

ORDINANCE 2022-03

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, SPECIFICALLY A PORTION OF SECTION 8 (DEFINITIONS) OF ARTICLE III (TERMINOLOGY) OF CHAPTER 295 (ZONING), SECTION 42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 68 (CONDITIONAL USES) OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT) OF CHAPTER 295 (ZONING), SECTION 200 (CONDITIONAL USES) OF ARTICLE XVIII (A-1 AGRICULTURAL DISTRICT) OF CHAPTER 295 (ZONING); TO RECREATE ARTICLE XXX (EARTH EXCAVATION) OF CHAPTER 295 (ZONING); AND TO CREATE SECTION XXXIV (QUARRY/MINING DISTRICT) OF CHAPTER 295 (ZONING)

Purpose: The purpose of this Ordinance is to amend the current code to define sand or gravel pits, and quarries, and to establish a new zoning district to regulate quarry operations in the Village.

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

Section 1: A portion of Section 8 (Definitions) of Article III (Terminology) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-8. Definitions.

SAND OR GRAVEL PIT

A parcel of land used primarily for the extraction of sand, gravel, clay, silt, loam, muck, dirt, soil, and similar materials which are processed and sold or used for any purpose off site. This does not include the extraction or grading necessary for the development of a lot or parcel.

QUARRY / MINING, NON-METALLIC

A parcel of land used primarily for the extraction of limestone, dolomite, slate, or other similar materials, including the mining of non-metallic minerals, which is processed and sold or used for any purpose off site. This does not include the extraction or grading necessary for the development of a lot or parcel.

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

E. Planned unit development.

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

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

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

I. 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.

J. 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 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 amended to read as follows:

§ 295-68. Conditional uses.

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

A. Artificial lakes and ponds.

B. Cemeteries and mausoleums.

C. Colleges and universities.

D. Day-care centers.

E. Planned unit development.

F. 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.

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

H. Radio and television stations and similar electronic communicating systems, towers - transmitting and receiving.

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

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

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

Section 4: Section 200 (Conditional Uses) of Article XVIII (A-1: Agricultural District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby amended to read as follows:

§ 295-200. Conditional uses.

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

A. Airfields, airports, and heliports.

B. Artificial lakes, ponds, farm ponds.

C. Bed-and-breakfast establishments.

D. Cable television installations.

E. Cemeteries.

F. Colleges, universities.

G. Commercial raising of dogs, foxes, goats, hogs, mink, and rabbits.

H. Landscape, tree farms.

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

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

K. Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.

L. Sand and gravel pit

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

N. Stockyards and fur farms.

O. Solid-fuel-fired heating devices.

P. 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.

Q. Other business types that may be approved by the Village Board after receiving a recommendation from the Planning and Zoning Commission.

Section 5: Article XXX (Earth Excavation) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby recreated to read as follows:

§ 295-323. General.

A. Hereinafter, all excavations of sand, gravel, clay, silt, loam, muck, dirt, soil, and other earth materials as well as the operation of sand pits, and gravel pits shall come under jurisdiction of this article.

B All existing sites of excavation shall comply with this article prior to any expansion or alteration of the existing site.

§ 295-324. Exemptions.

The following uses shall be exempt from the provisions of this article:

A. Excavation and removal of less than 100 cubic yards over a period of one year from any single tract of land recorded in the Brown County Register of Deeds office.

B. Necessary foundation and trench excavation in connection with work on the premises for which a building permit has been issued.

C. Excavations or grading related to the construction of stormwater retention/detention structures both public and private

D. Excavation and grading related to manmade bodies of water (see Chapter 295, Article XXIX for regulations)

E. Excavations and grading related to the installation of utilities and roadways located in both public right-of-way and recorded easements or providing amenities to a public or private development

F. Sites operated in accordance as a Quarry / Mining, Non-Metallic (See Article XXXIV of Chapter 295 and Chapter 194)

§ 295-325. Permit.

A. Application for a permit to excavate or remove earth materials shall be made to the Hobart Village Board by the property owner or his/her assigned agent. Application forms shall be provided by the Village of Hobart.

B. Application shall contain required information as specified in § 295-326 of this article.

C. Upon receipt of application and accompanying excavation plan, the Village Board shall inspect the site identified on the plan. Following site inspection, the Village Board shall approve the plan and grant the permit only when it is satisfied the conditions specified in § 295-326, Site plans, and § 295-330, Other requirements, will be complied with in undertaking the extraction. Said approval shall be made within 30 days of application date.

D. Upon expiration of the permit, the Village Board shall inspect the site before reissuing the permit. If the regulations of this article have been complied with, the permit shall be reissued.

E. An annual \$1,000 permit fee shall be charged for the issuance of an earth extraction permit or the renewal of same. Said permit shall be valid for 365 days from the date of issue.

§ 295-326. Site plans.

The following information shall be required on a site plan prior to issuing an earth extraction permit:

A. A map showing the location of the premises and adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than one inch to 200 feet.

B. Contour intervals of the site, as indicated by the United States Geological Survey (USGS), quadrangles or other accurate sources, of not more than 20 feet.

C. Existing and proposed surface water drainage.

D. Proposed regrading and revegetation of site after excavation.

E. Truck and machinery access.

F. Types and location of buildings to be erected on site.

G. Approximate total amount of earth material to be excavated.

H. Approximate number of trucks and other machinery to be used.

§ 295-327. Trucks and machinery.

A. No machinery shall be permanently erected within 200 feet of any property line or street right-of-way line.

B. Truck access and storage shall be arranged to minimize danger to traffic and nuisance to surrounding property.

§ 295-328. Material handling.

A. A minimum of 50 feet of undisturbed material shall be maintained between the point of excavation and any property line or street right-of-way line.

B. No sifting, washing, crushing or other forms of processing shall be conducted upon the premises, unless it is located more than 500 feet from any residential dwelling.

§ 295-329. Excavation sites.

A. The excavation of earth materials in accordance with this section shall be a conditional use in the A-1: Agricultural District.

B. Extraction operations shall be prohibited in all remaining zoning districts.

§ 295-330. Other requirements.

A. At all times, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

B. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Village Board to revoke the permit.

C. When excavation and removal operations are no longer used, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal:vertical) unless a greater slope is approved by the Village Board. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed bedrock surfaces, to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

D. If the excavation site shall fall within a Floodplain, Shoreland, or Conservancy Zone District, the regulations as set forth in Chapter 290, Floodplain Zoning, and Chapter 293, Shoreland Zoning, shall also apply.

E. Village Board members shall be allowed on the premises during scheduled operating hours for inspection purposes.

F. A performance bond of \$1,000 per acre of proposed excavation shall be required of the excavator.

G. To allow for ease in rehabilitation of site, the operator may begin sloping, as prescribed in Subsection C of this section, 10 feet from lot lines or road right-of-way lines, provided material disturbed within 50 feet of lot lines or road rights-of-way is used in the sloping operation as fill.

H. No unlicensed dumping of solid waste, junk cars, or sanitary wastes shall occur in extraction sites.

I. Proper measures shall be taken to minimize the nuisance of noise and flying rocks or dust.

J. No blasting or use of any explosive shall be permitted for the removal of any earth material noted in this section.

K. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The access roads to the area of operation shall be provided with a dustless surface if deemed necessary by the Village Board.

L. Hours of operation. These time parameters encompass all activities associated with the operation and a request for permanent hours of operation beyond those listed below will be subject to approval of the Village Board through the permit process: 7:00 a.m. to 7:00 p.m. Monday through Friday, all year, 8:00 a.m. to 3:00 p.m. Saturday, all year, and no operations Sunday or Holidays.

Section 5: Article XXXIV (QM: Quarry/Mining District) of Chapter 295 (Zoning) of the Code of the Village of Hobart, is hereby created to read as follows:

§ 295-365. Purpose.

The purpose of the QM: Quarry / Mining District is to allow for the extraction operation of limestone, dolomite, slate, and similar materials to be removed for uses both on and off the property. This district is intended to create a controlled environment for the extraction and processing of the materials located on property and should include enough land area to accommodate the principal use and to afford adequate buffering and land for accessory uses while protecting the environmental character of a site and to promote compatible development with adjacent land uses.

§ 295-366. Permitted Uses.

The following uses are permitted in the QM District:

A. Crops, agriculture

§ 295-367. Permitted Accessory Uses.

The following are permitted accessory uses in the QM District:

- A. Office building related to quarry operation
- B. Vehicle scale
- C. Sediment control stations

§ 295-368. Conditional Uses.

The following are conditional uses in the QM District:

- A. Shop, equipment repair related to quarry operation
- B. Material recycling
- C. Concrete mixing plant
- D. Hot mix plant
- E. Public utility and service uses as follows:
 - (1) Substations
 - (2) Gas regulator stations
 - (3) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes
 - (4) Telephone exchanges, transmission equipment buildings and microwave relay towers

F. Quarrying / Mining, Non-Metallic

§ 295-369. Exemptions.

- A. Excavations or grading related to the construction of stormwater retention/detention structures both public and private.
- B. Excavation and grading related to manmade bodies of water (see Chapter 295, Article XXIX for regulations).
- C. Excavations and grading related to the installation of utilities and roadways located in both public right-of-way and recorded easements or providing amenities to a public or private development.

§ 295-369. Lot Requirements Per Use.

- A. Area: 5 acre minimum.
- B. Zoning lot frontage: 200 feet minimum.

§ 295-370. Height Regulations.

Principal structures: 60 feet maximum, except as provided by § 295-13, Height regulations.

§ 295-371. Building Setbacks.

Principal Structure	Accessory Building	Driveways
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Front yard	40 feet minimum from right-of-way	40 feet minimum from right-of-way	10 feet from property line
Side yard	30 feet minimum	30 feet minimum	10 feet from property line
Rear yard	30 feet minimum	30 feet minimum	10 feet from property line
Corner Lot	40 feet minimum from right-of-way	40 feet minimum from right-of-way	75 feet from center line of intersection

§ 295-372. Parking.

Parking shall conform to the requirements as set forth in Article XXVIII, Off-Street Parking Requirements.

§ 295-373. Signs.

Signs shall be regulated as set forth in § 295-361, Regulation of signs.

§ 295-374. Other Requirements.

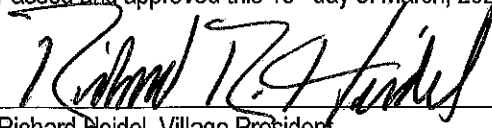
A. Uses, structures, and buildings allowed in the QM: Quarry / Mining District shall meet the regulations of this district in addition to Chapter 194. Mining, Nonmetallic and the other articles of this chapter, as determined by the Village Zoning Administrator/Building Inspector and approved by the Site Review Committee.

B. The use of any explosives and/or blasting for the operations within this district shall comply with the regulations of Chapter 156. Explosives and Blasting.

Section 6: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 7. This Ordinance shall be published as required by law after passage by the Village Board.

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


 Richard Heidel, Village President

Attest:

 Aaron Kramer, Village Administrator

I, Erica Berger, am the duly qualified and acting Village Clerk of the Village of Hobart, Brown County, Wisconsin. I hereby certify 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 15th 2022.




 Erica Berger, Village Clerk-Treasurer