

ORDINANCE 2025-06

AN ORDINANCE TO REPEAL AND RECREATE SECTION 8 (DEFINITIONS) OF ARTICLE III (TERMINOLOGY), SECTION 223 (PERMITTED USES) AND SECTION 225 (CONDITIONAL USES) OF ARTICLE XX (B-1 COMMUNITY BUSINESS DISTRICT), AND SECTION 259 (PERMITTED USES) AND SECTION 261 (CONDITIONAL USES) OF ARTICLE XXIII (I-1 LIMITED INDUSTRIAL 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 amend the permitted uses for the B-1: Community Business and I-1: Limited Industrial Districts to allow for the indoor sales of automobiles and the conditional uses for both districts be amended to allow for the outdoor sales of automobiles. In addition, the definitions in the Zoning Code would be amended to include a definition for “automobile” and “automobile sales”.

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

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8 (Definitions) of Article III (Terminology) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-8. Definitions.

Certain words and terms in this chapter are to be interpreted as defined herein.

ACCESSORY BUILDING

An uninhabited, subordinate structure exceeding 150 square feet in area, attached or detached to the principal structure, the use of which is incidental to and customary in conjunction with the principal use of the structure (e.g., garages, carports, and other similar buildings used for the storage of common household supplies, equipment and vehicles).

ACCESSORY USE

A subordinate use which is incidental to and customary in conjunction with the principal structure or use and which is located on the same lot with such principal structure or use.

ADVERTISING DEVICE

Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

AGRICULTURE

The science and practice of the cultivation of the soil.

AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY

A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

ARTIFICIAL LAKE

A man-made body of water utilized for recreational or conservational purposes.

ATTIC

The vertical cross-sectional space created within and/or bounded by the roof structure and the floor/ceiling line of the story below. This cross-sectional space will have no exterior wall planes extending above the attic floor to the underside of the roof structure except as necessary to enclose the ends of a gable or gambrel roof.

AUTOMOBILE

A road vehicle powered by an internal combustion or electric motor with a maximum gross vehicle weight of 10,000 lbs. intended primarily for the transporting of a person or persons (examples include but not limited to cars, passenger vans, pick-up trucks, mopeds, motorcycles etc.); excluding all-terrain vehicles.

AUTOMOBILE SALES

Premises on which new or used passenger automobiles or light trucks in operating condition are displayed for sale.

AUTO WRECKING YARD

Any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

BASEMENT

That portion of any structure located below the first floor or ground floor with its entire floor below grade.

BLOCK

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

BOARDINGHOUSE (LODGING HOUSE)

A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four or more persons not of the keeper's family. Lodging may be provided with or without meals.

BUILDING

Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

BUILDING, ATTACHED

One which is joined to another dwelling at one or more sides by a party wall or walls.

BUILDING, DETACHED

One which is entirely surrounded by open space on the same lot.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deck line of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.

BUILDING SETBACK LINE

A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a building may be erected.

BUILDING, TEMPORARY

Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in the definition of "manufactured home."

CAMPGROUND

A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.

CANOPY (MARQUEE)

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

CAPACITY IN PERSONS OF AN ESTABLISHMENT OR USE

The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by Chapter 121, Building Construction, or as may be determined by the Zoning Administrator/Building Inspector.

CLINIC, MEDICAL OR DENTAL

An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

CLUB

An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

COMMERCIAL FEEDLOTS

An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughterhouse.

COMMUNITY-BASED RESIDENTIAL FACILITY

A place where three or more unrelated adults reside, in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Social Services under § 50.01, Wisconsin Statutes.

COMPREHENSIVE PLAN

The adopted Comprehensive Plan of the Village of Hobart (including any future amendments) that identifies where growth should occur, makes recommendations for future development in the Village through the use of text, tables, and maps, and includes a mechanism for the review and update of the plan on a regular basis.

CORNER SIDE

A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.

CORPORATE RETREAT

A dwelling unit which is provided, with or without monetary compensation, by a business, company or corporation, including a nonprofit corporation, to paying or nonpaying guests (including but not limited to agents, customers, clients, consultants, employees, directors, executives or shareholders of the business, company or corporation) for a period of less than 28 consecutive calendar days.

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.

DORMITORY

A communal-type living arrangement of four or more persons not related by blood, adoption, or marriage who share common kitchen, bath or rest room facilities. This definition includes, but is not limited to, shelter facilities, educational facility housing, rooming houses, boarding or lodging houses, community living arrangements, community-based residential facilities, seminary or similar institution.

DRIVE-IN BUSINESS

An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service, but the majority of its business is conducted in the following manner:

- A. By means of a service window;
- B. In-car service; and

C. Restaurant or confectioneries with carry-out counter.

DWELLING

A building, or portion thereof, excluding a manufactured home, hotel, motel, boardinghouses, and trailers designed or used exclusively for residential occupancy.

DWELLING UNIT

One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit."

DWELLING, MULTIPLE-FAMILY

A building, or portion thereof, containing three or more dwelling units, each occupied exclusively by one family with the intent to use the structure as the principal place of abode.

DWELLING, SINGLE-FAMILY

A building designed for and occupied exclusively by one family with the intent to use the structure as the principal place of abode.

DWELLING, TWO-FAMILY

A building designed for and occupied exclusively by two families with the intent to use the structure as the principal place of abode.

EARTHEN BERM

A vegetated/landscaped, elongated earthen mound used as a sound, sight and/or landscape barrier.

ESTABLISHMENT, BUSINESS

A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

FAMILY

One or more persons, related by blood, adoption, domestic partnership, foster or ward relationship or marriage, living together in one dwelling unit as a single housekeeping unit, or up to five persons living and cooking together as a single housekeeping unit when not so related, provided that the number limitation of this provision shall not apply to the number of unrelated individuals authorized to reside in a community living arrangement consistent with § 62.23(7)(i), Wis. Stats.

FARM

Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.

FARM POND

A body of water utilized for the farm operation.

FENCE

A barrier made of wood, iron, stone or other inorganic material.

FLOOR AREA

(For determining off-street parking and loading requirements.) The sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, "floor area," for the purposes of measurement for off-street parking spaces, shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FRONTAGE

The length of all the property fronting on one side of a street between two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

FRONTAGE, ZONING LOT

The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

FUR FARM

Agricultural operation, where the major income is derived from the selling or sale of fur-bearing animals and/or pelts.

GARAGE, PRIVATE

An accessory to the main building, which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

GARAGE, PUBLIC AND STORAGE

Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

GROUND FLOOR

That level of a building or structure below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor at grade and a portion of its floor below grade.

GROUP HOME

Community living arrangements for the care and maintenance of five to eight children under 18 years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes § 48.02(7).

HARD-SURFACED

A driveway or parking lot surfaced with concrete, bituminous paving or other approved impervious surface.

HEALTH AND MEDICAL INSTITUTIONS

Institutions or organizations which provide specialized inpatient or outpatient medical and dental care.

HEDGE

A dense row of shrubs, etc., forming a boundary, fence, or barrier.

HOME OCCUPATION

An occupation or profession carried on by a resident of the principal structure, provided all of the following are met:

- A. There is no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling;
- B. There is no commodity sold upon the premises;
- C. No person is employed on site other than a member of the immediate family residing on the premises;
- D. No mechanical or electrical equipment is used, except such as is permissible for purely domestic or household purposes;
- E. No accessory building shall be used for such home occupation;
- F. Exterior alterations or modifications that change the residential character or appearance of the dwelling, accessory structures or the property itself are prohibited;
- G. There shall be no noise, vibration, glare, fumes, odor, electrical interference, or other such condition created by the home occupation that has any observable impact upon any location outside the principal structure where the home occupation is conducted.

HOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with or without cooking facilities in any individual room or apartment.

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

JUNK (OR SALVAGE) YARD

An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk" or "salvage" yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

KENNELS

A lot or building in which three or more dogs or four or more cats or other animals at least two months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.

LANDSCAPING MATERIALS

Materials used to make a plot of ground more attractive and/or stable these materials may include, but are not limited to, trees, grasses, ground cover, vines, flowers, earthen berms, earth stabilization materials, rocks and stones, and wood chips.

LOT

A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this chapter and abutting on a public street.

LOT AREA, GROSS

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

LOT, CORNER

A lot located at the intersection of two streets, the interior angle of such intersection not exceeding 135°.

LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries. (See diagram in Illustrations on file in the office of the Village Clerk.)

LOT GRADE

The average of the finished lot elevation upon completion of construction and landscaping between the street right-of-way line and a perpendicular point on the front yard setback line.

LOT, INTERIOR

A lot other than a corner or reversed corner lot. (See diagram in Illustrations on file in the office of the Village Clerk.)

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated public street, or where no public street exists along a public way.

LOT LINE, REAR

That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the

Office of said Register of Deeds prior to the adoption of this chapter, and certified survey maps approved and recorded in the Register of Deeds' Office of Brown County.

LOT, REVERSED CORNER

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (See diagram in Illustrations on file in the office of the Village Clerk.)

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. (See diagram in Illustrations on file in the office of the Village Clerk.) On a "through lot," both street lines shall be deemed front lot lines.

LOT WIDTH

The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line. (See diagram in Illustrations on file in the office of the Village Clerk)

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.

MANUFACTURED HOME PARK

A contiguous parcel of land containing two or more manufactured homes.

MINI WAREHOUSE

A business consisting of a building or group of buildings of varying sizes of individual compartmentalized and controlled access stalls, spaces or lockers which are rented to individuals for the storage of personal property.

MOTEL

Establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit, except by the owner, his agent or his employees.

MOTOR VEHICLES

A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway.

NONCONFORMING STRUCTURE

A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

NONCONFORMING USE

Any use of land, buildings, or structures, lawful at the time of the enactment of this chapter, which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

PARKING SPACE

A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways, or other means of circulation or access.

PARTY WALL

A wall constructed between two attached units or rooms which may or may not be separately owned.

PET BOARDING FACILITY

A building in which dogs or cats are kept commercially for boarding and/or grooming, all of which are conducted on the property itself.

PLANNED UNIT DEVELOPMENT

A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects. (See diagram in Illustrations on file in the office of the Village Clerk.)

PLAT or PLATTED LAND

Land division created by the recording of a subdivision plat or certified survey map as per the requirements of the Brown County Subdivision and Platting Regulations.

PRINCIPAL STRUCTURE OR USE

One which determines the predominant use as contrasted to accessory use, building or structure.

PROFESSIONAL OFFICE (except health care)

The office of a member of a recognized profession, including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupation, including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.

PROFESSIONAL OFFICE (HEALTH CARE)

The office of a member of a recognized health care professional licensed by Wisconsin State Statute Chapters 441, 446 to 449.

QUARRY/MINING, NONMETALLIC

A parcel of land used primarily for the extraction of limestone, dolomite, slate, or other similar materials, including the mining of nonmetallic 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.

RECREATIONAL VEHICLE

A vehicle primarily used for leisure activities, including, but not limited to, trailers, boats with or without trailers, all-terrain vehicles and snowmobiles. For the purpose of this Code, "recreational vehicles" do not include four-wheel drive cars or trucks and motorcycles.

RETAIL

Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

RIGHT-OF-WAY

A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The usage of the term "right-of-way" for land platted purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

ROADSIDE STAND

A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and limited to 10 feet maximum height.

RURAL ROAD SECTION

Road predominantly employing ditches for stormwater conveyance.

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.

SATELLITE DISH ANTENNA

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to what are commonly referred to as "satellite earth stations," "TVROs," and "satellite microwave antennas."

SETBACK AREA

The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

SETBACK LINES

Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

SETBACK, CORNER SIDE YARD

The minimum horizontal distance between the side line of the building or use that runs perpendicular to the fronting street, and the side right-of-way line perpendicular to the fronting street.

SETBACK, FRONT YARD

The minimum horizontal distance between the front line of the building or use and the street right-of-way line.

SETBACK, REAR YARD

The minimum horizontal distance between the back line of the building or use, and the rear lot lines.

SETBACK, SIDE YARD

The minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

SHELTER FACILITY

A temporary place of lodging for temporarily displaced individuals or families or other reasons.

SIGN

A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building, unless the content shall so indicate. (See diagram in Illustrations on file in the office of the Village Clerk.)

SIGN, ADVERTISING

A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed. (See diagram in Illustrations on file in the office of the Village Clerk.)

SIGN, BUSINESS

A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed. (See diagram in Illustrations on file in the office of the Village Clerk.)

STOCK FARM

An agricultural operation, usually non-dairying in nature, where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

STORAGE UNIT

Individual unit, cold storage only, and no business to be run out of unit.

STORY

That part of a building between any floor at or above grade and the floor next above, and if there be no floor above, then the ceiling above. A story shall not include a basement or a ground floor as defined in this chapter.

STREET

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

STRUCTURAL ALTERATION

Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

TRANSIENT RESIDENTIAL OCCUPANT

A person who is entitled to occupancy at any transient residential use.

TRANSIENT RESIDENTIAL USE

A dwelling unit in which the owner's paying guests or a corporate retreat's guests are entitled to occupancy for a period of less than 28 consecutive calendar days.

UNIT

A dwelling for a single family.

URBAN ROAD SECTION

Road predominantly employing curb and gutter to convey stormwater to a system of underground pipes for stormwater conveyance.

USE, CONDITIONAL

A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such "conditional use" may or may not be granted, subject to the terms of this chapter.

USE, PERMITTED

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted," "conditional" or "nonconforming."

UTILITY STORAGE BUILDING

An uninhabited, subordinate structure, not exceeding 150 square feet in area, attached or detached to the principal structure, the use of which is incidental to and customary in conjunction with the principal use of the structure (e.g., tool houses, sheds and other similar buildings used for the storage of common household supplies, equipment and vehicles).

VARIANCE

A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is not compensating gain to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.

VILLAGE

The Village of Hobart.

VILLAGE BOARD

The governing body of the Village of Hobart.

VILLAGE ZONING ADMINISTRATOR/BUILDING INSPECTOR

The Administrator appointed by the Village Board to administer and enforce the provisions of this chapter.

VISION CORNER

The vision corner is formed by measuring 30 feet along each property line from the corner where the two street sides of the property meet. Connecting these two lines with a diagonal line completes the triangle and forms the vision corner. (See Corner Vision Triangle diagram in Illustrations on file in the office of the Village Clerk.)

WAREHOUSE

A large building in which goods, raw materials or commodities are stored or sold as wholesale.

YARD

An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in. (See diagram in Illustrations on file in the office of the Village Clerk.)

YARD, CORNER SIDE

A side yard which adjoins a public street. (See diagram in Illustrations on file in the office of the Village Clerk.)

YARD, FRONT

A yard extending along the full length of the front lot line between the side lot lines. (See diagram in Illustrations on file in the office of the Village Clerk.)

YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot. (See diagram in Illustrations on file in the office of the Village Clerk.)

YARD, REAR

A yard extending along the full length of the rear lot line between the side lot lines. (See diagram in Illustrations on file in the office of the Village Clerk.)

ZONING DISTRICT

Divisions of the Village, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

ZONING LOT

An area within a single tract of land, under single ownership having a specific zoning district. A zoning lot may, therefore, not coincide with the lot of record and may be located on a parcel of land with two or more zoning districts.

Section 2: Section 223 (Permitted Uses) of Article XX (B-1 Community Business District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-223. Permitted uses.

The following uses are permitted in the B-1 District:

- Antique shops
- Art and school supply stores
- Automobile accessory stores
- Automobile Sales - Indoors
- Bakeries - retail
- Banks and financial institutions
- Barber shops
- Beauty parlors
- Bicycle sales, rental, and repair stores
- Blueprinting and photostating
- Boat showrooms and sales
- Book and stationery stores
- Business machine sales and service
- Camera and photographic supply stores
- Candy and ice cream stores
- Carpet, rug, and drapery stores - retail sales only
- Catering establishments
- Child day-care centers
- China and glassware stores
- Clinics - doctor and dentist offices
- Clothing and costume rental stores
- Coin and stamp stores
- Computer and data processing services
- Custom dressmaking
- Department stores
- Drugstores and pharmacies
- Dry-cleaning establishments - not engaged in wholesale processing
- Dry goods stores

Eating and drinking places - excluding drive-ins and establishments primarily engaged in carry-out service
Electrical and household appliance stores - including radio and television sales
Electrical showrooms and shops
Electrical sales
Electronics shops
Employment agencies
Florist shops
Food stores, grocery stores, meat markets, bakeries, and delicatessens - retail sales only
Frozen food stores - including locker rental in conjunction therewith
Furniture stores - including upholstering when conducted as part of the retail operations and secondary to the principal use
Furrier shops, including the incidental storage and conditioning of furs
Garden supply, tool, and seed stores
Gift shops
Hardware stores
Hobby shops for retail of items to be assembled or used away from the premises
Household appliances, office equipment, and other small machine sales and service
Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
Insurance agencies
Jewelry stores, including watch and clock repair
Launderettes
Leather goods and luggage stores
Liquor stores, packaged goods
Locksmith shops
Mail order houses
Millinery shops
Miscellaneous personal services
Miscellaneous repair services
Miscellaneous shopping goods stores
Motor vehicle and automotive parts and supplies
Musical instrument sales and repair
Newspaper distribution agencies for home delivery and retail trade
Nursing and personal care facilities
Office machine sales and servicing
Offices, business and professional
Office supply stores
Optician sales, retail
Orthopedic and medical appliance stores
Paint and wallpaper stores
Pet shops
Phonograph record and sheet music stores
Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises
Picture framing, when conducted for retail trade on the premises only
Plumbing showrooms and shops
Post offices

Publishing and printing
Radio and television sales, servicing and repair shops
Radio and television stations and studios
Real estate offices
Recording studios
Residential care group homes
Restaurants, including the serving of alcoholic beverages
Retail fuel sales associated with convenience store or other similar permitted uses
Security brokers
Sewing machine sales and service, household appliances only
Shoe, clothing, and hat repair stores
Shoe stores
Sporting goods stores
Studios, photography, dance, design, and artist-illustrator
Tailor shops
Taverns
Taxidermists
Telegraph offices
Telephone booths and coin telephones
Ticket agencies, amusement
Tobacco shops
Tool rental shops
Toy shops
Travel bureaus and transportation ticket offices
Used merchandise stores
Variety stores
Video sales and rental
Wearing apparel shops and accessories

Section 3: Section 225 (Conditional Uses) of Article XX (B-1 Community Business District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-225. Conditional uses.

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

Agricultural implement dealers
Amusement establishments, archery ranges, bowling alleys, shooting galleries, game room, swimming pools, skating rinks, and other similar amusement facilities
Animal hospital, veterinary services
Art shops or galleries, but not including auction rooms
Auction rooms
Automobile service stations
Automobile Sales - Outdoors
Automobile repair shops
Automobile rental and leasing
Automobile services
Bowling alleys
Building material product sales

Business schools
 Car wash
 Commercial parking lots, open and other than accessory
 Contractor or construction offices
 Dry-cleaning establishments employing more than four persons
 Dwelling units and rooming units above the ground level
 Eating and drinking establishments, primarily engaged in drive-in and carry-out service
 Express office and delivery stations
 Greenhouses, commercial
 Hotels, motels
 Kennels
 Mail-order houses
 Manufactured home sales
 Meeting halls
 Museums, auditoriums and arenas
 Monument shops
 Motor vehicle sales
 Nurseries, lawn and garden supply stores
 Parking garages or structures, other than accessory for the storage of private passenger automobiles only
 Recreational and utility trailer dealers
 Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses
 Schools, commercial, and trade
 Shopping centers
 Stadiums, auditoriums, and arenas
 Theaters
 Undertaking establishments and funeral parlors
 Wholesale establishments
 Wood cabinetmaking
 Public utility and service uses, and civic buildings as follows:
 Substations
 Fire stations
 Gas regulator stations
 Police stations, public works facilities
 Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes
 Telephone exchanges, transmission equipment buildings and microwave relay towers
 Other retail uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises when approved by the Planning and Zoning Commission

Section 4: Section 259 (Permitted Uses) of Article XXIII (I-1 Limited Industrial District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-259. Permitted uses.

The following uses are permitted in the I-1 District:

Air transport services
Automobile Sales - Indoors
Automotive body repairs, upholstery, and cleaning establishments
Automotive service stations and garages
Building materials sales and storage
Cabinet shop
Commercial bakeries
Contractors, architects, and engineer offices, shops and yards
Cosmetic production
Electronic and scientific precision equipment
Feed and seed sales
Fuel and ice sales
Glass products production and sales
Hardware, plumbing and heating equipment trade
Office buildings, corporate, business, and professional
Printing and publishing establishments
Restaurants, drugstores, barber shops, located in an office building and accessible to the public only through the lobby; no advertising or display for the accessory use should be visible from outside the building
Upholstering shop

Section 5: Section 261 (Conditional Uses) of Article XXIII (I-1 Limited Industrial District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-261. Conditional uses.

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

- A. Automobile Sales - Outdoors
- B. Light machinery production - appliances, business machines, etc.
- C. Machine shops.
- D. Manufacturing and bottling of nonalcoholic beverages.
- E. Miscellaneous textile goods and products manufacture.
- F. Pet boarding facility.
- G. Planned industrial unit development.
- H. Recycling dropoff centers.
- I. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- J. Sewage treatment plants.

K. Sign manufacture.

L. Stadiums, auditoriums, and arenas open or enclosed.

M. Stone products manufacture.

N. Toy and sporting goods equipment manufacture.

O. Warehousing, storage, and distribution facilities.

P. Woodworking and wood products.

Q. Keeping of large domestic livestock, including horses, cows, goats, sheep, fowl and llamas, but not including hogs, fur-bearing animals, provided there is not more than one head of such livestock for each acre of lot area unless otherwise approved by the Village Board. This conditional uses is not intended to be used for intensive raising and boarding of livestock. A barn to house the animals is not to exceed 864 square feet.

R. 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.

S. Other manufacturing, processing, or storage uses as determined acceptable by the Village Zoning Administrator/Building Inspector and the Village Planning and Zoning Commission.

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

Section 7. 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 15th day of April, 2025.



Richard Heidel, Village President

Attest:



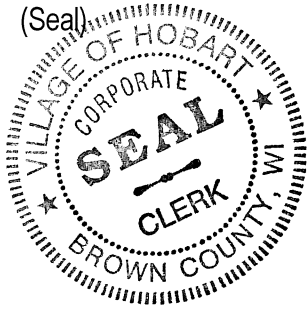
Aaron Kramer, Village Administrator

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 April 15th 2025.

(Seal)



A handwritten signature in black ink, appearing to read "Lisa Vanden Heuvel", written over a horizontal line.

Lisa Vanden Heuvel, Village Clerk