

**CITY OF PORT WASHINGTON, WISCONSIN
ORDINANCE NO. 2022-17**

**AN ORDINANCE REZONING LAND IN THE CITY OF PORT WASHINGTON
AND AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, Maritime Sheds, LLC, a Wisconsin limited liability company, doing business as Maritime Business Park, (the “Developer”), has applied for OPD Overlay Planned Development rezoning of that certain 5.377-acre parcel of vacant land owned by the Developer located at the northwest corner of South Park Street and Maritime Drive in the City of Port Washington, as depicted in Exhibit A, the map entitled CONCEPT PLAN dated February 25, 2022, and as legally described in Exhibit B, which exhibits are attached hereto and incorporated by reference herein (the “Property”); and

WHEREAS, pursuant to the Developer’s application and supporting documents, the Property would be rezoned to OPD Overlay Planned Development to facilitate Developer’s proposed development and specified uses of the Property and the buildings to be constructed thereon as a business park condominium development within the I-2 Industrial Park zoning district; and

WHEREAS, the Plan Commission has reviewed all standards required to be considered by the Zoning Ordinance of the City of Port Washington and has made no recommendation to the Common Council whether the Property should be rezoned as requested by the Developer; and

WHEREAS, all notices of the Developer’s rezoning application and public hearing thereon have been given as required by said Zoning Ordinance and sec. 62.23(7)(d), Stats., and such public hearing was held before the Common Council on May 17, 2022; and

WHEREAS, the Common Council has determined that the conditional rezoning of the Property as an OPD Overlay Planned Development will promote the public health, safety and general welfare of the City, and has directed that the I-2 Industrial Park zoning designation of the Property and the Official Zoning Map of the City of Port Washington be amended to reflect the rezoning as set forth hereinbelow,

NOW, THEREFORE, the Common Council of the City of Port Washington, Wisconsin, do ordain as follows:

Section 1. Subject to Section 2 hereinbelow, the Property depicted in Exhibit A and described in Exhibit B attached hereto and incorporated herein, is hereby conditionally rezoned

from base zoning of I-2 Industrial Park to I-2 Industrial Park with OPD Overlay Planned Development zoning under the provisions of the Zoning Ordinance of the City of Port Washington. Such rezoning is granted to facilitate Developer's proposed development and specified uses of the Property and the buildings to be constructed thereon as a business park condominium development within the I-2 Industrial Park zoning district.

Section 2. The rezoning of the Property is granted subject to the following conditions:

1. The uses of the Property shall be limited to the following uses identified in the Developer's application for rezoning and in the supporting documents:
 - a. Manufacturing.
 - b. Assembly.
 - c. Fabrication.
 - d. General Warehousing.
 - e. Distribution facility.
 - f. Medical industry warehousing.
 - g. Marine repair facility.
 - h. Recreational facility.
 - i. Other uses as permitted in the I-2 Industrial Park zoning district.
2. The Developer, as the "Declarant" under sec. 703.02(7), Wis. Stat., shall insert the uses set forth above in the condominium declaration for the Property. Such uses shall be made permanent, irrevocable, and non-modifiable provisions of said condominium declaration and in any covenants, conditions, and restrictions for or relating to the Property. The condominium declaration and any documents creating a unit owners' or condominium owners' association for the Property shall be subject to review and approval by the City prior to execution and recording and shall be recorded in the office of the Ozaukee County Register of Deeds prior to the sale of any lot or condominium unit on the Property by the Developer. The provisions of this Subsection 2. shall run with the Property and shall be binding upon the owner(s) of each lot or condominium unit, and their grantees, successors, and assigns.

Section 3. Pursuant to Sections 20.05.010, et seq., 20.21.060 and 20.23.000 of the Zoning Ordinance of the City of Port Washington, the Official Zoning Map shall be amended at such time as all plans for the Property have been approved, mapped, and recorded as required by the Zoning Ordinance of the City of Port Washington.

Section 4. This Ordinance shall become effective upon passage and publication.

Passed and approved this 15th day of November, 2022.

ATTEST:


Susan L. Westerbeke, City Clerk


Theodore Neitzke IV, Mayor

EXHIBIT A MAP OF REZONED LANDS



EXHIBIT B
LEGAL DESCRIPTION OF REZONED LANDS

Being Lot 2 of CSM #3907, recorded in the office of the Register of Deeds of Ozaukee County, Wisconsin as Document 1008933.

FOR INFORMATIONAL PURPOSES:
Tax Parcel No.: 16-032-16-009.00