



VILLAGE OF HOBART - NOTICE OF PUBLIC HEARING

AUGUST 4TH 2026 (6:00 PM)

2990 South Pine Tree Road, Hobart WI 54155

The Hobart Village Board will hold the following Public Hearing on Tuesday August 4th 2026 at 6:00 p.m. at the Village Office (2990 South Pine Tree Road, Hobart WI 54155) for the purpose of gathering input on the following:

- Ordinance 2026-09 (AN ORDINANCE AMENDING SECTION 8 (DEFINITIONS) OF ARTICLE III (TERMINOLOGY) OF CHAPTER 295 (ZONING)) - The purpose of this Ordinance is 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.
- Ordinance 2026-10 (AN ORDINANCE AMENDING SECTION 356 (ADMINISTRATION) OF ARTICLE XXXIII (SITE REVIEW/DEVELOPMENT AND DESIGN STANDARDS) OF CHAPTER 295 (ZONING)) - The purpose of this Ordinance is to allow the Site Review 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.

The materials for the hearing will be available on the Village website at www.hobartwi.gov/village-board and at the Village office for public inspection starting July 24th 2026 during regular office hours. Office hours are Monday through Thursday from 7:30 a.m. to 4:00 p.m. and Friday from 7:30 a.m. to 11:00 a.m. The Village Board will take comments from the public and act on the proposed item at the board meeting immediately following the public hearing.

Lisa Vanden Heuvel, Hobart Village Clerk

Published July 24th 2026



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.

ASSEMBLY BILL 350**SECTION 1**

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

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

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

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

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

ASSEMBLY BILL 350**SECTION 2**

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:

ASSEMBLY BILL 350

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

SECTION 6. Nonstatutory provisions.

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

SECTION 7. Initial applicability.

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

(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.



ORDINANCE 2026-09

AN ORDINANCE AMENDING SECTION 8 (DEFINITIONS) OF ARTICLE III (TERMINOLOGY) OF CHAPTER 295 (ZONING)

Purpose: The purpose of this Ordinance is 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.

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) is hereby recreated and amended to read as follows:

§ 295-8. Definitions.

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

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.

AUTO WRECKING YARD

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

AUTOMOBILE

A road vehicle powered by an internal combustion or electric motor with a maximum gross vehicle weight of 10,000 pounds intended primarily for the transporting of a person or persons (examples include but not limited to cars, passenger vans, pickup 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.

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 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, 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, 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.

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.

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 Wisconsin Statutes, § 50.01.

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.

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 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 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 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 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)

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, 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, 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.

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 Chs. 441 and 446 to 449 of the Wisconsin Statute.

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: 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 4th day of August, 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 August 4, 2026.

(Seal)

Lisa Vanden Heuvel, Village Clerk



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.



ORDINANCE 2026-10

AN ORDINANCE AMENDING SECTION 356 (ADMINISTRATION) OF ARTICLE XXXIII (SITE REVIEW/DEVELOPMENT AND DESIGN STANDARDS) OF CHAPTER 295 (ZONING)

Purpose: The purpose of this Ordinance is to allow the Site Review 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.

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

Section 1: Section 356 (Administration) of Article XXXIII (Site Review/Development and Design Standards) of Chapter 295 (Zoning) is hereby recreated and amended to read as follows:

§ 295-356. Administration.

The administration of this article shall be vested in the following: Village Administrator, Director of Planning and Code Compliance, 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 Director of Planning and Code Compliance 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.

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 (SRC) 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.

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 4th day of August, 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 August 4, 2026.

(Seal)

Lisa Vanden Heuvel, Village Clerk