

VILLAGE OF

HOBART

GREATNESS IS GROWING



## ORDINANCE 2024-06

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 30 (CONDITIONAL USES) OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT), SECTION 42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT), SECTION 55 (CONDITIONAL USES) OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT), SECTION 68 (CONDITIONAL USES) OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT), SECTION 174 (CONDITIONAL USES) OF ARTICLE XVI (ER ESTATE RESIDENTIAL DISTRICT), SECTION 187 (CONDITIONAL USES) OF ARTICLE XVII (R-2-R RURAL RESIDENTIAL DISTRICT), OF CHAPTER 295 (ZONING)

**Purpose:** The purpose of this Ordinance is to bring the Village's existing zoning code into compliance with state statutes relating to potential placements of "community living arrangement" facilities. Wisconsin Statute 60.63 requires that a municipality "shall make a procedure available to enable such facilities to request such permission". It has been determined that the inclusion of a conditional use permit would be the clearest path to comply with the "special zoning permission" requirement in the state statutes.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

**Section 1:** Section 30 (Conditional Uses) of Article VI (R-1 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-30. Conditional uses.

The following are conditional uses in the R-1 District:

- A. Cemeteries.
- B. Colleges and universities.
- C. Community Living Arrangements serving 9 or more persons
- D. Fire stations, police stations, post offices, and other municipal facilities necessary for Village operation.
- E. Manufactured home parks.
- F. Planned unit development.
- G. Ponds.
- H. Public, parochial and private, elementary, junior high and senior high schools.

I. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

J. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

L. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

(7) Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot frontage, lot size, accessory building size and number of buildings per parcel; provided that the remaining zoning requirements are all met.

**Section 2:** Section 42 (Conditional Uses) of Article VII (R-2 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-42. Conditional uses.

The following are conditional uses in the R-2 District:

A. Artificial lake, pond.

B. Cemeteries.

C. Colleges and universities.

D. Community Living Arrangements serving 9 or more persons

E. Floriculture, forestry, horticulture, hatcheries, nurseries, orchards, paddocks, riding academies and stables, game farms, wildlife sanctuaries and game preserves.

F. Planned unit development.

G. Public, parochial and private, elementary, junior high and senior high schools.

H. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

I. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

J. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

K. Public utility and service uses, and civic buildings as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

**Section 3:** Section 55 (Conditional Uses) of Article VIII (R-3 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-55. Conditional uses.

The following are conditional uses in the R-3 District:

- A. Artificial lake, pond.
- B. Cemeteries.
- C. Colleges and universities.
- D. Community Living Arrangements serving 9 or more persons
- E. Public, parochial and private, elementary, junior high and senior high schools.
- F. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- G. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.
- H. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.
- I. Public utility and service uses, and civic buildings as follows:
  - (1) Substations.
  - (2) Fire stations.
  - (3) Gas regulator stations.
  - (4) Police stations, public works facilities.

- (5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

**Section 4:** Section 68 (Conditional Uses) of Article IX (R-4 Single- and Two-Family Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-68. Conditional uses.

The following are conditional uses in the R-4 District:

- A. Artificial lakes and ponds.
- B. Cemeteries and mausoleums.
- C. Colleges and universities.
- D. Community Living Arrangements serving 9 or more persons
- E. Day-care centers.
- F. Planned unit development.
- G. Public utility and service uses, and civic buildings as follows:
  - (1) Substations and transmission lines.
  - (2) Fire stations.
  - (3) Gas regulator stations.
  - (4) Police stations.
  - (5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.
  - (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.
- H. Public, parochial and private, elementary, junior high and senior high schools.
- I. Radio and television stations and similar electronic communicating systems, towers - transmitting and receiving.
- J. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.
- L. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

M. Telephone and public utility installations, and cable television installations.

**Section 5:** Section 174 (Conditional Uses) of Article XVI (ER Estate Residential) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-174. Conditional uses.

The following are conditional uses in the ER District:

A. Up to 10 animal units.

B. Artificial lakes, ponds per Article XXIX.

C. Community Living Arrangements serving 9 or more persons

D. Retail landscape and retail tree farms.

E. Schools.

F. Satellite dishes larger than 38 inches.

G. Religious institutions.

H. Riding academies and stables.

I. Bed-and-breakfasts.

J. Any animal not listed in this article.

K. Lot frontage less than 150 feet.

L. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

M. Other business types may be approved by the Village Board, after receiving approval from the Planning and Zoning Commission. This conditional use may be removed if declared a nuisance to surrounding area.

N. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

**Section 6:** Section 187 (Conditional Uses) of Article XVII (R-2-R Rural Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-187. Conditional uses.

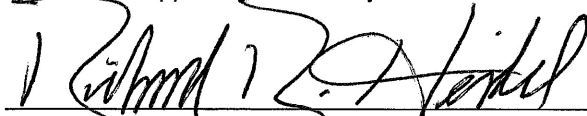
The following are conditional uses in the R-2-R District:

- A. Artificial lake, pond.
- B. Community Living Arrangements serving 9 or more persons
- C. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.
- D. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- E. Public utility and service uses, and civic buildings, as follows:
  - (1) Substations.
  - (2) Fire stations.
  - (3) Gas regulator stations.
  - (4) Police stations, public works facilities.
  - (5) Railroad rights-of-way, but not including railroad yards and shops, other than for passenger purposes.
  - (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.
- F. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.
- G. Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot frontage, lot size, accessory building size and number of buildings per parcel, provided that the remaining zoning requirements are all met.

**Section 7:** Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

**Section 8.** This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved this 4<sup>th</sup> day of June, 2024.



Richard Heidel, Village President

Attest:



Aaron Kramer, Village Administrator

**CERTIFICATION**

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on June 4<sup>th</sup> 2024.

(Seal)



Lisa Vanden Heuvel, Village Clerk