



Village of Hobart – www.hobartwi.gov
Village Office - 2990 South Pine Tree Road, Hobart, WI

Notice is hereby given according to State Statutes that the PLANNING AND ZONING COMMISSION of the Village of Hobart will meet on **Monday July 6th 2026**, at 5:30 P.M. at the Village Office (2990 South Pine Tree Road). NOTICE OF POSTING: Posted July 2nd 2026, at the Hobart Village Office and on the village website.

MEETING NOTICE – PLANNING AND ZONING COMMISSION

Date/Time: Monday July 6th 2026 (5:30 P.M.)

Location: Hobart Village Office (2990 South Pine Tree Road)

ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes of May 4th 2026 meeting (Page 2)
4. Public Comment on Non-Agenda Items

ACTION ITEMS

5. DISCUSSION AND ACTION – Ordinance 2026-07 (AN ORDINANCE CREATING ARTICLE XXXVI (TEMPORARY MORATORIUM ON DATA CENTER DEVELOPMENT)) (Page 3)

The Ordinance would not put an end to any consideration for a Data Center in Hobart. It would simply allow the Village the time to craft a thoughtful and comprehensive ordinance for consideration over the next twelve (12) months.

6. DISCUSSION AND ACTION - Discussion and action on request to modify/ amend Section 295-8: Definitions of Chapter 295 of the Zoning Code pertaining to Child Care Facilities (Page 8)

The State is amending portions of Wisconsin Administrative Code 250 pertaining to the regulations of family and group child care centers. To stay compliant with the State Administrative Code, the Village needs to amend the definitions in our code.

7. DISCUSSION AND ACTION - Request to modify/amend Section 295-365 Administration of Article XXXIII (Site Review/Development and Design Standards) of Chapter 295 of the zoning code pertaining to Site Plans and Site Review Committee (Page 15)

The Site Review Committee and staff are proposing a modification to Section 295-356 pertaining to the Administration of the Site Review/Development and Design Standards and the Village Site Review Committee. This request is related to allowing the Committee to grant exceptions to the standards set in the Design Standards where developments have unique conditions that may conflict with the standards for site review.

8. ADJOURN

Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Rich Heidel (Chairperson), Melissa Tanke, Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, John Rather

NOTE: A quorum of the Village Board may be present at this meeting, but no official Board action or discussion will take place. Page numbers refer to the meeting packet. All agendas and minutes of Village meetings are online: www.hobartwi.gov. Any person wishing to attend, who, because of disability, requires special accommodation, should contact the Village Clerk at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



Village of Hobart Planning & Zoning Commission Minutes
Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI
Monday, May 4, 2026 – 5:30 pm

1. **Call to order/Roll Call** – The meeting was called to order by Rich Heidel, Chair at 5:33 pm. Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, Melissa Tanke, and Rich Heidel were present. Excused: John Rather.
2. **Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify the open meeting law agenda requirements and approve the agenda. MOTION: Heidel SECOND: Ross. VOICE VOTE: 6-0.
3. **Approval of Minutes of the March 2, 2026 meeting** – ACTION: To approve the Minutes of the March 2, 2026 meeting as presented. MOTION: Ross SECOND: Ambrosius. VOICE VOTE: 6-0.
4. **Public Comment on Non-Agenda Items** – None.
5. **DISCUSSION AND ACTION – Election of Commission Chairperson and Vice-Chairperson**

Rich Heidel is Chairperson as our Village President.

ACTION: To nominate Bob Ross Vice-Chairperson. MOTION: Heidel SECOND: Dennee. VOICE VOTE: 6-0.

6. DISCUSSION AND ACTION – Consider a 2 Lot CSM establishing two separate new parcels of 7.530 and 1.691 acres (500 Block Centerline Dr., HB-524)

The property owner of parcel HB-524, located in the 500 Block of Centerline Dr., is proposing a two lot CSM splitting one parcel into two separate parcels of 7.530 and 1.691 acres. The existing parcel is currently zoned PDD#1: Centennial Centre at Hobart District and the proposed CSM would create two new lots that maintain compliance with Village Code requirements relating to lot size and lot width.

ACTION: To recommend approval as submitted noting that this would be approval for both the preliminary and final CSM should there be no adjustments to the final CSM. MOTION: Heidel SECOND: Ambrosius VOICE VOTE: 6-0.

7. ADJOURN(5:49 pm)– MOTION: Ambrosius SECOND: Johnson VOICE VOTE: 6-0.

Respectfully submitted by Lisa Vanden Heuvel, Village Clerk



TO: Planning & Zoning Commission

RE: Discussion and action of Ordinance 2026-07 to establish a temporary moratorium on Data Center developments in the Village of Hobart.

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: July 6, 2026

ISSUE: Discussion and action of Ordinance 2026-07 to establish a temporary moratorium on Data Center developments in the Village of Hobart.

RECOMMENDATION: Staff recommends the approval of the proposed ordinance

GENERAL INFORMATION

Discussion and action of Ordinance 2026-07 to establish a temporary moratorium on Data Center developments in the Village of Hobart.

BACKGROUND

There has been considerable interest and discussion over the past several months over the potential of data centers being constructed across Wisconsin and, more specifically, in Brown County. While the Village is not aware of any concrete interest in constructing such a facility in Hobart, we are aware of anecdotal evidence that there may be some inquiries being made about purchasing land for such a project. With concerns over the impact on infrastructure, the Village's power and water systems, and the quality of life throughout the community, we are proposing an Ordinance that would place a one-year moratorium on the consideration of any data center in the Village.

We are proposing the passage of an Ordinance, rather than a Resolution. Given that the construction of data centers is at least conceivably already allowed under the current zoning codes, we believe an actual modification of the zoning code, rather than simply a resolution, is appropriate.

The Ordinance would not put an end to any consideration for a Data Center in Hobart. It would simply allow us the time to craft a thoughtful and comprehensive Ordinance for consideration over the next twelve (12) months.

RECOMMENDATION/CONDITIONS

To approve Ordinance 2026-07 (AN ORDINANCE CREATING ARTICLE XXXVI (TEMPORARY MORATORIUM ON DATA CENTER DEVELOPMENT)) and forward a recommendation for approval to the Village Board for their meeting on July 7, 2026.



ORDINANCE 2026-07

AN ORDINANCE CREATING ARTICLE XXXVI (TEMPORARY MORATORIUM ON DATA CENTER DEVELOPMENT)

Purpose: The purpose of this Ordinance is to create a one (1) year moratorium on the development of a Data Center in the Village of Hobart, allowing time for the Village to draft and approve an Ordinance to regulate any such development through the Village's Zoning Code.

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

Section 1: Article XXXVI (Data Center Moratorium) of Chapter 295 (Zoning) is hereby created to read as follows:

§ 295-385. Purpose.

The purpose of this moratorium is to provide the Village with adequate time to assess the impacts and secondary effects of Data Centers, including but not limited to electrical infrastructure concerns, water consumption concerns, wastewater impacts, land-use compatibility, emergency services impacts, comprehensive regulation and legislation, and to promote meaningful development in implementation of Village ordinances with regard to Data Centers. This moratorium is necessary to protect the health, safety, and general welfare of the Village residents, businesses, and visitors.

§ 295-386. Authority.

This ordinance is adopted pursuant to the Village's authority under Wis. Stat. §§ 61.34, 61.35, 62.23(7), and other applicable provisions of Wisconsin law.

§ 295-387. Definition of Data Center.

"Data Center" means a facility, building, campus, or portion thereof primarily used for the storage, processing, management, transmission, or hosting of digital data, servers, cloud computing systems, artificial intelligence computing systems, or network infrastructure, together with associated cooling systems, backup generators, substations, utility infrastructure, and accessory uses. This definition is inclusive of any accessory office uses necessary to monitor and manage sustained operations at a Data Center. The term shall not include ordinary office computer systems, telecommunications equipment serving a principal permitted use, or customary business server rooms accessory to another permitted use.

§ 295-388. Declaration of Moratorium.

A village wide temporary moratorium is hereby declared with respect to the acceptance of applications, participating in pre-submittal activities, including but not limited to planning applications, building permits,

engineering permits, site review, rezoning approvals, conditional use permits, or any other authorization required for establishment, expansion, or construction of a Data Center.

§ 295-389. Duration.

This ordinance shall remain in effect for a period of twelve (12) months from its effective date or until an amendment to this chapter related to Data Centers is adopted and takes effect, whichever is earlier. The Village Board may extend the duration of this ordinance for an additional period of six (6) months, as permitted by applicable Wisconsin law, if additional time is reasonably necessary to complete, review, and adopt permanent regulations.

§ 295-390. Direction to Develop Data Center Ordinance.

During the period of this moratorium, the Department of Planning and Zoning, in consultation with the Village administrator and attorney, in consultation with relevant Village agencies, departments, and employees, are directed to draft an ordinance providing a comprehensive and appropriate regulation of Data Centers to protect the public health, safety, and general welfare of the Village residents, businesses, visitors, and the public. It is the intention of the Village Board of Trustees to amend the Village's general ordinances to adopt an ordinance pertaining to Data Centers before the expiration of this moratorium or any extension thereof as allowed under Wisconsin law.

§ 295-391. Subjects of Consideration.

In preparing an amendment to this chapter or a separate ordinance related to Data Centers, the Village, through appropriate personnel or consultants, shall review the possible impacts that these uses may have on the health, safety, and general welfare of the residents, businesses, visitors, and general public in the Village. The relevant Village departments, agencies, and staff shall also consult with other municipalities, experts, stakeholders, and relevant available studies and research pertaining to effective municipal regulations of Data Centers.

Section 2: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 3. This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved on this 7th day of July, 2026.

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 the original ordinance adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on July 7, 2026.

(Seal)

Lisa Vanden Heuvel, Village Clerk



TO: Planning & Zoning Commission

**RE: Discussion and action on request to modify /
amend Section 295-8: Definitions of Chapter 295 of
the Zoning Code pertaining to Child Care Facilities**

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: July 6, 2026

ISSUE: Discussion and action on request to modify / amend Section 295-8: Definitions of Chapter 295 of the Zoning Code pertaining to Child Care Facilities

RECOMMENDATION: Staff recommends the approval of the proposed modifications

GENERAL INFORMATION

The State of Wisconsin is amending portions of Wisconsin Administrative Code 250 pertaining to the regulations of family and group child care centers. To stay compliant with the State Administrative Code, the Village of Hobart needs to amend the definitions in the Village Zoning Code Section 295-8 for child care establishments.

BACKGROUND

With the recent approval of multiple amendments to Wisconsin Administrative Code 250 regulating child care establishments, Village Staff is proposing to modify the definitions for both in-home and commercial child care facilities so as to be in compliance with state regulations. The only notable change that would affect the Village would be the increase in the number of children permitted in a home based child care establishments from a maximum of 8 to 12 children.

The attached exert from Wis. Admin. Code 250 contains multiple areas that are highlighted, but those are changes between the new code and the old code. The section highlighted in green is the portion that we would need to modify our ordinance to be in compliance with the state.

The other changes to the definitions in the Village Zoning Code are just a clean up of words to better suit today's uses.

Since this is an amendment to Chapter 295, Village Zoning Code, any amendment / modification would require a public hearing and review by both the Planning & Zoning Commission and the Village Board.

RECOMMENDATION/CONDITIONS

Approve the proposed modifications to Section 295-8 of the Village Zoning Code and forward to the Village Board for review.

295-8 Definitions - Existing

DAY-CARE CENTER, GROUP

A licensed establishment for the care and supervision of nine or more children under seven years old for more than four and less than 24 hours a day for more than 10 days a month.

DAY-CARE HOME, FAMILY

A licensed establishment for the care and supervision of one to eight children under seven years old for more than four and less than 24 hours a day for more than 10 days a month.

Proposed

CHILD CARE CENTER, GROUP

A facility that is licensed by the State of Wisconsin that provides care and supervision of nine or more children under the age of 18 for less than 24 hours a day.

CHILD CARE CENTER, HOME

A dwelling that is licensed by the State of Wisconsin where a person resides in the residence and provides for the care and supervision of one to twelve children, who are not related to the provider, for less than 24 hours a day.



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2897/1
MDE&EHS:cjs

2025 ASSEMBLY BILL 350

July 8, 2025 - Introduced by Representatives GOEBEN, SPIROS, BROOKS, KREIBICH, O'CONNOR, GUSTAFSON, GUNDRUM, DUCHOW, DITTRICH, KNODL, PENTERMAN, NEDWESKI, MURPHY, HURD, GREEN, BEHNKE, B. JACOBSON, TUCKER, KAUFERT and ALLEN, cosponsored by Senators CABRAL-GUEVARA and NASS. Referred to Committee on Children and Families.

- 1 **AN ACT** *to renumber and amend* 48.67; *to amend* 48.65 (3) (a) and 66.1017
2 (1) (a); *to create* 48.67 (2m) and 101.01 (11) (e) of the statutes; **relating to:**
3 the regulation of family and group child care centers.

Analysis by the Legislative Reference Bureau

Under current law, a person must obtain a license from the Department of Children and Families in order to provide, for compensation, care and supervision for four or more children under the age of seven for less than 24 hours a day. Under current DCF rules, DCF regulates a child care center that provides care and supervision for four to eight children as a “family child care center” and one that provides care and supervision for nine or more children as a “group child care center.” The rules specify, among other things, the required ratio of providers to children in each type of child care center.

This bill requires DCF to authorize licensed child care centers that have sufficient staff and space to provide care and supervision for four to 12 children or for 13 or more children. The bill requires DCF to update its rules so that a family child care center provides care and supervision for four to 12 children and a group child care center provides care and supervision for 13 or more children.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.65 (3) (a) of the statutes is amended to read:

2 48.65 (3) (a) Except as provided in par. (c), before the department may issue a
3 license under sub. (1) to a child care center that provides care and supervision for 4
4 to ~~8~~ 12 children, the child care center must pay to the department a biennial fee of
5 \$60.50. Except as provided in par. (c), before the department may issue a license
6 under sub. (1) to a child care center that provides care and supervision for ~~9~~ 13 or
7 more children, the child care center must pay to the department a biennial fee of
8 \$30.25, plus a biennial fee of \$16.94 per child, based on the number of children that
9 the child care center is licensed to serve. A child care center that wishes to continue
10 a license issued under sub. (1) shall pay the applicable fee under this paragraph by
11 the continuation date of the license. A new child care center shall pay the
12 applicable fee under this paragraph no later than 30 days before the opening of the
13 child care center.

14 **SECTION 2.** 48.67 of the statutes is renumbered 48.67 (1m), and 48.67 (1m) (a)
15 and (d) 1. (intro.), 2. and 3., as renumbered, are amended to read:

16 48.67 (1m) (a) That all child care center licensees, and all employees and
17 volunteers of a child care center, who provide care and supervision for children
18 under one year of age receive, before the date on which the license is issued or the
19 employment or volunteer work commences, whichever is applicable, training in the
20 most current medically accepted methods of preventing sudden infant death
21 syndrome. The rules shall provide that any training in those methods that a
22 licensee has obtained in connection with military service, as defined in s. 111.32

1 (12g), counts toward satisfying the training requirement under this ~~subsection~~
2 paragraph if the licensee demonstrates to the satisfaction of the department that
3 the training obtained in that connection is substantially equivalent to the training
4 required under this ~~subsection~~ paragraph.

5 (d) 1. (intro.) That all foster parents successfully complete training in the care
6 and support needs of children who are placed in foster care that has been approved
7 by the department. The training shall be completed on an ongoing basis, as
8 determined by the department. The department shall promulgate rules
9 prescribing the training that is required under this ~~subsection~~ paragraph and shall
10 monitor compliance with this ~~subsection~~ paragraph according to those rules. The
11 training shall include training in all of the following:

12 2. The training under ~~par. (a)~~ subd. 1. shall be available to a kinship care
13 provider, as defined in s. 48.40 (1m), upon request of the kinship care provider.

14 3. For a foster parent receiving an initial license, the training under ~~par. (a)~~
15 subd. 1. shall be completed before the first child is placed with the foster parent.

16 **SECTION 3.** 48.67 (2m) of the statutes is created to read:

17 48.67 (2m) In the rules promulgated under sub. (1m), the department shall
18 authorize child care centers licensed under s. 48.65 (1) that have sufficient staff and
19 space to provide care and supervision for 4 to 12 children or for 13 or more children.

20 **SECTION 4.** 66.1017 (1) (a) of the statutes is amended to read:

21 66.1017 (1) (a) "Family child care home" means a dwelling licensed as a child
22 care center by the department of children and families under s. 48.65 where care is
23 provided for not more than ~~8~~ 12 children.

24 **SECTION 5.** 101.01 (11) (e) of the statutes is created to read:

1 101.01 (11) (e) A dwelling licensed as a child care center by the department of
2 children and families under s. 48.65 where care is provided for not more than 12
3 children.

4 **SECTION 6. Nonstatutory provisions.**

5 (1) As soon as practicable following the effective date of this subsection, the
6 department of children and families shall amend the definition of “family child care
7 center” under s. DCF 250.03 (9), Wis. Adm. Code, to mean a facility where a person
8 provides care and supervision for less than 24 hours a day for at least 4 and not
9 more than 12 children who are not related to the provider; and it shall amend any
10 other rules it has promulgated pertaining to family child care centers, as defined
11 under s. DCF 250.03 (9), Wis. Adm. Code, to harmonize them with the definition as
12 so amended. As soon as practicable following the effective date of this subsection,
13 the department of children and families shall amend the definition of “group child
14 care center” under s. DCF 251.03 (13), Wis. Adm. Code, to mean a facility where a
15 person for less than 24 hours a day provides care and supervision for 13 or more
16 children who are not related to the provider; and it shall amend any other rules it
17 has promulgated pertaining to group child care centers, as defined under s. DCF
18 251.03 (13), Wis. Adm. Code, to harmonize them with the definition as so amended.

19 **SECTION 7. Initial applicability.**

20 (1) This act first applies to an application for a child care center license or for
21 a continuation of a child care center license submitted on the effective date of this
22 subsection.

23 **(END)**

DCF 250.03 Definitions. In this chapter:

(1g) "Abusive head trauma" means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

(1k) "Administrative authority" means a licensee's decision-making power regarding the family child care center.

(1n) "Assistant provider" means a provider who works under the supervision of a lead provider.

(1r) "Background check request form" means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

Note: Form DCF-F-5296, *Background Check Request*, is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(2) "Care" means providing for the safety and the developmental needs of a child in a family child care center.

(3) "Center-provided transportation" means transportation in a vehicle owned by or contracted for the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(3m) "Child care background check" means the requirements in s. 48.686, Stats., and ch. DCF 13.

(4) "Complaint" means an allegation of violation of this chapter or ch. 48, Stats.

(4m) "Crib" means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

(5) "Department" means the Wisconsin department of children and families.

(5m) "Early childhood education" means the teaching of children who are 8 years of age or less.

(6) "Emergency" means unforeseen circumstances that require immediate attention.

(7) "Emergency back-up provider" means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a lead provider to leave the premises occasionally for a short period of time.

(8) "Employee" means any adult person who is compensated to provide care and supervision of children enrolled in a family child care center, including a helper or assistant to a child care provider.

(8m) "EPSDT provider" means a provider of health assessment and evaluation services that is eligible to be certified under s. DHS 105.37 (1) (a).

(9) "Family child care center" or "center" means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 12 children who are not related to the provider.

(10) "Field trip" means any experience a child has away from the premises of the center while in the care of center staff, whether a child walks or is transported.

DCF 250.055 Supervision and grouping of children.**(1) SUPERVISION.**

(a) Each child shall be supervised by a provider to guide the child's behavior and activities, prevent harm, and ensure safety.

(b) A provider shall be awake at all times when children are in care.

(c) No individual provider may care for children for more than 16 hours in any 24-hour period.

(d) No child may be in care for more than 14 hours in any 24-hour period.

(e) At least one lead provider who has completed the training required under s. DCF 250.05 (3) (b) shall supervise children at all times, except when a substitute is providing care. A substitute shall meet the requirements under s. DCF 250.05 (3) (c) and (4) (a) as provided in par. (em).

(em) *Substitutes.* If a substitute is providing care and 2 providers are required to meet staff-to-child ratios, at least one provider who has completed the training required under s. DCF 250.05 (3) (b) or (bm) shall supervise children at all times.

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a written plan reviewed by the department for ensuring supervision of the children in an emergency or during a provider's absence.

(h) A provider may not be engaged in any other activity or occupation during the hours of operation of the center when children are in care, except for daily maintenance of the home.

(i) The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

(j) During the hours of the center's operation, no provider or any other person in contact with children in care may consume or be under the influence of beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats.

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

(L) The licensee shall implement and adhere to a procedure to ensure that the number, names, and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children and provide sight and sound supervision of the children, unless the children are playing inside the enclosed outdoor area on the premises specified under s. DCF 250.06 (11) (b).

(n) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool containing water is present in the outdoor play space specified in s. DCF 250.06 (11) (b).

(2) GROUPING OF CHILDREN.

(a) At no time may more than 8 12 children be in the care of the center. This limitation applies to all of the following:

1. All children under 7 years of age, including a provider's own children.

2. All children 7 years of age or older who are not a provider's own children.

(b) The maximum number of children that one provider may care for is specified in Table 250.055.

(c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under 2 years of age present at one time and 5 children between the 2 years of age and 6 years of age present, a second provider is required. At no time may the maximum number of children in care exceed 8.

(b) A licensee shall do all of the following to determine if more than one provider is required for a group of children:

1. For each child in the group, determine the numerical weight for the child's age group based on Table DCF 250.055.

2. Add the total of all of the numerical weights for each child in the group.



TO: Planning & Zoning Commission

RE: Discussion and action on request to modify / amend Section 295-365 Administration of Article XXXIII Site Review/Development and Design Standards of Chapter 295 of the zoning code pertaining to Site Plans and Site Review Committee

FROM: Todd Gerbers, Director of Planning and Code Compliance

DATE: July 6, 2026

ISSUE: Discussion and action on request to modify / amend Section 295-365 Administration of Article XXXIII Site Review/Development and Design Standards of Chapter 295 of the zoning code pertaining to Site Plans and Site Review Committee

RECOMMENDATION: Staff recommends the approval of the proposed modifications

GENERAL INFORMATION

The Village Site Review Committee and Village Staff are proposing a modification to Section 295-356 of the Village Zoning Code pertaining to the Administration of the Site Review/Development and Design Standards and the Village Site Review Committee. This request is related to allowing the Committee to grant exceptions to the standards set in the Design Standards where developments have unique conditions that may conflict with the standards for site review.

BACKGROUND

With direction from the Village Site Review Committee, Village Staff drafted some new language in the ordinance to protect the Committee should there be a need to grant an exception from the regulations in the ordinance that the Committee follows when reviewing site plans for various developments/projects. Any such exception for a proposed project would need to display the “unique feature(s)” or the “unreasonable hardship” for the Committee to grant such an exception. Staff believes this provides the Committee with some comfort added protection when reviewing and possibly granting such an exception in the future. The added language relating to exceptions is noted as “E.” on the attachment.

An example of a possible exception would be the need for 25% masonry on the building elevation facing a public street, but the building is located behind another existing building and roughly 400 feet setback from the roadway. Then it may be better for the development to reduce the masonry and use those cost savings to enhance the landscaping where it would be more visible from the street.

The Village Site Review Committee reviewed this ordinance addition and recommended approval to the Village Planning & Zoning Commission. Since this is an amendment to Chapter 295, Village Zoning Code, any amendment / modification would require a public hearing and review by both the Planning & Zoning Commission and the Village Board.

RECOMMENDATION/CONDITIONS

Approve the proposed modifications to Section 295-356 of the Village Zoning Code and forward to the Village Board for review.

§ 295-356. Administration.

The administration of this article shall be vested in the following: Village Administrator, Zoning Administrator/Building Inspector, and Site Review Committee.

- A. It shall be the duty of the Village Administrator to be in charge of the day-to-day administration and interpretation of the development and design standards. Enforcement of these standards is charged to the Hobart Zoning Administrator/Building Inspector in accordance with § 62.23(7), Wisconsin Statutes.
- B. The Site Review Committee shall consist of seven regular members, two of whom shall be Village Board members, and one alternate member. Village Board members shall serve as full voting members. All regular members shall be residents of the Village. **[Amended 1-6-2015 by Ord. No. 01-2015]**
- C. From time to time the design criteria may be amended, changed or deleted. Such action shall take place originating before the Site Review Committee in accordance with § 62.23(7), Wisconsin Statutes.
- D. Appeals. Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the Board of Appeals.
- E. Exceptions. When in the judgment of the SRC it would be inappropriate to apply literally a specific provision of this Chapter due to unreasonable hardship or unique features, the SRC may except all or a portion of such specific provision so that substantial justice may be done and the public interest secured. Any exception thus granted shall be entered in the minutes of the SRC setting forth the reasons which justified the exception. An exception granted for one project shall not be used as a sole reason for granting an exception for a different project.