

**Ordinance No. 01-2-25
Amending Southern Riverfront Allowable Uses**

ORDINANCE NO. 01-2-25

AN ORDINANCE AMENDING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR PROPERTY LOCATED NORTH OF HIGHWAY 172, EAST OF BROADWAY, SOUTH OF NORTH RIGHT-OF-WAY OF MARINA DRIVE AND WEST OF THE ORDINARY HIGH WATER MARK OF THE FOX RIVER, INCLUDING THE MARINA CONSISTING OF DOCKS AND OTHER EQUIPMENT, IN THE VILLAGE OF ASHWAUBENON

THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON DOES ORDAIN AS FOLLOWS:

WHEREAS, Developers have requested a proposed amendment to an existing Planned Unit Development (PUD) Overlay Zoning District (Ordinance No. 08-1-03 adopted August 22, 2003 and;

WHEREAS, the existing parcels included in Ordinance No. 08-1-03 were VA-132-4, VA-134, VA-134-1, VA-133, VA-146-1, Village of Ashwaubenon; and

WHEREAS, Village of Ashwaubenon Tax Parcel VA-132-4-1 was created on January 22, 2004, and is currently zoned as P-Public Use, and incorporated within the existing PUD; and

WHEREAS, the Plan Commission has reviewed the proposed amendment to revise the allowable uses in the existing Planned Unit Development in accordance with Section 17-2-600, PUD Review Procedure of the Village of Ashwaubenon Municipal Code; and

WHEREAS, the Village Board of Trustees of the Village of Ashwaubenon has received the recommendation of the Village Plan Commission approving the proposed amendment to revise the allowable uses of existing Planned Unit Development Overlay District of the property described below and has scheduled a public hearing on the matter then to be decided by the Village Board of Trustees; and

WHEREAS, the Village Clerk has published a Notice of Public Hearing regarding the proposed amendment to revise the allowable uses of the existing Planned Unit Development Overlay District and has maintained at her office during regular business hours the PUD Zoning Overlay Amendment for the specific property recommended for amendment to change the allowable uses of the existing Planned Unit Development Overlay Zoning;

WHEREAS, pursuant to the above-mentioned notice, a public hearing has been held at the Village Hall on the 28th day of January, 2025 at 6:00 p.m., whereupon the Village Board of Trustees heard all interested parties and/or their agents and attorneys;

NOW THEREFORE, the Village Board of Trustees of the Village of Ashwaubenon, does hereby ordain as follows:

SECTION 1. Pursuant to Section 17-2-600 PUD Review Procedure and Section 17-3-500(B)(6) Business Districts-Planned Unit Development (PUD), Ashwaubenon Municipal Code, together with the zoning map and statutory authority referred to therein, a Planned Unit Development (PUD) Overlay Zoning District is hereby amended on the following described property (see map attached hereto as Exhibit A):

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Parcel VA-132-4-1:

58,557 SQ FT M/L OUTLOT 1 OF 47 CSM 72 BNG PRT OF PC 20 WSFR

The underlying Zoning District in the PUD is Community Business District. The underlying Zoning District for Parcel VA-132-4-1 is Public Use.

SECTION 2. That pursuant to Sections 17-3-500(B)6) and 17-4-200(D)(12) of the Ashwaubenon Municipal Code, the following allowable uses shall pertain to VA-132-4-1.

Uses: Allowable uses on VA-132-4-1 shall include visitor accommodation limited to the marina clubhouse building.

SECTION 3. The provisions of this ordinance, including without limitation to all obligations, conditions, restrictions, and limitations related thereto, shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including without limitation any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each Exhibit which is attached to this ordinance is deemed to be and is expressly made a part of an incorporated into this ordinance to the same extent as if each such Exhibit, and the plans identified therein, had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the Village of Ashwaubenon, the Village may decline to issue any building or other permits otherwise required by any ordinance of this Village while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the Village of Ashwaubenon that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall take effect upon its adoption and publication. Approved and adopted this 28 day of January, 2025.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Kris Teske, Clerk

{SEAL}

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Motion to Approve/Deny Ordinance O1-2-25 made by: Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	T. Flucke			
President	M. Kardoskee			

Date of Publication: January 31, 2025