

## **NOTICE**

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

**City of Evansville Plan Commission**  
**Regular Meeting**  
City Hall, 31 S Madison St., Evansville, WI 53536  
Tuesday, July 2<sup>nd</sup>, 2024, 6:00 pm

### **AGENDA**

1. Call to Order
2. Roll Call
3. Motion to Approve Agenda
4. Motion to waive the reading of the minutes from the June 4<sup>th</sup>, 2024 meeting and approve them as printed.
5. Civility Reminder
6. Citizen appearances other than agenda items listed.
7. Action Items
  - A. Review and Action for Land Division Application LD-2024-06 for a preliminary and final plat on parcel 6-27-553.504 (Lot 4, Stonewood Grove)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - B. Review and Action for Land Division Application LD-2024-07 for a preliminary and final plat on parcel 6-27-965 and RZ-2024-02 to rezone Lot 1 of that plat to B-1 Local Business (123 N. Fifth Street)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing for Land Division and Ordinance 2024-06
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - C. Review and Action for Rezoning Application RZ-2024-03 to rezone Lot 7 of the Historic Standpipe Point subdivision plat to B-1 Local Business and Land Division Application LD-2024-08 for a preliminary and final plat to divide that lot into 3 separate lots on parcel 6-27-396.207 (N. Fourth Street)
    1. Review Staff Report and Applicant Comments
    2. Public Hearing for Land Division and Ordinance 2024-07
    3. Plan Commissioner Questions and Comments
    4. Motion with Conditions
  - D. Public Hearing, Review, and Possible Action for Site Plan Application SP-2024-02

*-Mayor Dianne Duggan, Plan Commission Chair*

Conditional Use Application CUP-2024-03 for Indoor Commercial Entertainment with In-Vehicle Sales or Service and Outdoor Food and Beverage Service for a Culver's restaurant on parcel 6-27-862 (60 N Union Street)

1. Review Staff Report and Applicant Comments
2. Public Hearing
3. Plan Commissioner Questions and Comments
4. Possible Motion with Conditions

E. Zoning Code Updates

1. Review Proposed Changes and Discussion
2. Public Hearing for Ordinance 2024-05
3. Plan Commissioner Questions and Comments
4. Motion to Recommend

8. Discussion Items

9. Community Development Report

10. Upcoming Meeting: August 6<sup>th</sup>, 2024 2024 at 6:00pm

11. Adjourn

*-Mayor Dianne Duggan, Plan Commission Chair*

**City of Evansville Plan Commission  
Regular Meeting  
Tuesday, May 7<sup>th</sup>, 2024, 6:00 p.m.**

**MINUTES**

- 1. Call to Order** at 6:00pm.
- 2. Roll Call:**

<b>Members</b>	<b>Present/Ab sent</b>	<b>Others Present</b>
Mayor Dianne Duggan	P	Colette Spranger (Community Dev. Director)
Aldersperson Gene Lewis	P	Roger Berg
Aldersperson Abbey Barnes	P	Paul Liesse
Bill Lathrop	P	Joe Geoffrion
John Gishnock	P	Jason Sergeant, City Administrator
Mike Scarmon	P	
Eric Klar	A	

- 3. Motion to approve the agenda, by Lewis, seconded by Gishnock. Approved unanimously.**
- 4. Motion to waive the reading of the minutes from the May 7, 2024 meeting and approve them as printed, by Lewis, seconded by Gishnock. Approved unanimously.**
- 5. Civility Reminder.** Duggan noted the City’s commitment to conducting meetings with civility.
- 6. Citizen appearances other than agenda items listed.**
- 7. Action Items.**
  - A. Review, and Action for Land Division Application 2024-04 a preliminary and final plat on parcel 6-27-559.5403 (Outlot 3, Windmill Ridge)**
    - i. Review Staff Report and Applicant Comments.**  
Spranger summarized the report.
    - ii. Plan Commissioner Questions and Comments.**  
Lathrop asked about the percentage of land is undeveloped.
    - iii. Motion with Conditions**  
**Motion to recommend Common Council approve the Preliminary and Final Plat Application for the Windmill Ridge First Addition subdivision, finding that it is in the public interest and substantially complies with Chapter 110 of the Municipal code, subject to the following conditions:**
      - 1. Land Divider’s Agreement completed and executed by both City and Developer.**

2. *Applicant submits Irrevocable Letter of Credit for City Engineer approval*
3. *Applicant submits to City amended preliminary and final plats showing additional area acquired for recreational trail easement along west edge of plat prior to recording.*

*Motion by Scarmon, seconded by Barnes. Motion carried unanimously.*

**B. Review and Motion to Recommend Land Divider's Agreement for Windmill Ridge First Addition**

**i. Motion**

*Motion to recommend Common Council approve the Land Divider's Agreement for Windmill Ridge First Addition.*

*Motion by Lewis, seconded by Scarmon. Motion carried unanimously.*

**C. Public Hearing, Review, and Action for Conditional Use Application 2024-02 for Outdoor Commercial Food and Beverage Service on parcel 6-27-624.1 (137 E Main St)**

**i. Review Staff Report and Applicant Comments.**

Spranger summarized the report.

**ii. Public Hearing**

Opened at 6:22pm, closed at 6:28pm.

**iii. Plan Commissioner Questions and Comments.**

Lathrop asked why a fence is required. Barnes discussed other businesses with outdoor service. Sergeant explained the nuances of the application and the ordinances regarding the comments.

**iv. Motion with Conditions**

*Motion to approve a Conditional Use Permit for Outdoor Commercial Food and Beverage Service per section 130-538 on parcel 624.1 located at 137 E Main Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-140(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:*

*1. Hours of operation shall be no earlier than 6am and no later than 9:30pm.*

*2. Fencing (temporary or otherwise) to be erected at end of paved driveway to prevent unauthorized access to the outdoor service area when in use.*

*3. Any outdoor lighting must be dark sky compliant, is not to stay on past 9:30pm, and shall not create a glare or shine directly upon neighboring property.*

*4. The business operator shall obtain and maintain all City, State, and County permits and licenses as may be required.*

*5. Any substantial changes to the business model shall require a review of the existing Conditional Use Permit.*

*6. Use cannot create a public nuisance as defined by local and state law.*

*7. The Conditional Use Permit is recorded with Rock County Register of Deeds.*

*Motion by Gishnock, seconded by Lathrop. Motion carried unanimously.*

**D. Zoning Code Updates**

**i. Review Proposed Changes and Discussion**

**ii. Public Hearing**

Opened at 6:59pm. Roger Berg asked where the suggested changes were coming from. Joe



Geoffrion asked about about minimum/maximum lot sizes. Public hearing closed at 7:15pm.

**iii. Plan Commissioner Questions and Comments.**

**iv. Motion to Recommend**

*Motion by Lewis, seconded by Gishnock. Motion carried 4-2.*

**8. Discussion Items.**

**A. Review of City Housing Density Map**

**9. Community Development Report**

**10. Next Meeting Date:**

**A.** Tuesday, July 2, 2024 at 6:00 p.m.

**11. Adjourn.** 7:28 PM.





**APPLICATION FOR PRELIMINARY AND FINAL DIVISION - STAFF REPORT**

**Application:** LD-2024-06

**Applicant:** Grove Homes LLC

Parcel 6-27-553.504

**July 2, 2024**

Prepared by: Colette Spranger, Community Development Director  
Direct questions and comments to: [c.spranger@evansvillewi.gov](mailto:c.spranger@evansvillewi.gov) or 608-882-2263



*Figure 1 Approximate Location Map*

**Location:** Lot 4, Stonewood Grove (654 and 656 Locust Lane)

**Description of request:** An application has been made to divide the lot along the shared wall of the duplex that is already built.

**Existing Uses:** The existing 11,556 square foot parcel has a duplex under construction. In order for the landowner to sell each unit separately, the units must be legally divided. This requires a Certified Survey Map.

**Existing Zoning:** R-2 Residential District Two

**Proposed Land Division:** The CSM will divide the parcel into two lots, using the common wall of the building as a lot line. This kind of land division is commonly referred to as a zero lot line CSM. Lot 1 is proposed to be 6,340 square feet (0.15 acres) and will include the dwelling unit with the address of 656 Locust Lane. Lot 2 will contain the remaining 5,216 square feet (0.12 acres) and the dwelling unit addressed at 654 Locust Lane. A joint cross access and maintenance agreement per Section 130-323(5) of the Municipal Code will be required once the new lots are recorded.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Per the City's Land Division ordinance, all subdivision applications (including CSMs) should be reviewed by the Municipal Services Committee. The review for this application will occur on July 30<sup>th</sup>, 2024. In the future, City staff will work together to ensure that Municipal Services review happens prior to Plan Commission review so that final approvals with fewer conditions can be given at Common Council meetings.

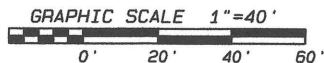
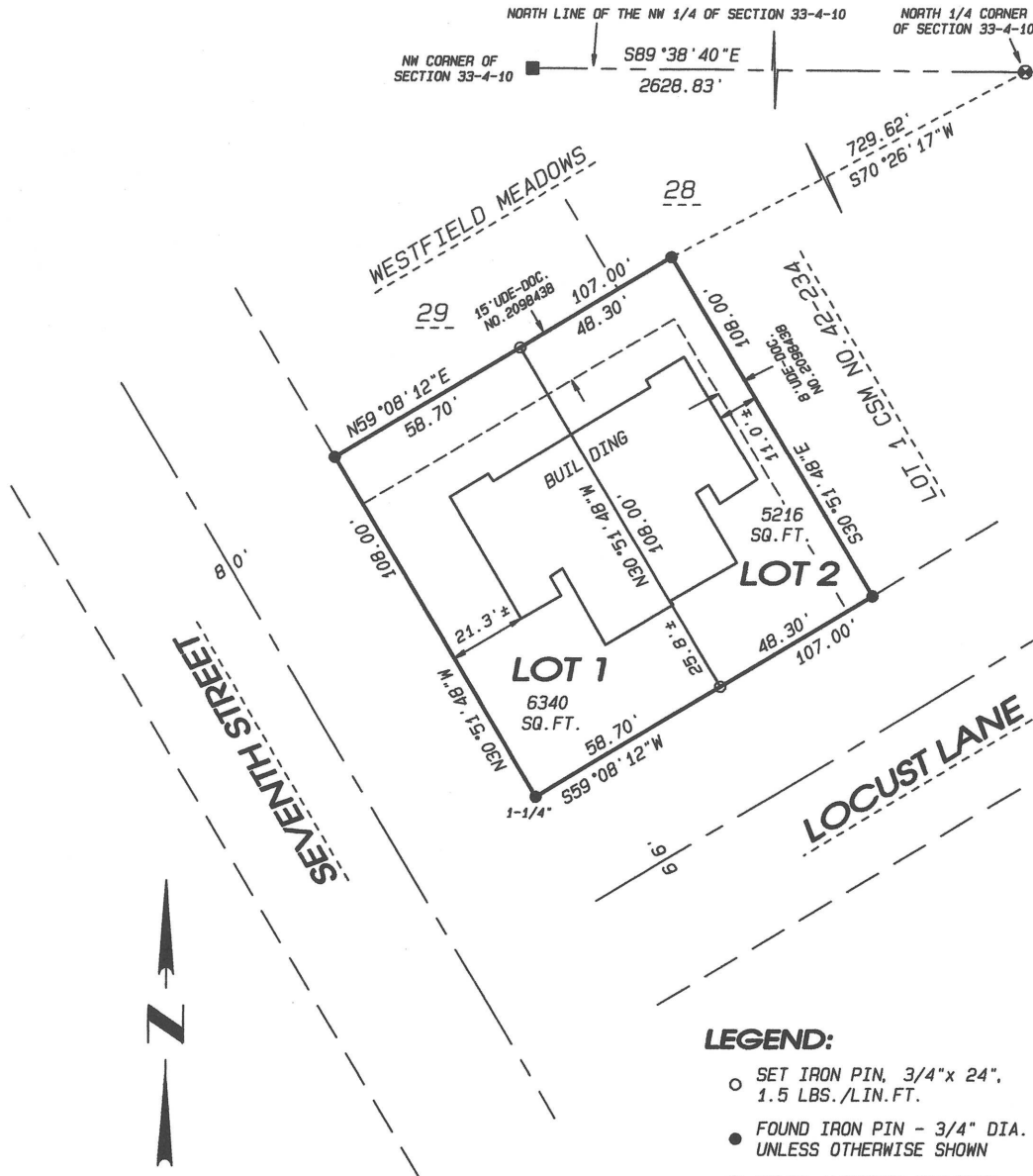
**Recommended Motion:**

*Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-533.504 into two lots for a two-family twin residence addressed at 654 and 656 Locust Lane, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:*

- 1. Municipal Services Committee recommends approval of application.*
- 2. The final CSM is recorded with Rock County Register of Deeds.*
- 3. The applicant records a joint cross access and maintenance agreement for each of the new lots made by CSM.*

# CERTIFIED SURVEY MAP

LOT 4, STONEWOOD GROVE SUBDIVISION, LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 33, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN. FORMERLY BEING A PART OF LOT 30, WESTFIELD MEADOWS.



NOTE: FIELDWORK COMPLETED

NOTE: ASSUMED S89°38'40"E ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 33-4-10.

Project No. 124 - 201  
For: GROVE HOMES LLC

SHEET 1 OF 4 SHEETS

## LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND IRON PIN - 3/4" DIA. UNLESS OTHERWISE SHOWN
- ⊙ FOUND ALUMINUM MONUMENT
- FOUND CUT STONE

UDE UTILITY AND DRAINAGE EASEMENT

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tel: 608 752-0575  
fax: 608 752-0534



**APPLICATION FOR PRELIMINARY AND FINAL DIVISION AND REZONE - STAFF REPORT****Applications:** LD-2024-07, RZ-2024-02**Applicant:** Gene Prudhon

Parcel 6-27-965

**July 2, 2024**

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: [c.spranger@evansvillewi.gov](mailto:c.spranger@evansvillewi.gov) or 608-882-2263**Location:** 123 N. Fifth Street**Description of request:** An application has been made to a lot with a single family home and a large outbuilding into two lots, and to rezone Lot 1 of that plat to B-1 Local Business.**Existing Uses:** The existing 24,829 square foot parcel has a single family residence and large outbuilding/garage.**Existing Zoning:** R-1 Residential District One**Proposed Land Division:** This parcel is for sale and includes both buildings. The buyer intends to keep the outbuilding and sell the home. To do so requires a Certified Survey Map (CSM). The CSM will divide near a tree line on the property. Lot 1 is proposed to be 9,644

square feet (0.22 acres) and will include the outbuilding/garage unit. Lot 2 will contain the remaining 15,200 square feet (0.35 acres) and the dwelling unit addressed at 123 N Fifth Street.

**Proposed Rezone of Lot 1:** Garages or outbuildings on their own are not allowed in Evansville's residential districts without a principal building, typically a residence. In this instance, the owner of the outbuilding wants to continue its use. The City does not want to set a precedence of allowing residentially zoned lots where the primary structure is a garage/outbuilding. Therefore, the best fit for allowing the building to continue in its current use is to put it in the B-1 zoning district. B-1 zoning allows single family homes to be built by right; if at a later date the owner of the lot wants to build a single family

home, no extra permissions will be necessary. The B-1 zoning district is intended to allow less intensive commercial uses within established residential areas.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Per the City's Land Division ordinance, all subdivision applications (including CSMs) should be reviewed by the Municipal Services Committee. The review for this application will occur on July 30<sup>th</sup>, 2024. In the future, City staff will work together to ensure that Municipal Services review happens prior to Plan Commission review so that final approvals with fewer conditions can be given at Common Council meetings.

**Recommended Motion:**

*Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-965 into two lots, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:*

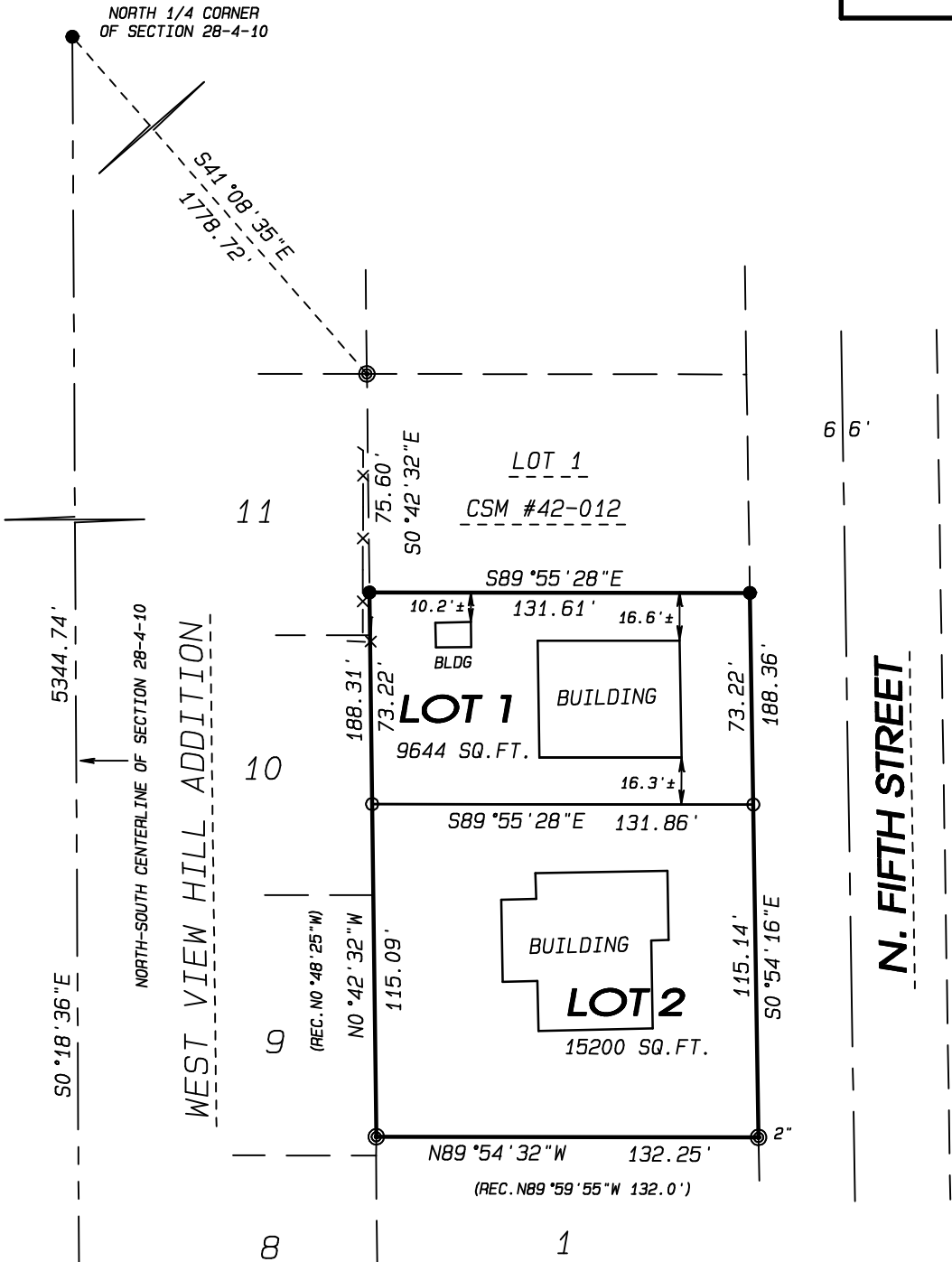
- 1. Municipal Services Committee recommends approval of application.*
- 2. The final CSM is recorded with Rock County Register of Deeds.*
- 3. The applicant records a joint cross access and maintenance agreement for each of the new lots made by CSM.*

*Motion to recommend Common Council approve Ordinance 2024-06.*



CERTIFIED SURVEY MAP

LOT 2 OF CERTIFIED SURVEY MAP NO.42-012, RECORDED AS DOCUMENT NO.2211461 AND LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 28, T.4N., R.10E. OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.



LEGEND:

- SET IRON PIN, 3/4"x 24", 1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- ⊙ FOUND IRON PIPE - 1" DIA. UNLESS OTHERWISE SHOWN
- ⊕ FOUND ALUMINUM MONUMENT
- x—x— FENCE



NOTES:

FIELDWORK COMPLETED \_\_\_\_\_.

ASSUMED S0°18'36"E ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 28-4-10.

Project No. 124 - 252 For: PRUDHON

SHEET 1 OF 4 SHEETS



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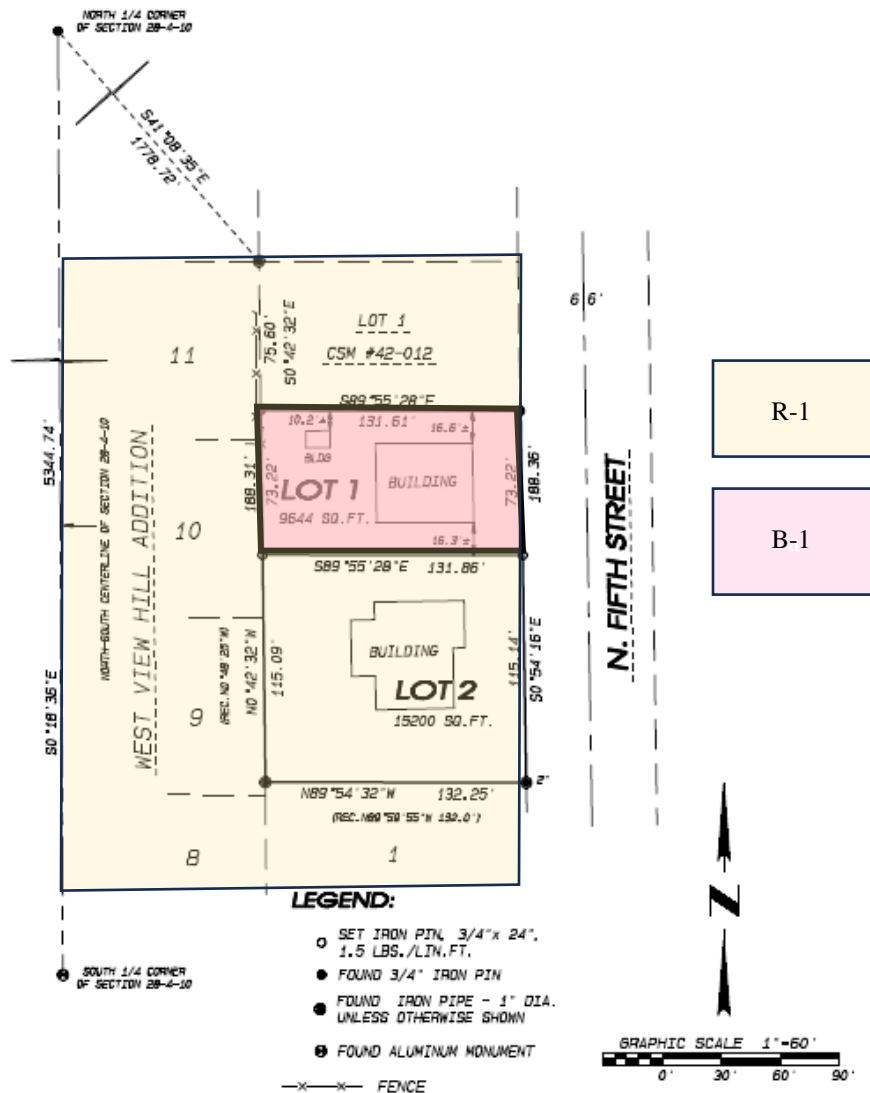
tel: 608 752-0575  
fax: 608 752-0534

CITY OF EVANSVILLE  
ORDINANCE # 2024-06

**An Ordinance Rezoning Territory from Residential District One (R-1)  
to Local Business District (B-1) on Lot 1 of a CSM dividing parcel 6-27-965**

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

SECTION 1. Zoning Classification. In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, that the zoning classification of parcels be changed from Residential District One (R-1) to Local Business District (B-1). The area to be rezoned is indicated on the map below:



SECTION 2. Zoning Map Amendment. The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Local Business District (B-1).

SECTION 3. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_\_ day of August, 2024.

Dianne C. Duggan, Mayor

ATTEST:

Leah L. Hurtley, City Clerk

Introduced: 07/09/2024  
Notices published: 06/18/2024, 06/25/2024  
Public hearing held: 07/02/2024  
Adopted: \_\_\_\_\_  
Published: (within 10 days of adoption)

*Sponsor: This ordinance was initiated by a landowner application for a zoning map amendment.*

Drafted on 6/27/2024 by Colette Spranger, Community Development Director

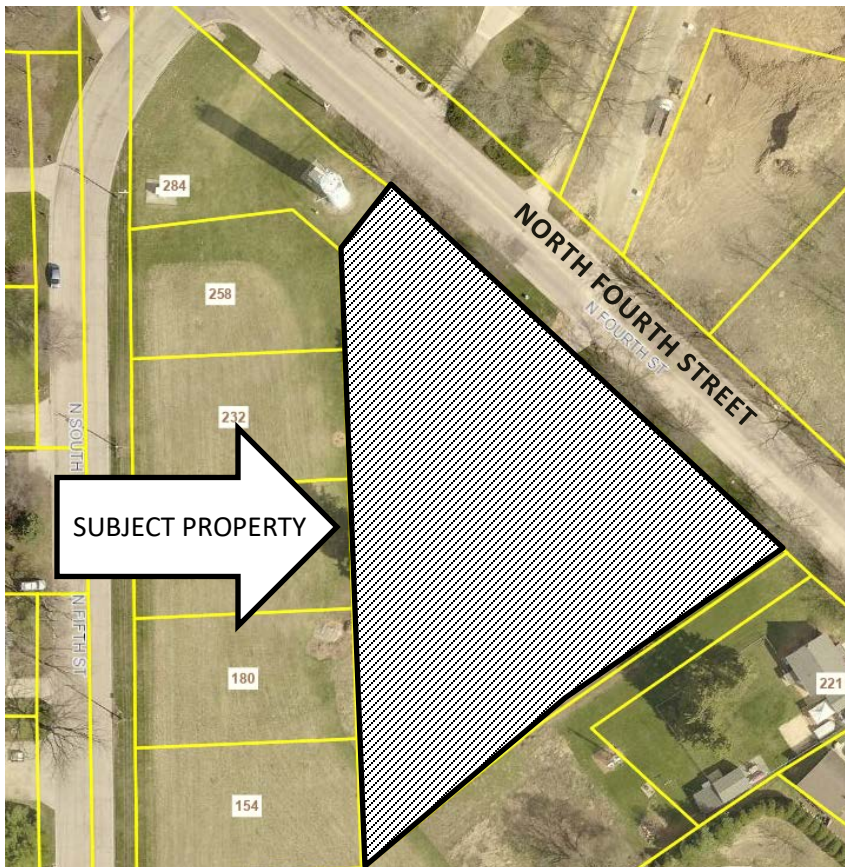


**APPLICATION FOR PRELIMINARY AND FINAL DIVISION AND REZONE - STAFF REPORT****Applications:** LD-2024-08, RZ-2024-03**Applicant:** RM Berg General Contractor

Parcel 6-27-396.207

**July 2, 2024**

Prepared by: Colette Spranger, Community Development Director  
 Direct questions and comments to: [c.spranger@evansvillewi.gov](mailto:c.spranger@evansvillewi.gov) or 608-882-2263

**Location:** Lot 7, Historic Standpipe Point

**Description of request:** An application has been made to rezone Lot 7 of the Historic Standpipe Point subdivision plat to B-1 Local Business and to divide that lot into 3 separate lots.

**Existing Uses:** The existing 1.339 acre (58,326 square foot) parcel is undeveloped.

**Existing Zoning:** R-1 Residential District One

**Proposed Rezoning:** The rezoning is consistent with the City's future land use map, which plans this area for Mixed Use. The B-1 Local Business

district allows both residential, office, and light commercial uses by right. The City is in the process of enabling two-family residences as another use permitted by right. The current landowner intends to build for residential uses. The zoning classification would allow a future user to either retrofit those buildings or redevelop the site for other appropriate uses. In short, as Evansville grows, so can the use of these lots.

**Proposed Land Division:** The Certified Survey Map proposes three lots. Lot 1 is proposed to be 12,575 square feet. Lot 2 is proposed to be 20,190 square feet. Lot 3 is proposed to be 25,545 square feet. Staff is recommending that future land division of these lots is prohibited in order to preserve the development potential of the lots. Lots 2 and 3 in

particular have deep backyards that could be redeveloped to more intense uses at a future date.

**Consistency with the City of Evansville Comprehensive Plan and Municipal Code:** The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Per the City's Land Division ordinance, all subdivision applications (including CSMs) should be reviewed by the Municipal Services Committee. The review for this application will occur on July 30<sup>th</sup>, 2024. In the future, City staff will work together to ensure that Municipal Services review happens prior to Plan Commission review so that final approvals with fewer conditions can be given at Common Council meetings.

**Recommended Motion:**

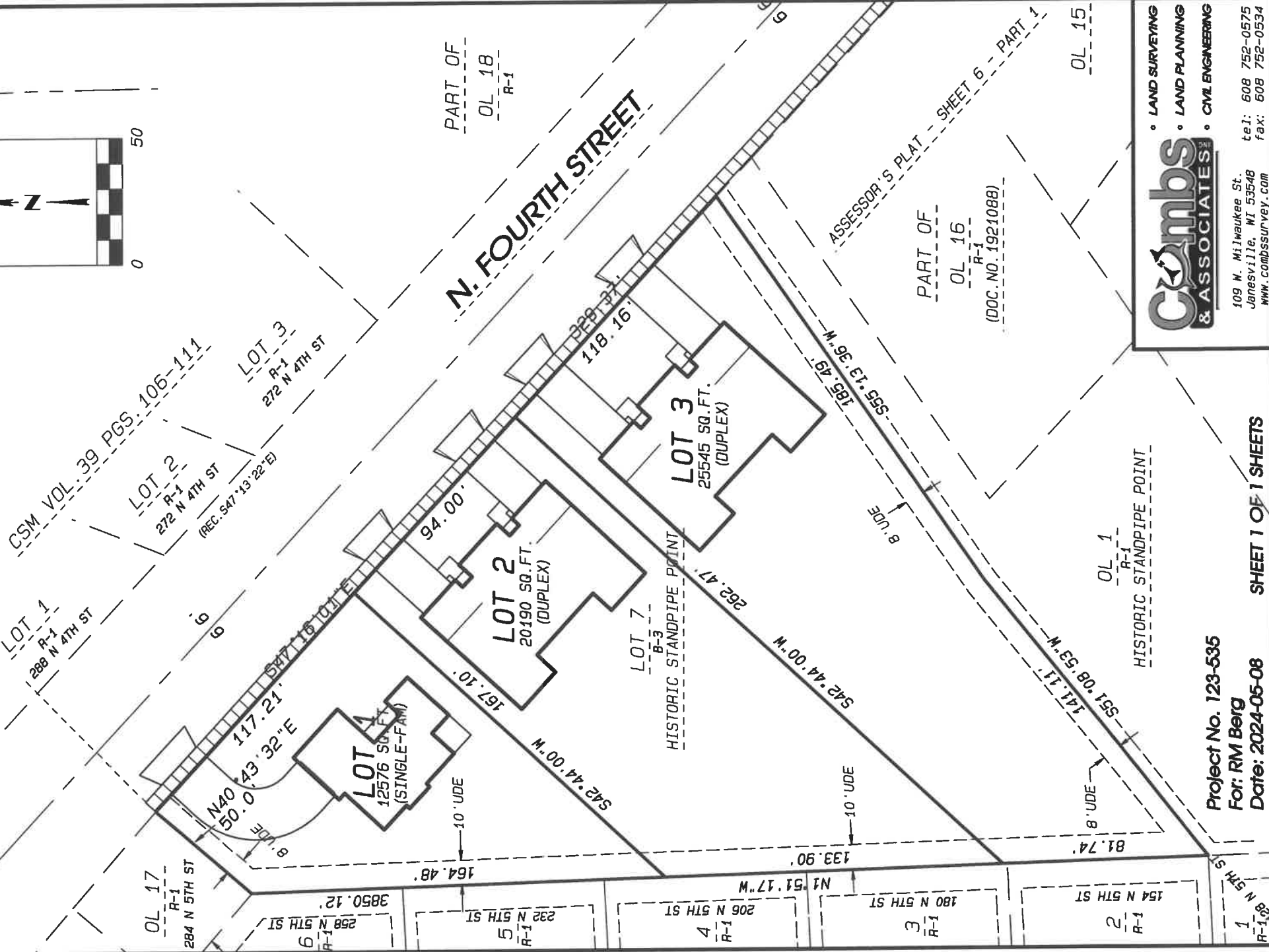
*Motion to recommend Common Council approve a certified survey map to divide parcel 6-27-396.207 in three lots, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:*

- 1. Municipal Services Committee recommends approval of application.*
- 2. 10' utility and drainage easement shown along all side yard lot lines of the proposed lots.*
- 3. Lots 2 and 3 be restricted from future subdivision to preserve future redevelopment opportunities of the site.*
- 4. A final certified survey map is presented to the City prior to Common Council approval.*
- 5. The final CSM is recorded with Rock County Register of Deeds.*

*Motion to recommend Common Council approve Ordinance 2024-07.*

# PRELIMINARY CERTIFIED SURVEY MAP

LOT 7 OF THE HISTORIC STANDPIPE SUBDIVISION PLAT, BEING LOCATED IN THE NE 1/4 OF THE NE 1/4 AND IN THE SE 1/4 OF THE NE 1/4 OF SECTION 28, T.4N., R.10E., OF THE 4TH P.M., CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN.



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tel: 608 752-0575  
fax: 608 752-0534

Project No. 123-535  
For: RM Berg  
Date: 2024-05-08

SHEET 1 OF 1 SHEETS

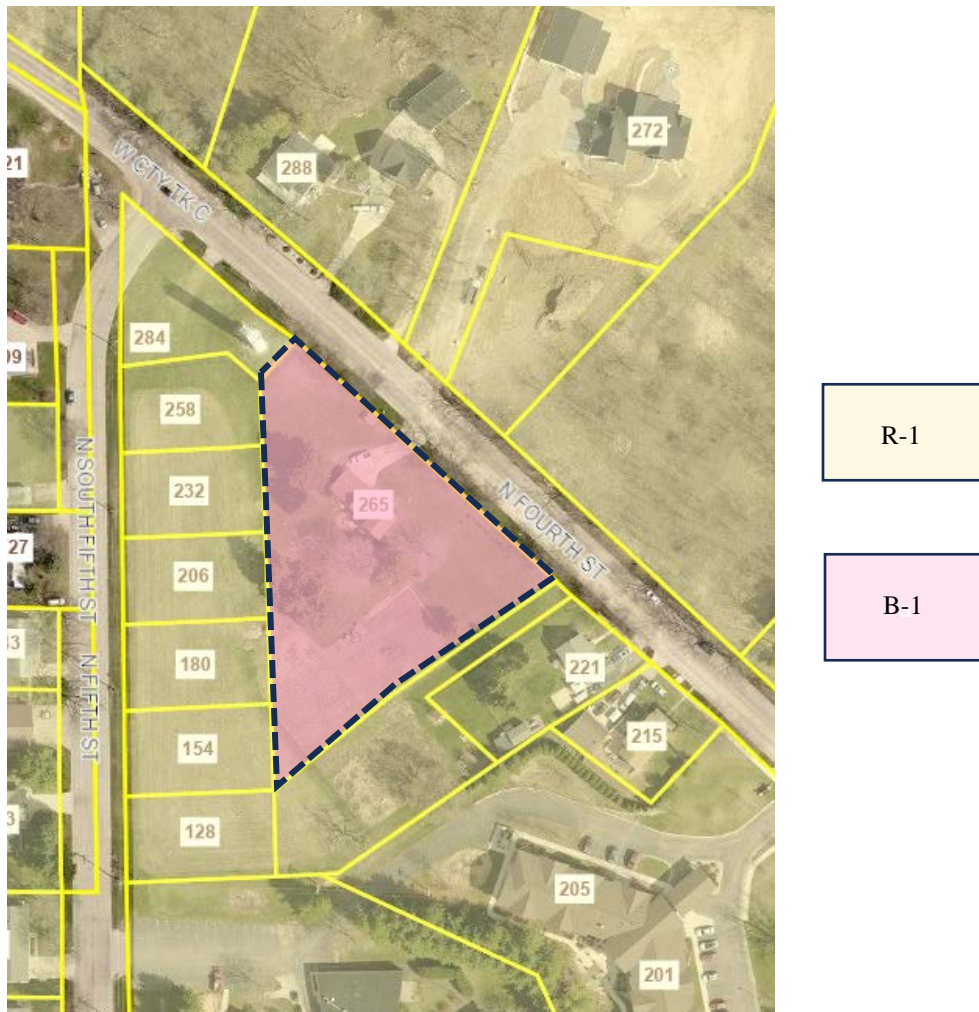


CITY OF EVANSVILLE  
ORDINANCE # 2024-07

**An Ordinance Rezoning Territory from Residential District One (R-1)  
to Local Business District (B-1) on Lot 7 of the Historic Standpipe Point subdivision  
plat (parcel ID 6-27-396.207)**

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

SECTION 1. Zoning Classification. In accordance with Section 130-171 to 130-176, Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, that the zoning classification of parcels be changed from Residential District One (R-1) to Local Business District (B-1). The area to be rezoned is indicated on the map below:





SECTION 2. Zoning Map Amendment. The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Local Business District (B-1).

SECTION 3. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_\_ day of August, 2024.

Dianne C. Duggan, Mayor

ATTEST:

Leah L. Hurtley, City Clerk

Introduced: 07/09/2024  
Notices published: 06/18/2024, 06/25/2024  
Public hearing held: 07/02/2024  
Adopted: \_\_\_\_\_  
Published: (within 10 days of adoption)

*Sponsor: This ordinance was initiated by a landowner application for a zoning map amendment.*

Drafted on 6/27/2024 by Colette Spranger, Community Development Director



## PLAN COMMISSION STAFF REPORT

**Applications:** SP-2024-02, CUP-2024-02

**Applicant:** Mallon Brothers of Janesville (Culver's Frozen Custard)

**Location:** 60 N Union Street

**Parcel:** 6-27-862 (Tax ID 222 065023)

**Date:** July 2, 2024

Prepared by: Colette Spranger, Community Development Director  
 Direct questions and comments to: [c.spranger@evansvillewi.gov](mailto:c.spranger@evansvillewi.gov) or 608-882-2263

**Description of requests:** The applicant is requesting site plan approval and conditional use permits on a 6 acre site on Evansville's east side. The purpose is to operate a Culver's Frozen Custard franchise. Requested conditional use permits are: Indoor Commercial Entertainment as a principal land use and, In-vehicle Sales/Service and Outdoor Food/Beverage Service as accessory uses.

**Zoning district:** B-3 Community Business and A Agriculture. This parcel has split zoning. The bulk, but not all, of the proposed site plan is contained within the area zoned B-3.

### Staff Analysis of Request:

The applicants have submitted a site plan that depicts locations of the proposed commercial building, parking, and drive-throughs on the acreage.

Surveys of Evansville residents have long expressed a desire for more and varied dining choices; a Culver's would add to the downtown area's selection of restaurants.

There are development constraints on site, including wetlands and floodplain. A floodplain application has been submitted and is reviewed separately.

A summary of the chief issues surrounding the use at this particular location are as follows:

**Shoreland-Wetland Zoning Overlay District.** The City of Evansville has adopted a Shoreland-Wetland zoning ordinance which



*Subject parcel is outlined in red. Red shading indicates the zoning district for B-3 Community Business. Green shading indicates the zoning for A Agriculture.*

limits development in certain wetlands that are also in shoreland areas. This ordinance meets and reflects the standards of NR 117, which are the State's minimum standards for zoning of wetlands within shorelands for incorporated municipalities. This applies to wetlands greater than 5 acres that are located within the shoreland area, which includes floodplains. This zoning district applies to wetlands greater than 5 acres in size and extends 300 feet from the extent of the shoreland area. Per the ALTA and site plans submitted, there are delineated wetlands on this site that are connected to a larger wetland area that is at least 10 acres. The proposed site is also within what is commonly known as the 100 year floodplain. City staff has not yet received verification from the Army Corps of Engineers regarding the status and quality of those wetlands, so at the time of writing staff cannot determine if the area in question is subject to the City's Shoreland-Wetland Zoning overlay or other, more stringent regulation. A delineation was sent into the Army Corps of Engineers for review near the middle of May and the Corps has 60 days to review.

Within the shoreland-wetland district, construction of a restaurant and parking lot is not an allowed use, even by conditional use permit. If the site is verified to be within Evansville's shoreland-wetland zoning overlay district, the applicant may need to petition the Board of Zoning Appeals to rezone this area out of the district. This would involve another public hearing and input from the Wisconsin DNR.

### **Allen Creek & North Union Street Corridor Plan**

The site falls within the Allen Creek and North Union Street Redevelopment and Master Plan area. This master plan was adopted by the Common Council in 2007. It addresses design and development standards within the Union Street corridor east of Allen Creek. This area of the City was developed before current City standards for building and site design. The goal of the master plan is to create a physical tie and design connection between this corridor and the historic downtown. This is done by providing development standards that address design needs for businesses, pedestrians, vehicular traffic, and the streetscape. The main features of these standards are building frontage along the street, robust landscaping, and parking to the side or rear of the building. To date, the City's use of this Plan has resulted in the redevelopment of three sites in this corridor, including the Night Owl and Dollar General. Staff feels confident that this addition to Union Street would be another successful use of the redevelopment plan.

The applicant has accommodated the design principles outlined in the Allen Creek Corridor Plan by means of generous landscaping, a masonry wall to screen the



*Sample covered dining area at another Culver's location*

parking area from view, and amenities such as a bike rack, pedestrian bench, and covered outdoor dining area.

### **Zoning Districts**

The site has split zoning. Most, but not all, of the area proposed for development, is within the area zoned for B-3 Community Business. The remaining 4.5 acres of the site is in the City's Agricultural zoning district. Historically, this has been a holding zone for undeveloped land. On this particular lot, developing the areas within the land zoned Agricultural will be increasing difficult, especially once the area to the south is developed. For this reason, one condition of approval for these applications will involve rezoning the areas not included as part of the developed site in the City's Lowland Conservancy District (C-1). Staff suggests following either wetland, floodplain, or other natural boundary to establish the area zoned C-1. This can be determined once there is further direction given by other authorities regarding wetland status. This will also formally address the parking areas for the restaurant, of which some lays within agriculturally zoned land.

### **Floodplain Zoning**

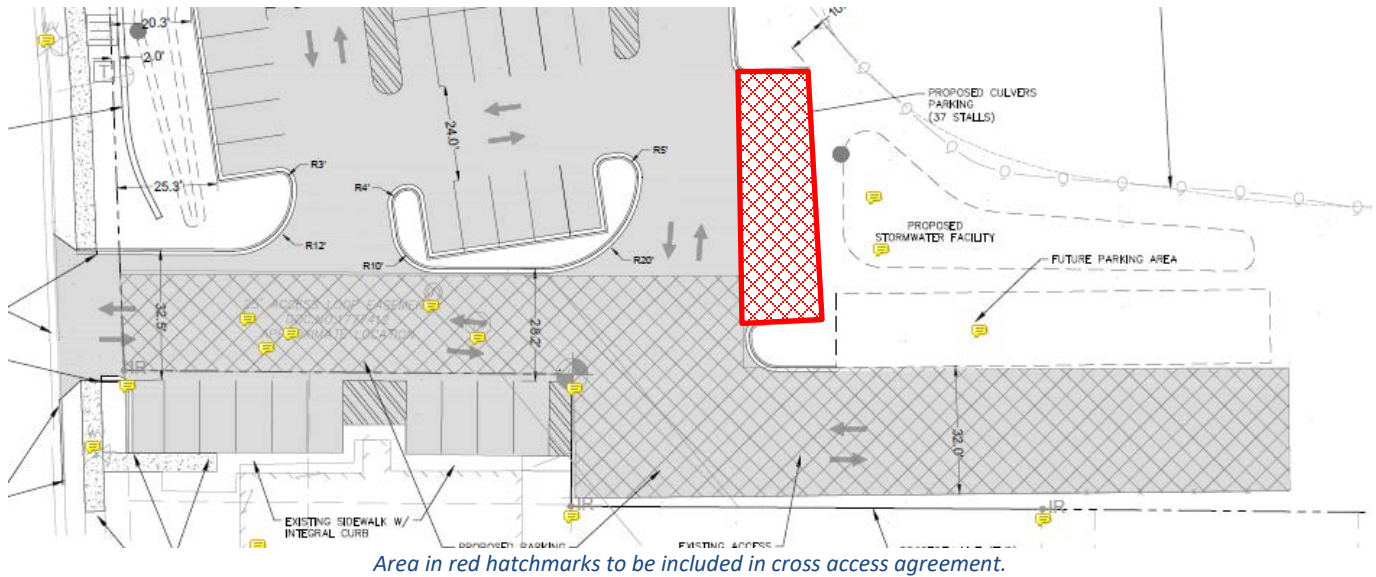
The applicant has submitted an application for floodplain development as the site contains two areas in Zone AE within the floodfringe. These are typically approved outside of Plan Commission, as the requirements for development are not up to interpretation and are determined permitted once conditions are met. Within floodfringe areas Zone AE, development is permitted if the structure is raised on fill at least two feet above base flood elevation. The submitted application does not show any developed areas within the Zone AE floodfringe.

### **Parking**

Staff and applicant have discussed parking throughout the site plan review process. The applicant has been made aware of the City's allowances for parking. The submitted plans show 42 striped parking spaces, including 3 ADA spaces and 4 spaces near the exit, reserved for "order waiting". Per the site plan, approximately 15 cars can fit in the drive through stacking lanes and waiting areas after the drive through service window.

The restaurant is proposed to be open 12 hours a day and serve an average of 900 customers per day. Peak hours are likely to be Friday and Saturday evenings, which typically have 100 cars/hour and 40 employees working during its busiest shift.

Given the utilization of the drive through, walkable location near the downtown, and plans for food delivery service, staff is not recommending that Plan Commission allow more than 31 parking spaces dedicated to the Culver's site. Parking spaces in excess of the 31 allowed spaces should be included in the cross easement area. The current site plan shows 42 spaces; the 7 spaces on the far eastern part of the parking lot should be included in the cross easement agreement.



### Cross Easement Agreement

The applicant has submitted a Cross Easement Agreement to address shared parking between this applicant and the existing user (addressed at 50 Union Street) to the south. It was the City's understanding that there had been some agreement between the owners of the adjacent parcel (parcel ID 6-27-125) and this site's current owner regarding parking usage. There is an existing easement for an access loop from this property to the one to the south, but that agreement has not included any formal permission for parking on the existing pavement. On the site plan, no striped spaces are shown in the easement area, which is on the property the applicants intend to purchase. It does appear to be paved and is currently outside the area zoned for commercial use. Per conversations with the applicant, the City has been clear that any parking on site in excess of what is allowed for this use per the zoning code must be within the easement area and shared with the adjacent property user.

The intention of the cross easement agreement presented tonight was to formalize that usage so that no adverse impact would be felt by other businesses because of Culver's. The easement as presented tonight includes a clause that the applicant can give 30 days notice to the other user for exclusive rights to the lot. If the applicant would like to repave that area and offer it as parking, the cross easement agreement needs to be adjusted to allow the shared parking in perpetuity.

A small area north of the cross access parking area is depicted as a future parking area. That is not approved as part of these applications.

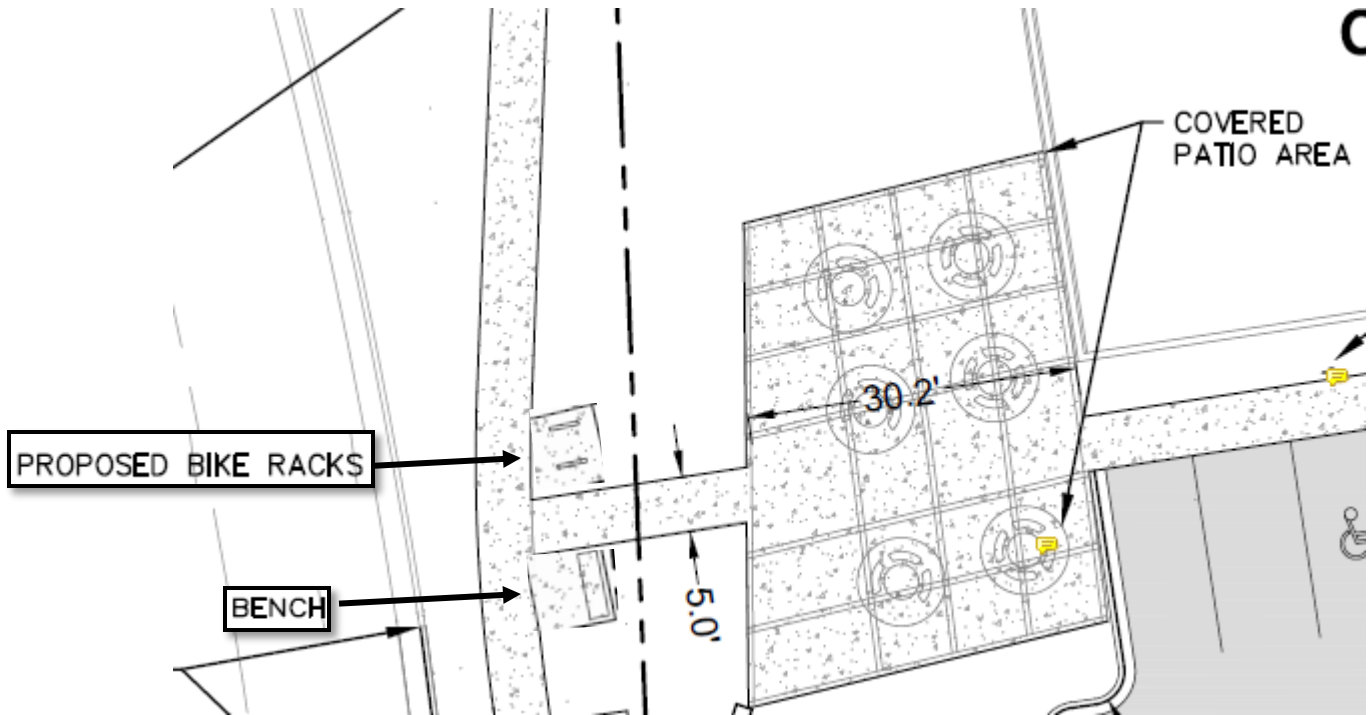
### Landscape Comments

Staff is pleased to see a thoughtful and generous landscape plan that uses native grasses and perennials.



### Miscellaneous Comments

Conditions 12 through 14 of the recommended approval are minor but in staff's opinion, improve how the site functions for pedestrian users. Namely, the bench and bike rack amenities should be moved to either side of the pedestrian walkway from the public sidewalk to the restaurant. Additionally, the bike rack should be positioned so that bikers can pull up their bikes without having to cut across customers walking into the outdoor dining area.



*Adjusted amenity locations.*

### Recommended Motion for Site Plan and Conditional Use Applications

Motion to approve a Site Plan and Conditional Use Permits for Indoor Commercial Entertainment (per section 130-408), In-vehicle sales/service (per section 130-4070, and Outdoor Commercial Food and Beverage Service )per section 130-538) on parcel 6-27-832 located at 60 North Union Street, finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a Conditional Use Permit set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

1. By September 1<sup>st</sup>, 2024, provide a letter from an assured delineator or Army Corps of Engineers/Wisconsin Department of Natural Resources regarding wetland location, quality, and susceptibility in order to apply stormwater standards and determine shoreland-wetland status.

2. Site and user to comply with Chapter 100 (Shoreland-Wetland Zoning) of the City of Evansville Municipal Code, as may be amended, in addition to any DNR wetland requirements and approvals.
3. Site and user to comply with Chapter 104 (Stormwater Management), as may be amended, which may result in changes to setbacks from protected areas as defined in Section 104-6(5).
4. Applicant to address any comments from City Engineer and Municipal Services Director regarding stormwater management plans, erosion control, site grading, and utility plans.
5. Site and user remain compliant throughout construction and operation with Chapter 48 (Erosion Control), Chapter 54 (Flood Area Zoning), and Chapter 130 (Zoning) of the City of Evansville Municipal Code, as may be amended.
6. By September 1<sup>st</sup>, 2024, submit a rezoning application and land division application to create an outlot for remaining undevelopable lands and to rezone that outlot to C-1 Lowland Conservation.
7. 31 parking spaces total are allowed for this site plan and conditional use. Any additional spaces on the applicant's site must be included in the cross access and parking easement with the neighboring parcel to the south.
8. No future parking area is approved as part of this site plan application.
9. Adjust Cross Access and Parking Easement to be non-revocable between both parties and provide parking rights in perpetuity for users of parcel 6-27-125.
10. By September 1, 2024, submit an executed Cross Access and Parking Easement to City staff. Easement to be recorded with the Rock County Register of Deeds.
11. Southern driveway access to be narrowed to 25 feet in width at sidewalk.
12. Outdoor patio dining area to be at least 1,300 sq ft (as shown on site plan dated June 7, 2024) and to be covered.
13. Public sidewalk to be extended to end of parcel owned by applicant.
14. Bike rack and bench to be moved to either side of pedestrian connection from public sidewalk.
15. Street trees to be planted every 40' -60' as space allows in adjoining terrace.
16. All exterior lighting is to be dark sky compliant.
17. Signs to be permitted by separate application. Per the North Union Street & Allen Creek Corridor Plan, no backlit box signs with translucent faces, pole, or electronic message signs will be permitted. One monument and one wall sign will be permitted.

18. The business operator shall obtain and maintain all City, State, County, and Federal permits and licenses as may be required.
19. Any substantial changes to the business model shall require a review of the existing conditional use permit.
20. Any change to site plan application submittals shall be reviewed and approved per section 130-206 of the Municipal Code.
21. Use cannot create a public nuisance as defined by local and state law.
22. The Conditional Use Permit is recorded with the Rock County Register of Deeds.



**Chapter 130 Review Criteria and Standards**

The following section compares the site plan with the basic provisions of the base zoning district and other considerations of how the site functions, both internally and within its environs.

**Site Plan Criteria Evaluation**

Section 130-131 of the Municipal Code, includes factors for evaluating site plans.

Criteria	Staff Comment
1. Site Design and Physical Characteristics	<ul style="list-style-type: none"> <li>Wetland delineation will determine any additional setbacks related to the City's stormwater management program. Submitted plans show the least restrictive of those standards; City engineer to advise on necessary setbacks.</li> <li>Southern access driveway width to be narrowed to 25' at the sidewalk.</li> </ul>
2. Site location relative to public road network	<ul style="list-style-type: none"> <li>On Union Street/USH 14</li> <li>Two access points proposed. One to be shared with adjacent existing user to the south.</li> </ul>
3. Land Use	<ul style="list-style-type: none"> <li>Future land use is for Mixed Use and Open Space/Conservation within the lot area. Areas planned for Open Space/Conservation may have development constraints that require careful consideration before development can be approved.</li> </ul>
4. Traffic Generation	<ul style="list-style-type: none"> <li>Applicant estimates 900 daily customers with peak traffic reaching 100 cars/hour on Friday/Saturday evenings</li> <li>Average daily traffic generated along Union Street</li> <li>Applicant indicates some of these orders will be fulfilled via delivery services.</li> </ul>
5. Community Effects	<ul style="list-style-type: none"> <li>Would generate a demand for 60 jobs, mix of part/full time positions</li> <li>Increases dining choices for Evansville residents</li> </ul>
6. Other Relevant Factors	<ul style="list-style-type: none"> <li>Site is subject to the design standards outlined in the Allen Creek and North Union Street Redevelopment Plan. Once parking, landscape, and minor adjustments are met, site plan will meet these additional standards.</li> </ul>

<b>Zoning District Requirements (Ch 130, Article VIII, Division 7)</b>			
<b>Sec. 130-1187. Requirements for non-residential uses.</b>	<b>B-3 Community Business</b>	<b>Culver's Frozen Custard</b>	<b>Met?</b>
<b>1. Non-Residential Intensity</b>			
a. Maximum # of Floors	4	1	
b. Minimum Landscape Surface Ratio	15%	35%	
c. Maximum Building Coverage	60%	9%	
d. Maximum floor area ratio	1.5	.09	
e. Minimum lot area	9,000 sq ft	62,980 sq ft	
f. Maximum building size	20,000 sq ft per floor	4,140 sq ft (plus ~1,300 sq ft of patio space)	
g. Maximum Parking Lot Street Frontage	50%	Parking lot screened via masonry wall	
<b>2. Nonresidential bulk/lot dimensions</b>			
a. Minimum lot area	9,000 sq ft	62,980 sq ft	
b. Minimum lot width	70 feet	OK	
c. Minimum street frontage	50 feet	OK	
<b>3. Minimum setbacks and building separation</b>			
a. Building to Front/Street Side Lot Line Either of above next to ROW of 100+ feet	10 feet 35 feet	OK	
b. Building to resident. side lot line	10 feet	n/a	
c. Building to resident. rear lot line	25 feet	n/a	
d. Building to nonres. side lot line	10 feet or 0 feet on zero lot line side	OK	
e. Building to nonres. rear lot line	25 feet	OK	
f. Min paved surface setback- Side/rear	5 feet	Violated on south side; see notes about parking easement	
Min paved surface setback -Street	10 feet	OK	
g. Min building separation	12 feet, or 0 feet on zero lot line side	n/a	
<b>4. Max Building Height</b>	40 feet	23'3"	

Sec. 130-408. Indoor Commercial Entertainment	Culver's Frozen Custard	Met?
a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of residentially zoned property.	n/a	
b. The facility shall provide a bufferyard along all borders of the property abutting residentially zoned property with a minimum opacity per section 130-270.	n/a	
c. One space per every three patron seats or lockers (whichever is greater), or one space per three persons at the maximum capacity of the establishment, whichever is greater	43 spaces plus stacking lanes (see comments below)	

Sec. 130-407. In-Vehicle Sales or Service.	Culver's Frozen Custard	Met?
a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes.	No pedestrian crossings for customers in drive-through areas. Marked crossing area for workers suggested in "order waiting" area	
b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.	Achieved	
c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.	Achieved	
d. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.	Proposed plans meet standards.	
e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four-ton axle load.	Proposed plans meet standards.	
f. The facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see section 130-270).	n/a	
Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass-through window and 40 feet beyond the pass-through window.	Combined order lanes exceed 100 feet of stacking length	

Key:

Green = compliant

Yellow = legal but may require further inspection

Red = non-compliant

"OK" denotes a condition that is currently existing and/or conforming the zoning district.

**Other Relevant Zoning Code Standards**

<b>Landscape Regulations</b> <b>(Article IV, Ch. 130)</b>	
60 points per 1,000 sq ft of new impervious surface <b>39,107 sq ft impervious surface ÷ 1,000 square feet</b>	
<b>Total Landscape Points Needed    2,346 pts</b>	
<b>Total Landscape Points Provided    2,430 pts</b>	

<b>Performance Standards</b> <b>(Article III, Ch. 130)</b>	
No concerns regarding this site plan causing nuisances or adverse impacts related to air pollution, fire/explosive hazards, glare/heat, liquid/solid wastes, noise, odors, radioactivity, electrical disturbances, or vibration. DNR approval will address water quality in relation to nearby wetlands.	

<b>Parking</b> <b>(Article XI, Ch. 130)</b>	
<b>Loading Spaces.</b> Required to allow for the loading and unloading of vehicles off the public right-of-way. <i>Not shown.</i>	
<b>Parking Spaces</b> Zoning code offers two calculations for parking minimums for this type of use. Staff is suggesting the more generous of the two. Total parking spaces are capped at 15% of the minimum. <ul style="list-style-type: none"> <li>1 parking stall per 300 sq feet of gross floor area is required.</li> </ul> <u>OR</u> <ul style="list-style-type: none"> <li>1 parking stall per 3 customer seats.</li> </ul> <i>Floor plan shows 81 seats. This comes out to 27 spaces minimum, <u>31 maximum</u>.  Site plan shows 42 spaces, including the 3 ADA spaces and 4 order waiting spaces.  Extra 7 spaces to be eliminated or included as part of parking easement.</i>	
<b>ADA parking spaces</b> 2 Accessible parking stall required per 26 to 50 total parking spaces on site. <i>Plans show 3 accessible spaces.</i>	

<b>Signs</b> <b>(Article X, Ch. 130)</b>	
A sign permit application has been received and will be address separately. Per the North Union Street and Allen Creek Corridor Plan, no backlit box signs with translucent faces, pole, or electronic message signs will be permitted. One monument and one wall sign will be permitted.	

**CROSS EASEMENT AGREEMENT**

**THIS AGREEMENT** is made to become effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024 (the "Effective Date") by and between Ronald R. Mallon as Trustee of the Revocable Trust of Ronald R. Mallon and Barbara E. Mallon dated 12/8/1998 as amended and restated on 9/30/2016 (collectively "Mallon") and Whiskey Throttle Bar, Grill & Pizzeria, Inc. ("Whiskey"), a Wisconsin corporation. Mallon and Whiskey are sometimes referenced in this Agreement collectively as the "Parties" and individually as a "Party".

**WHEREAS**, Mallon is the owner of certain real property located at 60 N. Union Street, Evansville, WI, as more particularly described in attached Schedule A which is incorporated herein by reference (the "Mallon Property");

**WHEREAS**, Whiskey is the owner of certain real property located at 50 N. Union Street, Evansville, WI, as more particularly described in attached Schedule B which is incorporated herein by reference (the "Whiskey Property");

**WHEREAS**, the Whiskey Property adjoins the southeastern boundary of the Mallon Property; and

**WHEREAS**, Mallon and Whiskey desire to confirm and establish certain easements and other rights in their respective properties in accordance with the terms of this Agreement.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. **Shared Parking Easement.** Mallon grants to Whiskey for the benefit of Whiskey and employees, agents and representatives of Whiskey (collectively "Users") conducting business on or about the Whiskey Property during the time period in which Whiskey is the title owner of the Whiskey Property and the Whiskey Property is used for the operation of a bar, grill and pizzeria business, a non-exclusive easement (the "Shared Parking Easement") for the following purposes:

- A. To use and occupy during business hours up to twenty (20) parking spaces located on that portion of the Mallon Property identified as the "Shared Parking Area" in the Site Plan attached as Schedule C which is incorporated herein by reference (the "Site Plan"), for employee parking and overflow vehicular parking when available parking spaces on the Whiskey Property are fully occupied; and
- B. For vehicular and pedestrian ingress and egress to and from Union Street and the Whiskey Property by Users of the Whiskey Property.

It is intended that the area covered by the Shared Parking Easement be used by Whiskey primarily for employee parking and for overflow parking for Whiskey's customers only when available parking spaces on the Whiskey Property are fully occupied and parking spaces in the Shared Parking Easement are available for use. Tenants, customers, invitees and other users of the Mallon Property (collectively "Mallon Users") shall have the right to use and occupy the Shared Parking Easement at all times. If at any time Mallon requires the exclusive use of the parking spaces covered by the Shared Parking

Recording Area

Name and Return Address

Attorney Michael E. Grubb  
Olm & Associates  
P.O. Box 37  
Whitewater, WI 53190

See Attached

Parcel Identification Numbers

See Attached

Computer Identification Numbers

Easement in order to meet or comply with applicable federal, state and/or local laws, regulations or ordinances, Mallon shall have the right to terminate the Shared Parking Easement upon thirty (30) days prior written notice to Whiskey. Nothing contained herein shall be construed to allow Whiskey to occupy parking spaces on the Mallon Property outside the Shared Parking Easement or in a manner that would cause insufficient or inadequate parking to serve Mallon Users on the Mallon Property and/or as necessary for the proper operation of the Culver's restaurant business and/or any other future business on the Mallon Property. Mallon shall have the right to promulgate rules, restrictions and regulations governing the use, maintenance, operation and enjoyment of the parking lot and other areas within the Shared Parking Easement; provided, however, that no such rules, restrictions or regulations shall serve to prevent the reasonable enjoyment of the easement rights granted to Whiskey hereunder.

2. **Joint Access Easement.** Mallon grants to the Whiskey for the benefit of Whiskey and all present and future owners and Users of the Whiskey Property and Whiskey grants to Mallon for the benefit of Mallon and all present and future Mallon Users and owners of the Mallon Property a perpetual non-exclusive easement for ingress from and egress to each Property from Union Street at the driveway access point located on or about the boundary line between the Mallon Property and the Whiskey Property and designated as the "Joint Access Area" in the attached Site Plan (the "Joint Access Easement"). The area covered by the Joint Access Easement shall be approximately \_\_\_\_\_ (\_\_\_\_) feet wide, approximately one-half of which will be situated on the Mallon Property and approximately one-half of which will be situated on the Whiskey Property.

3. **No Barriers.** Except as identified in the Site Plan, neither Party shall install curbs, barriers, fences, dividers or other obstructions which would interfere with, prohibit or discourage the free and uninterrupted flow of vehicular and pedestrian traffic to and from the Mallon Property and the Whiskey Property as contemplated by the Joint Access Easement. Neither Party shall take any action that will interfere with the use and enjoyment of the Joint Access Easement by the other Party and/or Users of the other Party's property.

4. **Expenses.** The cost of construction and striping of the paved parking spaces in the Shared Parking Area and the access driveway in the Joint Access Easement shall be shared by Mallon and Whiskey as follows: \_\_\_\_\_

5. **Maintenance and Improvements.** After the parking lot improvements and access drive improvements contemplated by the attached Site Plan are constructed, the Parties agree to share expenses associated with the ongoing use, repair, maintenance and replacement of the improvements in the Shared Parking Easement and the Joint Access Easement as follows: \_\_\_\_\_

Each Party agrees to keep and maintain said Party's Property in good condition and repair and at a standard of quality consistent with first class commercial centers in the Evansville, Wisconsin area including, but not limited to, periodic patching, re-surfacing and re-striping and keeping the area in a neat and safe condition free of accumulated paper, debris, other refuse, snow and ice for the uses and purposes described in this Agreement. If a Party fails to properly repair, maintain or improve said Party's Property, the other Party shall have the right, but not the obligation, to perform or arrange for performance of any such repairs, maintenance and/or improvements and charge the cost thereof to the non-performing Party. Such right to repair, maintain and/or improve the other Party's Property shall be exercised only upon thirty (30) days prior written notice describing the specific repairs, maintenance and/or improvements to be completed. The Party performing the repairs, maintenance and/or improvements on the non-performing Party's Property as provided herein shall be reimbursed by the non-performing Party for all costs and expenses relating thereto within fifteen (15) days after presentation to the non-performing Party of an invoice or other documentation showing the cost of labor performed and materials provided therefore. The Party to which reimbursement is owed under this provision shall have all rights and remedies available at law or in equity including, but not limited to, the right to collect all amounts owed and the right to terminate the easement

rights granted to the non-performing Party hereunder. Notwithstanding the foregoing or any other provision of this Agreement to the contrary, no provision of this Section 5 and no other provision of this Agreement shall relieve or release a Party from any repairs, maintenance and/or improvements caused by, arising from, attributable to or in any way associated with any negligent or willful act or omission of said Party and/or any User of said Party's Property.

6. **Indemnification.** Each Party to this Agreement agrees to indemnify, defend and hold harmless the other Party and said other Party's officers, directors, shareholders, partners, members, trustees, employees, agents and representatives of, from and against any and all liability, suits, actions, claims, costs, damages, compensation, attorneys' fees, other professional fees and expenses of every kind and description (including liability and expenses in connection with loss of life, personal injury and/or damage to property) caused by, arising from, attributable to or in any way associated with any negligent or willful act or omission by said Party and/or said Party's agents, representatives, employees, contractors, subcontractors, suppliers and invitees.

7. **Liability Insurance.** Each Party shall maintain in effect at all times while this Agreement is in effect a commercial general liability insurance policy naming the other Party as an additional insured thereon, to insure against injury to property, person and/or loss of life arising out of the use, occupancy, repair, maintenance and/or improvement of the area covered by the easements granted hereunder with a combined single limit of not less than \$1 million for bodily injury and property damage per occurrence and not less than \$2 million in the aggregate. Each Party shall also maintain workers' compensation coverage to the extent required under Wisconsin law. Said insurance coverage shall be issued by an insurance company or insurance companies duly qualified and licensed to do business in the State of Wisconsin. Each year, each Party shall provide to the other Party a certificate of insurance or other satisfactory evidence confirming the existence of the liability coverage required hereunder and naming the other Party as an additional insured on said coverage. Each certificate of insurance shall provide that the coverage confirmed therein shall not be cancelled, terminated or reduced without not less than thirty (30) days' prior written notice to the Party named as an additional insured therein. It is intended that, from time to time, policy limits on the liability coverage required hereunder will be increased periodically (but not more than once every four (4) years) to reflect the effects of inflation and changes attributable to normal and customary commercial insurance practices in the Rock County, WI area. Each Party agrees not to do or permit anything to be done on said Party's property that will invalidate insurance coverage maintained by the other Party.

8. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin, without regard to the conflict of laws principles thereof.

9. **Entire Agreement/Amendment.** This Agreement sets forth the entire understanding and agreement of the Parties with regard to the subject matter hereof and, as such, supersedes all prior discussions, negotiations, understandings and agreements, whether oral or written. This Agreement shall not be amended or modified in any way except by a written document executed and acknowledged by the Parties hereto and duly recorded in the office of the Register of Deeds of Rock County, Wisconsin.

10. **Notices.** All notices required or permitted under this Agreement shall be personally delivered or sent by certified mail, postage prepaid, return receipt requested, to the other Party addressed as follows:

If to Mallon:

Mallon Revocable Trust  
Att'n: Ronald R. Mallon, Trustee  
3420 Cricketeer Drive  
Janesville, Wisconsin 53546

If to Whiskey:

Whiskey, Throttle Bar, Grill & Pizzeria, Inc.  
Att'n: Deeanna K. Straub  
N3864 County Road F  
Broadhead, WI 53520

Notices shall be effective upon the date of personal delivery or, if sent by certified mail, two (2) business days after the date of proper mailing. Either Party may change the address to which notices must be sent pursuant to this Agreement by written notice to the other Party in the manner set forth above.

12. **Invalidity.** If any term or condition of this Agreement and/or the application of this Agreement to any person or circumstance shall be determined to be invalid or unenforceable for any reason, the remainder of this Agreement shall not be affected thereby and each remaining term and condition shall be valid and enforceable to the fullest extent permitted by law.

13. **Waiver.** No delay or omission by any Party in exercising any right, remedy or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of said right or power. A waiver by a Party of any obligations of the other Party under this Agreement shall not be construed to be a waiver of any further or future breach and/or of any other terms or conditions of this Agreement.

14. **Enforcement.** Either Party shall be entitled to resort to all rights and remedies available at law or in equity in connection with a breach or threatened breach of any term or condition of this Agreement by the other Party including, but not limited to, the right to restrain, enjoin or prevent a breach of this Agreement or obtain any other equitable relief, the right to collect sums owed by the other Party and the right to terminate the easement rights granted to the defaulting Party hereunder. If legal action is initiated by either Party to enforce the terms of this Agreement, the prevailing Party in any such legal action shall be entitled to recover its reasonable attorneys' fees and other costs from the non-prevailing Party.

15. **No Public Dedication.** Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the easements granted hereunder to the general public or for any public purpose whatsoever. Upon request, each Party agrees to cooperate with the other Party to take such measures as may be reasonably necessary to prevent dedication to the public of any portion of said Party's Property, whether by express grant, implication or prescription. Any such measures may include, but are not necessarily limited to, the posting of signs indicating "No Thru Traffic", "No Parking" or similar messages.

16. **Benefit.** The Joint Access Easement shall be binding upon and inure to the benefit of each Party and each Party's respective heirs, representatives and successors in interest and shall run with the land identified herein as the Mallon Property and the Whiskey Property. The Shared Parking Easement shall be held by Whiskey so long as Whiskey is title owner of the Whiskey Property and the Whiskey Property is used for the operation of a bar, grill and pizzeria business. Whiskey's rights under the Shared Parking Easement shall **not** be assignable and shall **not** run with the land without the prior written consent of Mallon. Any such consent by Mallon shall be in writing, properly acknowledged and recorded with the Rock County Register of Deeds.

17. **Mallon's Right of First Refusal.** Mallon and its successors in interest shall have a right of first refusal on any sale, lease or other conveyance of any interest in the Whiskey Property. If at any time, Whiskey receives from a third party a bona fide offer to purchase, lease or otherwise convey all or any portion of the Whiskey Property which Whiskey wishes to accept or Whiskey makes an offer to sell, lease or otherwise convey all or any portion of the Whiskey Property to a third party (collectively an "Offer"), Whiskey shall deliver a copy of said Offer to Mallon in the manner set forth in this Agreement. Within fifteen (15) days after the effective date of delivery of said Offer to Mallon, Mallon may elect to purchase that portion of the Whiskey Property covered by the Offer on the same terms as those set forth in the Offer by delivery of written notice to Whiskey expressly stating that Mallon elects to exercise Mallon's right of first refusal as provided herein. If Mallon fails to deliver said notice exercising Mallon's right of first refusal within said fifteen (15) day period, Mallon's right of first refusal shall terminate as to that Offer; provided, however, that Mallon shall thereafter have a right of first refusal in accordance with the terms of this Section 17 as to any material modification, amendment or revision of the Offer and/or any future sale, lease or other conveyance of all or any portion of the Whiskey Property.

**[SIGNATURES APPEAR ON FOLLOWING PAGE]**



**IN WITNESS WHEREOF**, the Parties have executed this Agreement to become effective as of the Effective Date first written above.

Revocable Trust of Ronald R. Mallon and Barbara E. Mallon    Whiskey Throttle Bar, Grill & Pizzeria, Inc.  
dated 12/8/1998 as amended and restated on 9/30/2016

By: \_\_\_\_\_  
Ronald R. Mallon, Trustee

By: \_\_\_\_\_  
Deanna K. Straub

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of Wisconsin     )  
                                      ) ss  
County of Rock         )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the above-named Ronald R. Mallon in his capacity as Trustee as set forth above to me known to be the person who executed the foregoing instrument and acknowledged the same in said capacity.

\_\_\_\_\_  
Notary Public, Rock County, WI

My Commission: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of Wisconsin     )  
                                      ) ss  
County of Rock         )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the above-named Deeanna K. Straub to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity set forth above.

\_\_\_\_\_  
Notary Public, Rock County, WI

My Commission: \_\_\_\_\_

This instrument was drafted by:  
OLM & ASSOCIATES  
By: Attorney Michael E. Grubb

## **MALLON PROPERTY**

Part of Outlot 22, Sheet 5 of the Assessor's Plat of the City of Evansville, located in the NE 1/4 of Section 27, T.4N., R.10E. of the 4th P.M, City of Evansville, Rock County, Wisconsin, described as follows: Commencing at a survey spike at the East ¼ corner of said Section 27; thence N. 74°50'26"W. 1171.68 feet to an iron pin at the NE corner of Lot 1 of a Certified Survey Map as recorded in Volume 28 of Certified Survey Maps on Pages 183 thru 185, also being at the place of beginning for the land to be herein described; thence N.89°30'48" W. along the North line of said lot 118.52 feet to an iron pin at the SE corner of Outlot 16 of said Sheet 5; thence N.0°42'13"E 33.00 feet to an iron pin at the NE corner of said Outlot 16; thence S.89°30'48"E. 90.69 feet to an iron pin at the SE corner of an existing tract described in Document No. 1415150; thence N.0°29'12"E. 297.00 feet to an iron pin at the NE corner of said tract; thence N.89°30'48"W. 246.84 feet to an iron pin at the most NW corner of said tract; thence Northerly along the Easterly curving line of U.S.H. 14 along a curve convexed Easterly 50.38 feet, having a radius of 622.50 feet and a chord bearing N.26°25'06"W. 50.37 feet to an iron pin at the most Southerly corner of an existing parcel described in Document No. 1500106; thence N.18°14'20"E. along the Easterly line of said parcel 270.98 feet to an iron pin; thence S.89°30'48"E. 387.01 feet to an iron pin; thence S.0°29'12"W. 600.00 feet to an iron pin on the North line of Outlot 15 of said Sheet 5; thence N.89°30'48"W, along said North line 75.80 feet to an iron pin; thence S.0°12'38"E. along the West line of said Outlot 33.00 feet to an iron pin on the North line of Block 11 of the Original Plat; thence N.89°30'48"W. along said North Line 96.89 feet to the place of beginning.

Tax Parcel No. 6-27-862 &  
Tax ID No. 222 065023

## **WHISKEY PROPERTY**

Outlot 17, Sheet 5, Assessor's Plat in the City of Evansville, County of Rock, State of Wisconsin.

Also, part of Outlot 16, Sheet 5, Assessor's Plat, and parts of Lots 6 and 7, Block 11, Original Plat, City of Evansville, County of Rock, State of Wisconsin, described as follows: Beginning at a point on the North line of said Outlot 16, 50 feet West of the Northeast corner of said outlot; thence South, parallel with the East line of said Outlot 16 and said Lot 7, 100 feet; thence West, parallel with East Main Street, to the Easterly boundary of U.S. Highway 14; thence Northerly, along the Easterly line of said Highway 14 to the Southwest corner of Outlot 17, Sheet 5; thence East, along the South line of said Outlot 17, to the Southeast corner thereof; thence North to the Northwest corner of said Outlot 16; thence East, along the North line of said Outlot 16, to the place of beginning.

Also, part of Outlot 16, Sheet 5, Assessor's Plat, and part of Lot 7, Block 11, Original Plat, City of Evansville, County of Rock, State of Wisconsin, described as follows: Beginning at an iron pipe monument at the Northeast corner of said Outlot 16; thence West 50 feet to an iron pipe monument on the North line of said Outlot 16; thence South 100 feet, parallel to and 16 feet East of the West line of said Outlot 16 and Lot 7, to an iron pipe monument; thence East 50 feet, parallel to the North line of said Lot 7, to an iron pipe monument on the East line of said Lot 7; thence North, along the East line of said Lot 7 and Outlot 16, 100 feet to the place of beginning.

Together with a right of way for the purpose of laying and maintaining sewer and water pipes and installation over that part of said Lot 7, Block 11, Original Plat, which runs from the above described real estate to the sewer lying West of the building now located in said Lot 7, this easement shall further give to grantees the right to connect to the water main in the building located on said Lot 7 and grantees shall further have a permanent right to enter upon said premises at all reasonable times for the purpose of maintaining and repairing said facilities whenever the need therefore arises.

Tax Parcel No. 6-27-125  
Tax ID No. 222 0001126

**SITE PLAN**

DRAFT





# ALTA \ NSPS LAND TITLE SURVEY

Lot 1 of a Certified Survey Map recorded October 10, 2006, as Document No. 1767449, in Volume 30 of Certified Survey Maps, on Pages 240-242, in the office of the Register of Deeds for Rock County, Wisconsin; being part of Outlot 22, Sheet 5, Assessor's Plat, City of Evansville, County of Rock, State of Wisconsin.

TO: RONALD MALLON;  
CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6B, 8, 9, 11A, 13, 14 AND 16 OF TABLE A THEREOF AND COMPLIES WITH CHAPTER AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE. THE FIELD WORK WAS COMPLETED ON JANUARY 24, 2023

DATE OF PLAT OR MAP: JANUARY 23, 2024

RYAN M. COMBS, PLS NO.2677

NOTE: THIS SURVEY IS BASED ON TITLE COMMITMENT NO. RR320552COM, ISSUED BY CHICAGO TITLE INSURANCE COMPANY DATED DECEMBER 13, 2023.

NOTE: THE TITLE COMMITMENT LISTS THE ADDRESS FOR THE SUBJECT PREMISES AS 60 UNION STREET, EVANSVILLE WI 53536.

NOTE: THE SUBJECT PREMISES IS LOCATED IN ZONE AE AND ZONE X ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO.55105C0016E WITH AN EFFECTIVE DATE OF 9-16-2015.

NOTE: THE SUBJECT PREMISES CONTAINS 6.00 ACRES.

NOTE: SURVEYOR WAS NOT FURNISHED A ZONING LETTER OR ZONING REPORT IN REGARD TO ITEM 6B OF TABLE A.

NOTE: THERE ARE ZERO STRIPED PARKING STALLS.

NOTE: SURVEYOR WAS NOT PROVIDED PLANS OR REPORTS BY CLIENT. LOCATIONS OF UNDERGROUND UTILITIES ARE SHOWN AS LOCATED ON THE GROUND BY DIGGER'S HOTLINE TICKET NO.20240202252

NOTE: NAMES OF ADJOINING OWNERS WERE TAKEN FROM THE ROCK COUNTY GIS WEBSITE.

NOTE: SURVEYOR OBSERVED NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS IN THE PROCESS OF CONDUCTING THE FIELDWORK.

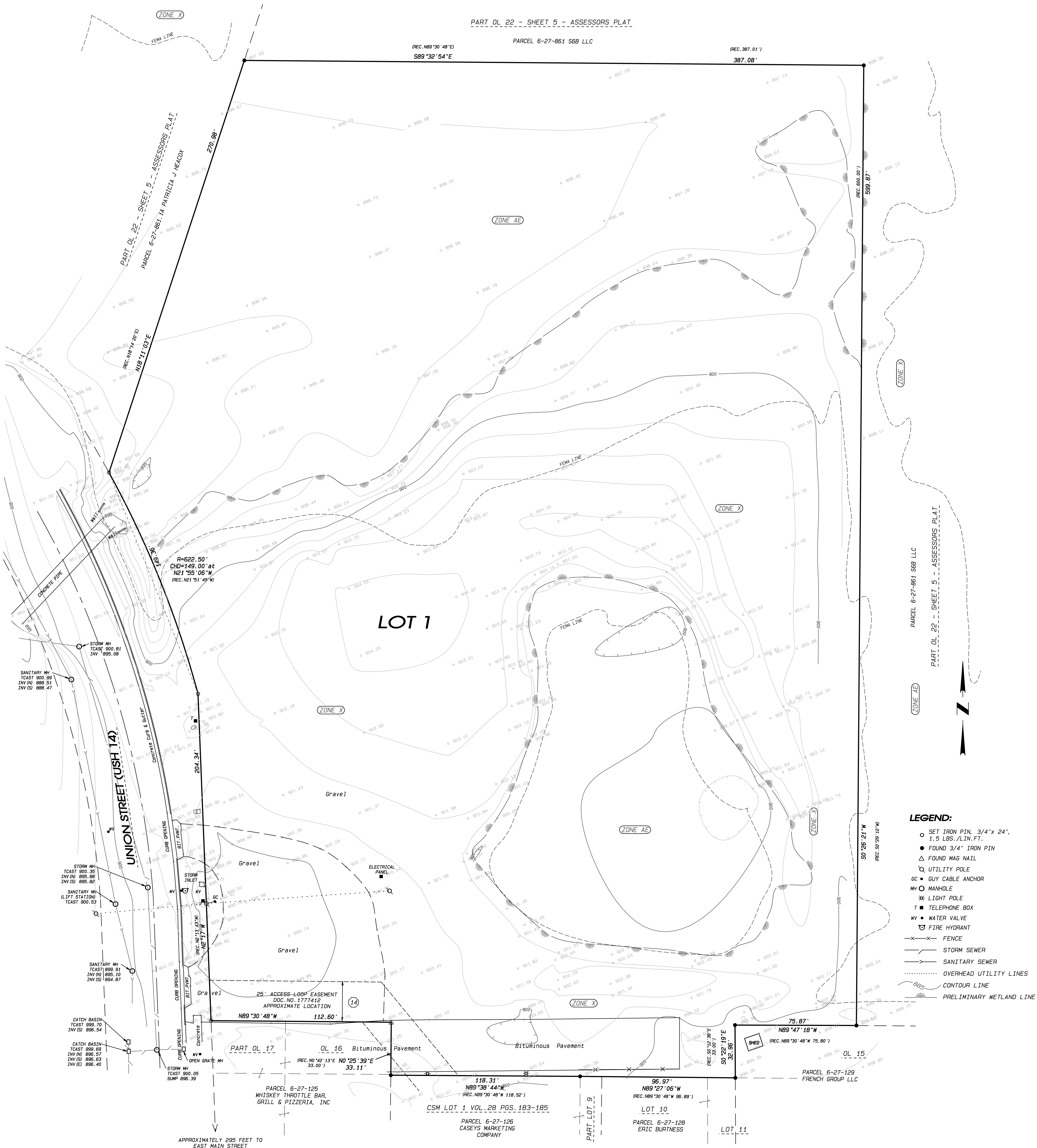
NOTE: ASSUMED S89°32'54"E ALONG THE NORTH LINE OF SAID LOT 1.

SCHEDULE B-II EXCEPTION NOTES:

12. Easement to Wisconsin River Power Company, dated 08/23/1920, recorded 09/22/1920, in Volume 225 of Deeds, Page 130, as Document No. 296609. (AFFECTS THE SUBJECT PROPERTY - AMBIGUOUS LOCATION OF EASEMENT - UNABLE TO PLOT.)

13. Notation as set forth on Certified Survey Map, recorded 10/10/2006, in Volume 30 of Certified Survey Maps, Page 240-242, as Document No. 1767449, stating as follows: Utility Easements as set forth are for the use of public bodies and private public utilities having rights to serve the platted area. (WHILE THIS NOTE APPEARS ON DOC.NO.1767449, NO UTILITY EASEMENT WAS CREATED BY SAID DOCUMENT.)

14. Terms, conditions, provisions and rights of others pertaining to the use and maintenance of the easements set forth in an Easement Agreement dated 01/10/2007, recorded 01/17/2007, as Document No. 1777412. (APPROXIMATE LOCATION SHOWN ON MAP.)



**LEGEND:**

- SET IRON PIN, 3/4" X 24",  
1.5 LBS./LIN.FT.
- FOUND 3/4" IRON PIN
- FOUND MAG NAIL
- ⌵ UTILITY POLE
- GC ○ GUY CABLE ANCHOR
- MH ○ MANHOLE
- ✕ LIGHT POLE
- TELEPHONE BOX
- WV ○ WATER VALVE
- ⌵ FIRE HYDRANT
- X—X— FENCE
- STORM SEWER
- SANITARY SEWER
- ..... OVERHEAD UTILITY LINES
- BBB CONTOUR LINE
- PRELIMINARY WETLAND LINE



109 W. Milwaukee St.  
Janesville, WI 53548

- **LAND SURVEYING**
  - **LAND PLANNING**
  - **CIVIL ENGINEERING**
- tel: 608 752-0575**  
**[www.combssurvey.com](http://www.combssurvey.com)**

DATE	01/09/2024
BY	BFG-SLL
PROJECT NO.	124-005
CLIENT	GULFERS

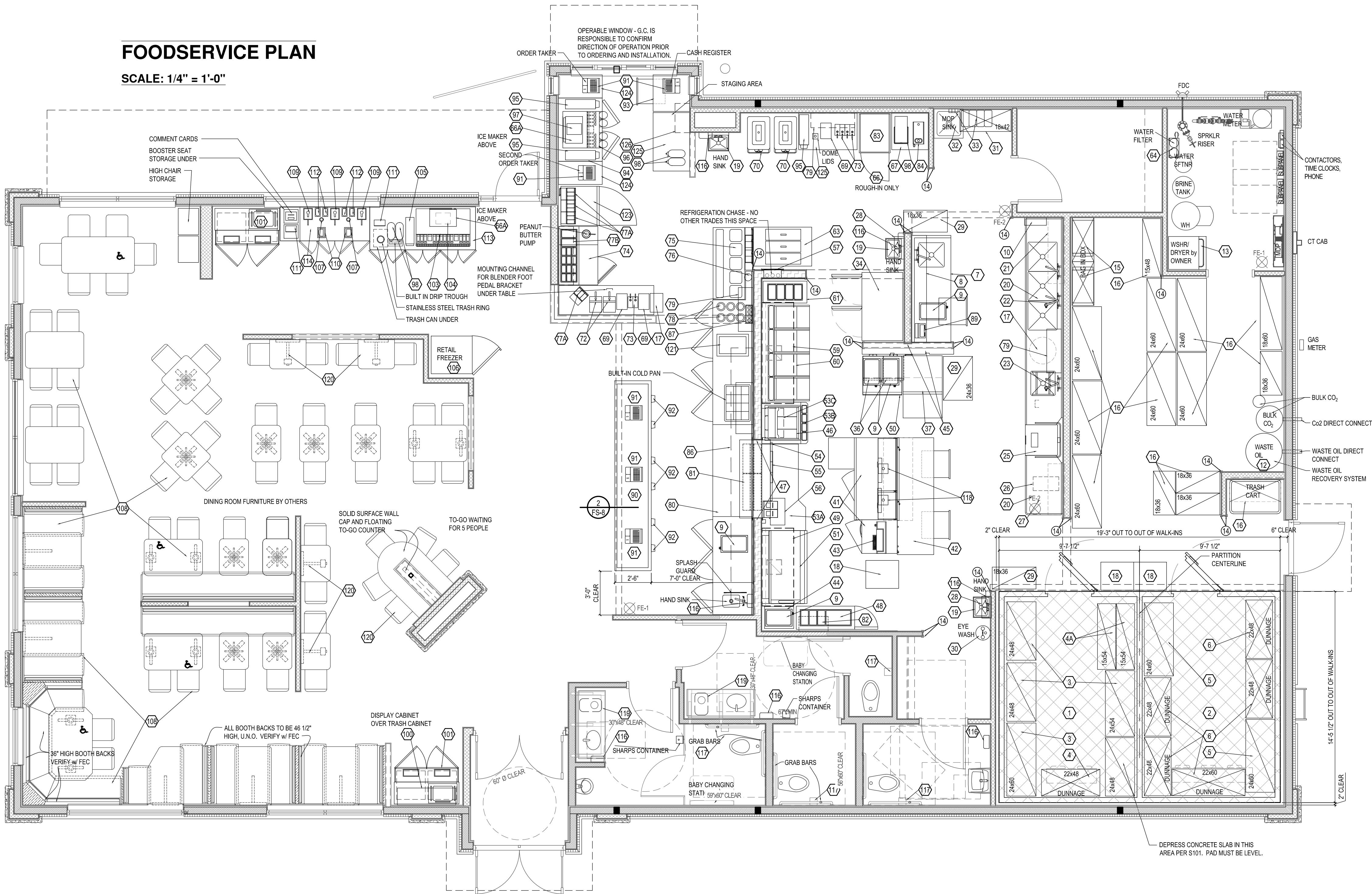


OWNER FURNISHED, FOOD SERVICE EQUIPMENT CONTRACTOR (FSEC) INSTALLED					
ITEM	EQUIPMENT SCHEDULE	ITEM	EQUIPMENT SCHEDULE	ITEM	EQUIPMENT SCHEDULE
1	WALK IN COOLER (BOX, LINE SETS, & COIL DRAIN PIPES)	46	HEATED FRY BIN	81	HEATED PASS-THRU UNIT
2	WALK IN FREEZER (BOX, LINE SETS, & COIL DRAIN PIPES)	47	FRONT PASS-THRU STAINLESS STEEL CHANNEL TRIM	82	TOOL SHELF
3	WALK-IN COOLER RACKS	48	REFRIGERATED MEAT CART	83	REACH-IN REFRIGERATOR
3A	THAWING RACKS - NOT INCLUDED	50	MOBILE WORKTABLE	90	FRONT SERVICE COUNTER
4	WALK-IN COOLER DUNNAGE RACKS	51	GRILL AND STAND	92	CUP DISPENSERS
4A	MOBILE CUSTARD MIX RACKS	52	TRANSFER STATION - ROUGH-IN ONLY	93	STAINLESS STEEL DRIVE-THRU COUNTER
5	WALK-IN FREEZER SHELVING	53A	SANDWICH WRAP STATION LEFT	94	STAINLESS STEEL DRIVE-THRU COUNTER
6	WALK-IN FREEZER DUNNAGE RACKS	53B	SANDWICH WRAP STATION RIGHT	95	CUP DISPENSERS
7	WORKTABLE / SINK	53C	WALL SHELF	100	DISPLAY CABINET
8	WALL SHELF	54	ORDER BARS	101	TRAY / TRASH / RECYCLE CABINETS
11	LOCKERS - NOT INCLUDED	57	STAINLESS STEEL REFRIGERATION CHASE COVER	102	TRAY / TRASH CABINET - NOT INCLUDED
14	STAINLESS STEEL WALL CORNER GUARDS, SHOWN 1A	58	FRY STATION HEAT LAMP - ROUGH-IN ONLY	106	RETAIL FREEZER
16	WIRE SHELVING	60	FRYERS	107	CONDIMENT CUP DISPENSERS
20	DISHTABLES AND UTENSIL SINKS	61	CUSTOM FISH REFRIGERATOR	108	TABLES / CHAIRS / BOOTHS
21	WALL SHELF	62	OPEN NUMBER	109	CONDIMENT DISPENSERS
24	OPEN NUMBER	65	MOBILE STAINLESS STEEL WORKTABLE	110	NAPKIN DISPENSERS
27	SLANTING WALL SHELF	66	ICE MACHINE WITH BIN - ROUGH-IN ONLY	113	BEVERAGE COUNTER
29	CLEAN PAN SHELVING	66A	REMOTE ICE MAKER	114	CONDIMENT COUNTER
31	JANITOR'S SHELVING	67	WORKTABLE	115	OPEN NUMBER
34	REACH-IN FREEZER	68	WALL SHELF	119	WASTE RECEPTACLES
35	OPEN NUMBER	71	OPEN NUMBER	120	HIGH TOP TABLES AND CHAIRS
37	REFRIGERATED DRAWER BASE	74	REFRIGERATED TOPPING TABLE	121	DROP IN CUSTARD COLD PAN
38	DUAL FRY DISPENSER - ROUGH-IN ONLY	75	CUSTARD DIPPING CABINET	123	WORKTOP REFRIGERATOR
39	OPEN NUMBER	76	CAKE CONE DISPENSER	124	WORKTABLES
40	BREAD SHELF - NOT INCLUDED	77A	SUNDAE TOPPING DISPENSERS	125	MOBILE WORKTABLE
41	REFRIGERATED WORKTABLES	77B	SUNDAE TOPPING WALL SHELF	126	SLANTING WALL SHELF
42	MOBILE WORKTABLE / OVERSHELF	78	DISH / CUP DISPENSERS	127	OPEN NUMBER
44	GRILL SIDE WARMER CART	79	WALL SHELVES	505	REFRIGERATION LINE SETS (SEE H6 / A105)
45	STAINLESS STEEL WALLCAP / ELEC CHASE COVER	80	REFRIGERATED S/S BACKCOUNTER		

SEATING SUMMARY			
2	6-PERSON TABLES = 12 SEATS	5	TO-GO / ORDER WAITING
11	4-PERSON TABLES = 44 SEATS		
1	3-PERSON TABLES = 3 SEATS		
11	2-PERSON TABLES = 22 SEATS		
25	TOPS	81	SEATS

## FOODSERVICE PLAN

SCALE: 1/4" = 1'-0"



OWNER FURNISHED, VENDOR INSTALLED			
EQUIPMENT SCHEDULE		EQUIPMENT SCHEDULE	
ITEM		ITEM	
9	COOKER / WARMERS	98	ICED TEA BREWER / DISPENSER
12	WASTE OIL RECOVERY SYSTEM	103	ICE AND SODA DISPENSER
15	BAG-IN-BOX SYSTEM	104	CARBONATOR
17	TRASH CANS / CART	105	SELF SERVICE LID DISPENSER
18	BUN RACKS	111	STRAW DISPENSERS
33	CHEMICAL DISPENSING SYSTEM	112	CONDIMENT PANS
36	MICROWAVE OVEN	118	MONITOR BRACKETS
43	BUN TOASTER		
55	WRAP PAPER HOLDERS		
56	HEATED BUN WARMER		
63	TRIPLE CUSTARD MACHINE		
69	ASTRO BLENDERS		
70	MILKSHAKE MACHINE		
72	HEATED SYRUP DISPENSERS		
73	LIQUID TOPPING DISPENSERS		
84	COFFEE MAKER		
85	POWER WASHER - NOT INCLUDED		
86	MENU BOARD / SIGNAGE PACKAGE		
87	WAFFLE CONE DISPENSER		
89	FOOD LABEL MARKER		
91	CASH REGISTER / POS SYSTEM		
96	ICE AND SODA DISPENSER		
97	CARBONATOR		

NOTE: G.G. TO COORDINATE SOME ITEMS PLACED BY OWNER & NOT BY VENDOR - CONFIRM	
---	--

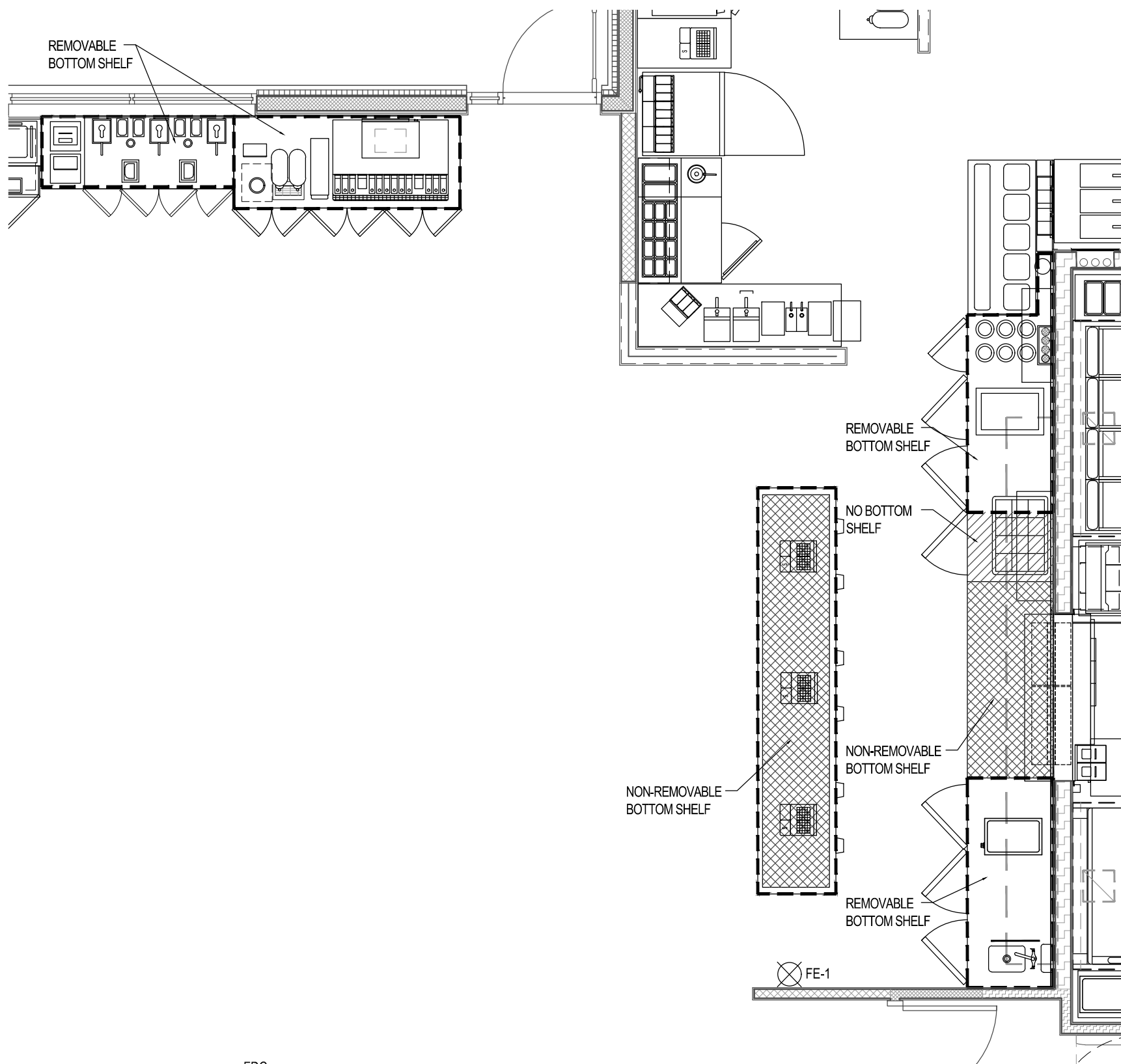
CONTRACTOR FURNISHED, CONTRACTOR INSTALLED	
ITEM	EQUIPMENT SCHEDULE
25A	DISHWASHER CONDENSATE HOOD - NOT INCLUDED
28	FIRE SUPPRESSION SYSTEMS
32	MOP SINK
49	EXHAUST HOOD - GRIDDLE
59	EXHAUST HOOD - FRYERS

### CONTRACTOR FURNISHED, CONTRACTOR INSTALLED

ITEM	EQUIPMENT SCHEDULE
25A	DISHWASHER CONDENSATE HOOD - NOT INCLUDED
28	FIRE SUPPRESSION SYSTEMS
32	MOP SINK
49	EXHAUST HOOD - GRIDDLE
59	EXHAUST HOOD - FRYERS

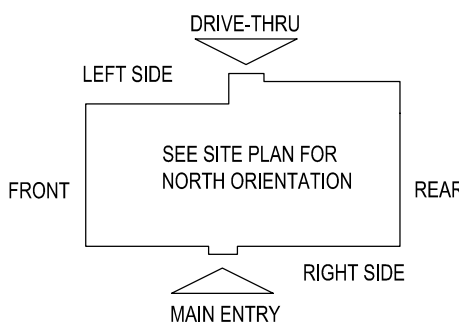
NOTE: SOME ITEMS INSTALLED BY OTHERS REQUIRE ROUGH-IN AND/OR WIRING BY CONTRACTOR AS NOTED IN PLUMBING AND ELECTRICAL SCHEDULES.

OWNER FURNISHED, CONTRACTOR INSTALLED	
ITEM	EQUIPMENT SCHEDULE
10	KETCHUP VOL. PAK DISPENSER
13	WASHER / DRYER
19	HAND SINK
22	PRE-RINSE SPRAY ASSEMBLY
23	PRE-RINSE SPRAY ASSEMBLY
25	DISHWASHER
26	BOOSTER HEATER
30	EYE WASH STATION (CONTRACTOR TO PROVIDE MIXING VALVE PER PLUMBING SCHEDULE)
64	WATER FILTER
116	HAND TOWEL DISPENSERS
117	TOILET PAPER DISPENSERS
300	TRIM PACKAGE (SEE H2 / A103)
	FOOD SERVICE EQUIP. COUNTER BASES (SEE FINISH PLAN)
	SHARPS CONTAINERS
	AED OPTIONAL - CONFIRM WITH OWNER
	MOP HANGER
	ARTWORK (SEE SHEET A103.1)



### C3 CABINET BASE DETAIL

SCALE: 1/4" = 1'-0"



© 2024

NEW CULVER'S RESTAURANT  
Highway 14  
Evansville, WI 53536  
County of ROCK

OWNER:  
OLLMANN ASSOCIATES ARCHITECTS, P.C.  
200 South State Street  
Belvidere, Illinois 61008  
815-544-7790 Phone  
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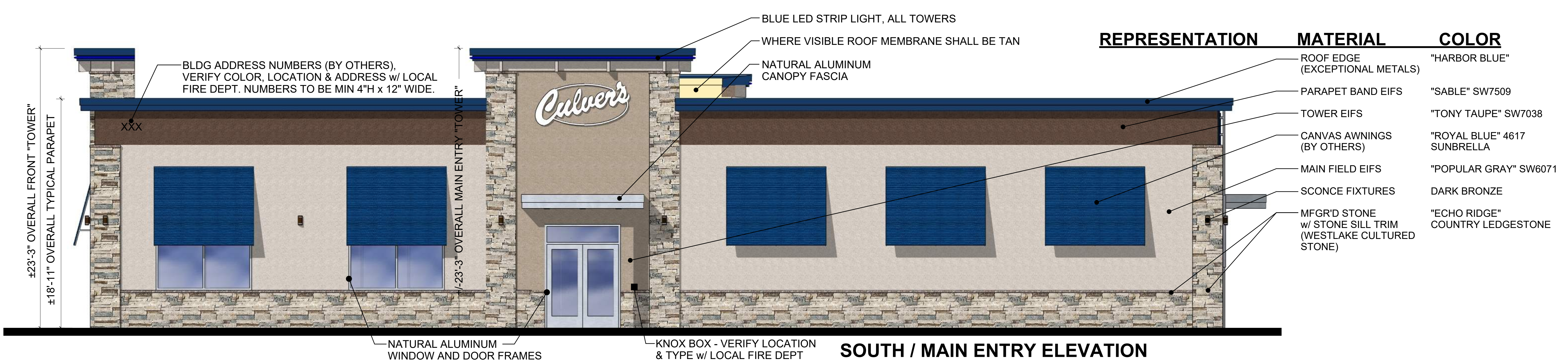
FOOD SERVICE PLAN

Date: 6-7-2024  
Revision:

2023-184

FS-1





TYPICAL FINISHES AND COLORS DEPCITED; FINAL SELECTIONS MAY DIFFER

©2024

NEW CULVER'S RESTAURANT  
Highway 14  
Evansville, WI 53536  
County of ROCK

Culver Franchising System, Inc  
1240 Water Street  
Prairie du Sac, WI 53578  
608-643-7960

OLLMANN ASSOCIATES ARCHITECTS  
200 South State Street  
Belvidere, Illinois 61008  
815-544-7790 Phone

2D ELEVATIONS

NOTE: THOUGH THESE IMAGES HAVE PHOTO  
REALISTIC QUALITIES, THE ACTUAL BUILDING  
MATERIALS MAY VARY IN APPEARANCE.

Date: 6-7-2024  
Revision:

2023-184

A1





REAR LEFT VIEW (NEC)



REAR RIGHT VIEW (SEC)



FRONT RIGHT VIEW (SWC)



FRONT LEFT VIEW (NWC)



LEFT PERSPECTIVE (NORTH VIEW)



RIGHT PERSPECTIVE (SOUTH VIEW)

TYPICAL FINISHES AND COLORS DEPCITED; ACTUAL COLORS SELECTED MAY DIFFER

	
NEW CULVER'S RESTAURANT Highway 14 Evansville, WI 53536 County of ROCK	
 Culver Franchising System, Inc. 1240 Water Street Prairie du Sac, WI 53578 608-643-7960	
OLLMANN ASSOCIATES ARCHITECTS 200 South State Street Belvidere, Illinois 61008 815-544-7790 Phone	
	
3D IMAGES NOTE: THOUGH THESE IMAGES HAVE PHOTO REALISTIC QUALITIES, THE ACTUAL BUILDING MATERIALS MAY VARY IN APPEARANCE. Date: 6-7-2024 Revision:	
2023-184	
	



ISSUED FOR MUNICIPAL REVIEW

CULVER'S FROZEN CUSTARD

60 UNIOIN STREET

EVANSVILLE, WISCONSIN

CALL OR CLICK 3 WORKING DAYS BEFORE YOU DIG

Help Us...  
Help You...  
Protect  
Your Facilities!



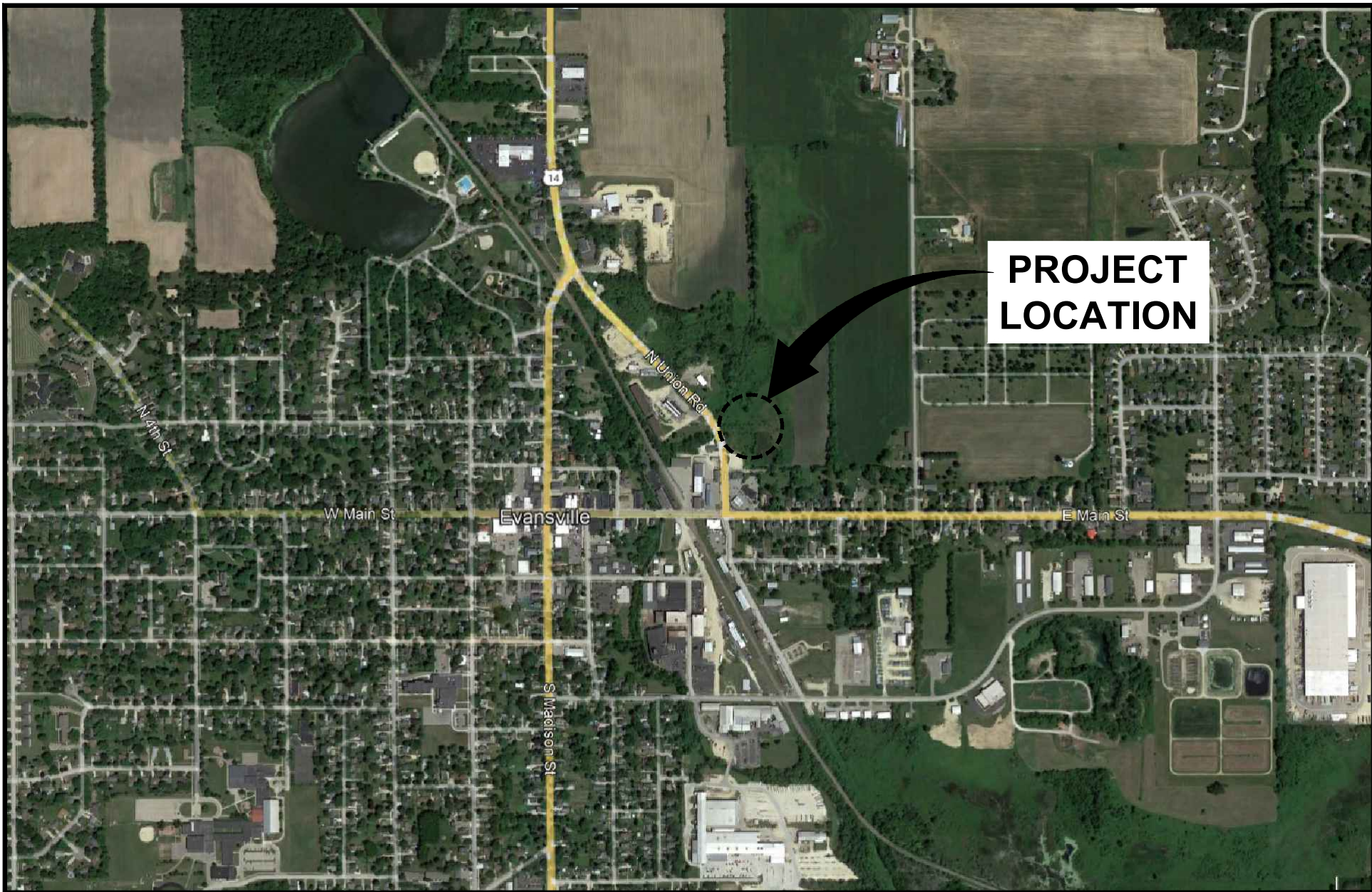
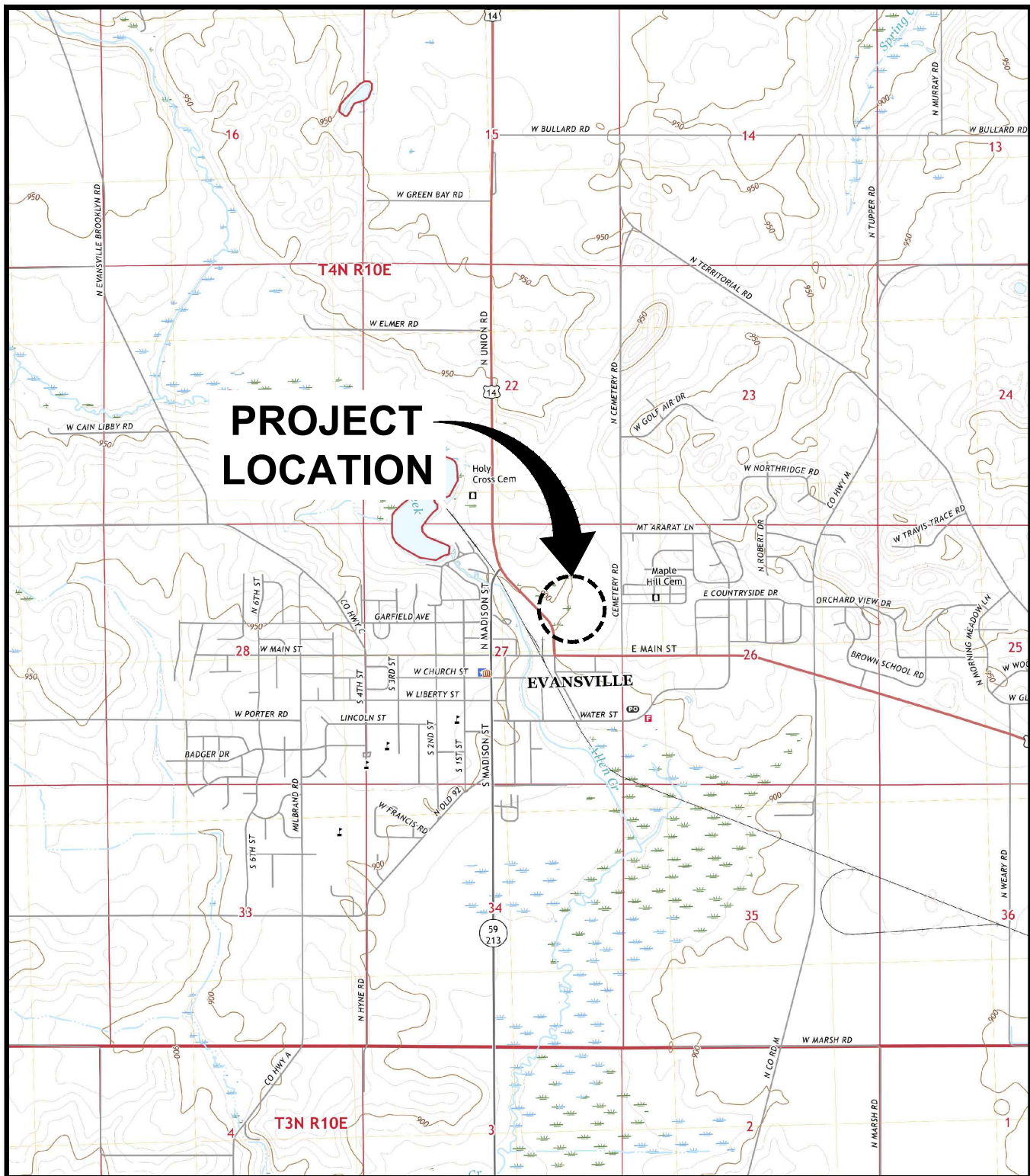
CONTACTS

SITE CONTACT:  
SCOTT MALLON  
2421 W COURT STREET  
JANESVILLE, WISCONSIN  
PHONE: 608-774-1801  
EMAIL: SMALLON1924@YAHOO.COM

ENGINEER/AGENT:  
ENDPOINT SOLUTIONS CORP.  
6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
CONTACT: JASON HEINONEN, P.E.  
PHONE: 414-858-1920  
EMAIL: JASON@ENDPOINTCORPORATION.COM

DRAWING SHEET INDEX

- CS
- COVER SHEET
- C1
- PRE-CONSTRUCTION CONDITIONS
- C2
- DEMOLITION PLAN
- C3
- PROPOSED SITE PLAN
- C4
- PROPOSED GRADING AND EROSION CONTROL PLAN
- C5
- PROPOSED UTILITY PLAN
- C6
- EROSION CONTROL DETAILS
- C7
- CONSTRUCTION NOTES
- C8
- CONSTRUCTION DETAILS
- C9
- CONSTRUCTION DETAILS



DATE ISSUED  
JUNE 7, 2024

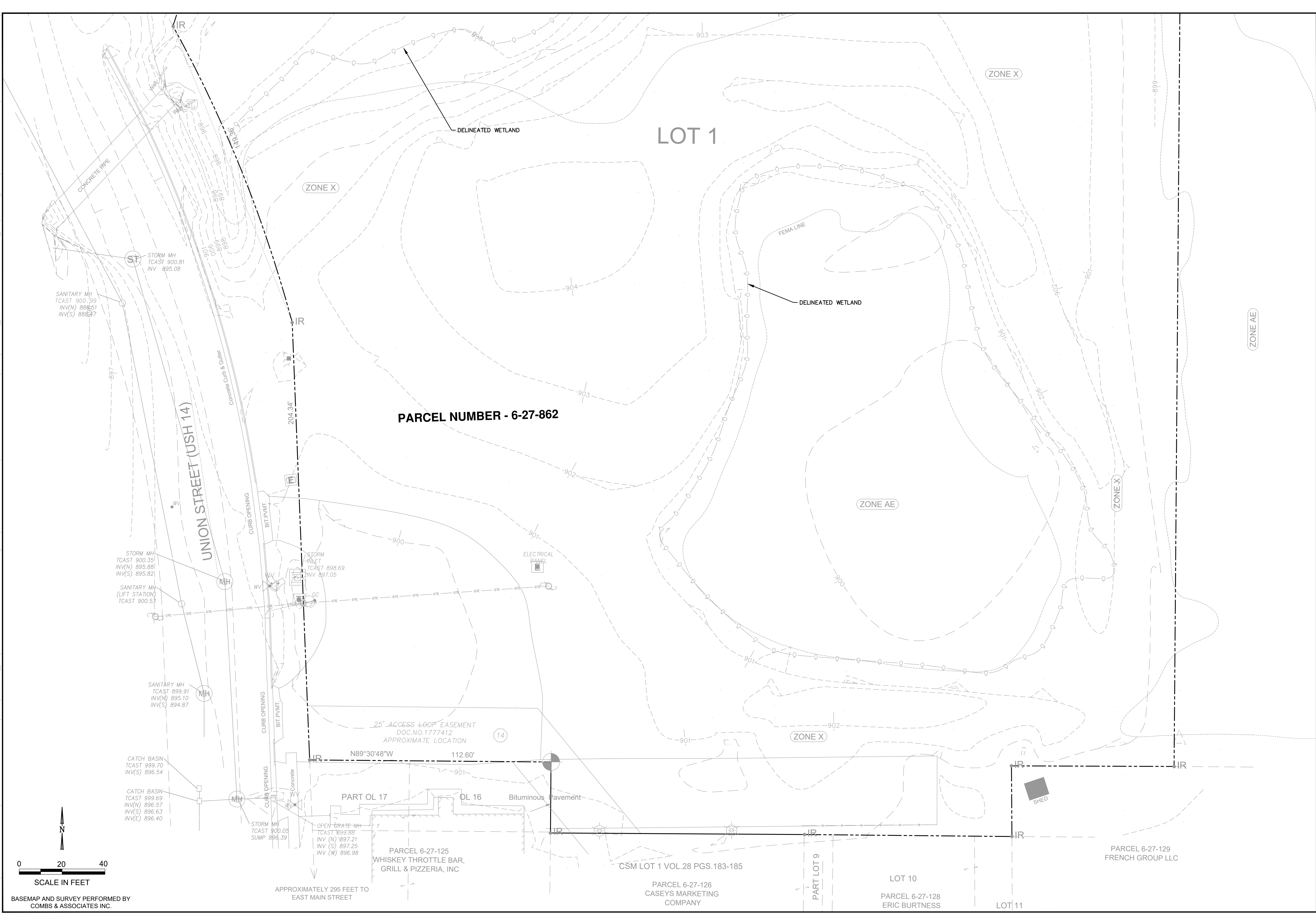
Endpoint Solutions

REVISION LOG

REVISION	ISSUE DATE	REVISED SHEETS	ISSUED FOR



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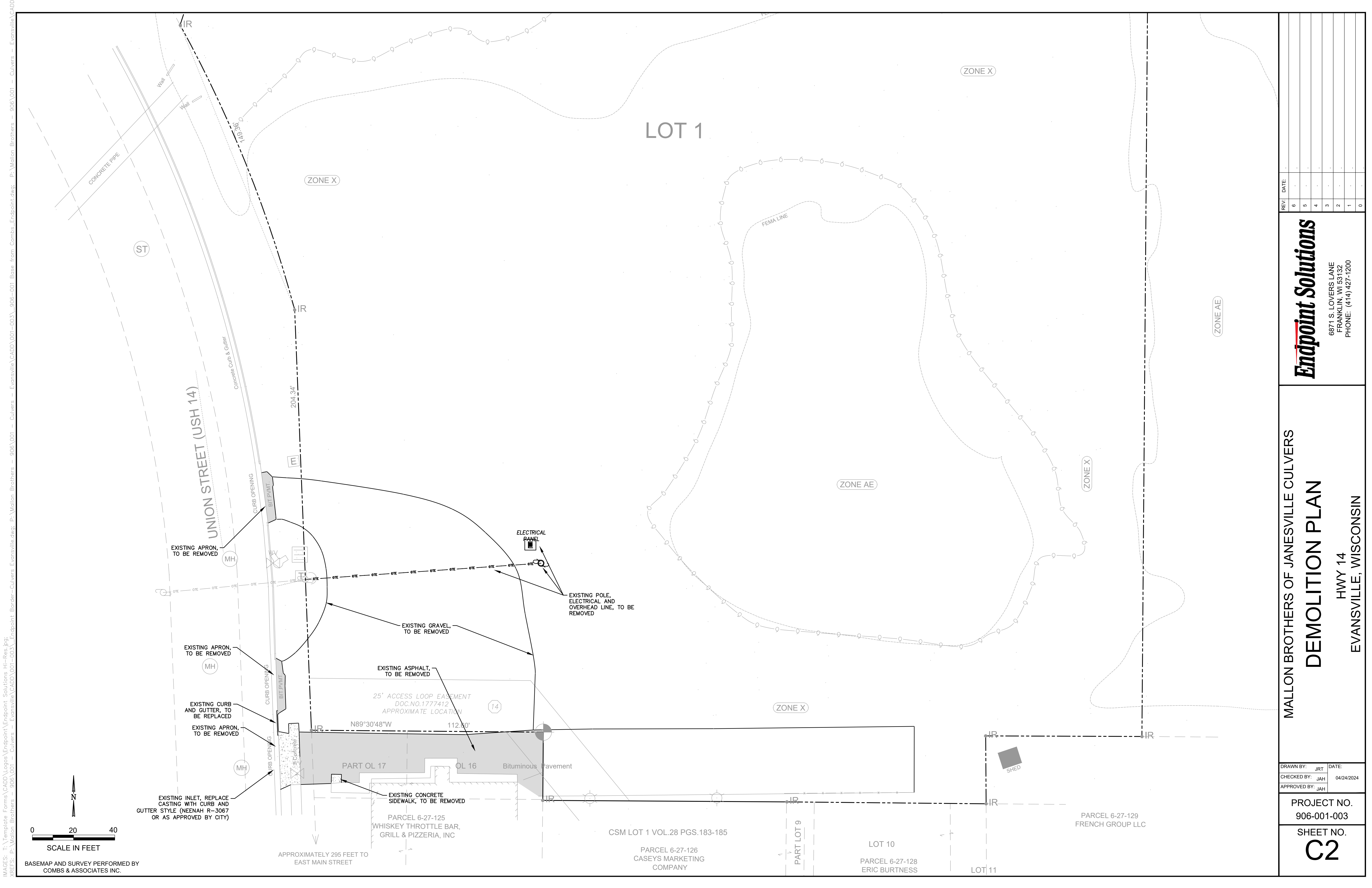
MALLON BROTHERS OF JANESVILLE CULVERS  
**PRE-CONSTRUCTION CONDITIONS**  
 HWY 14  
 EVANSVILLE, WISCONSIN

**PROJECT NO.**  
 906-001-003  
**SHEET NO.**  
**C1**

**Endpoint Solutions**  
 6871 S. LOVERS LANE  
 FRANKLIN, WI 53132  
 PHONE: (414) 427-1200

DRAWN BY: JRT  
 CHECKED BY: JAH  
 APPROVED BY: JAH

DATE: 04/24/2024



Images: T:\Template Forms\CADD\Logs\Endpoint\Solutions HI-Res.jpg  
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02040

SCALE IN FEET

BASEMAP AND SURVEY PERFORMED BY  
COMBS & ASSOCIATES INC.

Endpoint Solutions

6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
PHONE: (414) 427-1200

MALLON BROTHERS OF JANESVILLE CULVERS

DEMOLITION PLAN

HWY 14  
EVANSVILLE, WISCONSIN

DRAWN BY: JRT  
CHECKED BY: JAH  
APPROVED BY: JAH

DATE: 04/24/2024

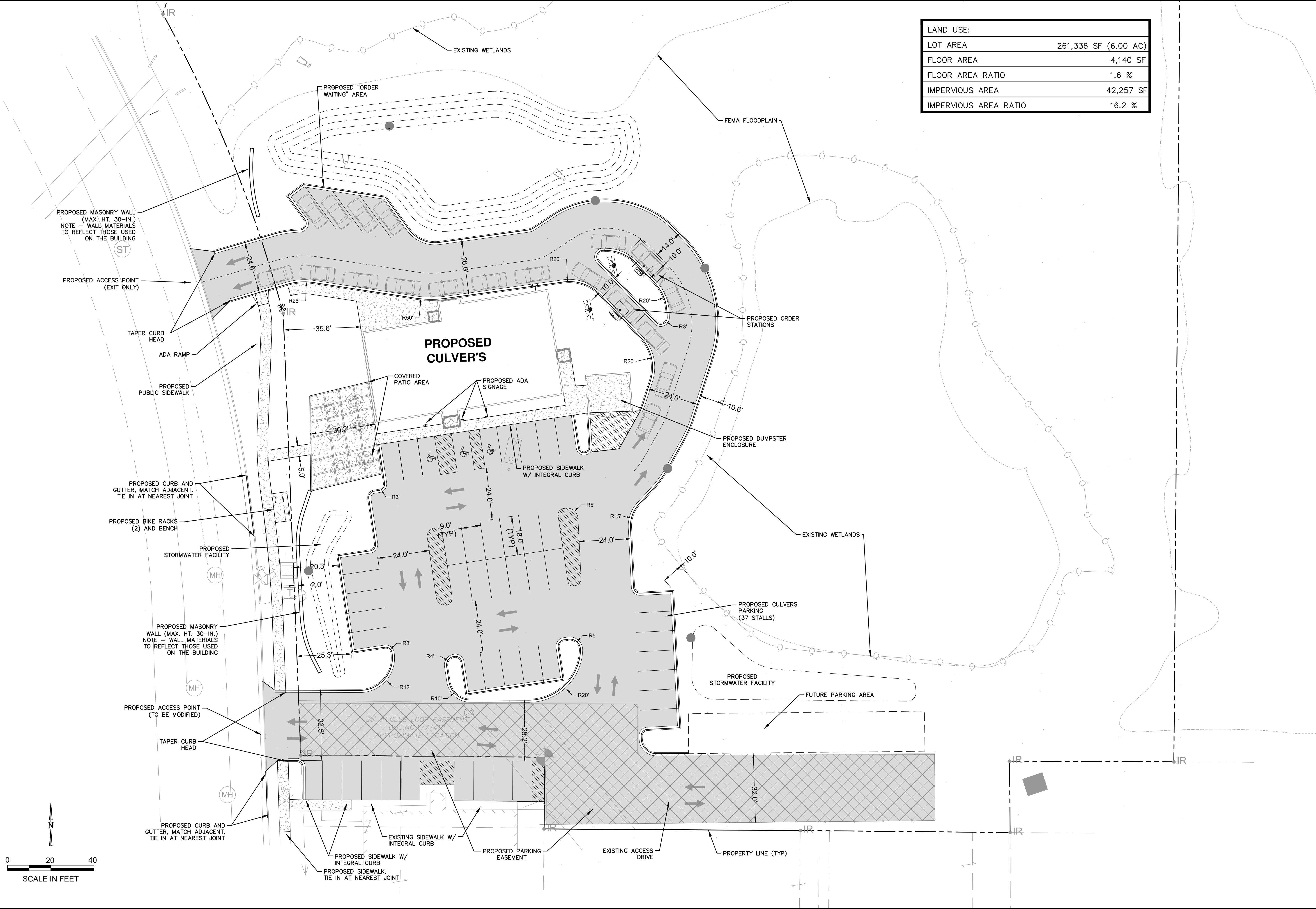
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906-001-003

SHEET NO.  
C2

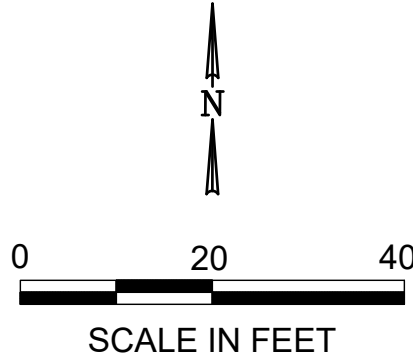
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Jun 07, 2024 1:02pm PLOTTED BY: jhenonen .SAVED BY: jhenonen  
P:\Mallon Brothers - 906\001 - Culvers - Evansville\CADD\001-003\SHIT C3\_906-001-003 Proposed Site Plan.dwg Layout1  
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LAND USE:	
LOT AREA	261,336 SF (6.00 AC)
FLOOR AREA	4,140 SF
FLOOR AREA RATIO	1.6 %
IMPERVIOUS AREA	42,257 SF
IMPERVIOUS AREA RATIO	16.2 %



Endpoint Solutions

6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
PHONE: (414) 427-1200

MALLON BROTHERS OF JANESVILLE CULVERS

PROPOSED SITE PLAN

HWY 14  
EVANSVILLE, WISCONSIN

DRAWN BY: JRT    DATE: 04/24/2024

CHECKED BY: JAH

APPROVED BY: JAH

PROJECT NO.  
906-001-003

SHEET NO.  
C3



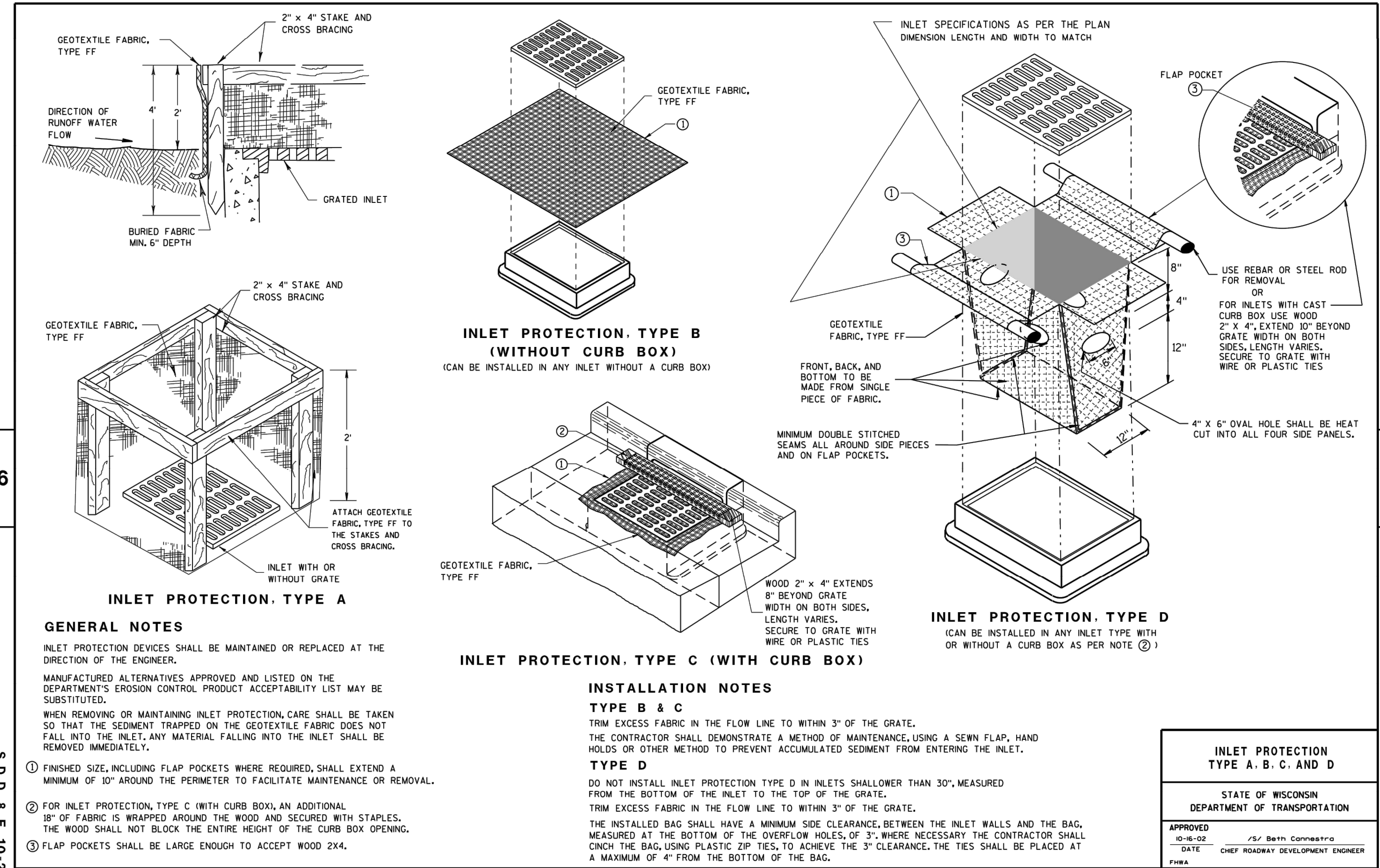






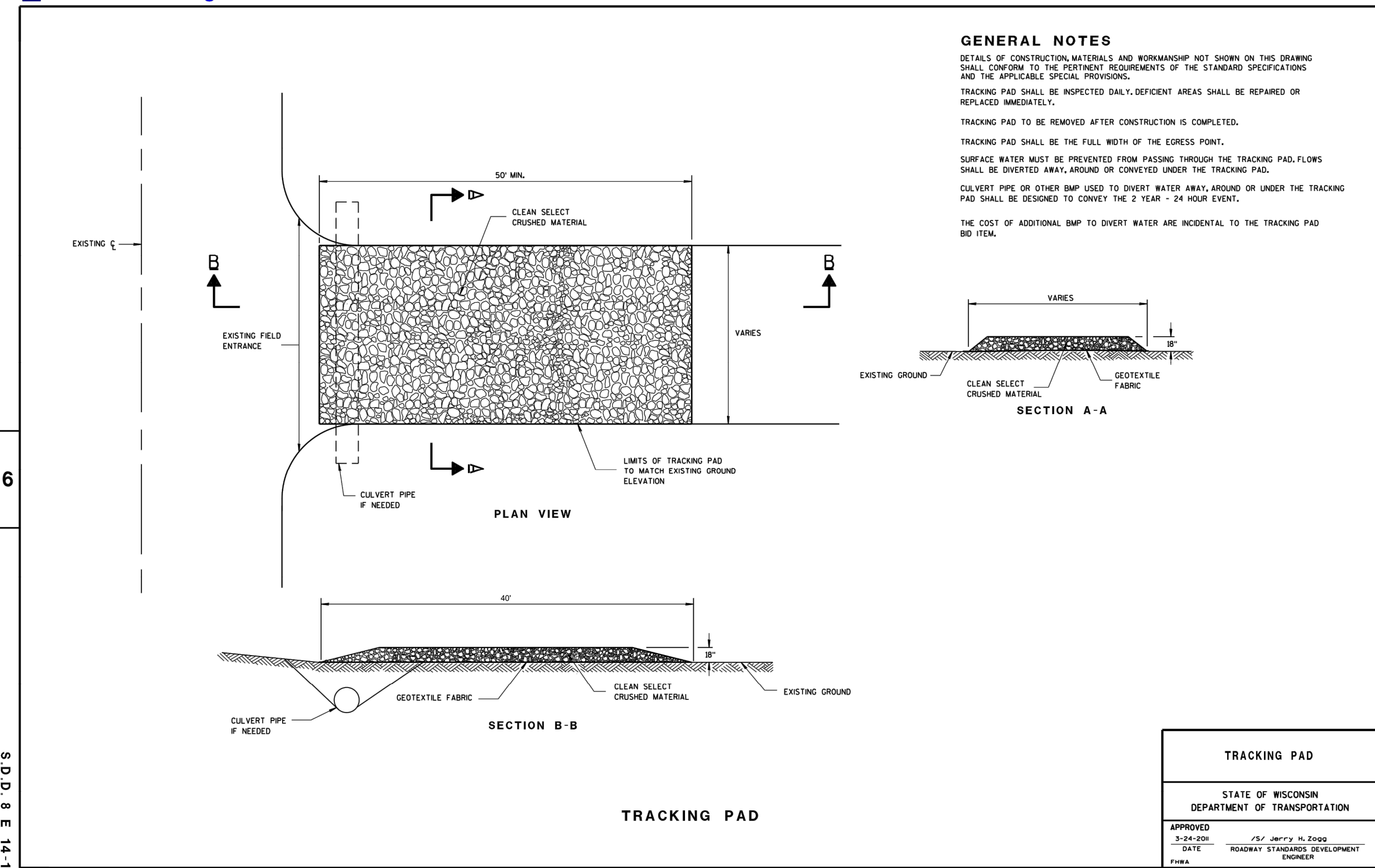


8E10: Inlet Protection Type A, B, C and D



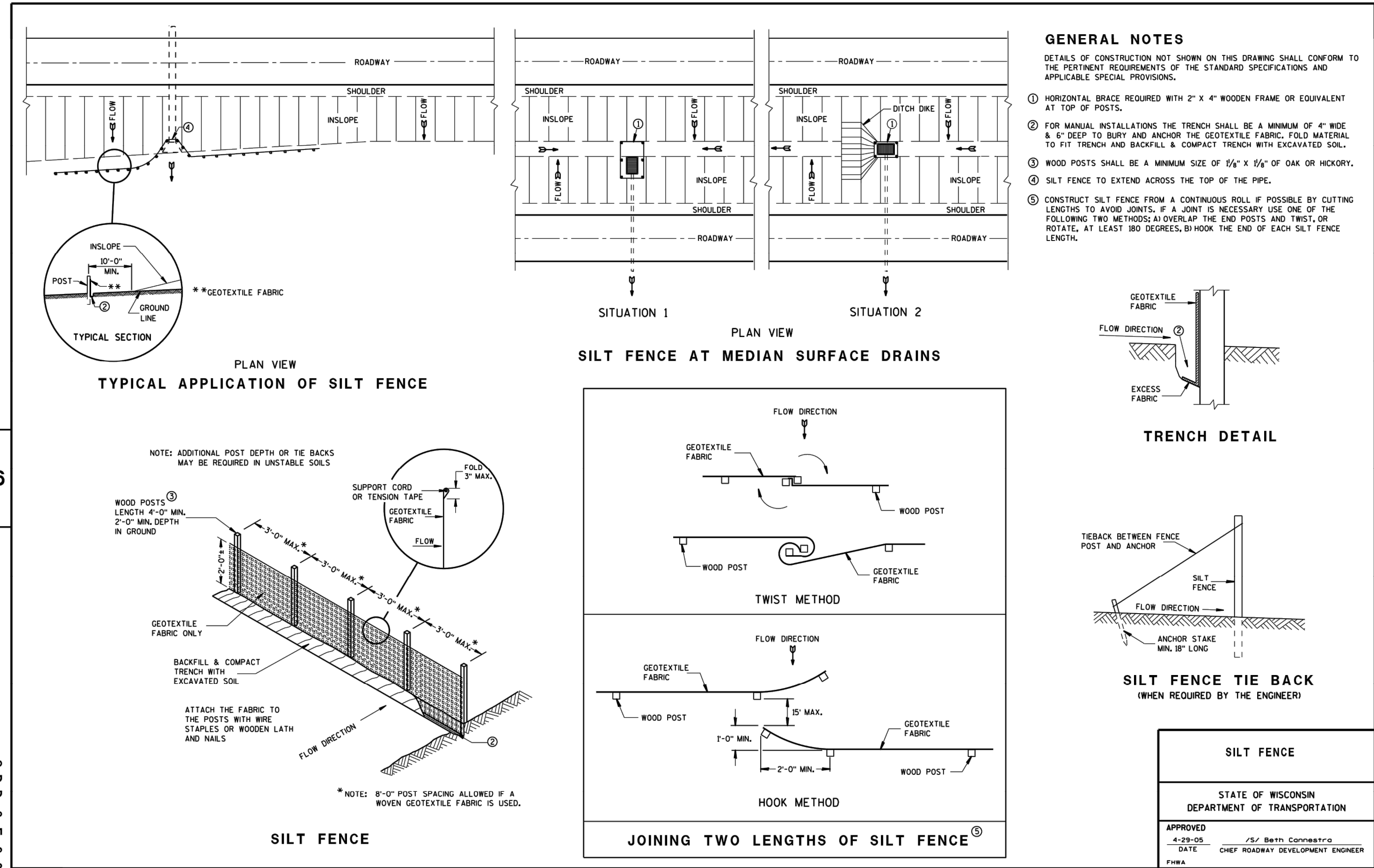
INLET PROTECTION  
NOT TO SCALE

8E14: Tracking Pad



TRACKING PAD  
NOT TO SCALE

8E9: Silt Fence



SILT FENCE  
NOT TO SCALE

EROSION AND SEDIMENT CONTROL

- CONSTRUCT AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) CHAPTERS NR 151 AND NR 216, WISCONSIN ADMINISTRATIVE CODE, AND APPROPRIATE WDNR TECHNICAL STANDARDS. EROSION AND SEDIMENT CONTROL PRODUCTS SHALL BE LISTED IN THE WISCONSIN DEPARTMENT OF TRANSPORTATION PRODUCT ACCEPTABILITY LIST (WisDOT PAL). THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING COPIES OF THESE STATE REQUIREMENTS, TECHNICAL STANDARDS, AND WisDOT PAL.
- IMPLEMENT EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPs) PRIOR TO SOIL DISTURBING ACTIVITIES (E.G., CLEARING, GRUBBING, TOPSOIL STRIPING, EXCAVATION, MATERIAL STOCKPILING, ETC.). INSTALL EROSION CONTROL MEASURES AROUND STOCKPILE LOCATIONS.
- MINIMIZE DISTURBED AREA BY PHASING OR SEQUENCING CONSTRUCTION AND PRESERVING EXISTING VEGETATION WHERE POSSIBLE.
- DIVERT STORM WATER AWAY FROM DISTURBED OR EXPOSED AREAS WHEN POSSIBLE.
- PROTECT ADJACENT PROPERTIES WITH SEDIMENT BALE BARRIERS OR SILT FENCE UNTIL CONSTRUCTION IS COMPLETE IN ACCORDANCE WITH WDNR TECHNICAL STANDARDS 1055 OR 1056, RESPECTIVELY.
- INSTALL A GRAVEL TRACKING PAD IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1057. PAVED SURFACES ADJACENT TO CONSTRUCTION SITE VEHICLE ACCESS SHALL BE SWEEPED AND/OR SCRAPED PERIODICALLY TO REMOVE SOIL, DIRT, AND/OR DUST. ADJACENT ROADS ARE TO CLEANED IMMEDIATELY IF ANY SEDIMENT TRANSFER AND TRACKING OCCURS.
- PROTECT INLETS, CATCH BASINS, AND OTHER CONVEYANCE STRUCTURES WITH STRAW BALES, FILTER FABRIC, OR OTHER APPROPRIATE MEASURES IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1060.
- DURING DEWATERING ACTIVITIES, UTILIZE A COMPARTMENTED CONTAINER, SETTLING BASIN, FILTER, OR OTHER APPROPRIATE BEST MANAGEMENT PRACTICE FOR TREATING SEDIMENT-LADEN WATER PRIOR TO DISCHARGE OFF-SITE IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1061.
- INSPECT THE SITE REGULARLY AND PROPERLY MAINTAIN BMPs, ESPECIALLY AFTER RAINSTORMS. AT MINIMUM, INSPECTIONS OF CONSTRUCTION BMPs ARE REQUIRED AT LEAST ONCE EVERY SEVEN DAYS AND WITHIN 24 HOURS AFTER A PRECIPITATION EVENT OF 0.5 INCH OR MORE.
- BMPs MUST BE REPAIRED OR REPLACED WITHIN 24 HOURS OF INSPECTION OR NOTIFICATION OF A PROBLEM.
- KEEP THE CONSTRUCTION SITE CLEAN BY PUTTING TRASH IN TRASH CANS, KEEPING STORAGE BINS COVERED, AND PREVENTING OR REMOVING EXCESS SEDIMENT ON ROADS AND OTHER IMPERVIOUS SURFACES.
- SITE RESTORATION AND STABILIZATION MUST BE COMPLETED WITHIN 7 DAYS OF INACTIVITY.

MALLON BROTHERS OF JANESVILLE CULVERS

EROSION CONTROL DETAILS

HWY 14  
EVANSVILLE, WISCONSIN

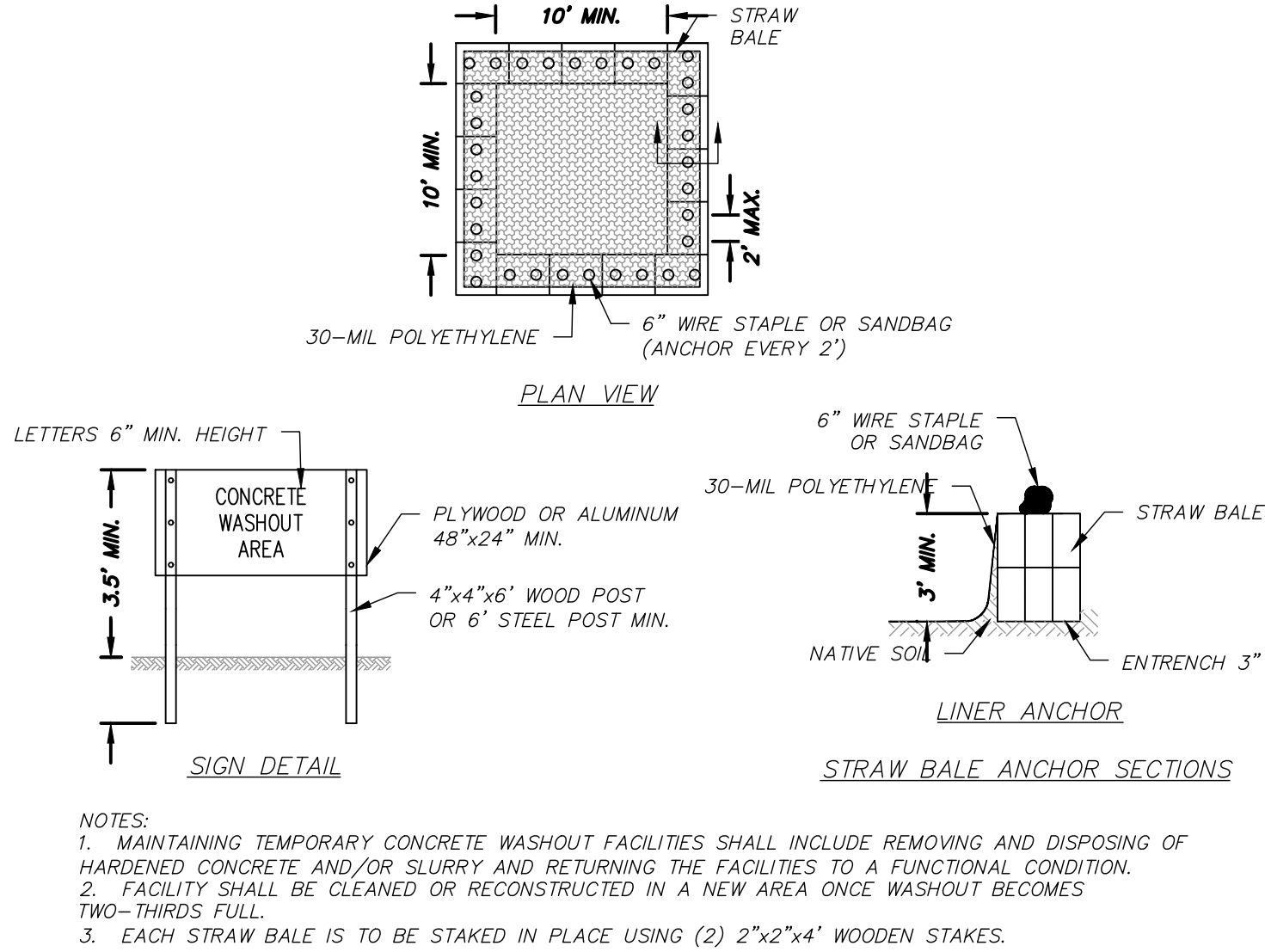
DRAWN BY: JRT  
CHECKED BY: JAH  
APPROVED BY: JAH

PROJECT NO.  
906-001-003

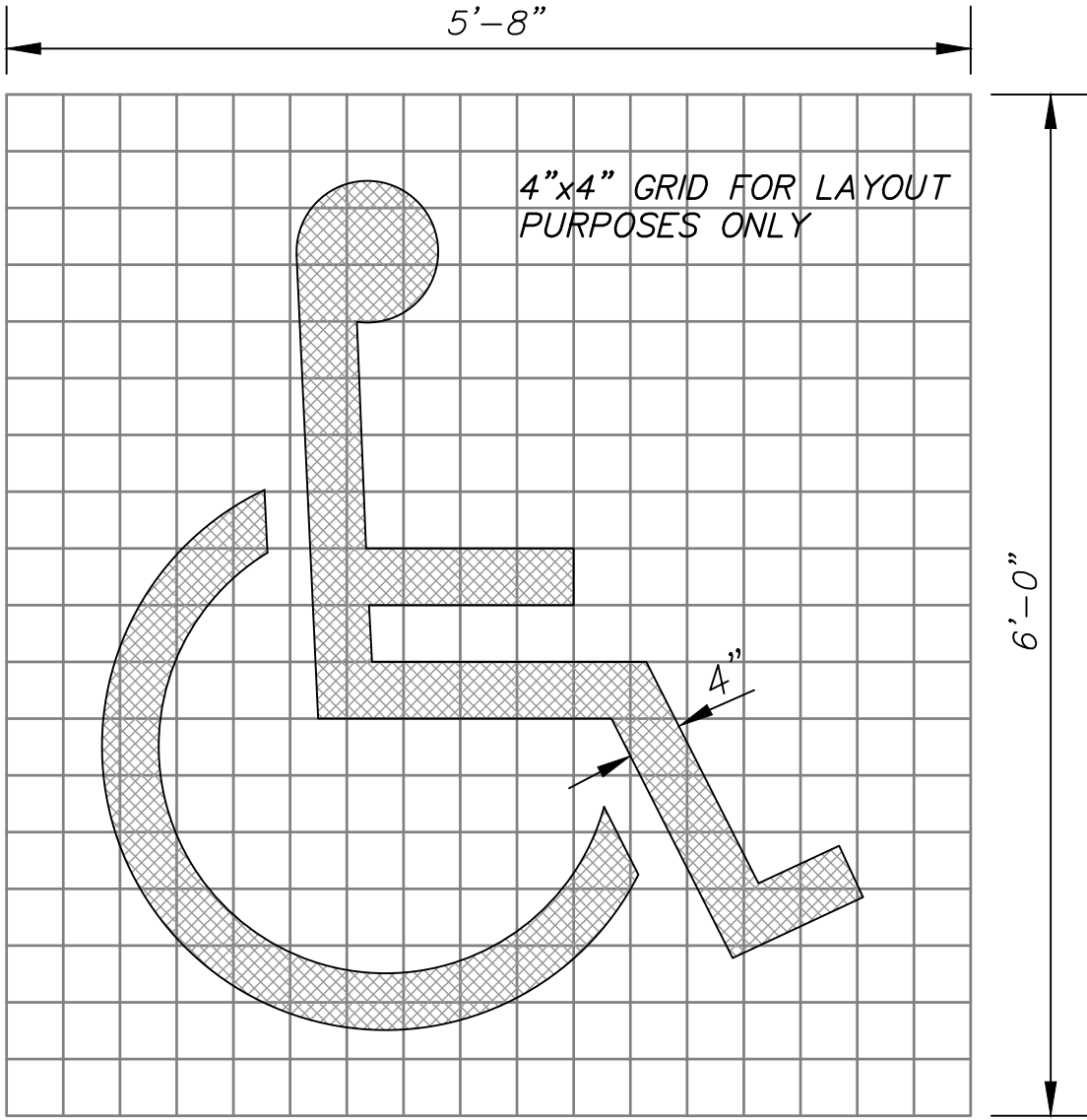
SHEET NO.

C6

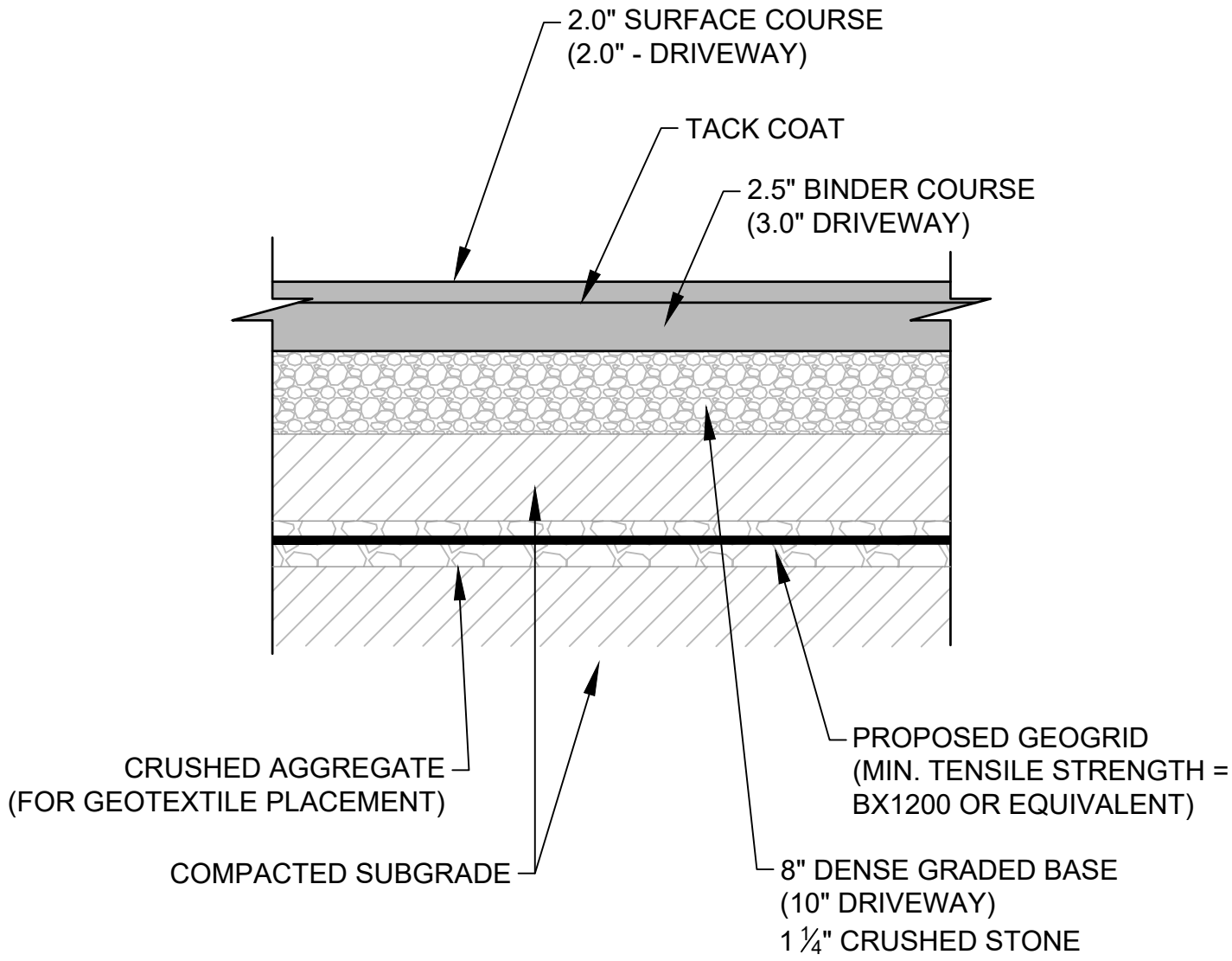




**TEMPORARY CONCRETE WASHOUT FACILITY - STRAW BALE**  
NOT TO SCALE

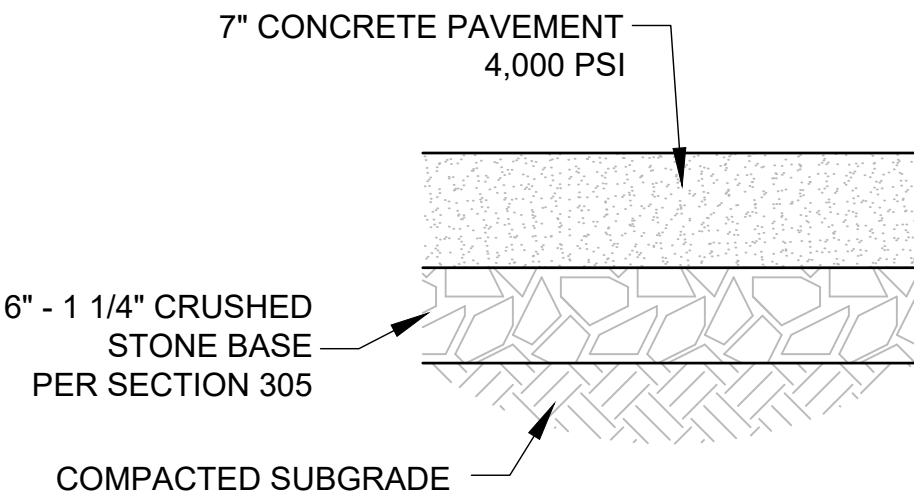


**PAINTED ADA SYMBOL**  
NOT TO SCALE



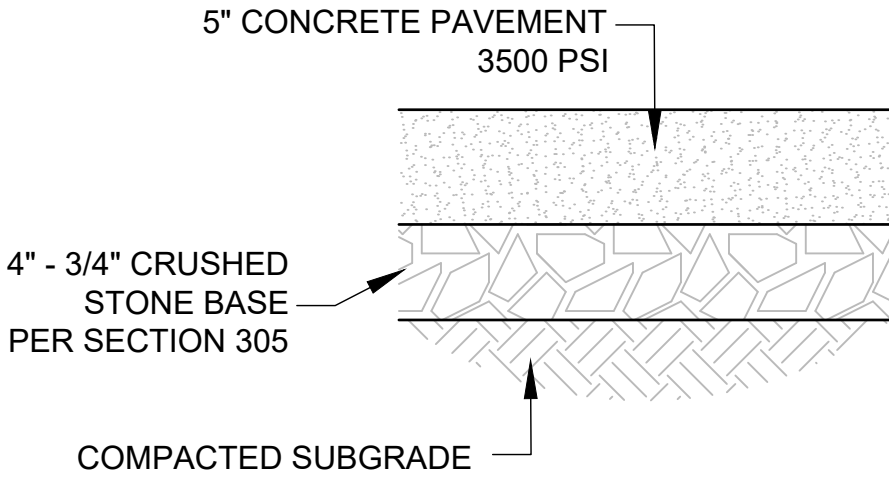
- NOTES:**
1. PAVEMENT TO BE INSTALLED PER GEOTECHNICAL REPORT.

**TYPICAL ASPHALT PAVEMENT**  
NOT TO SCALE



- NOTES:**
1. PAVEMENT TO BE INSTALLED PER GEOTECHNICAL REPORT.

**TYPICAL CONCRETE PAVEMENT**  
NOT TO SCALE



**CONCRETE SIDEWALK DETAIL**  
NOT TO SCALE

**NOTE:**  
THE VILLAGE OF EAST TROY STANDARD SPECIFICATIONS SHALL SUPERCEDE OTHER SPECIFICATIONS FOR THE PUBLIC SANITARY SEWER AND WATERMAIN.

**GENERAL GRADING NOTES**

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE D.O.T. STANDARD SPECIFICATIONS, LOCAL ORDINANCES AND SPECIFICATIONS, AND RECOMMENDATIONS IN THE GEOTECHNICAL REPORT.
2. THE CONTRACTOR SHALL ASSUME SOLE RESPONSIBILITY FOR THE COMPUTATIONS OF ALL GRADING AND FOR ACTUAL LAND BALANCE, INCLUDING UTILITY TRENCH SPOIL. THE CONTRACTOR SHALL IMPORT OR EXPORT MATERIAL AS NECESSARY TO COMPLETE THE PROJECT.
3. GRADING SHALL CONSIST OF CLEARING AND GRUBBING EXISTING VEGETATION, STRIPPING TOPSOIL, REMOVAL OF EXISTING PAVEMENT OR FOUNDATIONS, IMPORTING OR EXPORTING MATERIAL TO ACHIEVE AND ON-SITE EARTHWORK BALANCE, GRADING THE PROPOSED BUILDING PADS AND PAVEMENT AREAS, SCARIFYING AND FINAL COMPACTION OF THE PAVEMENT SUBGRADE, AND PLACEMENT OF TOPSOIL.
4. THE CONTRACTOR SHALL MAINTAIN SITE DRAINAGE THROUGHOUT CONSTRUCTION.
5. EROSION AND SEDIMENT CONTROL MEASURES ARE REQUIRED AS PART OF THIS PROJECT. CONSTRUCTION ACTIVITIES MUST COMPLY WITH ALL PROVISIONS OF LOCAL, STATE AND FEDERAL REGULATIONS AS WELL AS THE SITE SPECIFIC SWPPP (IF APPLICABLE). ALL LAND DISTURBING ACTIVITIES MAY BE SUBJECT TO INSPECTION BY LOCAL AUTHORITIES AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.
6. CONTRACTOR SHALL MINIMIZE CLEARING AND DISTURBANCE TO THE ENVIRONMENT TO THE EXTENT POSSIBLE. CONTRACTOR RESPONSIBLE FOR RESTORATION OF ALL DISTURBED AREAS.
7. RUBBISH, TRASH, GARBAGE, LITTER OR OTHER SUCH MATERIALS SHALL BE DISPOSED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE SITE THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE REMOVAL OF CONSTRUCTION WASTE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS.
8. SILT FENCE AND OTHER EROSION CONTROL FACILITIES MUST BE INSTALLED PRIOR TO CONSTRUCTION OR ANY OTHER LAND DISTURBING ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL EROSION CONTROL FACILITIES ONCE THE SITE HAS STABILIZED.
9. NO FILL SHALL BE PLACED ON A WET OR SOFT SUBGRADE. THE SUBGRADE SHALL BE PROOF-ROLLED AND INSPECTED BY THE GEOTECHNICAL ENGINEER BEFORE ANY MATERIAL IS PLACED.
10. ALL FILL SHALL BE CONSIDERED STRUCTURAL FILL AND SHALL BE PLACED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT
11. BEFORE PROCEEDING WITH ANY UTILITY CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE EACH EXISTING LATERAL OR POINT OF CONNECTION AND VERIFY THE SIZE, LOCATION AND ELEVATION OF ALL UTILITIES.
12. TEMPORARY EROSION CONTROL MATTING SHALL BE PLACED ON ALL SLOPES THAT ARE STEEPER THAT 4:1.
13. ALL PROPOSED CONTOURS REPRESENT FINAL FINISHED GRADE ELEVATIONS.

**GENERAL NOTES**

1. THE BIDDER WILL BE SOLELY RESPONSIBLE FOR QUANTITIES AND ESTIMATE OF WORK REQUIRED AND SHALL STATE SUCH QUANTITIES IN THEIR BID.
2. THE CONTRACTOR SHALL INDEMNIFY THE OWNER, THE ENGINEER, AND THE MUNICIPALITY, THEIR AGENTS, ETC. FROM ALL LIABILITY INVOLVED WITH THE CONSTRUCTION OF THIS PROJECT.
3. SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR.
4. SOIL CONDITIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION. A GEOTECHNICAL REPORT IS AVAILABLE FROM THE OWNER. THE CONTRACTOR SHALL ABIDE BY THE RECOMMENDATIONS OF THE GEOTECHNICAL ENGINEER.
5. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS REQUIRED FOR EXECUTION OF THE WORK. THE CONTRACTOR SHALL CONDUCT THEIR WORK ACCORDING TO THE REQUIREMENTS OF THE PERMITS.
6. THE CONTRACTOR IS RESPONSIBLE FOR EXAMINING ALL SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND SHALL COMPARE FIELD CONDITIONS WITH DRAWINGS.
7. CONTRACTOR SHALL PROTECT ADJACENT PROPERTIES DURING CONSTRUCTION. ANY PROPERTY (PRIVATE OR PUBLIC) WHICH ARE DAMAGED DURING CONSTRUCTION MUST BE RESTORED TO ORIGINAL CONDITIONS BY THE CONTRACTOR. THE COST OF THE RESTORATION IS CONSIDERED INCIDENTAL, AND SHOULD BE INCLUDED IN THE BID PRICES.
8. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL UTILITY INFORMATION SHOWN ON THE PLANS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL CALL DIGGER'S HOTLINE TO REQUEST FIELD STAKING OF EXISTING UTILITIES AND NOTIFY THE UTILITIES OF THE PROJECT COMPONENTS.
9. CONTRACTOR SHALL ENSURE ALL MUD AND DEBRIS IS NOT DEPOSITED ONTO THE ADJACENT ROADWAYS PER THE REQUIREMENT OF THE AGENCY HAVING JURISDICTION ON THE ROADWAYS.
- 10.SUBMITTALS:
  - A.SHOP DRAWINGS AND/OR MANUFACTURER'S PRODUCT DATA SUBMITTALS ARE REQUIRED ONLY IF THE PRODUCT OR METHOD OF CONSTRUCTION:
    - a. IS DIFFERENT FROM THAT SPECIFIED OR
    - b. IS PART OF THE WORK THAT WILL BE DEDICATED AS A PUBLIC UTILITY OR ROADWAY AT THE END OF THE PROJECT OR
    - c. IF REQUIRED BY THE MUNICIPAL ENGINEER.
  - B.FOR UTILITY OR ROAD WORK THAT WILL BE DEDICATED TO A MUNICIPALITY, CONTRACTOR MUST MAKE SUBMITTALS TO THE MUNICIPALITY AS WELL AS ENGINEER.

**UTILITIES**

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE MILWAUKEE WATER WORKS SPECIFICATIONS, WISCONSIN ADMINISTRATIVE CODE, SECTION SPS 382-384, LATEST EDITION, THE STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, LATEST EDITION, AND THE LOCAL ORDINANCES AND SPECIFICATIONS.
2. PROPOSED STORM, SANITARY SEWER AND WATER MAIN SHOWN ON THIS PLAN SHALL TERMINATE AT A POINT FIVE (5) FEET FROM THE EXTERIOR BUILDING WALL.
3. MATERIALS FOR PROPOSED STORM SEWER SHALL BE AS FOLLOWS:

STORM SEWER PIPE 24" OR LESS SHALL BE EITHER:

A. HIGH DENSITY POLYETHYLENE (HDPE) WITH A SMOOTH INTERIOR AND ANNULAR EXTERIOR CORRUGATIONS, SUCH AS ADS N-12 WT. HDPE PIPE SHALL CONFORM TO ASTM F2648 AND F2306. JOINTS SHALL BE WATER TIGHT CONFORMING TO ASTM D3212 WITH ELASTOMERIC SEALS (GASKETS) CONFORMING TO ASTM F477.

B. POLYVINYL CHLORIDE (PVC) PIPE, ASTM D-3034, SDR 35, WITH ELASTOMERIC PUSH-ON JOINTS CONFORMING TO ASTM D-3212.

C. REINFORCED CONCRETE, ASTM C-76, CLASS III OR GREATER, WITH ELASTOMERIC SEALS CONFORMING TO ASTM C-443.

TRENCH SECTION SHALL BE CLASS "C" FOR CONCRETE AND CLASS "B" FOR ALL OTHER MATERIALS.
4. MATERIALS FOR SANITARY SEWER SHALL BE AS FOLLOWS:

SANITARY SEWER PIPE SHALL BE PVC, ASTM D-3034, SDR-35 WITH RUBBER GASKETED JOINTS, CONFORMING TO ASTM D-3212.

THE USE OF AN "INSERTA TEE" IS PROHIBITED FOR CONNECTIONS TO CITY SANITARY SEWER MAINS.

TRENCH SECTION SHALL BE CLASS "B" BEDDING. CRUSHED STONE CHIPS SHALL BE USED FOR BEDDING MATERIAL. PREFABRICATED WYE CONNECTIONS ARE REQUIRED FOR SANITARY LATERALS
5. MATERIALS FOR WATER SERVICE SHALL BE AS FOLLOWS:

WATER SERVICE SHALL BE CLASS 55 DUCTILE IRON (DI), ASTM A-377, WITH ELASTOMERIC JOINTS (AWWA C-111), WITH A VALVE AT THE SUPPLY MAIN OR C900 PVC PRESSURE RATED FOR WATER.

TRENCH SECTION SHALL CONFORM TO SECTION 4.3.C, FILE NO. 38 OF THE STANDARD SPECIFICATIONS. SAND OR STONE CHIP BEDDING MATERIAL IS REQUIRED.
6. EXTREME CAUTION MUST BE FOLLOWED REGARDING THE COMPACTION OF ALL UTILITY TRENCHES. MECHANICALLY COMPACTED GRANULAR BACKFILL IS REQUIRED UNDER & WITHIN 5 FEET OF ALL PAVEMENT INCLUDING SIDEWALKS. FLOODING OF BACKFILL MATERIAL IS NOT ALLOWED. THE COST OF THIS GRANULAR MATERIAL AND ITS COMPACTION IS CONSIDERED INCIDENTAL AND SHALL BE INCLUDED IN THE COST OF THE PROPOSED UTILITY.
7. UPON COMPLETION OF FINAL PAVING OPERATIONS, THE UTILITY CONTRACTOR SHALL ADJUST ALL MANHOLE AND INLET RIMS AND VALVE BOXES TO FINISHED GRADE.
8. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE OWNER WITH A SET OF MARKED-UP PRINTS SHOWING ALL CHANGES MADE DURING THE CONSTRUCTION PROCESS. ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE OWNER.
9. TRACER WIRE SHALL BE INSTALLED ON ALL BURIED NON-METALLIC SANITARY SEWERS, PRIVATE SANITARY INTERCEPTOR MAIN SEWERS, STORM BUILDING SEWERS, AND PRIVATE STORM INTERCEPTOR MAIN SEWERS THAT DISCHARGE TO MUNICIPAL MAINS. TRACER WIRE SHALL ALSO BE INSTALLED ON ALL BURIED NON-METALLIC WATER SERVICES AND PRIVATE WATER MAINS CONNECTED TO MUNICIPAL SUPPLY SYSTEMS. TRACER WIRE SHALL BE IN ACCORDANCE WITH SPS 382.30(11)(h) AND SPS 382.36(7)(d)10.b.

**PAVING**

1. THE PROPOSED IMPROVEMENTS SHALL BE CONSTRUCTED ACCORDING TO THE WISCONSIN D.O.T. STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION, LATEST EDITION, AND THE LOCAL ORDINANCES AND SPECIFICATIONS, AND THE GEOTECHNICAL REPORT.
2. PAVING SHALL CONSIST OF FINE GRADING PAVEMENT AREAS, INSTALLATION OF CRUSHED STONE BASE, CONCRETE AND/OR BITUMINOUS PAVEMENT, PAVEMENT MARKING, AND CLEANUP. ALL MATERIALS SHALL BE PROVIDED BY THE CONTRACTOR.
3. AGGREGATES USED IN THE HMA SHALL BE IN ACCORDANCE WITH SUBSECTION 460.2.2.3 OF THE STANDARD SPECIFICATIONS.
4. CONCRETE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE FOLLOWING SECTIONS OF THE STANDARD SPECIFICATIONS: SECTION 415 FOR CONCRETE PAVEMENT AND SECTION 602 FOR CONCRETE SIDEWALKS.
5. PAVEMENT MARKINGS SHALL BE PAINT IN ACCORDANCE WITH SECTION 646 OF THE STANDARD SPECIFICATIONS. THE FOLLOWING ITEMS SHALL BE PAINTED WITH COLORS NOTED BELOW:

PARKING STALLS: WHITE  
PEDESTRIAN CROSSWALKS: WHITE  
ADA SYMBOLS: BLUE OR PER LOCAL CODE  
EXTERIOR SIDEWALK CURBED, LIGHTPOLE BASES, AND GUARD POSTS: YELLOW

Endpoint Solutions

6871 S. LOVERS LANE  
FRANKLIN, WI 53132  
PHONE: (414) 427-1200

MALLON BROTHERS OF JANESVILLE CULVERS

HWY 14  
EVANSVILLE, WISCONSIN

DRAWN BY: JRT  
CHECKED BY: JAH  
APPROVED BY: JAH

DATE: 04/24/2024

PROJECT NO.  
906-001-003

SHEET NO.  
C7

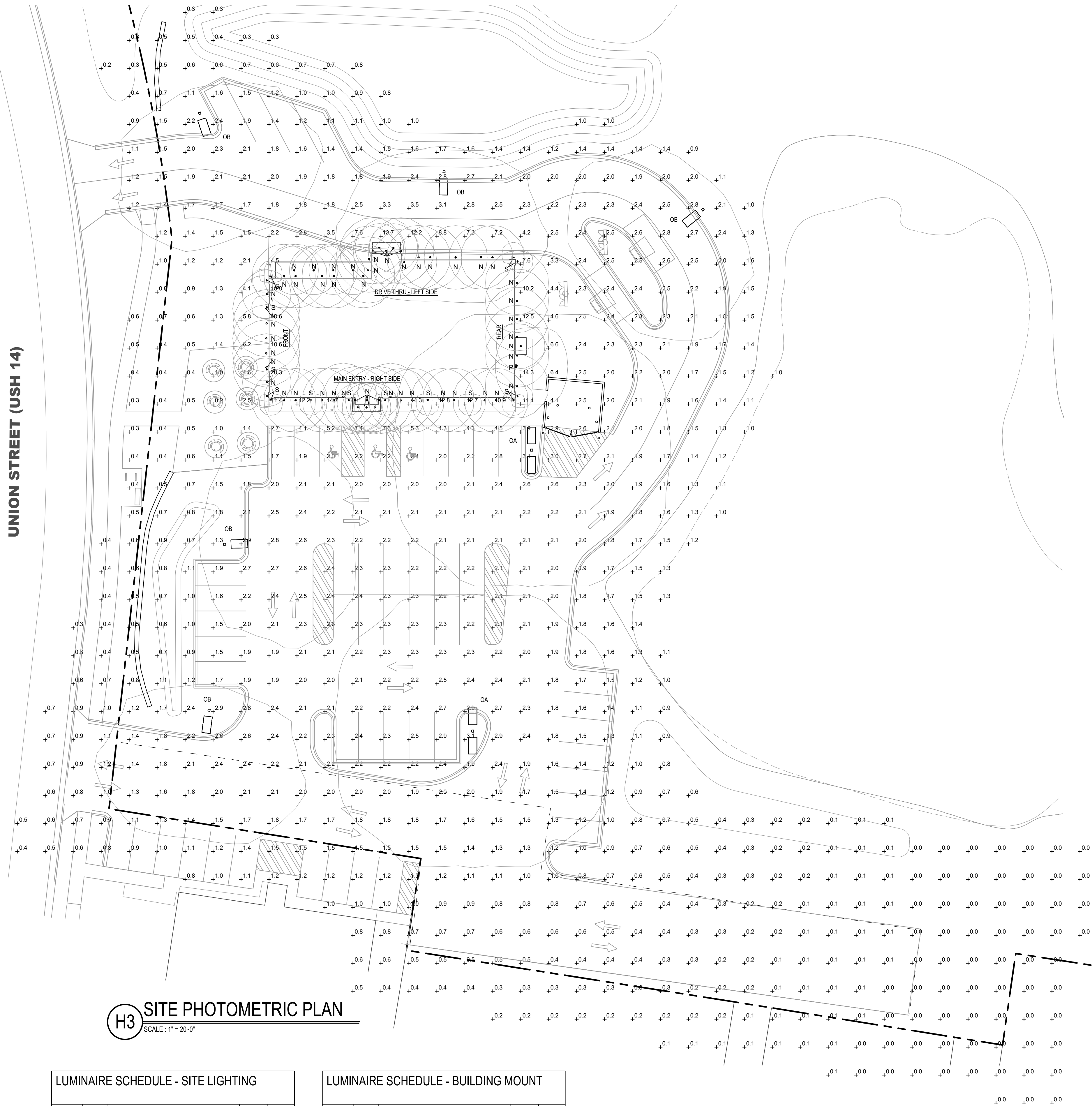













LUMINAIRE SCHEDULE - SITE LIGHTING				
SYMBOL	LABEL	CATALOGUE NUMBER	LAMP	WATTS
OA		(2) DSX1 LED P6 40K T5W MVOLT 30' POLE, POLE BASE @ 6' ABOVE GRADE	LED	326
OB		DSX1 LED P6 40K T4M MVOLT 30' POLE, POLE BASE @ 6' ABOVE GRADE	LED	163

LUMINAIRE SCHEDULE - BUILDING MOUNT				
SYMBOL	LABEL	CATALOGUE NUMBER	LAMP	WATTS
N		L0N6 40/15 LOGAR LS MVOLT GZ10 LITHONIA	LED	19
P		SLIM17FA15ADJ RAB LIGHTING	LED	15
S		OLLWU LED P1 40K 120 DDB LITHONIA	LED	11

2024

NEW CULVER'S RESTAURANT  
Highway 14  
Evansville, WI 53536  
County of ROCK



Culver Franchising System, Inc.  
1240 Water Street  
Prairie du Sac, WI 53578  
608-543-7980

OWNER:

OLLMANN ASSOCIATES ARCHITECTS, P.C.  
200 South State Street  
Belvidere, Illinois 61008  
815-544-7790 Phone  
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disclosure subject to OAA written approval.

SITE PHOTOMETRIC PLAN

Revision:

Date: 6-27-2024

2023-184

SE 101

PRELIMINARY



## *City of Evansville*

### **Community Development Department**

[www.ci.evansville.wi.gov](http://www.ci.evansville.wi.gov)  
31 S Madison St  
PO Box 529  
Evansville, WI 53536  
(608) 882-2266

Date: June 28, 2024  
To: Plan Commission  
From: Colette Spranger, Community Development Director  
Re: Summary of Changes in Proposed Zoning Ordinances

#### Summary for changes in Ordinance 2024-04 since June Plan Commission Meeting:

- Allows duplexes by right in the B-1 Local Business district; mandates landscaping standards for all uses, including single family residential.
- Changes in the B-3 Community Business District codify recommendations of the Allen Creek & North Union Street Redevelopment Master Plan. There is a large overlap between that redevelopment area and properties zoned B-3.
- Standards for driveway widths reflect recommendations consistently made by the City's civil engineering firm.
- The addition of window treatments in the B-2 zoning district is to combat empty storefronts. There is measurable evidence that empty commercial spaces have a detrimental affect on neighboring properties. Since Plan Commission has last seen this ordinance, some of the more aggressive suggestions have been changed or removed.
- Increased proposed lot area maximums and introduced maximum lot widths at the setback line.
- Lot and widths maximums for other zoning districts help us enforce housing density goals.
  - Suggestion to allow R-2 zoning districts to have larger lots, and by effect would automatically allow redevelopment at higher densities in the future.
- Overall goal: clear for the public to understand, clear in the City's intentions for orderly and cost-effective growth and neighborhoods with a varied housing stock.

#### Summary for residential zoning changes in Ordinance 2024-05

- Repeal the Rural Residential District in its entirety. The City has no parcels zoned in this district and use of the district is not supported by the goals and policies of the Smart Growth Comprehensive Plan.
- Combine Large Lot Urban Residential 12 (LL-12) and Large Lot Residential 15 (LL-15) to Large Lot Urban Residential. The goal of the district is to provide a relief valve where there are lots that cannot conform to the bulk requirements of the City's standard zoning districts, or for annexed Town properties that have a single residence on a large lot. This is intended

## Agenda Item 7E

to anticipate issues of natural building constraints discovered in the platting process, not to allow for a subdivision of exclusively large lots.

- Addition of Exterior Lighting Standards. Provides further ability for the City to enforce dark sky lighting and respond to resident concerns about light pollution and spillover onto their properties.

CITY OF EVANSVILLE  
ORDINANCE # 2024-04

AN ORDINANCE UPDATING CERTAIN SECTIONS OF CHAPTER 130 (ZONING)

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

SECTION 1. It is in the best interest of the City and that of its citizens to amend the Chapter 130 from time to time in order to accurately reflect current land uses and zoning districts, specifically those related to site layout and design for certain businesses, driveway and access standards for business districts, maximum lot sizes for single and two family dwelling units, and to address issues of consistency and continuity between chapter divisions and section.

SECTION 2. The presence of commercial and retail buildings that are either vacant, under construction or otherwise not conducting business windows are boarded, shuttered, or otherwise screened from view have an adverse affect and impair the economic welfare of the adjacent owners' property, deter pedestrian traffic, and lead to economic distress. Additionally, the Wisconsin Economic Development Corporation has estimated the cost of this impact to be \$70,000 in lost revenue per property each year. Finally, the aim of the B-2 Central Business District is to encourage foot traffic and create a welcoming atmosphere that encourages commerce. Therefore, it in the best interest of the City to enforce standards for window treatments in the B-2 Central Business District, which encompasses the majority of the City's historic downtown.

SECTION 3. The Evansville Plan Commission held a public hearing on June 4, 2024, in compliance with the requirements of Section 62.23(7)(d)(2), Wis. Stats., regarding the proposed amendment of the zoning ordinance, and by unanimous vote of the entire commission, has recommended Ordinance 2024-04 be approved by Common Council.

SECTION 4. The changes proposed in Ordinance 2024-04 are consistent with the City's adopted Smart Growth Comprehensive Plan.

The Common Council of the City of Evansville, Rock County, Wisconsin, do hereby amend sections of Chapter 130 as follows:

## FROM ARTICLE V, DIVISION 5. COMMERCIAL LAND USES

### Sec. 130-407. In-vehicle sales or service.

In-vehicle sales and service, land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except for vehicle repair and maintenance services, see section 130-417). Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities. This use does not include drive-in financial institutions, carwashes, or gas station/convenience store/food counters. These uses are handled as separate land use categories. If performed in conjunction with a principal land use (for example, a drive-up window or an ATM machine), in-vehicle sales and service land uses shall be considered an accessory use (see section 130-528). The following regulations are applicable to this use:

- (1) Permitted by right: B-4, as regulated in subsections (2)a--g. and (3) below.
- (2) Conditional use regulations: B-3, B-5.
  - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes.
  - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.
  - d. No drive-through window or stacking lane should obscure the front façade or street-facing side of the principal building.
  - ~~d.e.~~ The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
  - ~~e.f.~~ All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four-ton axle load.
  - ~~f.g.~~ The facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see section 130-270).
  - ~~g.h.~~ Interior curbs shall be used to separate driving areas from exterior fixtures such as canopy supports and landscaped islands. The curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to any property line.
  - ~~h.i.~~ Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.
- (3) Parking requirements:



a. For principal land uses, One space per 50-200 square feet of gross floor area. For accessory land uses, refer to the parking requirements of the principal land use on site.

b. Each drive-up lane shall have a minimum stacking length of 100 feet (or less if requested and need is demonstrated through the conditional use permit process) behind the pass-through window and 40 feet beyond the pass-through window.

(Ord. No. 1997-18, § 13(17.70(4)(g)), 1-19-1998; Ord. No. 2002-11, § 1, 11-12-2002, Ord. 2005-44)

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### **Sec. 130-419. Gas station/convenience store/food counter.**

Gas station/convenience store/food counter uses are gas station facilities which are commonly designed to include a convenience store and food counter within the enclosed building. With the exception of any development proposals which may have been submitted in writing to the plan commission prior to the time of adoption of the ordinance from which this article is derived, these uses shall not include any drive-in, drive-up and drive-through facilities, which are considered in-vehicle sales or service uses(see section 130-407). Such land uses often have high traffic volumes which exhibit their highest levels concurrent with peak traffic flows. The following regulations are applicable to this use:

(1) Permitted by right: Not applicable.

(2) Conditional use regulations: B-1, B-3, B-4, B-5.

a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the gas pumps and driving lanes.

b. Gas pump areas shall not be located in any front or street side yard.

a.c. Any convenience store/food counter building shall be located within the building envelope closest to the street side or occupy the corner area of any lot it occupies.

b.d. The gas pump areas shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

e.e. In no instance shall a gas pump area be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this article.

d.f. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street right-of-way lines, and a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.

~~e.g.~~ All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.

~~f.h.~~ The facility shall provide a bufferyard along all property borders abutting residentially zoned property with a minimum opacity per section 130-270.

~~g.i.~~ Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. The curbs shall be a minimum of six inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to any property line.

~~h.j.~~ Such uses shall comply with article II, division 4 of this chapter, pertaining to standards and procedures applicable to all conditional uses.

~~(1) (3)~~ —Parking requirements: One space per 300 square feet of gross floor area of convenience store, plus one space per three seats of food counter seating, and one space per employee on the largest work shift of the food counter.

~~(2) Sign regulations: no gas station/convenience store/food counter is allowed an electronic message sign beyond those that display fuel prices.~~

(Ord. No. 1997-18, § 13(17.70(4)(s)), 1-19-1998; Ord. No. 1998-19, § 1, 11-10-1998; Ord. No. 1998-12, § 5(17.70(4)(s)), 9-8-1998, Ord. 2005-44)

## FROM ARTICLE V, DIVISION 9. ACCESSORY LAND USES.

### Sec. 130-538. Outdoor commercial food and beverage service.

Outdoor commercial food and beverage service uses include the sale of food or beverages for on-site consumption on the premises of a restaurant or tavern. The following regulations are applicable to this use:

- (1) Permitted by right: Not applicable.
- (2) Conditional use regulations: O-1, B-1, B-2, B-3, B-4
  - a. The size of the outdoor service area shall not be more than ~~50-100~~ percent of the floor area of the restaurant or tavern or 300% of the floor area in the B-2 Central Business District.
  - b. The outdoor service area shall lie within the same parcel as the restaurant or tavern and shall not lie within any public right of way.
  - c. The outdoor service area shall not lie within a required bufferyard or a required front, side, or rear yard setback.
  - d. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, all borders of the outdoor service area that abut or would otherwise be visible from the residentially zoned property shall have a bufferyard with a minimum opacity per section 130-270.
  - e. If the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property, no person may occupy the outdoor service area after 9:30 PM.
  - f. No alcoholic beverages shall be served if the parcel containing the restaurant or tavern and outdoor service area is adjacent to residentially zoned property.
  - g. No alcoholic beverages shall be served unless the liquor, beer or wine license, whichever is applicable, as issued by the state of Wisconsin explicitly states that consumption is permitted within the outdoor service area.
  - h. If alcoholic beverages are served, the entrance or entrances to the outdoor service area shall be exclusively through the restaurant or tavern, and a barrier (or other material as directed by alcohol licensing laws in the State of Wisconsin) ~~such as a rope or fence~~ shall be erected to prevent entry to the outdoor service area by any other means.
  - i. The restroom facilities in the restaurant or tavern shall be of sufficient capacity to serve both the indoor and outdoor patrons, and no temporary toilet facilities will be permitted.
  - j. Such uses shall comply with article II, division 4 of this chapter, pertaining to procedures applicable to conditional uses.
- (3) Parking requirements: One space per every three patron seats, calculated on the sum of the indoor and outdoor patron seats. This requirement may be waived by the plan commission for businesses in the B-2 district, following a request from the applicant.

## FROM ARTICLE VII, DIVISION FIVE. LOCAL BUSINESS DISTRICT (B-1)

### Sec. 130-762. Uses permitted by right.

Land uses permitted by right in the B-1 district are as follows:

- (1) Single-family and two family uses (per section 130-321).
- ~~(1)(2) Twin house/duplex (per section 130-321).~~ Two family twin dwelling (per section 130-323).
- ~~(2)(3)~~ Cultivation (per section 130-341).
- ~~(3)(4)~~ Selective cutting (per section 130-346).
- ~~(4)(5)~~ Passive outdoor public recreation (per section 130-371).
- ~~(5)(6)~~ Active outdoor public recreation (per section 130-372).
- ~~(6)(7)~~ Indoor institutional uses (per section 130-373).
- ~~(7)(8)~~ Public services and utilities (per section 130-375).
- ~~(8)(9)~~ Office (per section 130-401).
- ~~(9)(10)~~ Personal or professional services (per section 130-402).
- ~~(10)(11)~~ Indoor sales or service (per section 130-403).
- ~~(11)(12)~~ Indoor maintenance service (per section 130-405).
- (13) Group day care center (nine or more children) (per section 130-413).
- (14) Commercial Apartment (per section 130-522).

(Code 1986, § 17.32; Ord. No. 1997-18, § 4(17.32(2)(a)), 1-19-1998)

### Sec. 130-763. Uses permitted as conditional use.

Land uses permitted as conditional uses in the B-1 district are as follows:

- ~~(1) Twin house/duplex (per section 130-321).~~
- (1) Two-flat (per section 130-321).
- (2) Townhouse (per section 130-321).
- (3) Multiplex (per section 130-321).
- (4) Apartment (per section 130-321).
- (5) Institutional residential uses (per section 130-322).
- (6) Clear cutting (per section 130-347).
- (7) Outdoor institutional uses (per section 130-374).

- (8) Community living arrangement (one to eight residents) (per section 130-377).
- (9) Community living arrangement (nine to 15 residents) (per section 130-378).
- (10) Community living arrangement (16 or more residents) (per section 130-379).
- (11) Indoor commercial entertainment (per section 130-408).
- (12) Bed and breakfast establishments (per section 130-412).

~~(13) Group day care center (nine or more children) (per section 130-413).~~

~~(14)~~(13) Boardinghouse (per section 130-415).

~~(15)~~(14) Group development (per section 130-418).

~~(16)~~(15) Gas station/convenience store/food counter (per section 130-419).

~~(17)~~(16) Railroad line (per section 130-485).

~~(18)~~(17) Artisan studio (per section 130-423).

(Code 1986, § 17.32; Ord. No. 1997-18, § 4(17.32(2)(b), 1-19-1998, Ord. 2005-44, Ord. 2007-4)

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### **Sec. 130-768. Requirements for nonresidential uses.**

The following regulations are applicable to nonresidential uses in the B-1 district:

- (1) Nonresidential intensity requirements:
  - a. Maximum number of floors: Two.
  - b. Minimum landscape surface ratio: 30 percent.
  - c. Maximum floor area ratio: 0.275.
  - d. Minimum lot area: 7,500 square feet.
  - e. Maximum building size: 5,000 square feet.
- (2) Nonresidential bulk and lot dimension requirements:
  - a. Minimum lot area: 7,500 square feet.
  - b. Minimum lot width: 75 feet.
  - c. Minimum street frontage: 50 feet.
- (3) Minimum setbacks and building separation:
  - a. Building to front lot line: 10 feet, 40 feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.  
Building to street side lot line: 15 feet, 40 feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
  - b. Building to residential side lot line: 10 feet.

- c. Building to residential rear lot line: 30 feet.
- d. Building to nonresidential side lot line: Not applicable.
- e. Building to nonresidential rear lot line: 12 feet.
- f. Minimum paved surface setback: 5 feet from side or rear; 10 feet from street.
- g. Minimum building separation: 10 feet or zero feet on the zero lot line side where two nonresidential structures are adjacent.
- h. Minimum accessory building setback: 5 feet.

(4) Maximum building height: 35 feet.

(5) Driveways and Access

a. Maximum width at sidewalk: 25 feet

b. One driveway allowed per street on which lot has frontage.

(6) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article V of this chapter.

(7) ~~Nonresidential~~ landscaping requirements (~~nonresidential, two-family and multifamily uses~~):

- a. Forty landscaping points per 100 linear feet of building foundation.
- b. Fifteen landscaping points per 1,000 square feet of gross floor area.
- c. Forty landscaping points per 100 linear feet of street frontage.
- d. Eighty landscaping points per 10,000 square feet of paved area/20 stalls.

## ARTICLE VIII, DIVISION SIX. CENTRAL BUSINESS DISTRICT (B-2)

### Section 130-799. Window Treatment in Central Business District.

(1) Any and all windows of commercial and retail buildings located within the B-2 Central Business District whereby the interiors of such buildings can be observed from the public streets or sidewalks of the city, and which buildings are vacant or not conducting business shall be screened in the manner set forth in this division. This includes any business that is not in operation for reasons not associated with natural disasters.

(2) All windows of vacant commercial and retail buildings and commercial and retail buildings not conducting business within the B-2 Central Business District which windows can be viewed from the public streets and sidewalks of the city and which expose the interiors of such buildings, shall screen the vacant interior of the building in which they are located with standard window treatments (e.g. blinds, curtains). On the glass there shall be an attractive display for those who can observe the window from the streets or public sidewalks of the city. This display may feature fresh displays of the incoming tenant, posters advertising community events, or artwork appropriate for all audiences. At no point should the posters cover more than 50% of the glass area. The window glass shall be clean both inside and outside.

~~(2)~~(3) The windows or storefronts of commercial and retail buildings in the B-2 Central Business District which are either vacant or otherwise not conducting business for a period of thirty consecutive business days shall not be boarded or shuttered, or covered from the inside by means of tarp, cardboard, or other non-commercial window treatments.

(4) Under no circumstances shall a business in operation permanently and fully cover its windows from the inside with full curtains, blinds, or standard window treatments without also having an appropriate window sign advertising its business and creating an otherwise welcoming atmosphere.

#### (5) Definitions

- a. Boarding means the placement of plywood or some type of construction material as a barrier, temporary or permanent, to cover and obscure a window or storefront.
- b. Fresh displays means the displays between the window treatment and glass and which have been rotated or changed every 120 days.
- c. Shuttered means the placement of metal shutters, roll down grates and accordion types of barriers, temporary or permanent, commonly used to protect a building.
- d. Vacant and not conducting business for a period of thirty consecutive business days mean properties which are not open to the public, or to clientele of any sort, and which buildings are not being used for the display or merchandising of any product. These terms shall not apply to new buildings under construction or new buildings never having been previously occupied, but shall apply to existing

buildings conducting internal construction, renovation, maintenance or demolition that does not include the building's edifice.

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**FROM ARTICLE VIII, DIVISION SEVEN. COMMUNITY BUSINESS DISTRICT.**

**Sec. 130-822. Uses permitted by right.**

Land uses permitted by right in the B-3 district are as follows:

- (1) Cultivation (per section 130-341).
- (2) Selective cutting (per section 130-346).
- (3) Passive outdoor public recreation (per section 130-371).
- (4) Active outdoor public recreation (per section 130-372).
- (5) Indoor institutional uses (per section 130-373).
- (6) Public services and utilities (per section 130-375).
- (7) Office (per section 130-401).
- (8) Personal or professional services (per section 130-402).
- (9) Indoor sales or service (per section 130-403).
- (10) Indoor maintenance service (per section 130-405).
- (11) Off-site parking lot (per section 130-481).
- (12) Artisan studio (per section 130-423).
- (13) Group development (per section 130-418).
- (14) Group day care center (nine or more children) (per section 130-413).

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(2)(a)), 1-19-1998, Ord. 2007-4, Ord. 2017-01)

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**Sec. 130-823. Uses permitted as conditional use.**

Land uses permitted as conditional use in the B-3 district are as follows:

- (1) Clear cutting (per section 130-347).
- (2) Outdoor institutional uses (per section 130-374).
- (3) Institutional residential uses (per section 130-376).
- (4) Outdoor display (per section 130-404).
- (5) In-vehicle sales or service (per section 130-407).
- (6) Indoor commercial entertainment (per section 130-408).
- (7) Outdoor commercial entertainment (per section 130-409).
- (8) Commercial animal boarding (per section 130-410).
- (9) Commercial indoor lodging (per section 130-411).

(10) Bed and breakfast establishment (per section 130-412).

~~(11) Group day care center (nine or more children) (per section 130-413).~~

(12) Boardinghouse (per section 130-415).

(13) Vehicle repair and maintenance (per section 130-417).

(14) Gas station/convenience store/food counter (per section 130-419).

(15) Carwash (per section 130-420).

(16) Personal storage facility (per section 130-453).

(17) Railroad line (per section 130-485).

(18) Motor vehicle storage yard (per section 130-457).

(19) ~~Business district mixed commercial/residential uses.~~ Commercial Apartment (per section 130-~~421~~522)

(20) Apartment (per section 130-321) in conjunction with non-residential land uses.

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(2)(b)), 1-19-1998, Ord. 2005-44, Ord. 2006-42, Ord. 2017-01)

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#### **Sec. 130-827. Requirements for nonresidential uses.**

Regulations applicable to nonresidential uses in the B-3 district are as follows:

(1) Nonresidential intensity requirements:

- a. Maximum number of floors: Four.
- b. Minimum landscape surface ratio: 15 percent.
- c. Maximum Building Coverage: 60 Percent
- d. Maximum floor area ratio: 1.5
- e. Minimum lot area: 9,000 square feet.
- f. Maximum building size: 20,000 Square Feet per Floor
- g. Maximum Parking Lot Street Frontage: 50 Percent

(2) Nonresidential bulk and lot dimension requirements:

- a. Minimum lot area: 9,000 square feet.
- b. Minimum lot width: 70 feet.
- c. Minimum street frontage: 50 feet.

(3) Minimum setbacks and building separation:

- a. Building to front or street side lot line: 10 feet, 35 feet maximum or for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
- b. Building to residential side lot line: Ten feet.

- c. Building to residential rear lot line: 25 feet.
- d. Building to nonresidential side lot line: Ten feet or zero feet on zero lot line side.
- e. Building to nonresidential rear lot line: 25 feet.
- f. Minimum paved surface setback: Five feet from side or rear, ten feet from street.
- g. Minimum building separation: 12 feet, or zero feet on zero lot line side.

(4) Maximum building height: 40 feet.

(5) Driveways and Access

a. Maximum width at sidewalk: 25 feet

~~a.~~b. One driveway allowed per street on which lot has frontage.

(5) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article XI of this chapter.

(6) Nonresidential landscaping requirements (nonresidential, two-family and multifamily): See landscaping requirements per article IV of this chapter.

(Code 1986, § 17.34; Ord. No. 1997-18, § 6(17.34(4)), 1-19-1998, Ord. 2017-01)

## **FROM ARTICLE VIII, DIVISION EIGHT. REGIONAL BUSINESS DISTRICT.**

### **Sec. 130-852. Uses permitted by right.**

Land uses permitted by right in the B-4 district are as follows:

- (1) Cultivation (per section 130-341).
- (2) Selective cutting (per section 130-346).
- (3) Passive outdoor public recreation (per section 130-371).
- (4) Active outdoor public recreation (per section 130-372).
- (5) Indoor institutional uses (per section 130-373).
- (6) Public services and utilities (per section 130-375).
- (7) Indoor sales or service (per section 130-403).
- (8) Indoor maintenance service (per section 130-405).
- (9) In-vehicle sales or service (per section 130-407).
- (10) In-vehicle sales and service incidental to on-site principal land use (per section 130-528).
- (11) Artisan studio (per section 130-423).
- (12) Group day care center (nine or more children) (per section 130-413).

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(2)(a)), 1-19-1998; Ord. No. 2002-11, § 5, 11-12-2002, Ord. 2007-4)

### **Sec. 130-853. Uses permitted as conditional use.**

Land uses permitted as conditional uses in the B-4 district are as follows:

- (1) Clear cutting (per section 130-347).
- (2) Outdoor institutional uses (per section 130-374).
- (3) Institutional residential uses (per section 130-376).
- (4) Personal or professional services (per section 130-402).
- (5) Outdoor display (per section 130-404).
- (6) Drive-in financial institutions (per section 130-537).
- (7) Indoor commercial entertainment (per section 130-408).
- (8) Commercial animal boarding (per section 130-410(3)).
- (9) Commercial indoor lodging (per section 130-411).
- ~~1. Group day care center (nine or more children) (per section 130-413).~~
- (10) Boardinghouse (per section 130-415).
- (11) Vehicle repair and maintenance (per section 130-417).

- (12) Group development (per section 130-418).
- (13) Gas station/convenience store/food counter (per section 130-419).
- (14) Carwash (per section 130-420).
- (15) Large-format retail store (per section 130-422).
- (16) Railroad line (per section 130-485).
- (17) Business district mixed commercial/residential uses. (per section 130-421)
- ~~(18) Apartment (per section 130-321) in conjunction with non-residential land uses.~~  
Commercial Apartment (per section 130-522).

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(2)(b)), 1-19-1998; Ord. No. 2002-11, § 6, 11-12-2002, Ord. 2005-44, Ord. 2005-47, Ord. 2006-25, Ord 2009-02, Ord. 2017-02)

### **Sec. 130-857. Requirements for nonresidential uses.**

Regulations applicable to nonresidential uses in the B-4 district are as follows:

(1) Nonresidential intensity requirements:

- a. Maximum number of floors: Two.
- b. Minimum landscape surface ratio: 25 percent.
- c. Maximum floor area ratio: 0.5
- d. Minimum lot area: 40,000 square feet.
- e. Maximum building size: Not applicable.
- f. Minimum building size 10,000 square feet
- g. Maximum Parking Lot Street Frontage: 50 percent.

(2) Nonresidential bulk and lot dimension requirements:

- a. Minimum lot area: 40,000 square feet.
- b. Minimum lot width: 100 feet.
- c. Minimum street frontage: 50 feet.

(3) Minimum setbacks and building separation:

- a. Building to front or street side lot line: 15 feet, 50 feet maximum or for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
- b. Building to residential side lot line: Ten feet.
- c. Building to residential rear lot line: 25 feet.
- d. Building to nonresidential side lot line: 10 feet or zero feet on zero lot line side.
- e. Building to nonresidential rear lot line: 25 feet.
- f. Minimum paved surface setback: Five feet from side or rear; ten feet from street.

g. Minimum building separation: 20 feet or zero feet on zero lot line side.

(4) Maximum building height: forty (40) feet.

(5) Driveway and Access.

a. Maximum width at sidewalk: 25 feet

(4)b. One driveway allowed per street on which lot has frontage.

(5)(6) Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article XI of this chapter.

(6)(7) Nonresidential landscaping requirements (nonresidential, two-family and multifamily uses): See landscaping requirements per article IV of this chapter.

(Code 1986, § 17.35; Ord. No. 1997-18, § 7(17.35(4)), 1-19-1998; Ord. No. 2000-12, § 2(17.35(4)), 6-13-2000; Ord. No. 2002-11, § 8, 11-12-2002, Ord. 2017-02)

## FROM ARTICLE VIII, DIVISION FIFTEEN. RESIDENTIAL DISTRICT ONE (R-1)

### 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 and street side yard setback: 25 or 20 feet when alternate standards are met (see Sec. 130-984(3)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8 feet, total of 20 feet on both sides or 8 feet when alternate standards are met (see Sec. 130-984(3)).
  - e. Minimum side yard setback:
  - f. Occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
  - g. Driveway side and rear yard setbacks: 3 feet.
- (3) Alternative setback standards referenced in this section may be used when any of the two following standards are met:
  - a. Linear garage frontage does not exceed 40% of the building's front elevation.
  - b. Building is a two-story structure.
  - c. Front Porch at least 25 square feet in size .
  - d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
  - e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.
- (4) Detached ADU, garage and accessory building side yard and street side yard setback:
  - a. 3 feet for side yards, five (5) feet for ADUs only.
  - b. 20 feet for street side yards.
  - c. Five (5) feet for rear yards.

(5) ~~Minimum~~ Lot width at front setback line:

a. ~~70 feet for lots platted after December 31, 2000~~ Minimum: 60 feet for lots platted before January 1, 2001.

(5)b. ~~Maximum: 100 feet~~

- (6) Minimum lot frontage on public road: 50 feet.
- (7) 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.
- (8) 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.
- (9) Maximum lot area for a single family dwelling: 14,000 square feet

~~(8)~~(10) Maximum lot area for a two-family dwelling: 16,000 square feet

~~(9)~~(11) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.

~~(10)~~(12) Minimum floor area for two-family dwelling: 700 square feet per unit.

~~(11)~~(13) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.

~~(12)~~(14) Buildings and Structures Lot Coverage Standards

- a. Maximum lot coverage by impervious surfaces shall be forty five percent (45%) of lot area.
- b. Maximum front yard coverage by impervious surfaces shall be forty five percent (45%) of lot area, provided maximum lot coverages are not exceeded.
- c. Maximum linear garage coverage, as measured across the street facing façade, on a building's front elevation shall be fifty five percent (55%)
- d. Front facing façade of garage recessed from, or no more than, eight (8) feet offset from primary façade at ground level.
- e. Maximum driveway width at sidewalk of twenty (20) feet.

(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, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)



## FROM ARTICLE VIII, DIVISION 16. RESIDENTIAL DISTRICT TWO (R-2)

### 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
  - a. Minimum front yard and street side yard setback: 25 feet or 20 feet when alternate standards are met (see Sec.130-1004(8)).
  - b. Maximum front yard and street side yard setback: 30 feet.
  - c. Minimum rear yard setback: 20 feet.
  - d. Minimum side yard setback: 8 feet, total of 20 feet on both sides.
  - e. Detached garage and accessory building side yard and street side yard setback:
    1. 3 feet for side yards.
    2. 20 feet for street side yards.
    3. 5 feet for rear yards.

#### (3) Minimum lot width at front setback line:

- a. ~~Minimum: 90 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.

#### ~~(3)~~b. Maximum: 100 feet

- (4) Minimum lot frontage on public road: 75 feet, except that two-family twin lots shall have a minimum of 25 feet per lot.

#### (5) 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.

#### (6) Maximum lot area:

- a. Single family: 14,000 square feet
- b. Two family: 16,000 square feet
- c. Two family twin: 8,000 square feet

~~(6)~~(7) Minimum side yard setback:

- a. Single-family, two-family, three-family, and four-family: 8 feet; total 20 feet on both sides.
- b. Two-family twin: Zero feet on the interior (common wall) lot line. 10 feet on exterior side lot lines or 8 feet on both sides when alternate standards are met (see Sec.130-1004(8)).
- c. Detached occupied dwelling units shall maintain 10 feet of building separation, unless fireproofed.
- d. Driveway side and rear yard setbacks: 3 feet.

(8) Maximum front yard and street side yard setback: 30 feet.

~~(7)~~(9) Alternative setback standards referenced in this section may be used when any of the two following standards are met:

- a. Linear garage frontage does not exceed 40% of the building's front elevation.
- b. Building is a two-story structure.
- c. Front Porch at least 25 square feet in size.
- d. Street facing garage doors are recessed by at least four feet behind the façade of the ground floor of the principal building.
- e. Driveway width does not exceed 15 feet in front setback area or is shared by access easement with adjacent lot.

~~(8)~~(10) 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.

~~(9)~~(11) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.

~~(10)~~(12) Minimum above-grade floor area for single-family dwelling: 1,000 square feet.

~~(11)~~(13) Buildings and Structures Lot Coverage Standards

- a. Maximum lot coverage by impervious surfaces shall be fifty percent (50%) of lot area.
- b. Maximum front yard coverage by impervious surfaces shall be fifty percent (50%) of lot area, provided maximum lot coverages are not exceeded.
- c. Maximum linear garage coverage on a building's front elevation shall be fifty five percent (55%)

- d. Front facing façade of garage recessed from, or no more than eight (8) feet offset from primary façade at ground level.
- e. Maximum Driveway Width at sidewalk of 20 feet.

(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, Ord. 2020-13, Ord. 2021-08, Ord. 2023-15)

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## FROM ARTICLE X SIGNS

### **Sec. 130-1276. Signs permitted in the local business district (B-1), community business district (B-3), special use business district (B-5), and planned office district (O-1) with a sign permit.**

Except for signs permitted without a sign permit under section 130-1274, all signs in the local business district (B-1), community business district (B-3), special use business district (B-5), or planned office district (O-1) and not in a historic preservation district are prohibited except for a sign that complies with the following regulations and for which the applicant has obtained a sign permit:

(a) Freestanding/ground/pole signs shall have no projections and are limited to one per parcel. They shall not exceed 50 square feet in area nor 15 feet in height measured from the mean centerline street grade to the top of the sign. ~~Exception: height may be up to 20 feet if sign is set back at least ten feet from the property line.~~

(b) Shopping center/group development/office park signs. One freestanding sign, showing only the name of said center and each represented business. They shall not exceed 60 square feet in area, 15 feet in height above finished grade, nor be placed within 20 feet of the property line.

(c) Projecting signs shall not extend over a public sidewalk and must maintain a clear vertical clearance of ten feet.

(d) Wall signs shall not project more than 16 inches from such wall. One sign is permitted on the front wall of any principal building. The sign area shall not exceed one-tenth building's front face (including doors and windows), with a maximum area of 200 square feet. If a single principal building is devoted to two or more businesses, the operator of each business may install a front wall sign. The maximum area of each sign shall be determined by using the proportional share of the front face (including doors and windows) occupied by each business and applying such proportion to the total sign area permitted for the front wall of the building. If the building is located on a corner lot, a sign may also be placed on the side wall facing the secondary street up to one-tenth of the wall's face in area, not to exceed 100 square feet. In no case shall the total area of all wall signs be in excess of 200 square feet or there be more than two wall signs per business.

(e) Awning signs and canopy/marquee signs are limited to a total of two such signs for each business, and the signage may be placed on the flap of the awning that hangs vertically and/or on the sloping portion of the awning, provided the signage does not occupy more than 50 percent of such area or to the part of the canopy/marquee that is a vertical face. The portion of the awning or canopy/marquee displaying a message or symbol shall be included in the total signage area per parcel area calculation.

(f) Window signs in excess of 25 percent of the glazed area but less than 50 percent of the glazed area provided the sign is not an electronic message sign.

(g) Lighting. Signs may be ~~directly illuminated/backlit or~~ indirectly illuminated by a hooded reflector, shall not create glare nor be flashing.

(h) Total signage area per parcel cannot exceed 250 square feet.

~~(i) Electronic message signs may only be used to advertise activities conducted on the premises or to present public information and cannot exceed 20 percent of the face of the sign. Electronic signs must also meet the following specific standards:~~

- ~~(1) The display area is a part of a freestanding ground sign.~~
- ~~(2) The display area does not exceed 25 square feet.~~
- ~~(3) The message shall be in one color and the background for the message shall be one color.~~
- ~~(4) The message shall remain static at least two minutes before the next message appears. No part of the message shall give the appearance of movement.~~
- ~~(5) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading)~~
- ~~(6) There shall be no more than one electronic message display per parcel of land.~~

~~(i)~~(i) Sandwich board signs may only be displayed during business hours. They shall be securely fastened to prevent any hazardous condition. No sign shall exceed 12 square feet in area on each face, nor 4 feet in height above finished grade.

~~(j)~~(j) Church bulletins may be directly illuminated/backlit or indirectly illuminated, except neon, and are limited to one sign per lot, six feet in height above finished grade, 16 square feet in area and must be at least eight feet from any other zoning lot.

~~(k)~~(k) Searchlights are not allowed in this district.

~~(l)~~(l) Construction signs for development on a lot, one sign not more than 32 square feet in area, indicating only the name of the contractors, engineers or architects and displayed only during the time of construction.

~~(m)~~(m) Banners. Banners displayed for a business or nonresidential use may be displayed for a limited period of time, not to exceed 30 days per 90 day period. Banners shall not exceed a cumulative of 32 square feet per parcel, nor 15 feet in height above finished grade. Any banner attached to or displayed on public property will require a no fee permit from the zoning administrator.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL  
OF THE CITY OF EVANSVILLE, WISCONSIN;**

This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Dianne Duggan, Mayor

ATTEST:

\_\_\_\_\_  
Leah Hurtley, City Clerk

Introduced: 06/10/2024  
Adopted: 07/09/2024  
Published: \_\_/\_\_/2024

CITY OF EVANSVILLE  
ORDINANCE # 2024-05

AN ORDINANCE UPDATING DIVISIONS 12 THROUGH 15 AND SECTION 130-1306 OF  
CHAPTER 130 (ZONING)

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

SECTION 1. It is in the best interest of the City and that of its citizens to amend the Chapter 130 from time to time in order to accurately reflect the goals of the Smart Growth Comprehensive Plan, last updated in September 2022, specifically those related to lot size, layout, density, and intent for certain residential districts.

SECTION 2. Excessive or poor use of artificial outdoor light has a negative effect on the rural and small town character of the City, in addition to disrupting the sleep patterns of residents, interrupting natural wildlife patterns, and creating nuisances on neighboring properties.

SECTION 3. The Evansville Plan Commission held a public hearing on July 2, 2024, in compliance with the requirements of Section 62.23(7)(d)(2), Wis. Stats., regarding the proposed amendment of the zoning ordinance, and by unanimous vote of the entire commission, has recommended Ordinance 2024-05 be approved by Common Council.

SECTION 4. The changes proposed in Ordinance 2024-05 are consistent with the City's adopted Smart Growth Comprehensive Plan.

The Common Council of the City of Evansville, Rock County, Wisconsin, do hereby amend sections of Chapter 130 as follows:

## REPEAL DIVISION 12 OF CHAPTER 130.

### ~~DIVISION 12. RURAL RESIDENTIAL DISTRICT (RR)~~

#### ~~Sec. 130-921. Purpose and intent; soil types unsuitable for development.~~

~~—The purpose of the RR district is to provide a means of obtaining the residential goals and objectives of the development guide. The RR district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the RR district is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on primary agricultural soils. The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, easy liquification, flotation of pipes, being subject to frost heave, bedrock, low bearing capacity, or frequent overflow, and therefore no residential development shall take place thereon:~~

#### ~~ON-SITE LIMITATIONS~~

<del>Ad</del>	<del>EdE</del>	<del>KaA</del>	<del>Ot</del>	<del>SoB</del>
<del>Aw</del>	<del>E1A</del>	<del>KdD</del>	<del>Pa</del>	<del>SoC2</del>
<del>AzA</del>	<del>EmA</del>	<del>KeD2</del>	<del>Ro</del>	<del>SoD</del>
<del>BmA</del>	<del>EoA</del>	<del>KeE</del>	<del>RpB</del>	<del>SoF</del>
<del>Br</del>	<del>EvD</del>	<del>LkA</del>	<del>RpC2</del>	<del>TrA</del>
<del>CaD2</del>	<del>EvE</del>	<del>LoD</del>	<del>RpD2</del>	<del>Wb</del>
<del>CaE</del>	<del>GoD</del>	<del>Ma</del>	<del>Rre</del>	<del>WeA</del>
<del>Co</del>	<del>GpB2</del>	<del>Mb</del>	<del>RfF</del>	<del>W1A</del>
<del>Da</del>	<del>GpC2</del>	<del>Mc</del>	<del>Rs</del>	<del>W1B2</del>
<del>DrD2</del>	<del>GrD2</del>	<del>Md</del>	<del>RtD</del>	<del>WiC2</del>
<del>EdB2</del>	<del>Ha</del>	<del>Me</del>	<del>RuE</del>	<del>W1D2</del>
<del>EdC2</del>	<del>Ho</del>	<del>Mf</del>	<del>RuF</del>	<del>WhB2</del>
<del>EdD2</del>	<del>JuA</del>	<del>Na</del>	<del>SaD</del>	<del>WhC2</del>
<del>—</del>	<del>—</del>	<del>OoD2</del>	<del>SbC2</del>	<del>WoA</del>

(Code 1986, § 17.38(1))

#### ~~Sec. 130-922. Uses permitted by right.~~

~~—The following uses are permitted uses in the RR district:~~



- ~~(1) Single family dwellings. 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 11 percent of the total area of the lot.~~
- ~~(2) Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, bees or fur-bearing animals, including rabbits. No barbed wire fences are permitted.~~
- ~~(3) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of roadbuilding or maintenance machinery.~~
- ~~(4) Public parks, playgrounds, and recreational and community center buildings and grounds.~~
- ~~(5) Grade schools, churches and their affiliated uses.~~
- ~~(6) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.~~
- ~~(7) Water storage facilities and their accessory structures.~~
- ~~(8) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit and no accessory building may exceed 150 square feet. There shall be no more than two accessory buildings per lot.~~
- ~~(9) Uses customarily incidental to any of the uses listed in subsections (1)–(8) of this section; provided that no such uses generates traffic or noise that would create a public or private nuisance.~~
- ~~(10) Home occupation, when meeting all of the criteria in section 130-531.~~
- ~~(11) Community living arrangement (one to eight residents) (per section 130-377).~~
- ~~(12) Outdoor furnace (per section 130-539).~~

~~(Code 1986, § 17.38(2); Ord. No. 2002-4, § 8, 4-9-2002; Ord. No. 2003-7, § 3, 10-14-2003, Ord. 2005-28, Ord. 2006-36)~~

### **~~Sec. 130-923. Uses permitted as conditional use.~~**

~~The following conditional uses shall be allowed in the RR 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 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 11 percent of the total area of the lot.~~

- ~~(2) Home occupation, which does not 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, 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.~~
- ~~(5) Telephone, telegraph and electric transmission lines, buildings or structures.~~
- ~~(6) Nursing homes and hospitals.~~
- ~~(7) Community living arrangement (nine to 15 residents) (per section 130-378).~~
- ~~(8) Railroad line (per section 130-485).~~
- ~~(9) Single family dwelling units with an above-grade floor area of at least 900 and less than 1,200 square feet.~~

~~(Code 1986, § 17.38(3); Ord. No. 2002-4, § 9, 4-9-2002; Ord. No. 2003-7, § 4, 10-14-2003, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21)~~

#### **Sec. 130-924. Requirements for all uses.**

~~Within the RR district, the following standards shall apply:~~

- ~~(1) Maximum building height: 35 feet.~~
- ~~(2) Minimum front yard setback: 50 feet.~~
- ~~(3) Minimum rear yard setback: 25 feet.~~
- ~~(4) Detached garage and accessory building side yard setback: Five feet.~~
- ~~(5) Minimum lot width at building line: 100 feet.~~
- ~~(6) Minimum lot frontage on public road: 70 feet.~~
- ~~(7) Minimum lot area: 40,000 square feet.~~
- ~~(8) Minimum lot area per two-family dwelling: 55,000 square feet.~~
- ~~(9) Minimum side yard setback: 15 feet.~~
- ~~(10) Minimum above-grade floor area per family: 1,200 square feet.~~
- ~~(11) Off-street parking requirements:~~
  - ~~a. Residential: Three spaces for all single-family and two-family dwelling units.~~

b. ~~Public gathering: One space per five seats, if applicable, or one space per 200 square feet of building. (See parking requirements per specific land use in article V of this chapter).~~

~~(12) Maximum lot coverage ratio of all buildings: Not to exceed 12.5 percent of total lot.~~

~~(13) Two-family dwelling ratio: Not more than one two-family dwelling per single-family dwelling, or not more than one two-family dwelling per four acres of land under a single ownership within the district.~~

~~(14) Height of detached garages and accessory buildings: Shall not exceed the height of the principal structure.~~

~~(Code 1986, § 17.38(4); Ord. No. 2003-9, § 1, 9-9-2003; Ord. No. 2003-11, § 1, 10-14-2003, Ord. 2007-21)~~

**~~Sees. 130-925--130-940. Reserved.~~**

## DIVISION 13. LARGE LOT URBAN RESIDENTIAL DISTRICT (LL-R~~12~~)

### Sec. 130-941. Purpose and intent.

The purpose of the LL-R~~12~~ district is to provide a means of obtaining the residential goals and objectives of the ~~master plan~~Smart Growth Comprehensive Plan with regard for natural resource features that prevent may lots from conforming to the lot area maximums of the City's standard residential zoning districts. The LL-R~~12~~ district is intended allow for larger lots to fit in with neighboring properties when needed as part of the subdivision and platting process. This district is also made to accommodate annexed properties with existing dwelling units, formerly on private well and septic systems, and to provide those properties a way to subdivide buildable areas for future housing. ~~to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the LL-R12 district is to provide a large scale residential environment with low population densities in areas that have access to urban services and facilities, including but not limited to sewer and water facilities.~~

(Code 1986, § 17.381(1))

### Sec. 130-942. Uses permitted by right.

The following uses are permitted uses in the LL-R~~12~~ district:

- ~~(1)~~ (1) One single-family dwelling unit ~~with a minimum above-grade floor area of 1,200 square feet~~; one or more private garages. 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 11 percent of the total area of the lot.
- (2) Two-family and two family twin dwellings.
- ~~(4)~~(3) Public and quasipublic owned parks and playgrounds and publicly-owned community buildings and grounds.
- ~~(2)~~(4) Graded schools, ~~churches~~places of worship and their affiliated/accessory uses, water storage facilities and related structures.
- ~~(3)~~(5) Accessory building clearly incidental to the residential use of the property; provided, however, no accessory building may exceed 150 square feet.
- ~~(4)~~(6) Uses customarily incidental to any of the uses listed in subsections (1)--~~(54)~~ of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.
- ~~(5)~~(7) Community living arrangement (one to eight residents) (per section 130-377).
- ~~(6)~~(8) Home occupation when meeting all of the criteria in section 130-531.
- (9) Family day care home (per section 130-532)
- (10) All existing structures and uses on lots that were zoned LL-R12 and LL-R15 prior to July 9, 2024.
- ~~(7)~~(11) Accessory Dwelling Units as defined in Section 130-6.

(Code 1986, § 17.381(2); Ord. No. 2002-4, § 10, 4-9-2002; Ord. No. 2003-7, § 5, 10-14-2003; Ord. 2004-2, Ord. 2005-28, Ord. 2007-21)

### **Sec. 130-943. Uses permitted as conditional use.**

The following conditional uses shall be allowed in the LL-R~~42~~ 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 in section 130-531.
- ~~(2) Telephone, telegraph and electric transmission lines, buildings or structures.~~
- ~~(3)~~(2) Community living arrangement (nine to 15 residents) (per section 130-378).
- ~~(4)~~(3) One single-family dwelling unit with an above-grade floor area of at least 900 and less than 1,200 square feet.
- ~~(5)~~(4) Railroad line (per section 130-485).
- ~~(6) Group day care center (nine or more children). (per section 130-413)~~
- (5) Bed and breakfast establishment (per section 130-412).

(Code 1986, § 17.381(3); Ord. 2004-2, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21)

### **Sec. 130-944. Requirements for all uses.**

Within the LL-R~~42~~ district, the following standards shall apply:

- (1) Maximum building height of principal structure: 35 feet.
- (2) Height of detached garages or accessory buildings: Shall not exceed the height of the principal structure.
- (3) Minimum front yard setback: 25 feet or 20 feet when alternate standards are met (see Sec. 130-944(13)).
- (4) Minimum rear yard setback: 15 feet.
- (5) Minimum side yard setback: Eight feet; total 20 feet on both sides.
- (6) Minimum lot width at front setback line: 80 feet.
- (7) Minimum lot frontage on public road: 50 feet.
- (8) Minimum lot area:
  - ~~(8)a.~~ a. Single family dwelling: 1213,000 square feet.
  - b. Minimum lot area per T~~two-family dwelling: 17,500~~15,000 square feet
  - ~~(9)c.~~ c. Two-family twin dwelling: 16,000 square feet
- ~~(10)~~(9) Detached garage and accessory building side yard and street side yard setback:
  - a. Five feet for side and rear yards.

b. 20 feet for street side yards.

~~(11)~~(10) Minimum above-grade floor area: 1,200 square feet.

~~(12) Minimum building width: 24 feet.~~

~~(13)~~(11) Minimum street side yard setback: 20 feet.

~~(12) Maximum front yard and street side yard setback: 35 feet.~~

~~(13) Alternative setback standards referenced in this section may be used when any of the two following standards are met:~~

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

~~b. Building is a two-story structure.~~

~~c. Front Porch at least 25 square feet in size .~~

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

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

(Code 1986, § 17.381(4); Ord. No. 2003-9, § 2, 9-9-2003; Ord. No. 2003-11, § 2, 10-14-2003; Ord. 2004-2, Ord 2005-1, Ord. 2005-9, Ord. 2007-21, Ord. 2012-16)

#### **Sec. 130-945. ~~Prohibited uses.~~References to prior zoning district classifications**

References throughout Chapter 130 relating to permitted and conditional uses in the LL-R12 and LL-R15 zoning districts shall be interpreted as permitted and conditional uses in the LL-R zoning district.

~~(a) No structure or improvement may be built or land used in the LL-R12 district unless it is a permitted use or an approved conditional use.~~

~~(a) No sewage treatment plants, garbage incinerators, warehouses, equipment storage buildings, or storage areas are permitted.~~

(Code 1986, § 17.381(5))

#### **Sec.130-946. 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.

## **REPEAL DIVISION 14 OF CHAPTER 130.**

### **~~DIVISION 14. LARGE LOT URBAN RESIDENTIAL DISTRICT (LL-R15)~~**

#### **~~Sec. 130-961. Purpose and intent.~~**

~~The purpose of the LL-R15 district is to provide a means of obtaining the residential goals and objectives of the master plan. The LL-R15 district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the LL-R15 district is to provide a large scale residential environment with low population densities in areas that have access to urban services and facilities, including but not limited to sewer and water facilities.~~

~~(Code 1986, § 17.382(1))~~

#### **~~Sec. 130-962. Uses permitted by right.~~**

~~The following uses are permitted uses in the LL-R15 district:~~

~~(1) — One single-family dwelling unit with a minimum above-grade floor area of 1,200 square feet. One or more private garages. 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 11 percent of the total area of the lot.~~

~~(2) — Public and quasipublic owned parks and playgrounds and publicly owned community buildings and grounds.~~

~~(3) — Grade schools, churches and their affiliated uses,~~

~~(4) — Accessory building clearly incidental to the residential use of the property; provided, however, no accessory building may exceed 150 square feet.~~

~~(5) — Uses customarily incidental to any of the uses listed in subsections (1)–(4) of this section; provided that no such use generates traffic or noise that would create a public or private nuisance.~~

~~(6) — Community living arrangement (one to eight residents) (per section 130-377).~~

~~(7) — Home occupation when meeting all of the criteria in section 130-531.~~

~~(Code 1986, § 17.382(2); Ord. No. 2002-4, § 11, 4-9-2002; Ord. No. 2003-7, § 6, 10-14-2003; Ord. 2004-2, Ord. 2005-28, 2007-21)~~

#### **~~Sec. 130-963. Uses permitted as conditional use.~~**

~~The following conditional uses shall be allowed in the LL-R15 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 the requirements of section 130-531.~~

~~(2) — Telephone, telegraph and electric transmission lines, buildings or structures.~~

~~(3) — Community living arrangement (nine to 15 residents) (per section 130-378).~~

~~(4) — One single-family dwelling unit with an above-grade floor area of at least 900 and less than 1,200 square feet.~~

~~(5) — Railroad line (per section 130-485).~~

~~(Code 1986, § 17.382(3), Ord. 2004-2, Ord. 2005-28, Ord. 2005-44, Ord. 2007-21)~~

#### **~~Sec. 130-964. Requirements for all uses.~~**

~~Within the LL-R15 district, the following standards shall apply:~~

~~(1) — Maximum building height of principal structure: 35 feet.~~

~~(2) — Height of detached garages or accessory buildings: Shall not exceed the height of the principal structure.~~

~~(3) — Minimum front yard setback: 25 feet.~~

- ~~(4) Minimum rear yard setback: 15 feet.~~
  - ~~(5) Minimum side yard setback: Eight feet; total of 20 feet on both sides.~~
  - ~~(6) Minimum lot width at front setback line: 100 feet.~~
  - ~~(7) Minimum lot frontage on public road: 60 feet.~~
  - ~~(8) Minimum lot area: 15,000 square feet.~~
  - ~~(9) Minimum lot area per two-family dwelling: 22,000 square feet.~~
  - ~~(10) Detached garage and accessory building side and street side yard setback:~~
    - ~~a. Five feet for side yards.~~
    - ~~b. 20 feet for street side yards.~~
  - ~~(11) Minimum above-grade floor area: 1,200 square feet.~~
  - ~~(12) Minimum building width: 24 feet.~~
  - ~~(13) Minimum street side yard setback: 20 feet.~~
  - ~~(14) Maximum front yard and street side yard setback: 35 feet.~~
- ~~(Code 1986, § 17.382(4); Ord. No. 2003-9, § 3, 9-9-2003; Ord. No. 2003-11, § 3, 10-14-2003, Ord. 2004-2, Ord. 2005-1, Ord. 2005-9, Ord. 2007-21, Ord. 2012-16)~~

**~~Sec. 130-965. Prohibited uses.~~**

- ~~(a) No structure or improvement may be built or land used in the LL-R15 district unless it is a permitted use or an approved conditional use.~~
- ~~(b) No sewage treatment plants, garbage incinerators, warehouses, equipment storage buildings, or storage areas are permitted.~~

~~(Code 1986, § 17.382(5))~~

**~~Secs. 130-976--130-980. RESERVED~~**



**ADDING TO ARTICLE XI: SECTION 130-1306. EXTERIOR LIGHTING STANDARDS.**

**Section 130-1306. Exterior Lighting Standards.**

- (1) Purpose. The regulations of this section establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity, and prevent unnecessary glare and light trespass onto adjacent properties.
- (2) Light trespass.

  - a. Outdoor lighting shall be designed, installed, and maintained to confine illumination to the subject property. Compliance with these regulations must be achieved by fixture shielding, directional control designed into fixtures, fixture locations, height, aim, or a combination of these or other factors.
  - b. Maximum light trespass (spillover) is limited to the following levels according the zoning district of the lot receiving the spillover light:

    - i. All residential districts: 0.50 footcandles
    - ii. All other zoning districts: 3 footcandles
  - c. Spotlights and floodlights must be aimed so that they do not shine (aim point) across property lines.
- (3) Dark Sky Compliant Lighting.

  - a. New lighting fixtures shall use dark sky compliant lighting fixtures and installation practices in all areas of the City.
  - b. Changes in existing lighting shall follow this ordinance in all areas of the City.
  - c. This ordinance does not apply to cosmetic or decorative lighting below 250 lumens.