

**\*\*PLEASE PUBLISH: 1 Col Legal Notice  
Wednesday, July 6, 2022**

**ORDINANCE NO. 4-2022**

**AN ORDINANCE APPLYING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT UNDER SECTION 70-95 OF THE CITY OF BEAVER DAM MUNICIPAL CODE TO PARCEL NO. 206-1114-0511-147, 206-1114-0511-148, 206-1114-0511-011, 206-1214-3244-105, 206-1214-3244-095, AND *(TO BE INSERTED)* - THE DISCONTINUED PORTION OF RIGHT OF WAY ON WEST THIRD STREET WEST OF LA CROSSE STREET PER DODGE COUNTY DOCUMENT NUMBER 1326536**

**WHEREAS**, in accordance with Section 70-95 of the Beaver Dam, Wisconsin Municipal Code, JCW Development LLC (the "Applicant") filed with the City Clerk a petition for an amendment to the City's zoning district map designating and adding a planned unit development overlay district (herein "PUD") to approximately 8.214 acres of real property generally located on Beaver Dam Lake, at the intersection of Third Street and La Crosse Street, and as more particularly described in this ordinance (the "Property"); and

**WHEREAS**, the City of Beaver Dam Plan Commission considered this petition at a duly noticed public meeting held on May 25, 2022; and

**WHEREAS**, after considering the petition, the materials provided by the Applicant, input from City staff, and the required considerations under Section 70-95 of the Beaver Dam Municipal Code, the Plan Commission has recommended approval of the petition for the proposed plan of development for a planned unit development; and

**WHEREAS**, the recommendation of approval of the Plan Commission is contained within the report and recommendation to the Common Council of the City of Beaver Dam, which recommendation is hereby incorporated by reference; and

**WHEREAS**, the Common Council of the City of Beaver Dam, after duly-noticed public hearing and consideration of the petition, the materials provided by the Applicant, input from City staff, and the required considerations under Section 70-95 of the Beaver Dam Municipal Code, hereby finds that all requirements for approval of the petition under Section 70-95(l)(c) of the Beaver Dam Municipal Code are hereby or will be met by the proposed project plan and the proposed project plan is consistent with the City's Comprehensive Plan, subject to the specific terms and conditions of this ordinance, and

**WHEREAS**, The Common Council of the City of Beaver Dam finds that approval of the petition and proposed plan for the PUD is in the best interests of the residents of the City of Beaver Dam and is consistent with the purposes of the PUD zoning overlay designation under the Municipal Code.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO  
ORDAIN AS FOLLOWS:**

**SECTION I:** Section 70-82, Official Zoning Map, is hereby amended by applying a planned unit development (PUD) overlay district to lands (approximately 8.214 acres) described as City Parcel No. 206-1114-0511-147, 206-1114-0511-148, 206-1114-0511-011, 206-1214-3244-105, 206-1214-3244-095, and the discontinued portion of right of way on West Third Street west of La Crosse Street per Dodge County Document Number 1326536 (the "Property"). The petition requesting this action and information submitted to the City with the petition including the below-listed Exhibits are attached hereto and incorporated herein (the "PUD Materials").

As required by Section 70-95(m) of the Municipal Code, the PUD Materials provide all necessary project information for general approval by the Common Council regarding permissible project characteristics in this PUD including the pattern of proposed streets and the size and arrangement of individual buildings and the building, site, and operational plans for the development. The general development plans for the project, as proposed and described in the PUD Materials, is approved with the exception of the following limitations on the alternative uses under the petition's Section 7.C.:

1. Only one total building may be used for a hotel/lodging (and accessory retail) use and that building may only be either “Multi-Family Building 1” or Multi-Family Building 2” depicted in the Master Site Plan.
2. Accessory retail / restaurant to hotel/lodging use must be in the same building as no. 1 above and is limited to no more than 3,000 square feet of indoor space.

Building permits and construction of the proposed project in this PUD are hereby conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage of development progresses and submittal of a letter of credit as required under Section 70-95(m)(2) of the Municipal Code.

If either or both of the alternative uses under the petition’s Section 7.C. (subject to the limitations above) are proposed for construction, the detailed plans submitted prior to construction must be approved by the City Engineer and Zoning Administrator who shall consider appropriate limitations or requirements related to parking, signage, and operational parameters.

Any subsequent change or addition to the plans or uses as provided in the PUD Materials shall first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission after reviewing the recommendation of City staff, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required, and said proposed alterations shall be submitted to the Common Council for approval.

The Property is hereby zoned “PUD 1-2022”, and shall be so designated on the Official Zoning Map.

The following Exhibits are incorporated herein:

Exhibit A:	Legal Description
Exhibit B:	Proposed Development Plan
Exhibit C:	Site Areas
Exhibit D:	Phase One Site Plan
Exhibit E:	Proposed CSM Plat
Exhibit F:	Private Roadway Plan
Exhibit G:	Proposed Development Sites
Exhibit H:	Landscape Site Plan and Character
Exhibit I:	Preliminary Phase 1 Architectural Design Packet
Exhibit J:	Proposed Utility Plan
Exhibit K:	Existing Topography
Exhibit L:	Proposed Grading and Adjacencies
Exhibit M:	Preliminary Phasing Diagram

**SECTION II:** Section 70-95(b) is amended as follows:

Permitted uses and structures. Uses allowed in a PUD may be any use permitted in the underlying basic use district(s) or any additional use not permitted in the underlying basic use district(s) if approved by the common council; however, with the consent of the owners, the permitted and conditional uses may be specifically limited and defined in accordance with the considerations contained in this PUD section 79-95.

**SECTION III:** Said ordinance shall be effective upon its passage and publication.

Presented by the members of the Plan Commission.

First Reading – June 6, 2022  
Adopted: June 20, 2022  
Tracey M. Ferron, City Clerk  
Approved: June 20, 2022  
Rebecca E. Glewen, Mayor