

ENROLLED ORDINANCE 165-12

AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE  
TO REPEAL AND RECREATE SECTION 82-31 RELATING TO THE  
STORAGE OF MOBILE HOMES AND RECREATIONAL VEHICLES  
(ZT-1704)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on April 7, 2010, after public hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to repeal and recreate Section 82-31 relating to the Storage of Mobile Homes And Recreational Vehicles, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference ZT-1704, is hereby approved.

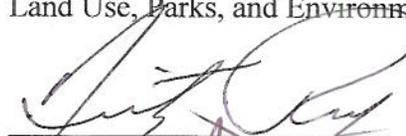
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

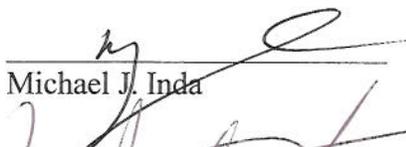
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

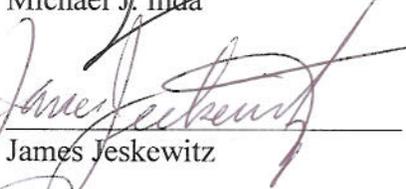
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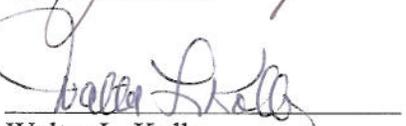
Presented by:  
Land Use, Parks, and Environment Committee

  
Fritz Ruf, Chair

  
Robert Hutton

  
Michael J. Inda

  
James Jeskewitz

  
Walter L. Kolb

  
Ted Rolfs

  
Thomas J. Schellinger

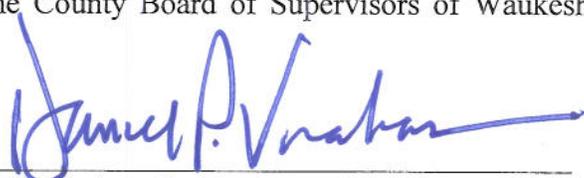
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: June 25, 2010,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:

Vetoed:

Date: 6-25-10,   
Daniel P. Vrakas, County Executive

COMMISSION ACTION

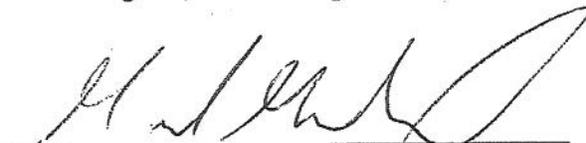
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwonago Zoning Ordinance hereby recommends approval of (ZT-1704 Text Amendment for the Town of Mukwonago) in accordance with the attached "Staff Report and Recommendation".

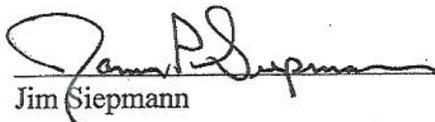
PARK AND PLANNING COMMISSION

May 6, 2010

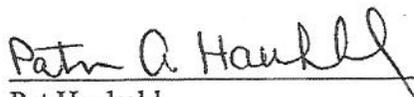
  
\_\_\_\_\_  
William Mitchell, Chairperson

(Absent)  
\_\_\_\_\_  
Bob Peregrine, Vice Chairperson

  
\_\_\_\_\_  
Gary Goodchild

  
\_\_\_\_\_  
Jim Siepmann

  
\_\_\_\_\_  
Walter Kolb

  
\_\_\_\_\_  
Pat Haukohl

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**FILE NO.:** ZT-1704

**DATE:** May 6, 2010

**PETITIONER:** Town of Mukwonago Board  
Town of Mukwonago Hall  
W320 S8315 Beulah Road  
Mukwonago, WI 53149

**NATURE OF REQUEST:**

Repeal and recreate Section 82-31 of the Town of Mukwonago Zoning Ordinance relating to the storage of mobile homes and recreational vehicles.

**PUBLIC HEARING DATE:**

April 7, 2010.

**PUBLIC REACTION:**

One resident questioned whether a mobile home could be hooked up to a septic tank. Another residence questioned whether he would be allowed to keep his 36 ft. travel trailer on his four-acre property. He felt that a 36 ft. trailer might be obtrusive on a one-half acre parcel but not on four acres. Another resident thanked the Commission and the Board for considering the change. She stated that the recreational vehicle in question is as meticulous as the rest of the property.

**TOWN PLAN COMMISSION:**

On April 7, 2010, the Town of Mukwonago Plan Commission voted in favor of amending the Zoning Ordinance relating to the storage of mobile homes and recreational vehicles.

**TOWN BOARD ACTION:**

On April 7, 2010, the Town of Mukwonago Town Board moved to approve the Zoning Ordinance amendment relating to the storage of mobile homes and recreational vehicles as recommended by the Town Plan Commission.

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO LAND USE PLAN:**

Not applicable for Text Amendments.

**OTHER CONSIDERATIONS:**

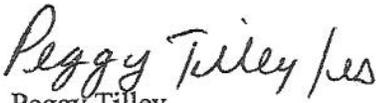
Currently, the Town's Ordinance relative to the storage of mobile homes and recreational vehicles does not allow a mobile home or recreational vehicle in excess of 26 feet in length to be located or stored on a property except in an approved mobile home park, unless it is completely enclosed in a structure. The proposed Ordinance will allow one (1) mobile home or recreational vehicle to be stored outside on a property if the overall length, including the towing tongue does not exceed 35 ft., if the vehicle is registered and licensed with the State of Wisconsin and if the condition of the mobile home or recreational vehicle does not constitute a nuisance as determined by the Plan Commission.

The current language in the Town's Ordinance is very similar to the language in the County Code relative to mobile homes. However, the County has established that the size limitation in the County Code applies to mobile homes only and that recreational vehicles including travel trailers, tent trailers, and camping trailers, may be stored on a property as long as they are currently licensed and do not become a nuisance to the neighborhood and does not have a length restriction.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request to be **approved**. We feel that the proposed amendments are a good solution to allow a larger size limitation on mobile homes and recreational vehicles that can be stored on a property while ensuring that they are appropriately licensed and do not become detrimental or a nuisance to the neighborhood. We feel that this amendment, although slightly more restrictive than the County Code, is appropriate.

Respectfully submitted,

  
Peggy Tilley  
Senior Land Use Specialist

Attachment: Town Ordinance 2010-2

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ORDINANCE 2010-2

AN ORDINANCE TO AMEND SECTION 82-31 OF CHAPTER 82  
OF THE TOWN OF MUKWONAGO MUNICIPAL CODE

WHEREAS, Steve Haensgen, a town resident, met with the Plan Commission for the Town of Mukwonago and presented documentation suggesting that the Town's current regulations in Section 82-31 of the municipal code regarding the length of recreational vehicles are too restrictive given the length of most recreational vehicles on the market at this time; and

WHEREAS, the Plan Commission having considered the matter, has submitted a petition to amend Section 82-31 of the Town of Mukwonago municipal code; and

WHEREAS, the Town Clerk for the Town of Mukwonago has properly referred the matter to the Plan Commission for the Town of Mukwonago and to the Waukesha County Park and Planning Commission, pursuant to Section 82-265(c) of the Town of Mukwonago municipal code; and

WHEREAS, the Plan Commission for the Town of Mukwonago has conducted the necessary investigation, and has scheduled a public hearing for the Town of Mukwonago Plan Commission and the Town of Mukwonago Town Board, pursuant to Section 82-265(c)(2) of the Town of Mukwonago municipal code; and

WHEREAS, upon due notice as required by Section 82-267(a) of the Town of Mukwonago municipal code, the Town Board held a public hearing on April 7, 2010, pursuant to Section 82-265(d) of the Town of Mukwonago municipal code along with the Plan Commission for the Town of Mukwonago; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission for the Town of Mukwonago has reported to the Town of Mukwonago Town Board its recommendation in favor of the proposed amendment to Section 82-31 of the Town of Mukwonago municipal code; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," Section 82-31 entitled "Mobile homes and recreational vehicles," is hereby repealed and recreated as follows:

- (a) *Human habitation prohibited.* Except within an approved mobile home park or camp, no mobile home or recreational vehicle shall be used for the purpose of human habitation (human habitation being defined as entering a mobile home or recreational vehicle for any purpose other than maintenance).
- (b) *Human habitation allowed.* A permit for one continuous six-month period allowing the human habitation of a mobile home or a recreational vehicle on lands other than an approved mobile home park may be granted by the town board provided:
  - (1) The habitation is an accessory to the current construction of a principal structure owned by the same person who is the applicant for the permit; and
  - (2) The waste disposal facilities and water supply facilities for the property upon which the mobile home or recreational vehicle is to be located have been approved by the county health department.
- (c) *Storage permitted.* One (1) mobile home or recreational vehicle may be stored outside of a building provided the following conditions are satisfied:
  - (1) The overall length of the mobile home or recreational vehicle including the towing tongue shall not exceed 35 feet.
  - (2) The mobile home or recreational vehicle shall be registered or licensed with the state of Wisconsin.
  - (3) The condition of the mobile home or recreational vehicle does not constitute a nuisance as determined by the plan commission.

SECTION 2. SEVERABILITY. Several sections this ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the 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 which shall remain. The remainder of the ordinance shall remain in full force and effect and any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

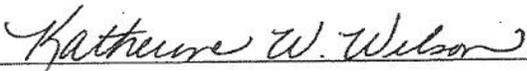
SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted this 7<sup>th</sup> day of April 2010

TOWN OF MUKWONAGO

  
\_\_\_\_\_  
David Dubey, Town Chairman

ATTEST:

  
\_\_\_\_\_  
Katherine Wilson, Town Clerk

Published and posted this 26<sup>th</sup> day of April 2010

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/23/10

(ORD) NUMBER-1650013

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....AYE
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. CHIAVEROTTI.....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....AYE
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 M. INDA.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....AYE
- 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-25