

ORDINANCE 2024-02

AN ORDINANCE AMENDING ARTICLE XIV (PDD #2: ORLANDO/PACKERLAND PLANNED DEVELOPMENT DISTRICT) OF CHAPTER 295 (ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to make modifications and alterations primarily pertaining to allowable heights and setbacks of structures along with a few clarifications on the language within the ordinance along with the creation of a new single-family residential district to allow for the possibility of creating more affordable housing developments if determined to be the correct fit for an area.

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

Section 1: Article XIV (PDD #2: Orlando/Packerland Planned Development District) of Chapter 295 (Zoning) of the Municipal Code of the Village of Hobart, is hereby re-created to read as follows:

§ 295-142. Title and purpose.

This article applies only to the Orlando/Packerland Planned Development District (OPPDD) which is a mixed-use development district (hereinafter referred to as the "District"). The Orlando/Packerland Planned Development District is intended to provide a blueprint and design guidelines for a mixed-use district that attracts and facilitates an expanding, diverse and stable tax base. The District is intended to be a recognizable and cohesive mixed-use district where limited industrial and commercial businesses will be located, with nearby residential areas available to workforces. Other complementary activities will provide support to both the residential and commercial feature and bring a strong economic base to the District. Specifically, this District's purpose is to:

- A. Assure that planned growth accomplishes goals set forth in the Village's Comprehensive (Smart Growth) Plan;
- B. Promotes flexibility in design and the efficient use of land to facilitate a more economic arrangement of buildings, uses, circulation systems and utilities;
- C. Provide for the accomplishment of external architectural unity so as to promote cohesiveness of design aesthetics throughout the entire district;
- D. Provide more usable and suitably located common and open space areas than would otherwise be provided under conventional land development procedures.

§ 295-143. Legal description.

A. All of Lots 1, 6, 7, 8, 11, 12 and 13, part of Lots 2, 3, 4, 5 and 9, and part of Government Lots 1 and 2, all in Section 25, T23N, R19E, Village of Hobart, Brown County, Wisconsin more fully described as follows:

Commencing at the Northwest corner of said Section 25;

Thence S00°13'28"W, 453.05 feet along the west line of said Section 25 to the westerly extension of the south line of Lot 1, Volume 13 of Certified Survey Maps, Page 187 (13CSM187), the POINT OF BEGINNING;

Thence S00°13'28"W, 864.87 feet along the west line of said Section 25;

Thence S00°13'30"W, 598.30 feet along the west line of said Section 25 to south line of said Lot 8;

Thence N85°01'07"E, 685.00 feet along said south line to a west line of lands described in Document Number 1643596;

Thence S00°13'30"W, 53.27 feet along said west line to the south line of said lands; Thence S86°05'31"E, 584.56 feet along said south line to the west line of said Lot 11;

Thence S00°31'53"W, 575.92 feet along said west line to the southwest corner of said Lot 11;

Thence S00°14'09"W, 1315.27 feet along the west line of said Lot 13 to the southwest corner thereof;

Thence N84°56'23"E, 481.51 feet along the south line of said Lot 13 to the southeast corner thereof;

Thence N30°26'27"E, 1760.82 feet along the east line of said Lot 13 and continuing on the east line of said Lot 12 to the south Line of said Government Lot 2;

Thence N89°52'43"E, 1059.19 feet on said south line to the west right of way of Packerland Drive (aka CTH 'EB');

Thence 7.90 feet on the arc of a 2914.79 foot radius curve to the right, having a long chord which bears N06°28'32"E, 7.90 feet on said west right of way to the south line of Lot 1, Volume 12 of Certified Survey Maps, Page 31 (12CSM31);

Thence N89°49'28"W, 402.87 feet on said south line to the west line of said Lot 1, 12CSM31;

Thence N00°10'32"E, 208.71 feet on said west line to the north line of said Lot 1, 12CSM31;

Thence S89°49'21"E, 433.88 feet on said north line to said west right of way;

Thence 611.63 feet on the arc of a 2914.79 foot radius curve to the right, having a long chord which bears N16°42'46"E, 610.51 feet on said west right of way;

Thence N22°43'27"E, 16.81 feet on said west right of way; Thence N17°39'58"E, 1665.36 feet on said west right of way; Thence S72°20'02"E, 8.25 feet on said west right of way; Thence N17°39'58"E, 178.66 feet on said west right of way;

Thence N25°23'11"W, 47.28 feet on said west right of way to the south right of way of Orlando Drive (aka CTH 'EE');

Thence 291.88 feet on the arc of a 3779.71 foot radius curve to the left, having a long chord which bears S87°19'58"W, 291.81 feet on said south right of way to the east line of Lot 1 of said Section 25;

Thence N30°26'27"E, 49.09 feet along said east line to the north line of said Section 25;

Thence S85°01'07"W, 1729.82 feet along said north line to the northerly extension of the east line of Lot 1, Volume 53 of Certified Survey Maps, Page 243 (53CSM243);

Thence S00°16'17"E, 593.26 feet on said northerly extension and continuing on said east line to the southeast corner of said Lot 1, 53CSM243;

Thence S89°43'43"W, 410.00 feet on the south line of said Lot 1, 53CSM243 to the southwest corner thereof;

Thence S86°38'31"W, 214.59 feet on the south line of lands described in Document Number 2987507 to the west line of Lot 1, Volume 54 of Certified Survey Maps, Page 12 (54CSM12);
Thence N00°16'17"W, 553.38 feet on said west line and continuing on its northerly extension to said north line of said Section 25;

Thence S85°01'07"W, 300.10 feet on said north line of Section 25; Thence S00°16'17"E, 289.70 feet;

Thence S22°00'00"W, 400.00 feet; Thence S88°00'00"W, 1144.09 feet;

Thence N46°00'00"W, 178.26 feet to the south line of said Lot 1, 13CSM187;

Thence S85°01'14"W, 120.00 feet on said south line and continuing on its westerly extension to the Point of Beginning

B. Said description contains 220 acres of land, more or less.

§ 295-144. Definitions.

Words, terms and phrases used in this article shall have the same meanings as found in §§ 295-8 and 295-120 of this chapter.

§ 295-145. General provisions.

A. Engineering design standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, streetlighting and similar environmental design criteria shall not be mandatory in the District, but precise standards satisfactory to the Village, pursuant to the criteria as set forth in §§ 295-153 through 295-157 hereof shall be made a part of the approved plan and shall be enforceable as a part of this chapter. Building, lot and associated infrastructure layout shall meet all ingress and egress requirements for fire safety.

B. Contractual requirements and guarantees. The owner shall enter into an appropriate contract or agreement with the Village to guarantee the development and operation in accordance with the terms and conditions established between the Village and the owner of the development project and to provide the Village with sufficient assurances that the owner will abide by the Village's zoning, taxing and other municipal authority. Any changes or additions to the original approved development site, structures or plans of operation shall require resubmittal and approval by the Site Review Committee.

C. Parking. Parking shall conform to the requirements as set forth in Article XXVIII, Off-Street Parking Requirements, of the Village of Hobart Code of Ordinances to the maximum extent practicable in addition to any requirements set forth in this article. The Site Review Committee may require shared parking, or require other parking strategies that promote an open/green space concept set forth in the Master Plan or strategies to otherwise mitigate the promotion of impervious parking surfaces. Parking availability in residential land uses shall be calculated per dwelling unit and shall match the number of bedrooms in such unit, and at least one of the parking arrangements must be garage parking. All other parking must be off- street. Throughout the district, parking spaces shall be provided on the basis required for each individual use as determined by first, the Village Engineer and second, ultimate approval of the Site Review Committee. Loading docks for semitrailer or delivery trucks shall be rear- or side-loaded, or otherwise not visible from the roadway. In the Limited Industrial (LI), Large Commercial and Retail (LCR), and Small Commercial and Retail (SCR) land use designations, no overnight parking, storage or idling of vehicles shall be allowed on site without prior approval from the Village Board. [Amended 1-8-2016 by Ord. No. 01-2016]

D. Signs. Private signs shall be regulated as set forth in § 295-361, Regulation of signs. All public signs within the District shall be aesthetically cohesive and follow the regulations set forth in § 295-361, Regulation of signs. The Site Review Committee may approve signs that may not comply with the ordinances referenced herein, provided

such sign(s) promotes or adheres to the general design aesthetics, themes and guidelines of the municipal sign ordinance.

E. Stormwater and erosion control. The intent of this District ordinance encourages project plans that are compatible with a regional approach to stormwater detention and management. Throughout the District, stormwater management and erosion control requirements shall be in accordance with applicable rules and regulations. Easements for stormwater management facilities shall also be required, and granted, upon request from the Village.

F. Failure to comply. Failure to comply with the conditions, commitments, guarantees or the recommendations established in the approval of such development project will be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator/ Building Inspector, the owner then shall be required to appear before the Site Review Committee at its next meeting to explain any such failure to comply. The Site Review Committee at such public hearing may set a time limit for compliance and/or recommend specific steps to be taken prior to rescinding the approval of the project, including the termination of the construction of any buildings on such site upon 30 days' notice in writing to the owner at his last-known address. Continued failure to comply shall result in the rescinding of plan approvals by the Site Review Committee.

G. Bicycle and pedestrian connectivity. To enable and encourage people to walk and bicycle within this district, the Village shall encourage street patterns within new developments that have connections to the existing street system where possible.

§ 295-146. Prohibited land uses.

To provide controls on type, use, economic and environmental impact, and to uphold the health, safety, general welfare and morals of the Village, the following land uses are prohibited throughout the District:

A. Automobiles: automobile dismantling, selling of used automobile parts or used car lots with the exception of minor service and repair stations;

B. Boardinghouse or other places of accommodation that charge on more than a nightly basis and do not provide an individual, self-contained unit, including a full bath with each sleeping room;

C. Contractor's plant or storage yard;

D. Live poultry or fowl market or poultry killing except in a designated farmer's market or flea market area and as regulated by hours of operations, frequency and use limitations as established by the Village;

E. Pawn shops;

F. Sale of firearm or weapons of any kind unless the sale is part-in-parcel of a large sporting goods or other large retail store,

G. External storage of iron, bottles, rags or junk, except for materials temporarily stored in a municipal recycling program, or storage of any materials, except those used for retail uses or office uses on site;

H. The keeping of nondomestic animals in buildings other than in the commercial and retail (CR) uses as outlined in this chapter;

I. The storage or parking of trucks, except those associated with a building lawfully erected for such purposes unless in the limited industrial (LI) land use classification within the District;

J. Trailer lots unless in the limited industrial (LI) land use classification within the District;

K. Trucking contractor's garage or storage yard unless in the limited industrial (LI) land use classification within the District;

L. All prohibitions, not otherwise outlined elsewhere in this chapter, pursuant to Article XXV, Entertainment Overlay District, of this chapter;

M. All other uses expressly prohibited, or not expressly permitted, in the entire Village pursuant to this chapter.

§ 295-147. Permitted and conditional land use designations.

The following land uses are permitted within the District. The spirit and intent of the District is to allow flexibility in types of land uses, minimum lot dimensions and bulk standards, and all site-specific criteria. A development plan must satisfy the standards set forth in this article.

§ 295-148. Single-family and two-family residential (SFR).

Residential dwelling units comprised of single family, duplex, townhouse, row house or condominium where the owner occupies the dwelling unit. Single-family residences are limited to two stories.

A. Permitted uses. All uses outlined under "Permitted Uses" within the R-1 Residential (Article VI of this chapter), R-2 Residential (Article VII of this chapter), R-3 Residential (Article VIII of this chapter), and R-4 Single and Two-Family Residential zoning classifications (Article IX of this chapter) are permitted in the District.

B. Lot requirements.

(1) Lot area and lot frontage. No single-family lot is to be less than 70 feet in width; no duplex lot is to be less than 80 feet in width.

(2) Density. Single-family lots shall have a minimum density of 8,400 square feet, unless otherwise specified herein; duplex lots shall have a minimum density of 9,600 square feet.

C. Height regulations. All structures must be designed so as to ensure adequate air, light and privacy for all residents, and minimize adverse effects upon surrounding properties. Maximum height restrictions are 35 feet, unless otherwise approved by the Site Review Committee.

D. Building setbacks. All structures must meet the minimum setback requirements of 25 feet for front yards, seven feet for each side yard, 25 feet for rear yards, driveways four feet off property lines, maximum curb cut of 30 feet with 22 feet at the right-of-way, and no accessory buildings and no outside storage.

E. Building size.

(1) Minimum size of a one-story dwelling shall be 1,400 square feet for a building in the single-family designation.

(2) Minimum size of a two-story dwelling shall be 1,000 square feet on the ground floor and a total minimum of 1,600 square feet.

F. Parking. [Added 1-8-2016 by Ord. No. 01-2016]

(1) All dwellings shall provide a minimum of two enclosed parking stalls meeting the building setback requirements.

(2) Enclosed parking stalls shall be accessed by a paved driveway which shall be limited to a direct path between the public right-of-way and the enclosed parking stalls.

(3) There shall be no off-street parking or storage in any yard except for within the paved driveway.

(4) Parking shall not extend into the public right-of-way.

(5) Open off-street parking facilities shall be solely for parking of passenger vehicles, which shall be regulated as follows:

(a) All vehicles shall be in condition for safe and legal performance on public rights-of-way and shall be registered, displaying current license plates.

(b) There shall be no exterior parking or storage of non passenger vehicles and equipment except as follows:

[1] A maximum of one commercial vehicle, licensed and registered for operation on public rights-of-way, per dwelling unit may be parked outdoors if:

[a] Used by a resident of the dwelling unit.

[b] It has a manufacturer's gross vehicle weight rating of 10,000 pounds or less and is less than 21 feet in length.

[2] Non passenger vehicles and equipment associated with and customary to residential uses may be parked for a maximum of 24 consecutive hours.

[a] Non passenger vehicles and equipment normally associated with and customary to a residential use include, but are not limited to:

[i] Boats.

[ii] Motor homes.

[iii] Travel trailers.

[iv] Campers.

[v] Snowmobiles, ATVs, UTV and personal watercraft, all of which must be housed or stored on or within a trailer.

[vi] Utility trailers.

[b] Vehicles and/or equipment not normally associated with or customary to a residential use specifically prohibited from being parked or stored outdoors on residential property include, but are not limited to:

[i] Construction equipment, such as bulldozers, backhoes, skid steers, and forklifts.

[ii] Dump and stake-body-style trucks.

[iii] Cube-type vans and trucks.

[iv] Landscaping business equipment, such as tractors, tree spades, graders and scrapers.

[v] Semi-trailers and -tractors.

[vi] Concession, vending and catering trailers.

[vii] Commercial/industrial equipment trailers and lifts.

[viii] Tow trucks, wreckers or car carriers.

[c] "Twenty-four consecutive hours," for the purposes of this section, shall be defined as a time frame which is inclusive of all time in which a regulated non passenger vehicle is not removed from the premises for more than 72 consecutive hours.

§ 295-149. Single-family transitional residential (SFTR).

Single-family transitional residences are limited to two stories.

A. Permitted uses. Single-Family transitional dwellings are permitted in the District.

B. Lot requirements.

(1) Lot area. Single-family lots shall have a minimum density of 7,500 square feet, unless otherwise approved by the Village Board through the plat approval process.

(2) Lot frontage. No single-family lot is to be less than 55 feet in width.

(a) Exception. Lots located on a cul-de-sac may be reduced so long as the lot width complies with the minimum 55 feet at the front setback line, and such lots maintain the minimum 7,500 square feet in area.

C. Height regulations. All structures must be designed so as to ensure adequate air, light and privacy for all residents. Maximum height restrictions are 35 feet, unless otherwise approved by the Site Review Committee.

D. Building setbacks. All structures must meet the minimum setback requirements of 23 feet for front yards, five feet for each side yard, 25 feet for rear yards, driveways four feet off property lines, maximum curb cut of 26 feet with 20 feet at the right-of-way, and no detached accessory or utility buildings and no outside storage.

E. Building size.

(1) Minimum size of a one-story dwelling shall be 1,000 square feet for a building in the single-family designation.

(2) Minimum size of a two-story dwelling shall be 1,500 square feet with a minimum of 750 square feet on the first floor.

F. Parking. As outlined under "Parking" within § 295-148 F. (Single-family and two-family residential (SFR)) of this chapter.

§ 295-150. Multifamily residential district (MFR).

The multifamily residential land use classification refers to apartment buildings that house multiple families or households. The multifamily designation may consist of traditional apartments, community-based retirement facilities, townhouses or row houses, or condominium dwelling units. Multifamily land use applications shall consist of not less than three dwelling units.

A. Permitted uses. All uses outlined under "Permitted Uses" within the R-6 Multifamily Residential (Article XI of this chapter) providing an exception within the District to allow for multifamily dwellings to exceed the maximum of 12 units.

B. Lot requirements. Lot requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and stormwater management requirements. All lots shall meet the approval of the Site Review Committee.

C. Building height. All structures must be designed so as to ensure adequate air, light, privacy for all residents, and minimize adverse effects upon surrounding properties. Maximum height restrictions are 35 feet, except as provided by section 295-13, unless otherwise approved by the Site Review Committee.

D. Building size. There shall be at least 600 square feet minimum per one-bedroom residential dwelling unit; there shall be at least 800 square feet per two-bedroom residential unit.

E. Green space. Twenty-five percent of the total lot area must remain open green space in the multifamily land use designation.

F. Building setbacks. All structures must meet the minimum setback requirements of 30 feet for front yards, 15 feet for side yards, 25 feet for rear yards, driveways 10 feet off property lines, maximum curb cut of 35 feet with 25 feet at the right-of-way, and no unenclosed storage. Accessory buildings will only be acceptable for the enclosed storage of automobiles, administrative offices, refuse storage, or enclosed storage for maintenance vehicles and/or equipment. Garages and accessory buildings must meet minimum setback requirements of 30 feet for front yard and 10 feet for rear and side yards. [Amended 1-8-2016 by Ord. No. 04-2016]

§ 295-151. Commercial and retail uses (CR).

A. Permitted uses: all uses outlined under "Permitted Uses," and not otherwise prohibited in the District within the B-1 Community Business District (Article XX of this chapter), B-2 Limited Community Business District (Article XXI of this chapter), C-1 Limited Commercial District (Article XXII of this chapter) and I-1 Limited Industrial District (Article XXIII of this chapter). Additional permitted uses under commercial and retail (CR) shall include the following:

- (1) Art shops or galleries;
- (2) Grocery stores;
- (3) Department stores;
- (4) Large boutique stores;
- (5) Hotels;
- (6) Bowling alleys;
- (7) Cinemas or theaters;
- (8) Clubs and lodges, non fraternal or fraternal;
- (9) Business schools;
- (10) Eating and drinking establishments;

- (11) Meeting halls;
- (12) Museums, auditoriums and arenas;
- (13) Monument shops with restricted outside storage;
- (14) Schools, commercial and trade;
- (15) Shopping centers;
- (16) Pet shops operating in a completely enclosed facility;
- (17) Nursing and personal care facilities (community-based retirement facilities);
- (18) Post offices;
- (19) Municipal or other governmental facilities;
- (20) Parks and open space;
- (21) Research institutions;
- (22) Other retail and commercial uses similar in character when determined by the Site Review Committee to be in accordance with the intent and purpose of this chapter.

B. Lot requirements. Lot requirements will vary based upon the proposed square footage of the project to be constructed on the site, green space requirements, parking and stormwater management requirements. All lots shall meet the approval of the Site Review Committee. All outlots must meet the requirements of the Site Review Committee.

C. Height regulations. All structures within the CR designation shall be so designed as to ensure adequate air, light, and minimize adverse effects upon surrounding properties and conform to a maximum height of 50 feet; except as provided by § 295-13, Height regulations. See § 295-154I of this article.

D. Building setbacks. Minimum setbacks shall be established per the design and use of the structure.

E. Other requirements. Structures and buildings allowed in the commercial and retail use classification shall meet the regulations of this District and the other articles of this chapter, as determined by the Village Zoning Administrator/Building Inspector and approved by the Site Review Committee.

(1) All business, services, and storage (except for motor vehicles in operable condition) shall be conducted within a completely enclosed structure.

(2) The parking or storage of operable motor vehicles, if not within an enclosed building or structure, shall be effectively screened by shrubbery, or solid wall or an opaque fence. Walls and fences shall not exceed eight feet in height.

(3) Any use found and determined by the Site Review Committee to be incompatible with the purpose of the large commercial and retail designation within the District may be prohibited by the Village Board.

(4) A detailed landscaping plan, showing placement of shrubbery, trees and other vegetative plantings shall be submitted in accordance with § 295-157 to the Site Review Committee for approval prior to the issuance of a building permit, to ensure appropriateness and compatibility with adjoining development.

§ 295-152. Limited industrial (LI).

Limited industrial uses in the District are uses that can create jobs, diversify the Village's tax base and provide a targeted area in the Village where limited industrial site proposals may be considered.

A. Lot requirements. Lot requirements will vary based on the number of proposed units to be constructed on the site, green space requirements, parking and stormwater management requirements. All lots shall meet the approval of the Site Review Committee. Minimum lot frontage must be 100 feet.

B. Height regulations. All structures must be designed so as to ensure adequate air, light, and minimize adverse effects upon surrounding properties. Maximum height restriction of 45 feet maximum except as provided by § 295-13, Height regulations. See § 295-154I of this article.

C. Building setbacks.

(1) All structures must meet the minimum setback requirements of 40 feet for front yards, 25 feet for side yards, 30 feet for rear yards, driveways six feet off property lines, maximum curb cut of 35 feet at the curblines and 25 feet at the right-of-way. Accessory buildings will be: completely enclosed; constructed of the same materials as the primary building; and conform to setback requirements noted above. Building lot and associated infrastructure layout shall meet all ingress and egress requirements for fire safety.

(2) Transitional yards. Where a side or rear lot line in a L-I District coincides with a side or rear lot line in an adjacent single-family or multifamily property, a yard shall be provided along such side or rear lot line not less than 50 feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

D. Other requirements.

(1) Structures and buildings allowed in the LI designation shall meet the regulations of this district and the other articles of this chapter, as determined by the Village staff and approved by the Site Review Committee.

(2) All business, services, and storage (except for motor vehicles in operable condition) will be conducted within a completely enclosed structure.

(3) The parking or storage of operable motor vehicles, if not within an enclosed building or structure, shall be effectively screened by shrubbery, or solid wall or an opaque fence. Walls and fences, if determined to be appropriate by the Village, shall not exceed eight feet in height.

(4) Berming, natural landscaping features, and/or buffers of dense vegetation shall be utilized to separate light industrial uses from surrounding and adjacent land uses. The use of fences shall not be used as an exclusive means of separating uses, but may be used in addition to natural berms or vegetation buffers.

(5) Any use found and determined by the Site Review Committee to be incompatible with the purpose of the limited industrial designation or not in conformance with stated goals and objectives of this article will not be allowed. The Village reserves the right to remain flexible in the type of limited industrial uses it allows in the District.

§ 295-153. Site review/development and design standards.

A. Introduction. This section is designed to provide for the future growth and development of those residences and commercial businesses that seek an aesthetically attractive working environment. The intent and purpose of this section is to promote and maintain desirable economic development within the District that is practical, feasible, and an asset to owners, neighbors, and the Village of Hobart while maintaining an attractive environment. To

maintain flexibility and a timely review procedure, the following site review procedures will be utilized for review of potential developments within the District. All other zoning classifications remain subject to site review procedures as outlined in Article XXXIII of this chapter.

B. Objectives. The purpose of this section is to establish rules, regulations, standards, and procedures for approval of all new development proposals and the expansion of existing businesses and light manufacturing to comply with the stated goals, objectives and aesthetics outline within this article.

C. Standard requirements. The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare. Projects that are light industrial, research or institutional in nature shall provide the Zoning Administrator/Building Inspector with a scoping description that definitively identifies the intended use and scope of a proposed facility.

D. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:

(1) Are compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.

(2) That, to the maximum extent practicable, would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.

(3) Would not adversely affect the anticipated provision for school or other municipal services.

(4) Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.

(5) Would not limit, lessen or not conform to the design guidelines, themes and principal goals for development and aesthetics as stated within this article that may be amended from time to time.

E. Economic feasibility and impact. The proponents of a site plan application shall provide evidence satisfactory to the Village staff and to the Site Review Committee of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.

F. Engineering design standards. The width of street right-of-way, width of paving, width of location of street or other paving, outdoor lighting, location of sewer, electrical, gas, cable, telephone, and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on standards necessary to implement the specific function in the specific situation; provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the Village- designated engineer.

G. Implementation schedule. The proponents of a plan within the District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village planning staff and Site Review Committee, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in an adverse effect upon the community as a result of termination at that point.

H. Administration. The administration of this section shall be vested in the following: Village Administrator, Community Development Director, the Zoning Administrator/Building Inspector and Site Review Committee.

(1) It shall be the duty of the Village Administrator and/or Community Development Director to be in charge of the day-to-day administration and interpretation of the development and design standards. Enforcement of this article is charged to the Hobart Zoning Administrator/Building Inspector in accordance with § 62.23(7), Wisconsin Statutes.

(2) All proposed site plans shall be forwarded to Village planning and public safety staff, beginning with the Zoning Administrator/Building Inspector, for staff review and recommendation.

(3) After staff review, all proposed plans shall be submitted to the Site Review Committee which consists of seven members appointed by the Village President and subject to confirmation by the Village Board. There shall be no residency requirement. The Committee shall consist of at least one Village Board member, and the Zoning Administrator/Building Inspector will serve ex officio.

(4) From time to time, the design criteria may be amended, changed or deleted. Such action will require review by the Site Review Committee and shall follow the procedures of § 62.23(7), Wisconsin Statutes.

(5) Appeals. Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the Board of Appeals.

§ 295-154. General building and performance standards.

A. Purpose. The purpose of this section is to establish general development performance standards, in accordance with this chapter and the Village Comprehensive (Smart Growth) Plan. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.

B. Building. The District ordinance encourages a variety of architectural styles. However, basic harmony is intended to prevail to promote aesthetic and visual compatibility so that no one structure detracts from the attractiveness of the overall environment. The Site Review Committee shall review building design in order to ensure architectural compatibility and integrity.

C. Building exterior. Within the District, all colors, materials, finishes, and building form shall be coordinated in a manner consistent with general guidelines of Article XXXIII, Site Review/Development and Design Standards, § 295-357, for each of the front, side, and rear exterior walls. Materials, color and texture may vary so long as the principle of aesthetic and visual compatibility stated herein is upheld. Section 295-357 outlines appropriate materials, colors, texture and proportions that a plan should, to the maximum extent practicable, follow as the guidelines for suggested building exteriors.

D. Front building wall and building walls facing an adjacent street. Any exterior building wall (front, side or rear) facing an adjacent street shall be constructed with materials consistent with the surrounding and adjacent buildings to uphold the general design theme within the District.

E. Mechanical equipment. All mechanical equipment shall be enclosed or screened. Roof-mounted equipment shall be integrated into the design of the structure, enclosed or screened to the maximum extent possible.

F. Construction. Construction shall commence within one year of plan approval or in accordance with a development agreement with the Village. No site plan approval by the Site Review Committee shall be valid for more than 12 months from the date of such approval unless a building permit is obtained and development in accordance with such site plan is commenced within such period. The provisions of this section shall apply unless otherwise agreed to by the Site Review Committee.

G. Maintenance. The exterior walls and roof of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired or repainted in accordance with the reasonable determination and order of the Zoning Administrator/Building Inspector within 60 days notice of such defect.

H. Fences. All fencing within this District shall meet the requirements of this chapter.

I. Brown County Airport Zoning District. Applicable permits and approvals specific to Brown County Chapter 24, Airport Zoning Districts, must be provided prior to any Village permit issuance.

§ 295-155. Lighting and standards.

To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, proposed lighting, whether freestanding or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors.

A. Any lighting used to illuminate off-street parking, loading and service areas shall be shaded, diffused, or arranged to reflect light away from adjacent parcels and directed toward public streets. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. Parking lot lights may be used in either a single or multi-format. Characteristics include 27,000 metal halide, spaced approximately 100 feet to 120 feet off center, consisting of sharp, cutoff-type luminaires, maximum height for pole not to exceed 30 feet, to be an approved pole. Poles must be uniform in style and height. The use of wooden poles is prohibited.

B. Walkway lighting should be of the same family as mentioned above, height to be 10 feet to 14 feet above grade. Bollard lighting can be used as low-level walkway illumination on private property.

C. Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well designed soft lighting of the building exterior is allowed, provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed.

D. The use of building-mounted floodlights and tall "freeway-type" fixtures is prohibited. Ground-mounted floodlights used to accent principal buildings are permitted.

E. Flag directional lighting is permitted with approval of terms and conditions of use of such lighting by the Site Review Committee.

§ 295-156. Site plan review.

A. Site plan approval required.

(1) No property within the District shall be improved without first obtaining an approved site plan as provided in this section.

(2) No construction or improvements may be made except in strict compliance with a site plan that has been approved as provided in this section.

B. Design objectives. The following objectives will be considered in reviewing any application for a site plan approval:

(1) To encourage harmonious development;

(2) To encourage the provision of open space;

(3) To encourage Owners to use creative and imaginative approaches in their projects;

(4) To provide an enjoyable living environment by preserving existing topography, stands of trees, ponds, floodplains, and similar natural assets.

(5) To encourage a variety of living environments and an agreeable mixture of housing types;

(6) To require architectural plans that are consistent with design guidelines and principal aesthetic goals for development as set forth herein;

C. Site plan approval. The following procedure shall be followed for the submittal of site plans. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this chapter or any other law, ordinance, resolution rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern. For purposes of this section, all applications must be executed by all owners and the party or parties that will be responsible for the development of the site, all of whom shall be collectively referred to in this section as the "applicant."

(1) Preliminary consultation. Prior to the submittal of a site plan, it is recommended that the developer meet with the Zoning Administrator/Building Inspector and other appropriate Village planning staff to discuss the District zoning, site plan and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Village.

(a) Statements or recommendations made at the consultation are not legally binding. The meeting is intended to ensure that the owner is aware of the intent and purpose of this article.

(b) In order to obtain information, each owner shall confer with the Village staff and appropriate consultants at the call of the Village in connection with the preparation of the District site plan application. Of primary importance are policy issues such as density, external and internal land uses, traffic circulation, parking requirements, signage, lighting consistency with standards set forth in this chapter, open space quantity and maintenance, general spatial characteristics such as setbacks and architectural renderings of buildings. The owner or interested party shall also provide a conceptual sketch or site rendering at the time of the preapplication consultation. Village staff will offer advice to the applicant regarding his proposal and aid in understanding this article.

(2) Filing prerequisite. Prior to the submittal of a site plan within the District, the owner must be current on all real estate taxes, assessments or other municipal charges, whether relating to the real estate subject to the site plan application or otherwise located within the Village.

(3) Plan submittal. Ten copies of all site plans requiring approval of the Site Review Committee shall be submitted to the Village Clerk-Treasurer.

(4) Staff review. Upon receipt, the Clerk-Treasurer shall forward the plans to the Zoning Administrator/Building Inspector for staff review. The Village planning and public safety staff, and any appropriate consultants, shall all review the plans and make recommendations regarding their particular expertise to the Site Review Committee.

(5) Time of Site Plan Committee review. If the site plan is filed less than 10 days before the next regularly scheduled meeting of the Site Review Committee, Village staff will attempt to review the site plan and forward it to the Site Review Committee for consideration at the next regularly scheduled meeting. If the site plan is not timely filed, or if staff cannot make timely review, the site plan shall be placed on the next subsequent regular meeting of the Site Review Committee. Nothing in this provision shall limit the Site Plan Review Committee's ability to schedule special meetings to consider site plans, upon proper notice to the owner/developer, at the sole discretion of the Site Review Committee.

(6) Site Review Committee decision. The Site Review Committee shall review and either approve, conditionally approve, or deny approval of the site plan. Site plan approval and continuance of project

planning and construction shall be granted by the Site Review Committee upon a determination that all phases, details, materials, aesthetics, land uses, etc., are consistent with standards and guidelines herein, as may be amended from time to time, and confirmation that the owner is current on all taxes, assessments and other municipal charges.

(7) Site Review Committee special exceptions. The Site Review Committee may grant special exception to the dimensional standards applicable in the District upon a finding that such exception is consistent with the intent and purpose of this article and contemplated or existing development in the area of the exception. A special exception shall not be valid until reviewed and accepted by the Village Board under the same standard.

(8) Site plan contents and specifications. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet plus one complete set of such plans reduced in size to 11 inches by 17 inches and include the following information:

- (a) Name of project/development;
- (b) Location of project/development by street address or CSM;
- (c) Name and mailing address of developer/owner;
- (d) Name and mailing address of engineer/architect;
- (e) A written statement describing how the development will be consistent with the land use and design guidelines as identified in the PDD zoning ordinance;
- (f) North point indicator;
- (g) Scale;
- (h) Boundary lines of property, with dimensions;
- (i) Location identification, and dimensions of existing and proposed:
 - [1] Topographic contours at a minimum interval of two feet, and key spot elevations;
 - [2] Adjacent streets and street rights-of-way, respective to the elevation of building first floor;
 - [3] On-site streets and street rights-of-way, and fire lanes;
 - [4] Utilities and any easements, including but not limited to the following types:
 - [a] Electric.
 - [b] Natural gas.
 - [c] Telephone.
 - [d] Water.
 - [e] Sewer (sanitary and storm).
 - [f] Fiber optic lines.

[g] Other transmission lines.

[h] Ingress-egress easements.

[5] All buildings and structures, existing and proposed, to consider maximum development of the parcel if more than one structure could be located on the parcel;

(j) A statement of the total acreage of the property to be developed;

(k) Significant physical features within the tract, watercourses, ponds, lakes, rain gardens, and wetlands; and proposed major changes in those features;

(l) All contemplated land uses;

(m) An indicator of the contemplated intensity of use: i.e., gross density in residential development; number of prospective tenants in office, commercial, and industrial development or recreational development;

(n) Existing buildings that will be removed and the proposed location of all principal structures and associated parking areas;

(o) Proposed circulation systems (pedestrian, bicycle, auto) by type, their connection to the existing network outside the site;

(p) Existing rights-of-way and easements that may affect the project;

(q) The location of sanitary and storm sewer lines and water mains;

(r) The location of recreational and open space areas;

(s) Description of proposed system for drainage and a stormwater plan showing existing and final grades:

[1] Parking facilities;

[2] Water bodies and wetlands;

[3] Surface water holding ponds, drainage ditches, and drainage patterns, location and size of culverts and any drainage sewers servicing the site.

(t) Sidewalks, walkways, and driveways;

(u) Off-street loading areas and docks;

(v) Fences and retaining walls;

(w) All signs;

(x) Exterior refuse collection areas and the required enclosure(s);

(y) Exterior lighting;

(z) Traffic flow on and off site;

(aa) Location of open space/green space;

(bb) Site statistics, including:

[1] Site square footage;

[2] Percent site coverage;

[3] Percent open space and green space;

[4] Floor area ratio.

(cc) Location and dimensions of proposed outdoor display areas;

(dd) Architectural rendering of the proposed structures and buildings, including:

[1] All dimensions;

[2] Gross square footage of existing and proposed buildings and structures; and

[3] Description of all exterior finish materials.

(ee) Erosion control plans;

(ff) Landscaping plan as provided herein.

(9) Staged development. In the case of plans which call for development in stages:

(a) A general development plan shall be submitted that will include:

[1] A map at an appropriate scale, showing the successive stages and a development schedule indicating:

[a] The approximate date when construction of the project can be expected to begin;

[b] The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

[c] The anticipated rate of development;

[d] The approximate date when the development of each of the stages will be completed; and

[e] Other information considered pertinent by Site Review Committee and/or the developers/owners.

[2] The general development plan must be approved by the Site Plan Review Committee in the same manner as a site plan.

(b) Prior to any construction in a staged development, the developer/owner shall submit a site plan for each stage of development to be subject to review and approval as provided in this article.

(10) Records and amendments.

(a) Site Plan Committee records. The Site Review Committee shall retain and file all application forms and exhibits related to the application and shall indicate on such forms its approval, approval with modification or denial. Modifications to the site plan as prescribed by the Site Review Committee shall be thoroughly described and documented as to the purpose of modification.

(b) Site plan amendments. Any material change in the approved site plan shall be submitted to the Village staff for referral to and prior approval by the Site Review Committee. All site plan amendments require approval in the same manner as final approval.

(11) Development contract. Before any building permit shall be issued, the applicant and the owner shall enter into an appropriate contract with the Village to guarantee the implementation of the development according to the terms and conditions established as a part of the site plan. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond or other security satisfactory to the Village's attorney. Such contract or a memorandum thereof shall be recorded by the owner in the County Register of Deed's office within 10 days after its execution.

(12) Change of plan. Any subsequent change of use of any lot or parcel of land or addition or modification of the site plan shall first be submitted for approval to the Site Review Committee and if, in the opinion of the Site Review Committee, such change or modification constitutes a substantial alteration of the original plans, a new site plan approval shall be required before the use is changed or the plans modified. If, in the opinion of the Site Review Committee, such change or modification does not constitute a substantial alteration of the original plans, such change or modification can be granted by the Site Review Committee.

(13) Appeals. Appeals of a Site Review Committee decision may be made to the Appeals Board.

§ 295-157. Landscaping.

A. General statement. The Village finds that it is in the public interest for all developments within the District to provide landscape improvements for the purposes of complementing the natural environment; improving the general appearance of the District and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

B. Landscape plan. All applicants for building permits within the District shall submit a landscape plan, prepared pursuant to Subsection C, below, for review and approval as required herein prior to the request for a building permit.

C. Procedure. The following procedure shall be followed for the submittal of landscape plans:

(1) Preliminary consultation. Prior to the submittal of a landscape plan, it is recommended that the developer/owner meet with the Zoning Administrator/Building Inspector and/or other appropriate Village planning staff to discuss the design standards, the applicant site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Village.

(2) Plan submittal. Ten copies of all landscape plans requiring approval by the Site Review Committee must be submitted to the Village Clerk-Treasurer 10 days prior to the third Tuesday of the month.

Landscaping plans may be submitted separately, but it is strongly encouraged that they are included in the site plan. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet plus one complete set of such plans reduced in size to 11 inches by 17 inches and contain the following information:

(a) The location and dimensions of all proposed open space/green space areas;

(b) Identification of all proposed vegetation:

[1] Symbols, quantities, common names, and size of all plant materials;

[2] Showing all species to scale of mature crown diameter or spread;

[3] All existing vegetation to be saved; and

[4] Typical sections of berms, fences, retaining walls, planter boxes, etc.

(3) Reviews. Review of landscape plans should be conducted concurrently with and follow the same procedure as site plan review.

D. Specific requirements.

(1) Ground cover. Open space areas shall, at a minimum, be seeded six months after completion of building. The following exceptions may be granted by Village staff during the review process:

(a) The use of mulch material for shrubs and foundation plantings;

(b) The seeding of future expansion areas delineated on site plan;

(c) Areas maintained in a natural state that are undisturbed during construction; or

(d) Other landscape elements such as decks, patios, stepping stones or landscape stones may be incorporated therein.

(2) Minimum size of plantings. Required vegetation shall be of the following minimum planting size. Plantings must be 17 feet from the property line equally spaced, one tree every 30 feet of road frontage.

(a) Deciduous trees. One per every 30 feet of road frontage is required. Required size 1.5 inches diameter as measured six inches above ground.

(b) Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24 inches in height.

(3) Species.

(a) All trees used in site development should be indigenous to the appropriate hardiness zone and physical characteristics of the site.

(b) All plant material should conform to "American Standards for Nursery Stock," latest edition; sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures.

(c) All proposed vegetation included in the landscape plan shall be reviewed by the Site Review Committee to assure compliance with the requirements contained herein.

(4) Implementation/replacement.

(a) All approved landscaping is to be installed in accordance with compliance timetable.

(b) Any vegetation included on an approved landscape plan that dies must be replaced by the owner/developer within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.

(5) Maintenance. It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plans.

(6) Compliance timetable. All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed one year from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within 60 days of receipt of written notice from the Zoning Administrator/Building Inspector that a violation of this chapter exists, comply with all requirements.

E. District requirements.

(1) Future development within the District shall meet the following minimum requirements:

(a) One tree per 30 feet of road frontage.

(b) Twenty-five percent of total lot area must remain open/green space.

(c) The Site Review Committee reserves the right to modify these requirements as deemed appropriate.

(2) Buffers. That portion of any land use allowable within the District that is abutting property designated for single-family or multifamily residential shall have a landscaped area at least six feet wide extending the full length of the land use designation and meet the following minimum requirements:

(a) One tree per 30 lineal feet, or fraction thereof, of lot line bordering single-family and multifamily districts.

(b) A shrub, border, hedge, wall, earthen berm, or other durable landscape barrier, or combination thereof, at least four feet high, but not exceeding eight feet high, which is 90% impervious to sight placed along the perimeter of such landscaped strip, except in the front yard setback.

§ 295-158. Compliance, forfeitures and remedies.

A. Intent. It is the intent of the Hobart Village Board that the procedures set forth in this article shall enable a prompt but thorough review of development proposals in the District. However, given the importance of the District to the orderly growth and development of the Village, derivations or failures to follow approved site plans, proceeding with unapproved plans, implementing uses not permitted or approved or other violations of this article will be promptly and thoroughly addressed.

B. Forfeitures. Any violation of this article or a site plan approved hereunder shall be subject to a forfeiture to the maximum penalty allowable per Village Code and state statute, as may be amended, with each twenty-four-hour period constituting a separate violation.

C. Nonexclusive remedy. Nothing in this article shall be construed to limit the Village's ability to pursue all remedies available to it to enforce this article, or to enforce a development agreement required hereby contemporaneously with forfeiture or other legal action.

D. Appeals. Appeals of Site Review Committee decisions may be made to the Village Board. Such appeal shall be filed with the Village Clerk within 30 days following final Site Review Committee action.

Section 3: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall be published as required by law after passage by the Village Board.

Passed and approved this 19th day of March, 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 March 19th 2024.

(Seal)

Lisa Vanden Heuvel, Village Clerk