidential uses in residential zoning districts and residential uses in commercial zoning districts must be located within the AOZ boundaries. All Zoning Code requirements not mentioned herein as part of the AOZ are subject to the requirements of the underlying zoning classification (including the development standards in Table A).

##### B. Subarea Boundaries

To establish a layering of land use intensity in the AOZ, the Zone shall be divided into the following three distinct areas as shown on the attached Arts Overlay Zone Map:

- the Residential Live/Work Area;
- the Residential Transition Area; and

-- the Commercial Core Area.

- (1) The Residential Live/Work Area is the eastern portion of the Arts Overlay Zone, the Residential Transition Area is generally the middle portion and the Commercial Core is the western end of the Zone.
- (2) The Residential Live/Work Area and the Residential Transition Area are separated by a line extending through the AOZ as follows:  
starting at a point centered on the intersection of Putnam Avenue and the alley between Adams and Jefferson Avenues; proceeding north along Putnam Avenue to the alley between Washington and Adams Avenues; east along the alley to Judson Avenue; north along Judson Avenue to Washington Avenue; west on Washington Avenue to the point where Judson Avenue resumes; and north on Judson Avenue to the northern Zone boundary.
- (3) The boundary of the Commercial Core Area follows the perimeter of the commercial zoning along S.E. Second and Parrett Streets as depicted on the official zoning map on the date of adoption for this Section.

C. The Residential Live/Work Area:

- (1) In consideration of protecting neighborhood residential character, the following limited list of non-residential live/work uses are permitted within the residential zoning districts in this area:
  - \* Art Studio
  - \* Art Gallery
  - \* Art School/Classes
  - \* Culinary School/Classes
  - \* Photographic Studio
  - \* In-home Catering
  - \* All Home Occupations listed in Use Group 2
- (2) The non-residential portion of a live/work unit shall be limited to 500 sq. ft. of floor area and the residential component must comply with the minimum size requirement for a dwelling in Section 18.130.020 of this Title.
- (3) The residential component of a live/work unit must contain sleeping space, cooking facilities, and complete sanitary facilities.
- (4) The residential occupancy of a live/work unit must include at least one person who is employed or carries out an occupation within the non-residential component of the unit.
- (5) The non-residential component of a live/work unit shall be limited to two employees per shift (including the person living in the unit that is associated with the business).

D. The Residential Transition Area:

- (1) The following list of non-residential uses are permitted within the residential zoning districts in this area to allow for transition uses between the more residential (east

end) and commercial (west end) portions of the Zone:

- \* All uses permitted in Residential Live/Work area above
- \* Art Supply/Crafts Store
- \* Picture Frame Shop
- \* Pottery/Ceramics Shop
- \* Jewelry Shop
- \* Gift Shop
- \* Seamstress/Tailor Shop
- \* Tattoo Parlor
- \* Barber/Beauty Shop
- \* Recorded Media and Musical Instruments Store
- \* Flower Shop
- \* Book/Video Store
- \* Computer Store
- \* Antique Store
- \* Bed and Breakfast (limited to 3 rental rooms)

These uses are allowed only at street intersections and shall not include drive-through windows:

- \* Coffee Shop (outdoor seating allowed)
- \* Bakery
- \* Restaurant (limited to a total of 30 seats; outdoor seating allowed)
- \* Candy Store
- \* Ice Cream Parlor (outdoor seating allowed)

- (2) Residential uses are permitted within the commercial zoning districts in this area subject to the minimum size requirements for a dwelling in Section 18.130.020 of this Title.
- (3) A permitted non-residential use from the list in D. (1) above may be considered a primary permitted use in the AOZ, if the following conditions are met:
  - a. The site must be located in the AOZ and within one of the following Commercial Extension areas shown on the attached Arts Overlay Zone Map:
    - the area near the intersection of Washington Avenue and Eighth Street containing parcels fronting along the north side of Washington Avenue, and along the west side of Eighth Street between Powell and Washington Avenues;
    - the area east of Parrett/S.E. Second Streets (adjacent to the C-4 zoning district along Parrett/S.E. Second Streets as shown on the official Zoning Map on the date of adoption for this Section) containing parcels between Blackford and Monroe Avenues.
  - b. If the non-residential use involves an addition or new construction, the structure must be designed to look like a residential use.

- (4) All other non-residential uses shall comply with the underlying zoning classification limitations on use including the Table A requirements.
- (5) In buildings with both a residential and non-residential component, no more than 50% of the total floor area not to exceed a maximum of 1,000 square feet shall be designated or used for non-residential purposes within the residential zoning districts.
- (6) The required residential component in residential zoning districts must contain sleeping space, cooking facilities, and complete sanitary facilities, and be occupied by the owner or a lessee. It also shall comply with the minimum size requirement for a dwelling in Section 18.130.020 of this Title.
- (7) Maximum of three employees per working shift (including any employee living in the unit).

#### E. Commercial Core Area

- (1) This area is a solid block of commercial zoning with nearly all of the area zoned in the C-4 district. Permitted uses are those specified in the underlying commercial zoning districts and the following additional uses:

- \* single unit residential (upper floors only)
- \* multi-family residential (upper floors only)

- (2) Of the many commercial uses permitted in the underlying zoning for this area, the uses that are preferred and encouraged to be incorporated into the area are the commercial uses listed in C.(1) & D.(1) along with the following:

- \* grocery store
- \* drug store
- \* convenience store
- \* other specialty retail
- \* restaurant (with outdoor seating)
- \* brew pub (with outdoor seating)

- (3) Commercial uses must be included on but not necessarily limited to the ground floor of all structures in this area.
- (4) Required front yard building setbacks in this area are allowed to be reduced to zero providing that, at street intersections, a minimum setback may be required by the Site Review Committee to ensure adequate site distance for traffic safety.

#### F. Permits

The property owner of each residence and each live/work or other non-residential enterprise shall maintain at all times a valid improvement location permit issued by the Area Plan Commission and all other licenses and permits as may be required by law for operating a business on the premises.

#### G. Special Use Approval

Artist uses within the area defined in 18.115.015 which will involve excessive noise or periodic spray painting of large sculptures or other items require Special Use (SU-44) approval. Excessive noise in residential areas is defined as 75 decibels or greater as measured at the property line. Artist activities must comply with all federal, state and local environmental laws including the City noise regulations in Section 16.05.390 of the Municipal Code.

#### H.. Non-residential Use Criteria

Non-residential activities must conform to the Arts Overlay Zone requirements as described herein and are encouraged to be located in the front of structures on the ground floor.

#### I. Parking

- (1) In residential zoning districts, off-street parking is not required. However, it is encouraged that owners provide at least one parking space if possible in the rear of the property off of the alley. 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 1 space per each 10 linear feet of frontage along the front lot line facing the street. All off-street parking must be located in the rear of the property. Access shall be from the alley in the rear of the property only, unless no other access is available to the site.

#### J. Signage

- (1) Permissible signage shall be in accordance with the requirements and limitations of the zoning ordinance for the underlying zoning classification.
- (2) On residentially zoned property, the following limitations apply to signage advertising any non-residential use:
  - a. one low-profile sign no more than 10 sq. ft.; and no more than six feet in height unless mounted on the front face of a building or placed within a front window.
  - b. if illuminated, the sign must be lit indirectly by down lighting (no internal illumination).

#### K. Placement of public art.

The placement or erection of outdoor sculpture and murals within the Art Overlay Zone 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:

- the art is not for sale as the product of an art studio within the Zone;
- the art does not constitute an advertisement; and
- 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.

#### L. Approval process

Within the Arts Overlay Zone, live/work units proposed within an existing structure must obtain approval from the Site Review Committee, subject to compliance with this ordinance and all applicable building-related codes. Any addition, expansion, remodeling,

parking and similar changes to any non-residential use in the AOZ requires Site Review approval prior to issuance of permits. A live/work unit or other non-residential use proposed within a new structure must be approved as part of a site plan review by the Site Review Committee as established and defined in this Title. In addition to a site plan, floor plans must also be provided that show the residential and non-residential areas within the structure.

#### M. Applicability of Other Provisions

This ordinance is intended to operate and be applied independently of any other provision in this Title that allows residential and non-residential uses on the same parcel. An applicant may proceed under this section or under the other provisions of the Zoning Code that apply to a proposed use.

### **SECTION 3. AMENDMENT OF SECTION 18.145.050 List of Special Use Designations**

Section 18.145.050 of the Evansville Municipal Code is amended to include the following new SU-44 classification:

“SU-44 Artist Live/work area as defined in 18.115.015: artist live/work uses involving spray painting of large items or excessive noise (defined as 75 decibels in residential areas as measured at the property line).”

### **SECTION 3. AMENDMENT OF SECTION 18.145.070 Limitations on Special Uses**

Section 18.145.070 of the Evansville Municipal Code is amended to add SU-44 to Table SU, and “X” placed in the box(es) indicating that SU-44 shall be allowed in the R1, R-2, R-3, R-4, R-5, CO-1, and CO-2 classifications.