

**AN ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY
ZONING DISTRICT FOR PARCEL VA-L333-2**

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

WHEREAS, Developers have filed an Application with the Village of Ashwaubenon for a Planned Unit Development (PUD) Overlay Zoning District for uses including 44 single-family homes, 14 townhome units, 6 duplex units and 64 apartment units, on Parcel VA-L333-2, located in the Village of Ashwaubenon, Wisconsin; and

WHEREAS, the Village Plan Commission has reviewed the Application and Preliminary Development Plan and other submittals for the proposed PUD to allow for varied uses including 48 single-family homes, 14 townhome units, 6 duplex units and 64 apartment units, 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 PUD Application to allow for the listed varied uses of the property 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 PUD Application to allow for the listed varied uses and has maintained at her office during regular business hours the PUD Zoning Overlay Application for the specific property; and

WHEREAS, pursuant to the above-mentioned notice, a public hearing has been held at the Village Hall on the 25th day of February 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) 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 created on the following described property (see map attached hereto as Exhibit A):

Parcel Number: VA-L333-2

The underlying Zoning District in the PUD is R-1 One Family Residence.

SECTION 2. That a Planned Unit Development Overlay Zoning is approved to allow for varied uses including 44 single-family homes, 14 townhome units, 6 duplex units and 64 apartment units,

Ordinance No. O2-1-25
Creating The Winding Creek Estates PUD

SECTION 3. Pursuant to Section 17-3-500(B)(6) of the Ashwaubenon Municipal Code, the following conditions are imposed:

1. General Conditions – All requirements of the underlying R-1 One Family Residence Zoning and all other Village Code Requirements shall be in effect unless specially listed below.
 - a. Site Plan
 - i. The site plan shall be substantially similar to the attached Exhibit B.
 - b. Allowable Uses
 - i. Those uses listed within Table 17-4-800(A) for the R-1 One Family Residence zoning district and 48 single-family homes, 14 townhome units, 6 duplex units and 64 apartment units.
 - c. Dimensional Standards
 - i. Minimum 56’ lot frontage at the building setback line.
 - ii. Minimum 20’ lot frontage at the building setback for Outlot 3.
 - iii. Minimum 25’ front yard setback for Lots 1-33 and 36-46.
 - iv. Minimum 20’ front yard setback for Lots 34-35.
 - v. Minimum 5’ side yard setbacks.
 - vi. Minimum 7,000 square foot lot size.
 - d. Landscaping
 - i. Provide a limited berm with vegetated buffer bordering parcel VA-L333-2 outside of the ANR pipeline easement.
 - e. Height
 - i. Duplex units are limited to no more than a single story in height above finished grade.
 - f. Sand Acres Trail Extension
 - i. Provide a 20’ wide easement for a continuous extension of the Sand Acres Trail from its northerly terminus to the southerly Aerts Lane right-of-way.
2. Timelines
 - a. Construction must commence within twelve months from the date of PUD ordinance approval as required under Section 17-2-600(H) Ashwaubenon Municipal Code.

Ordinance No. O2-1-25
Creating The Winding Creek Estates PUD

- b. Construction consistent with the approved plans shall be completed no later than December 2028.
- c. Requested extensions to the identified dates shall be submitted in writing and reviewed and acted upon by the Ashwaubenon Village Board.

SECTION 4. 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 5. Each Exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. 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 8. 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 9. This ordinance shall take effect upon its adoption and publication.

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the 25th day of February 2025.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____
Mary Kardoskee, Village President

ATTEST:

Ordinance No. O2-1-25
Creating The Winding Creek Estates PUD

Kris Teske, Clerk

{SEAL}

Motion to Approve/Deny Ordinance No. O2-1-25 made by: _____ seconded by: _____

Votes:

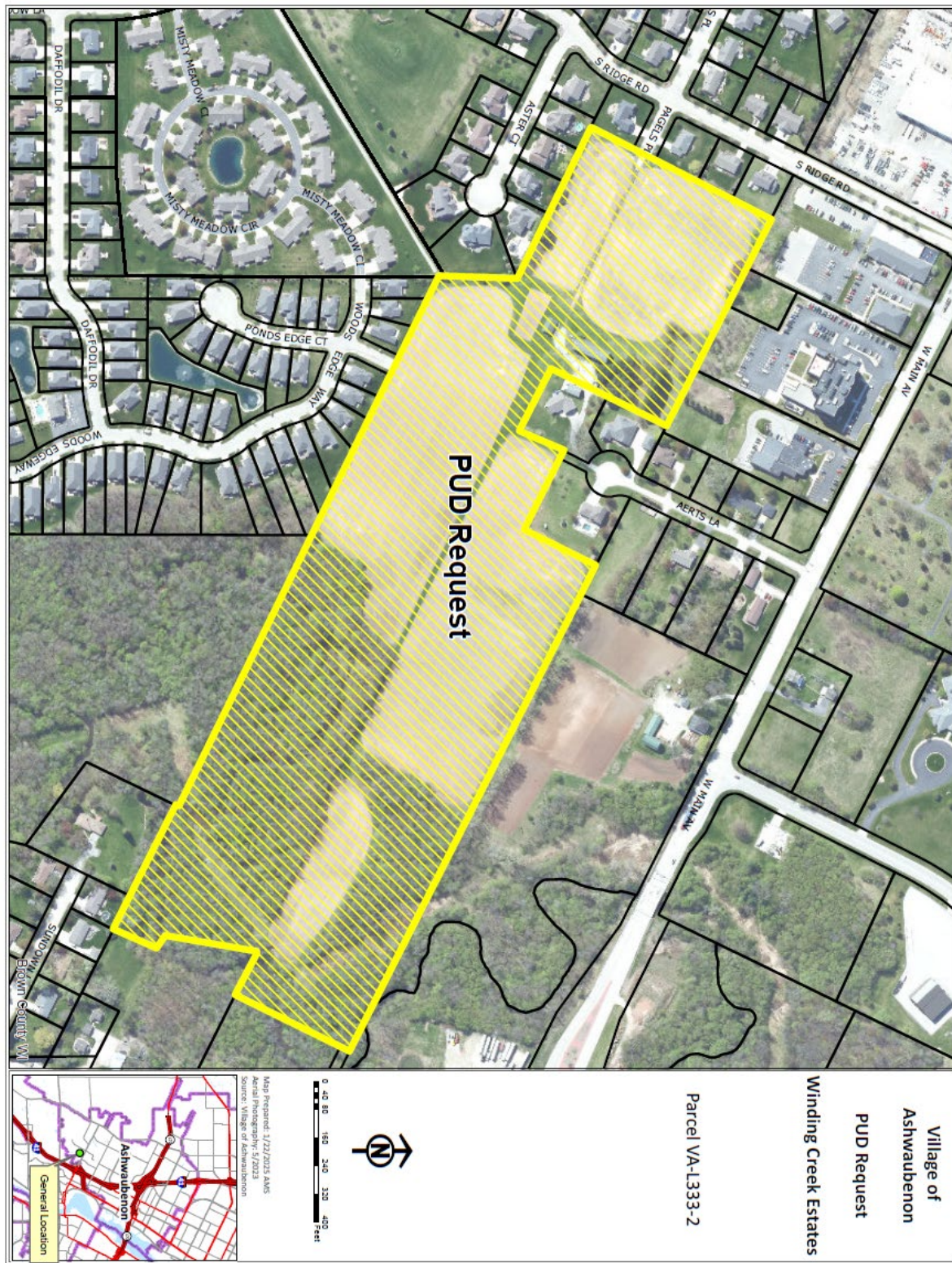
Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	T. Flucke			
President	M. Kardoskee			

Date of Publication:

XXXXXXX, 2025

Ordinance No. O2-1-25
Creating The Winding Creek Estates PUD

Exhibit A: PUD BOUNDARIES



Ordinance No. O2-1-25
 Creating The Winding Creek Estates PUD

Exhibit B: SITE PLAN

