

ORDINANCE NO. 225

AN ORDINANCE TO MODIFY AND CREATE CERTAIN DEFINITIONS IN SECTION 17.09, AND TO AMEND SECTION 17.68, BUSINESS USES, TO CREATE SUBSECTION C. RECREATIONAL, SNOWMOBILE AND ALL-TERRAIN VEHICLE STORAGE, IN THE VILLAGE OF NASHOTAH MUNICIPAL CODE.

WHEREAS, on December 17, 2021, the Village received an application from Skipper Buds requesting that the Village consider creating Section 17.68 C. to allow for the storage of recreational, snowmobile and all-terrains vehicles as a conditional use in the B-2 General Business zoning district, and

WHEREAS, the Village Engineer, in consultation with the Village Attorney and Village Clerk developed a draft ordinance to allow the storage of recreational, snowmobile and all-terrains vehicles as a conditional use in the B-2 General Business zoning district and included a modification to the existing definition of Recreational Vehicles, an created definitions for Snowmobile and All-terrain Vehicle, and

WHEREAS, the definitions for Snowmobile and All-terrain vehicle came directly from the definitions found in Chapter 340.01 (58a) and 340.01 (2g) respectively, of the Wisconsin Statutes, and

WHEREAS, on January 19, 2022, the Village of Nashotah Plan Commission reviewed the proposed ordinance and recommended approval of the ordinance to the Village Board, and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and upon at least 10 days prior written notice to the clerk of any contiguous municipality as required by Wisconsin Statutes Section 62.23(7) (d) 4., the Village Board held a public hearing regarding the proposed code amendments, on March 2, 2022; and

WHEREAS, the Village Board of the Village of Nashotah, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, hereby determine that the zoning amendments will not violate the spirit or intent of the municipal code for the Village of Nashotah, will not be contrary to the public health, safety or general welfare of the Village of Nashotah, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Village of Nashotah, and will be consistent with the Village of Nashotah Comprehensive Plan.

NOW, THEREFORE, the Village Board of the Village of Nashotah, Waukesha County, Wisconsin DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Village of Nashotah Municipal Code entitled "ZONING," Section 17.09 entitled, "DEFINITIONS," shall be amended to include the following modifications and new definitions:

RECREATIONAL VEHICLES. A vehicle or piece of equipment which can be towed, hauled, carried or driven and designed as a temporary living accommodation for recreational camping and travel use and including, but not limited to trailers, truck campers, tent trailers, camping trailers and self-propelled motor homes.

SNOWMOBILE. An engine-driven vehicle that is manufactured solely for snowmobiling that has an endless belt tread and sled-type runners, or skis, to be used in contact with snow but does not include such a vehicle that is any of the following:

- (a) A vehicle that has inflatable tires.
- (b) A vehicle that is driven by a motor of 4 horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

ALL-TERRAIN VEHICLE. A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.

SECTION 2: Chapter 17 of the Village of Nashotah Municipal Code entitled "ZONING," Section 17.68 entitled, "BUSINESS USES," shall be amended to create subsection C. titled RECREATIONAL, SNOWMOBILE AND ALL-TERRAIN VEHICLE STORAGE as follows:

C. RECREATIONAL, SNOWMOBILE AND ALL-TERRAIN VEHICLE STORAGE. Facilities for storage of recreational, snowmobile, all-terrain vehicles, passenger automobiles and passenger trucks shall be conditional uses and may be permitted in the B-2 district, subject to the following conditions:

- (1) All vehicles shall be stored in an enclosed building.
- (2) No outdoor parking of vehicles or trailers shall be allowed for periods longer than 6 hours.

- (3) Trailers for snowmobile and all-terrain vehicles shall be stored in an enclosed building.
- (4) The storage facility shall not allow or be used for repair or servicing, except servicing of boats may be allowed if the storage facility is also granted a conditional use permit per Section 17.68 A. above.
- (5) No commercial truck parking shall be allowed in the facility.
- (6) The facility shall be inspected by the fire department and any violations addressed prior to occupancy.
- (7) The Plan Commission may impose other restrictions as it deems necessary based on the proposed plan of operation and site plan submitted for consideration.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.


This ordinance shall be effective upon publication or posting as provided by law.

Dated this 2<sup>nd</sup> day of March, 2022.

VILLAGE OF NASHOTAH

  
\_\_\_\_\_  
Richard Lartz, President

ATTEST:

  
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Cynthia M. Pfeifer, Administrative  
Director/Clerk/Treasurer

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