

**VILLAGE OF WINDSOR
ORDINANCE 2019-31**

**AN ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES
REGARDING OFF-STREET PARKING AND STORAGE OF VEHICLES AND
TRAILERS**

WHEREAS, Village Staff recommends certain amendments be made to the Village of Windsor Code of Ordinances regarding off-street parking and storage of vehicles and trailers; and

WHEREAS, the Village of Windsor Plan Commission held a public hearing regarding the proposed amendments on October 10, 2019; and

WHEREAS: the Plan Commission recommended approval to the Village Board of the proposed amendments in Plan Commission Resolution 2019-20 and as set forth herein; and

WHEREAS: the Village Board finds it to be in the public interest to amend Chapter 52 concerning regulations for off street parking and storage of vehicles and trailers.

NOW, THEREFORE, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

SECTION 1. Section 52-22(8) of the Village of Windsor Code of Ordinances is hereby repealed and recreated as set forth in the attached Exhibit A.

SECTION 2. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 3. The passage of this ordinance shall not affect any enforcement proceedings pending prior to the effective date hereof.

SECTION 4. This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on November 7, 2019, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Village President

Attested by:

Christine Capstran
Christine Capstran, Village Clerk

Published: November 14, 2019

Effective: November 15, 2019

Incorporated by Reference:

Exhibit A

Plan Commission Resolution 2019-20

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Chapter 52 – Zoning Districts

Article III. – General Provisions, Regulations, and Standards.

Sec. 52-22. – Off-Street Parking and Loading.

(8) *Off-street parking and storage of vehicles and trailers.*

- (a) *Purpose.* The purpose of this subsection (8) is to regulate off-street parking and storage of passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles so as to promote the health, safety, and general welfare of the public.
- (b) *Applicability.* This subsection (8) applies to lots one (1) acre in size or less and located in any of the following residential zoning districts:

R-1, Single Family Residential District

R-2, Single Family Residential District

R-3, Single Family Residential District

R-4, Single Family Residential District

MF-2, Two-Family Residential District

MF-3, Multiple Family Residential District

ER, Estate Residential District

CR, Countryside Residential District

(c) *Definitions.*

1. **Passenger motor vehicle.** A motorized vehicle with no more than two axles and used primarily for the transportation of persons.
2. **Trailer.** A non-motorized, open or enclosed structure built on a chassis and on wheels, designed to be towed by a passenger motor vehicle or commercial motor vehicle.
3. **Recreational vehicle.** A motorized vehicle or non-motorized structure with one of the following characteristics:
 - a. A motorized vehicle that is designed and/or used as a temporary dwelling for travel, recreation, vacation, or other temporary use; or
 - b. A non-motorized, folding or rigid structure, built on a chassis and on wheels, designed to be towed by a passenger motor vehicle, and used as a temporary dwelling for travel, recreation, vacation, or other temporary use; or

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- c. A non-motorized, folding or rigid structure, mounted on or within the bed of a pick-up truck, and used as a temporary dwelling for travel, recreation, vacation, or other temporary use.
 4. Commercial motor vehicle. A motorized vehicle with one of the following characteristics:
 - a. A vehicle with a gross weight rating or gross combination weight rating of 10,001-lbs or more, whichever is greater; or
 - b. A vehicle designed or used to transport more than eight (8) passengers, including the driver, for compensation; or
 - c. A vehicle designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation; or
 - d. A vehicle used in transporting material found by the Secretary of Transportation to be hazardous and transported in a quantity requiring placarding.
- (d) *Exemptions.*
1. The provisions of this subsection (8) shall not apply to passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles, that are parked or stored within a fully enclosed building or structure, which complies with the requirements of the applicable zoning district.
 2. The provisions of this subsection (8) shall not supersede more restrictive standards as established by a Declaration of Covenants, Conditions, and Restrictions, or similar legal instrument, recorded with the Dane County Register of Deeds for a specific subdivision or development.
 3. The provisions of this subsection (8) shall not supersede more restrictive standards as established by the following sections:
 - a. Sec. 34-150 *Storage and accumulation junk and debris*; and
 - b. Sec. 42-336 *Roads*; and
 - c. Sec. 52-20(8) *Earth-Disturbing Activities*; and
 - d. Sec. 52-22(4)(b) *Surfacing*; and
 - e. Sec. 52-32 *Vision Clearance Triangles*.
- (e) *General provisions*
1. All passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles, parked or stored on the subject premises shall be registered with the State of Wisconsin Department of Transportation to a person residing at the subject premises, or operated by a person residing at the subject premises.
 2. All passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles, shall display current vehicle registration tags as required by State law.
 3. Parked or stored passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles shall not be used for the storage of goods, materials, or

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equipment, other than those items considered to be part of the vehicle or essential for its immediate use.

(f) *Specific provisions*

1. Passenger motor vehicles, shall comply with the following:
 - a. All passenger motor vehicles shall be completely parked or stored on a surface as described in Sec. 52-22(4)(b) of the Code of Ordinances.
2. Trailers, shall comply with the following:
 - a. The total number of trailers parked or stored on the subject premises shall not exceed two (2).
 - b. All trailers, required by State law to have vehicle registration tags, shall be completely parked or stored on a surface as described in Sec. 52-22(4)(b) of the Code of Ordinances.
 - c. All trailers, not required by State law to have vehicle registration tags, may be parked or stored on the side or rear yard lawns.
3. Recreational vehicles, shall comply with the following:
 - a. The total number of recreational vehicles parked or stored on the subject premises shall not exceed one (1).
 - b. The maximum length of recreational vehicles parked or stored on the subject premises shall not exceed twenty-four (24) feet, as measured from bumper to bumper or trailer tongue to bumper.
 - i. A recreational vehicle exceeding the maximum length may obtain an exemption from the provisions of this subsection (8) if the recreational vehicle is registered with the State of Wisconsin Department of Transportation to a person residing at the subject property, and is registered with the Village on or before January 31, 2020
 - ii. A recreational vehicle, with exemption status, may be replaced with a newer classification or model, of equal to or lesser in total length, and maintain the exemption status.
 - iii. A recreational vehicle shall lose its exemption status if either; (1) the person to whom the recreational vehicle is registered changes, other than to a spouse of the person; or (2) the property to which the recreational vehicle is registered changes.
 - c. Recreational vehicles exceeding the maximum length may be temporarily parked or stored on the subject premises, not to exceed a total of seven (7) consecutive days prior to and subsequent to an overnight trip or vacation with the recreational vehicle, for the purpose of maintenance, service, charging, loading and unloading.
 - d. Recreational vehicles are prohibited from use as dwellings or for overnight accommodation. A transient guest, with a recreational vehicle registered to him/her, visiting a person residing at the subject property, may sleep in their

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recreational vehicle overnight for periods not exceeding three (3) consecutive nights and not more than twelve (12) nights in any one calendar year.

- e. All recreational vehicles shall be completely parked or stored on a surface as described in Sec. 52-22(4)(b) of the Code of Ordinances.
4. Commercial motor vehicles, shall comply with the following:
- a. The total number of commercial motor vehicles parked or stored on the subject premises shall not exceed one (1).
 - b. All commercial motor vehicles with a gross vehicle weight rating or gross combination weight rating of 20,001-lbs or more are prohibited.
 - c. All commercial motor vehicles shall be completely parked or stored on a surface as described in Sec. 52-22(4)(b) of the Code of Ordinances.
- (g) *Special exceptions.* The Village Board may grant a special exemption from the provisions of this subsection (8) upon application by the owner of the subject premises demonstrating such a special exemption will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection (8) will result in practical difficulty, so that the spirit of this subsection (8) shall be observed, public safety and welfare secured, and substantial justice done. Any special exemption granted herein shall be limited as follows:
- 1. It shall be granted only to the subject premises and not transferable to another premises.
 - 2. It shall not run with the land and apply to any subsequent owner of the subject premises.
 - 3. It may only provide relief from the following provisions of this subsection (8):
 - a. Surface. Any provisions of this subsection (8) which require the passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles to be completely parked or stored on a surface as described in Sec. 52-22(4)(b), may be exempted so as to substitute a different type of surface.
 - b. Number. The maximum number of any particular type of trailers, recreational vehicles, and commercial motor vehicles permitted on the subject premises may be exempted so as to permit a different number, provided the maximum total number of all passenger motor vehicles, trailers, recreational vehicles, and commercial motor vehicles regulated under this subsection (8) permitted on the subject premises is no greater than four (4).