

ORDINANCE NO. 07-3-20

AN ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY ZONING DISTRICT FOR 2400 BLOCK S. RIDGE ROAD, PARCEL VA-127 (ASPEN GROVE PROPERTIES LLC)

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

WHEREAS, Developers have requested to create a Planned Unit Development (PUD) to facilitate the development of Parcel VA-127, located in the Village of Ashwaubenon, Wisconsin; and

WHEREAS, the Plan Commission has reviewed the Preliminary Development Plan and other submittals for the PUD 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 PUD 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-Treasurer has published a Notice of Public Hearing regarding the proposed PUD and has maintained at its office during regular business hours the PUD for the specific property recommended; and

WHEREAS, pursuant to the above-mentioned notice, a public hearing has been held at the Village Hall on the 28th day of July, 2020, at 6:30 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-127

Legal Description: THAT PRT OF PC 20 WSFR AS DESC IN J12585-15 EX PCL 67 OF TPP 1133-09-21-4.05

Parcel contains 2.378 ACRES M/L.

The underlying Zoning Districts in the PUD is R-1 One-Family Residence and R-3 Multi-Family Residence.

SECTION 2. That pursuant to Section 17-3-500(B)(6) of the Ashwaubenon Municipal Code, as they apply, all the following conditions are imposed:

1. General Conditions
 - a. All requirements of the underlying R-1 and R-3 zoning and all other Village Code requirements shall remain in effect unless specifically listed differently in this ordinance.
 - b. A maximum of nine single-family detached homes may be located on the parcel as

- depicted in Exhibit B.
 - c. The driveway into the development is a private drive.
- 2. Building Setbacks
 - a. The northeast property line shall be considered a side yard for purposes of setback requirements.
 - b. Each home shall maintain a minimum 16' distance between homes.
- 3. Maintenance
 - a. Parcel owner is responsible for all unit, stormwater pond, and yard maintenance.
 - b. Parcel owner is responsible for all refuse and recycling collection and disposal.

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. The official zoning map of the Village of Ashwaubenon shall be amended to designate the property as a PUD overlay district after the final adoption and publication of this ordinance.

SECTION 5. 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 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. If construction has not begun or no use established in the PUD or one of its stages within 12 months of the publication of this ordinance, the final development plan lapses and the PUD overlay zoning automatically is void and rescinded and the Village shall provide notice of revocation with the recorded final development plan.

(SIGNATURE PAGE TO FOLLOW)

Approved and adopted this 28th day of July 2020.

Mary C. Kardoskee, Ashwaubenon Village President

ATTEST:

Patrick W. Moynihan, Jr. , Ashwaubenon Village Clerk

Date of Publication:

ATTACHMENTS:

Exhibit A: Village of Ashwaubenon Proposed PUD Zoning Overlay Parcel VA-127

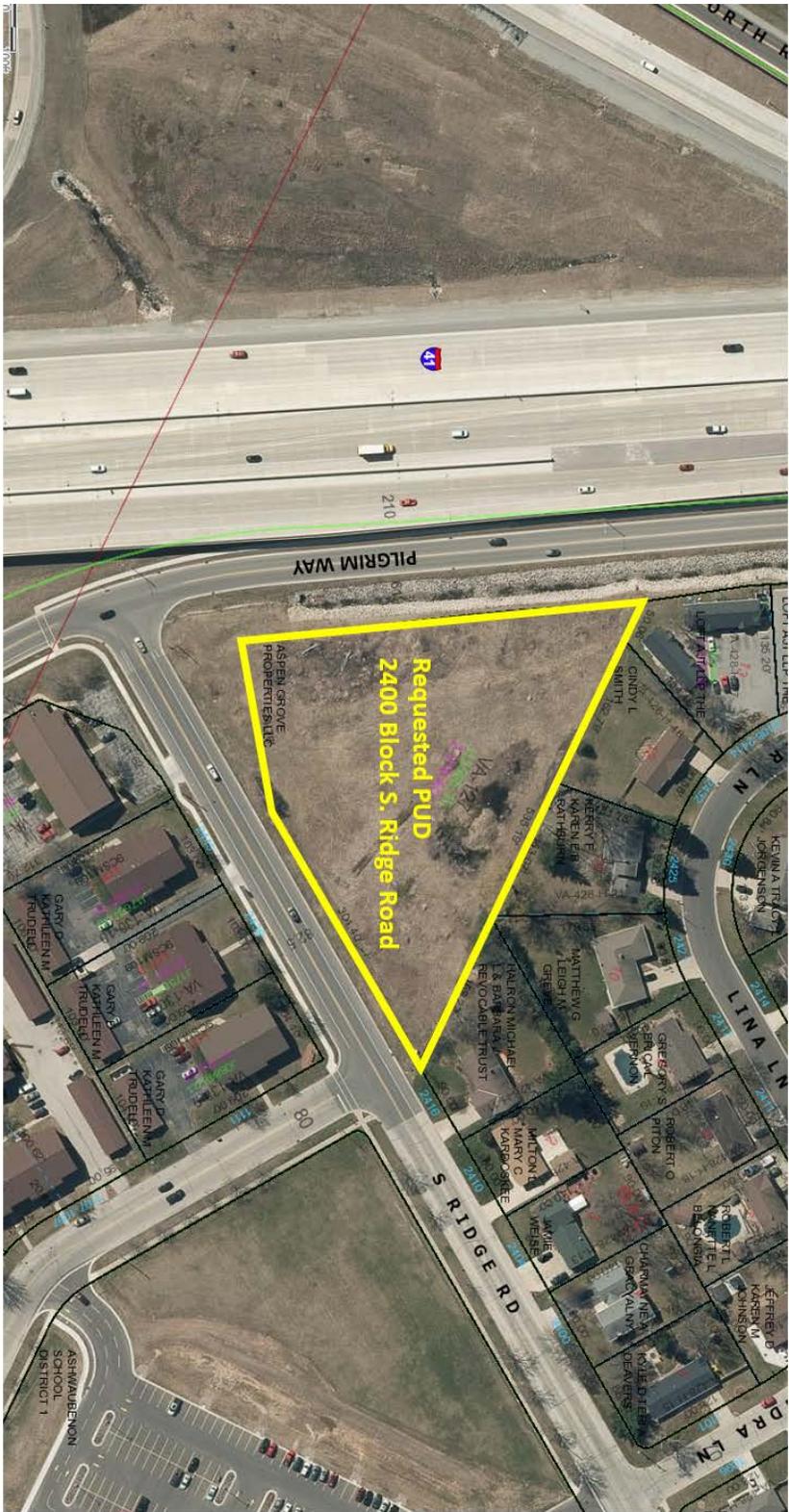
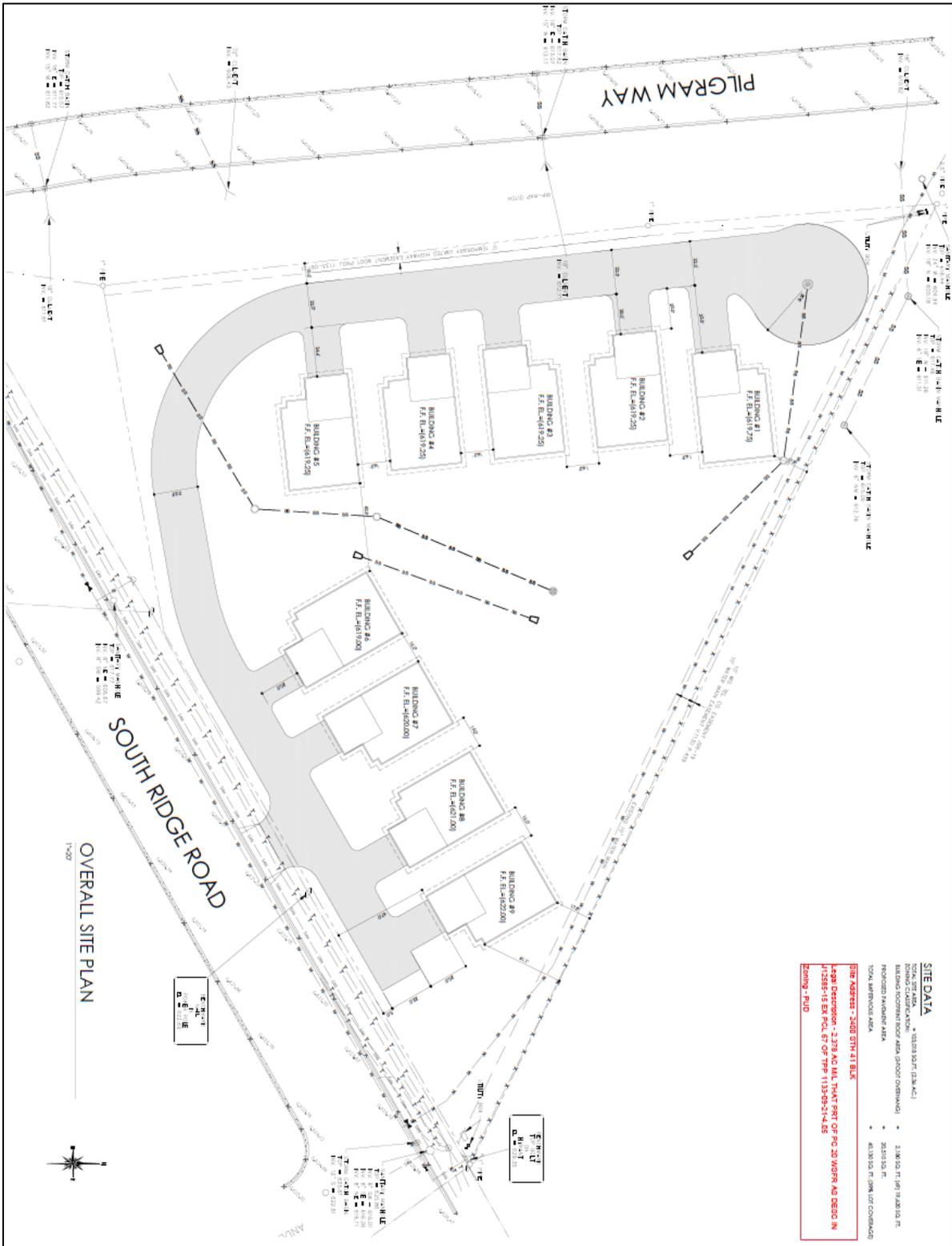


Exhibit B: Site Plan



SITE DATA
 TOTAL SITE AREA: 50,000 SQ FT (1.14 AC)
 ZONE: R1-10 (RESIDENTIAL SINGLE-FAMILY)
 BUILDING FOOTPRINT ROOF AREA (SPOOF OVERHANGS): 2,180 SQ FT (661.94 SQ M)
 PROPOSED PAVEMENT AREA: 26,100 SQ FT
 TOTAL PAVED AREA: 48,100 SQ FT (2,207 SQ M)
SITE ADDRESS - 3000 8TH A1 BLVD
 LEGAL DESCRIPTION - 2.379 AC M/L THAT PART OF PC 20 WFRF AS DESC IN U12588-115 EX POL 67 OF TWP 1135-05-14-05
 Zoning - R10

NO.	REVISIONS

 J&B DESIGN AND ENGINEERING, LLC 1120 KENTUCKY AVENUE SUITE 1400 WISCONSIN BEACH, WI 53090 (262) 241-4677 2020 www.jandbdesign.com	Issue Dates Revision: _____ Date: _____
	SHEET TITLE SHEET NO. PROJECT NO. DATE CHECKED BY DRAWN BY

SHEET TITLE SHEET NO. PROJECT NO. DATE CHECKED BY DRAWN BY	OVERALL SITE PLAN 1"=50' C1
---	-----------------------------------