

ZONING ORDINANCE  
FOR THE  
TOWN OF PLYMOUTH  
SHEBOYGAN COUNTY  
WISCONSIN

ADOPTED: May 2, 2006

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Town of Plymouth

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## ARTICLE I - STATUTORY AUTHORIZATION AND PURPOSE

### .01 Authority

This Ordinance is adopted under the authority granted by Sections 60.74, 60.75, and 62.23 of the Wisconsin Statutes and amendments thereto. The Town Board of the Town of Plymouth, Wisconsin, does ordain as follows:

### .02 Title

This Ordinance shall be known as, referred to as, and cited as the "ZONING ORDINANCE FOR THE TOWN OF PLYMOUTH, SHEBOYGAN COUNTY, WISCONSIN" and hereinafter referred to as the "Ordinance".

### .03 Purpose

The Purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the residents of the Town of Plymouth.

### .04 Intent

It is the general intent of this Ordinance to:

1. Stabilize and protect property values and the tax base.
2. Recognize the needs of agricultural, forestry, industry and business in future growth.
3. Further the appropriate use of land and conservation of natural resources.
4. Encourage the wise use, conservation, development and protection of the town's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resources base to support and sustain such uses.
5. Preserve natural growth and cover and promote the natural beauty of the Town of Plymouth.
6. Prevent overcrowding and avoid undue population concentration and urban sprawls.
7. Facilitate the adequate provision of public facilities and utilities.
8. Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.
9. Provide adequate light, air, sanitation, drainage, and open space.
10. Regulate the use of structures, lands and waters outside of shore-land areas.
11. Regulate lot coverage, population density and distribution, and location and size of structures outside of shore-land areas.
12. Prohibit uses or structures incompatible with the natural characteristics, existing development or intended development within or adjacent to a zoning district.

13. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town Board.

Additionally, it is intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

UNOFFICIAL

## ARTICLE II – DEFINITIONS

### .01 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

#### ACCESSORY USE OR STRUCTURE

A use or detached structure is subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

#### AIRPORT, PUBLIC

Any airport, which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport, which serves or offers to serve any common carriers, engaged in air transport.

#### ALLEY

A special public right-of-way affording only secondary access to abutting properties.

#### ANIMAL UNIT

One animal unit shall be defined as being the equivalent of the following: 1,000 pound fat steer; 1 dairy cow; 4 swine; 10 sheep or goats; 1 horse; or 100 turkeys, chickens, rabbits, or similar small animals.

#### AREA, NET DEVELOPABLE

Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

#### ARTERIAL STREET

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

#### AUTOMOBILE SALVAGE YARD

Any premises on which there is located the parking, standing, storage, or accumulation of disassembled, inoperable, junked, or wrecked motor vehicles or more than one (1) unlicensed motor vehicle, is stored in the open.

#### BASEMENT

The portion of any structure located partly below the average adjoining lot grade.

#### BED AND BREAKFAST

Any place of lodging that:

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner's personal residence;
- (d) Is occupied by the owner at the time of rental; and
- (e) Was originally built and occupied as a single family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single family residence.

#### BOARDINGHOUSE

A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

#### BOATHOUSE, PRIVATE

A building designed exclusively for the sheltering of boats or related marine equipment, not below the ordinary high water mark of a navigable body of water nor used for human habitation. (A boathouse with rooms above for loading is defined as a residence and shall be treated as such in this Ordinance.)

#### BUILDABLE LOT AREA

The portion of a lot remaining after required yards have been provided.

#### BUILDING

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

#### BUILDING, DETACHED

A building surrounded by open space on the same lot.

#### BUILDING, PRINCIPAL

A building in which the principal use of the lot on which it is located is conducted.

#### BUILDING AREA

The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

#### BUILDING HEIGHT

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs, or to the decline of mansard roofs.

#### BUILDING LINE

A line between which and any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in the Ordinance.

#### BULKHEAD LINE

A geographic line along a reach of navigable body or water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this Ordinance.

#### BUSINESS

An occupation, employment, or enterprise which occupies time, attention, labor and materials or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

#### CAR WASHES

Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure. Said facility shall be installed in such a manner as not to cause spray or runoff water to encroach upon any adjoining properties.

#### CARPORT

A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this Ordinance, a carport shall be considered to be the equivalent of a garage.

#### CENTRALIZED SANITARY SEWERAGE SYSTEM

A system designed to collect, convey and treat sanitary and other wastes from a number of individual waste sources and which operates a sewage treatment facility approved by the Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewerage system served by a septic tank shall not, therefore, be termed or classified as a centralized sanitary sewerage system. Such centralized sanitary sewerage systems may be public or privately owned and operated, but in every case is subject to the rules and regulations of the Department of Natural Resources.

#### CLINIC

An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this Ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of 2 or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

#### CLOTHING REPAIR SHOPS

Shops where clothing is repaired, such as shoe repair shops, seamstress shops, tailor shops, shoe shine shops, clothes pressing shops, but none employing over 5 persons.

#### CLOTHING STORES

Retail stores where clothing is sold, such as department, dry goods, and shoe stores, dress, hosiery, and millinery shops.

## 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.

## CONDITIONAL USES

Uses of a special nature as to make impractical their pre-determination as a principal use in a district. Also called special exception uses.

## CONSERVATION STANDARDS

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Sheboygan County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

## DRAIN

A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

## DRAIN TILE LAYING

The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around building foundations.

## DWELLING

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

## DWELLING, DETACHED

A dwelling entirely surrounded by open space on the same lot.

## DWELLING, MULTIPLE FAMILY

A dwelling containing 3 or more dwelling units.

## DWELLING, SINGLE FAMILY

A dwelling containing 1 dwelling unit either attached, semi-attached, or detached, not including mobile homes.

## DWELLING UNIT

A group of rooms constituting all or part of the dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for 1 family.

## EARTH MOVING

Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and devoiding the soils of vegetative cover so as to make the same soil susceptible to erosion.

#### EFFICIENCY

A dwelling unit consisting of 1 principal room with no separate sleeping rooms.

#### EGG PRODUCTION, COMMERCIAL

An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.

#### EMERGENCY SHELTER

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

#### EROSION

The process by which the ground surface is worn away by action of wind or water.

#### ESSENTIAL SERVICES.

Service provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems; and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

#### EXCAVATION

The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting therefrom.

#### EXPRESSWAY

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

#### FAMILY

Any number of persons related by blood, adoption, or marriage, or not to exceed 4 persons not so related, living together in 1 dwelling as a single housekeeping period of 30 days or more.

#### FEED LOT, COMMERCIAL

An animal confinement facility used or designed for the feeding or holding of 1,000 or more cows, steers or pigs for a period of 30 days or more.

#### FLOOR AREA - BUSINESS, COMMERCIAL, AND INDUSTRIAL BUILDINGS

For the purpose of determining off-street parking and off-street loading requirements: The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counter, 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 determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

#### FLOOR AREA - GROSS

The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment – open or closed – located on a roof or in a basement), penthouses, attic space having headroom of 7 feet, 10 inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

#### FREEWAY

An expressway with full control of access and with fully graded separated intersections.

#### FRONTAGE

The smallest dimension of a lot abutting a public street measured along the street line.

#### FUR FARM

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.01 (3) (c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

#### GARAGE, PRIVATE

An accessory building or accessory portion of the main building, used or designed, or intended to be used for the storage of private motor vehicles. See also CARPORT.

#### GARAGE, PUBLIC

Any building or portion thereof, of accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

#### GIFT STORES

Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

#### GRADE

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

#### GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

#### GROUND SIGN

Any sign placed upon or supported by the ground independently of buildings or structures on the property. Signs attached to trees, poles, or accessory buildings shall be considered ground signs.

#### HARDWARE STORES

Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

#### HOME OCCUPATIONS

Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

##### A. Standards

In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards.

1. No person other than a member of the immediate family occupying such dwelling unit shall be employed.
2. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
3. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
4. No more than 25 percent of the area of 1 story of a single family dwelling shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.
5. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
6. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private accessory structure thereto but said structure is not to exceed the maximum square footage of an auxiliary building allowed under the R-1 Single and two-family Residence District.
7. There shall be no outside storage of equipment or materials used in the home occupation.
8. No signs shall be permitted other than those permitted by the applicable regulations in Article VIII, Section .01, 2. (d)

##### B. Particular Occupations prohibited

Permitted home occupations shall not in any event be deemed to included.

1. Dancing schools
2. Funeral homes
3. Nursery schools
4. Restaurants
5. Lodging house or bed and breakfast
6. Renting of trailers
7. Clinics or hospitals
8. Repair shops or service establishments
9. Animal kennels or hospitals, or stables
10. Internet service provider
11. Day care centers with five (5) or more children

#### HOTEL

A building where room, with or without meals, are supplied to the transient public or to any one who may apply, for compensation.

**INTERCHANGE**

A grade separated intersection with 1 or more turning lanes for travel between intersection legs.

**JOINT EXTRATERRITORIAL ZONING COMMITTEE**

Any zoning committee established in accordance with Section 62.23 (7) (a) Wisconsin Statutes, Chapter 241, Laws of 1963.

**KENNEL**

The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than 4 dogs.

**LABORATORY**

A place where scientific experiments and research are carried on, or where drugs, chemicals, etc., are made or tested for purity or strength.

**LIVING ROOMS**

All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

**LOADING AREAS**

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.

**LODGING HOUSE**

A building other than a hotel, where lodging is provided for compensation, for 5 or more persons not members of a family.

**LOT**

A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

**LOT, CORNER**

A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**LOT, INTERIOR**

A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

#### LOT, SUBSTANDARD

A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot rear, yard, off-street parking areas, or other open space provisions of this Ordinance.

#### LOT, THROUGH

A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lines.

#### LOT COVERAGE

The area under a roof and enclosed by the exterior permanent walls.

#### LOT LINES AND AREA

The peripheral boundaries of a parcel of land and the total area lying within such boundaries, but not including any area occupied by the waters of a navigable, duly recorded lake, river, or stream.

#### LOT WIDTH

The width of a parcel of land measured at the rear of the specified street yard.

#### MACHINE SHOPS

Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.

#### MINOR STRUCTURES

Any small, movable accessory erection or construction, such as birdhouses, tool houses, storage sheds not exceeding 66 square feet, pethouses, play equipment, arbors, and walls and fences under 4 feet in height.

#### MOBILE HOME

A readily transportable structure, intended for human habitation, which by its inherent design may be moved from site to site as necessary, which may have an oversized width for normal traffic allowances and thereby requires a special travel permit from state or county highway officials, and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation.

#### MOBILE HOME LOT

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

#### MOBILE HOME PARK

A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.

#### MODULAR HOME

A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called pre-fabricated or pre-cut homes. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable state and local building codes.

**MOTEL**

A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

**NON-CONFORMING USE**

Any land or water lawfully used or occupied at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments thereto pertaining to uses.

**NURSING HOME**

A building or institution for the care of children, the aged, the infirm, the sick, or a place of rest for those suffering bodily disorder, provided the same shall comply with the further definitions and with the regulations contained in Chapter H32 of the rules of the Department of Health and Social Services.

**PARK, AMUSEMENT**

An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

**PARK, PUBLIC**

An area owned by the state, county, or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

**PARKING LOT**

A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

**PARKING SPACE**

A graded and surfaced area of not less than 180 square feet (9 feet by 20 feet) in area either enclosed or open for the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.

**PARTIES IN INTEREST**

Includes all abutting property owners, all property owners within 300 feet, and all property owners of opposite frontages.

**PARTY WALL**

A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above and which separates contiguous buildings but is in joint use for each building.

#### PATIO

A terrace extending not more than 6 inches above the average level of the ground at its margins, provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

#### PERSON

Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation, or partnership.

#### PETS, HOUSEHOLD

Animals commonly found in residences as pets such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.

#### PROFESSIONAL HOME OFFICES

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed  $\frac{1}{2}$  of the area of only 1 floor of the residence and only 1 non-resident person is employed.

#### RECREATIONAL CAMP

An area containing 1 or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

#### RENDERING PLANT

A plant for reduction of dead animals or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.

#### RETIREMENT HOME

A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be provided on a continuing basis for at least 3 persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

#### RIDING STABLE

A building or premises where horses are available to ride for hire by the public. This does not include a boarding stable or the giving of riding lessons.

#### ROADSIDE STAND

A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

#### ROOMING HOUSE

See LODGING HOUSE

#### SEDIMENT

Soils or other surficial materials transported by wind or surface water as a product of erosion.

#### SERVICE STATION

Any building, structure, premises, or other place used for the dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

#### SETBACKS

The Linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

#### SHORELANDS

Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

#### SIGNS

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which is used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

#### SLAUGHTERHOUSE

Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry, and the storage, freezing, and curing of meat and preparation of meat products.

#### SMOKE UNIT

The number obtained when the smoke density in Ringlemann number is multiplied by the time of emission in minutes.

#### STORY

That portion of a principal building included between the surface of any floor and surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

#### STORY, HALF

A story which is situated on a slanting roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

## STREET

A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

## STRUCTURAL ALTERATIONS

Any change in the supporting members of a structure, such as foundation, bearing walls, columns, beams, or girders,

## STRUCTURE

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

## SUBSTANDARD STRUCTURES

Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this Ordinance.

## TURNING LANES

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

## USE

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

## USE, ACCESSORY

A subordinate use on the same lot which is incidental and customary in connection with the principal uses.

## USE, PRINCIPAL

The main use of land or building as distinguished from subordinate or accessory use.

## UTILITIES

Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, communication towers, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

## VISION CLEARANCE

An unoccupied triangular space at the intersection of highways or streets with other highways or streets of the intersection of highways or streets with railroad. Such vision clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Ordinance.

## YARD

An open space on the same lot with a structure, unoccupied or unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

## YARD, FRONT

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have two such yards.

## YARD, REAR

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

## YARD, SIDE

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

UNOFFICIAL

## ARTICLE III – EXPLANATIONS

### .01 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenants, deed restrictions, easement, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### .02 Interpretation

In the interpretation of this Ordinance and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the public welfare and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

### .03 Severability and Non-Liability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. The Town Board does not guarantee, warrant, or represent that any soils listed as being unsuited for specific uses are the only unsuitable soils and hereby asserts that there is no liability on the part of the Town Board, its agencies or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

### .04 Repeal of Conflicting Ordinances

All other ordinances or parts of ordinances of the Town of Plymouth inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

### .05 Adoption and Effective Date

This Ordinance shall be effective after a Public Hearing, Recommendation by the Town of Plymouth Zoning Commission, adoption by the Town Board of Plymouth, and publication or posting as provided by law.

### .06 Introduction

The proper regulation of certain structures, lands, and waters only through the use of the zoning districts contained within this Ordinance is neither feasible nor adequate. Therefore, the following restrictions and regulations which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this Ordinance.

### .07 Jurisdiction

The provisions of this Ordinance shall apply to all structures, land, water, and air within the Un-incorporated areas of the Town of Plymouth, Wisconsin.

.08 Compliance

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except minor structures, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building, or part thereof, for which a building permit has been issued before the effective date of this Ordinance and the construction of which shall have been started within 6 months from the date of such permit. The Town Board shall accept all applications, issue or deny all building permits, investigate all complaints, give notice of violations, and enforce the provisions of this Ordinance. The Town Clerk, designated appointee of the Town Board, shall also have the authority to issue or deny building permits. All violations of this Ordinance shall be reported to the Town Board who shall bring action to enforce the provision of this Ordinance. The Town Board shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by them to in compliance with this Ordinance. If, however, they are refused entry after a presentation of proper identification, they may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

.09 Building Permit Requirement

No building or any part thereof shall be erected or ground broken therefore within the Town limits unless a building permit for same has been approved by the Town Board or its designated appointee, the Town Clerk. The term "building", as used in this section shall include erection, enlargement, alteration, repair or maintenance of any structure; installation, enlargement, or alteration of any plumbing, heating, or electrical system; any moving or demolishing of structures; or any operation affecting the value of real property within the Township.

No permit shall be required for any building as defined in the previous paragraph when the total value of material shall not exceed \$1,000.00 as determined by the Town Board. The Fee for the building permit shall be due at time of application. (See fee schedule.) Building permits shall be issued for one (1) year periods. Should applicants wish to renew such building permits at the end of one (1) year, they must make new applications accompanied by building plans and pay the application fee.

Anyone violating this section of the Zoning Ordinance shall be fined \$100.00.

## ARTICLE IV – REGULATIONS, RESTRICTIONS, AND VIOLATIONS

### .01 Use Regulations

Only the following uses and their essential services may be allowed in any district.

1. Principal Uses specified for a district. (Only 1 principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and provisions).
2. Accessory Uses and structures are permitted in any district. Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein and conditional uses approved by the Town Board.
3. Conditional Uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the Town Board in accordance with procedures and standards established in Article VI, Section .01 of this Ordinance.
4. Uses Not Specified in this Ordinance may be permitted by the Board of Adjustments after the Town Board has made a review and written recommendation.
5. Temporary Uses such as special events, real estate, sales, field offices, shelters for material and equipment being used in the constructions of a permanent structure, may be permitted by the Board Of Adjustments as provided for under Article XII, Section .01 of this Ordinance.

### .02 Subdivision Regulations

All existing, undeveloped parcels of land of record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the LAND DIVISION AND SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, shall conform in full with the provisions of that Ordinance.

### .03 Joint Review Commission

No proposed division of land within the jurisdiction of the Joint Review Commission, created by the City of Plymouth and Town of Plymouth Joint Resolution No. 1 of 2003, shall be approved by the Town Board unless the proposed land division has been first submitted to the Joint Review Commission for its review and recommendation. The review by the Joint Review Commission shall be completed within sixty (60) days, which shall commence upon filing with the chairperson or secretary of the commission. Should such review not be completed timely, the Town Board may proceed without such recommendation. All proposed land divisions within the area of jurisdiction shall be first filed with the Joint Review Commission prior to filing with the Town of Plymouth and shall not invoke the provisions of Wis. Stats. sec. 236.11(2) as to time limitations.

.04 Sanitary Regulations

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No building permit shall be issued for a residence or business until a safe and adequate sewage disposal system is assured and a Sanitary Permit is issued.

.05 Acceptance Of New Town Roads

Before the Town Board formally accepts the dedication of any road or any proposed road as a town road, the Town Board shall either:

1. Require that the owner of the land upon which the proposed town road is located improve the road to the terms and specifications of the Sheboygan County Highway Department including but not limited to grading, shoulders, and blacktopping; or
2. Enter into a written agreement with the owner of the land upon which the proposed town road is located requiring the owner to improve the road to the terms and specifications of the Sheboygan County Highway Department including but not limited to grading, shoulders, and blacktopping before the town becomes responsible for the maintenance of said road.

.06 General Site Restrictions

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Town Board by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and/or general welfare of the public. The Town Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Board may affirm, modify, or withdraw its determination of unsuitability.

1. All lots shall abut upon a public street or other officially approved way for a frontage of at least 66 feet.
2. All principal structures shall be located on a lot; only 1 principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and provisions.
3. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

4. Any property owner desiring to establish access to a town road must apply to the Town for a driveway/culvert permit by completing a driveway/culvert permit application. See Article VII, Section .01, 5. Where culverts are required, culverts are to be installed before any equipment moves onto the lot for new home construction or any other construction.
  5. Wherever access to property from a town road requires a culvert, the property owner shall complete a "Driveway Permit Application" and file same with the Town Clerk or Chairman. Upon approval by the Town Chairman, the culvert shall be installed before equipment moves onto the property for purposes of any construction.
- .07 Reduction of Lot Size  
No lot yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance or other applicable local, county, or state regulations.
- .08 Violations  
It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this Ordinance. In case of any violation, the Town of Plymouth Zoning Commission, or any owner of real estate within the district affected who may be specifically damaged by such violation may institute the appropriate action or proceeding to enjoin a violation of this Ordinance.
- .09 Penalties  
Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or any order of the Town Board issued in accordance with this Ordinance, or resists enforcement, shall upon conviction thereof, forfeit not more than \$500 for each offense, together with the costs of prosecuting and, in default of payment of such forfeiture, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

## ARTICLE V – ZONING DISTRICTS

### .01 Zoning Districts

#### 1. Establishment

For the purpose of this Ordinance, the Town of Plymouth, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following district, namely:

A-1 Prime Agricultural Land District

A-2 Agricultural Land District

A-3 Agricultural Land Holding District

A-4 Agricultural Related Manufacturing, Warehousing, and Marketing District

A-5 Agricultural Living District

B-1 Local Business District

B-2 Highway Business District

C-1 Lowland Conservancy District (includes State Floodplain)

C-2 Upland Conservancy District

M-1 Industrial District

M-2 Mineral-Gravel District

P-1 Recreational Park District

P-2 Institutional District

R-1 Single and Two-Family Residence District (unsewered)

R-2 Planned Mobile Home Park Residence District

R-3 Single Family Residence District (sewered)

The boundaries of these districts are hereby established as shown on a map entitled, "ZONING MAP, TOWN OF PLYMOUTH, WISCONSIN", which is a part of this Ordinance. All notations and references shown on the Zoning Map are as much a part of this Ordinance as those specifically described herein. Boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope, and other natural resource base features; unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon the said Zoning Map shall be as much a part of this Ordinance as if the matter and things set forth by the said Map were fully described herein.

#### 2. Zoning Map

The official copy of the Zoning Map shall be adopted as part of this Ordinance and shall be available to the public in the Office of the Town Board. The Zoning Commission shall from time to time, update the Zoning Map as is necessary to reflect changes in zoning district boundaries.

### 3. Agricultural Districts

#### A-1 PRIME AGRICULTURAL LAND DISTRICT

##### (a) Purposes

The purpose of the A-1 District are to: (1) preserve productive agricultural land for food and fiber productions; (2) preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; (3) maintain a viable agricultural base to support agricultural processing and service industries; (4) prevent conflicts between incompatible uses; (5) reduce costs of providing services to scattered, non-farm uses; (6) pace and shape urban growth; (7) implement the provisions of the County agricultural preservation plan when adopted and periodically revised; and, (8) comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Section 71.09 (11), Wisconsin Statutes.

##### (b) Lands Included

The A-1 District is generally intended to apply to lands in productive farm operations including: (1) lands historically exhibiting high crop yield or capable of such yields: (2) lands which have been demonstrated to be productive for dairying, livestock raising, and grazing: (3) other lands which are integral parts of such farm operations: and (4) land used for the production of specialty crops such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is hereby determined that the highest and best use of these lands is agricultural.

##### (c) Principal Uses

- (1) Apiculture (beekeeping)
- (2) Dairying
- (3) Equestrian trails
- (4) Fish or fur farming
- (5) Floriculture (cultivation of ornamental flowering plants)
- (6) Forest and game management
- (7) Gas and electric utility uses not requiring authorization under Chapter 196.491, Wisconsin Statutes
- (8) Grazing
- (9) Greenhouses
- (10) Livestock raising except commercial feedlots
- (11) Natural trails and walks
- (12) Orchards
- (13) Paddocks
- (14) Plant nurseries
- (15) Poultry raising except commercial production
- (16) Raising of grain, grass, mint, and seed crops
- (17) Raising of tree fruits, nuts, and berries
- (18) Roadside stands
- (19) Sod farming
- (20) Vegetable raising
- (21) Viticulture (grape growing)

(22) One single-family farm dwelling for each resident owner, each resident laborer, each resident son of one legal owner, or each resident daughter of one legal owner, all of whom must be principally engaged in conducting a principal or approved conditional use.

(23) One two-family farm dwelling for those resident persons described above (NOTE: Such accessory residential use shall conform with all regulations set forth in Article X, Section .01 of this Ordinance, except that no such lot created thereunder shall be less than 40,000 square feet in area).

(d) Conditional Uses

See Article VI, Section .01, 4., 8., 9. (j), 10. (b) (e) & (h)

(e) Area, Height, and Yard Requirements

Farm Building	Area	Minimum 35 acres
Farm Dwelling	Height	Maximum 35 feet
Other Structures	Height	Maximum 2 times the Distance from nearest Lot line (See Article X, Section .01)
Yard Farm Dwelling	Rear Side Street	Minimum 100 feet Minimum 20 feet Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway
Other Structures	Rear Side Street	Minimum 100 feet Minimum 20 feet if not Used for the housing of Animals; 100 feet if Used for the housing of Animals Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway

(f) Existing Substandard Lots

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date of this Ordinance provided however that variance to the building and yard requirements shall be granted only by the Board of Adjustments in accordance with Article XII, Section .01 of this Ordinance.

(g) Farm Consolidation

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 40,000 square feet in area.

**A-2 AGRICULTURAL LAND DISTRICT**

**(a) Purpose**

The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 Prime Agricultural Land.

**(b) Lands Included**

Lands included are those generally best suited for smaller farm uses, including truck farming; horse farming, hobby farming, orchards, and similar agricultural related farming activities.

**(c) Principal Uses**

All principal uses permitted in the A-1 Prime Agricultural Land District.

**(d) Conditional Uses**

See Article VI, Section .01, 4., 8., 9. (h), (i), & (j), 10. (b), (e), & (h)

**(e) Area, Height, and Yard Requirements**

Farm	Area	Minimum 5 acres
	Width	Minimum 250 feet. For irregular shaped parcel, the width shall be determined to be the mean or average width of the lot
Building	Height	Maximum 100 feet
Farm Dwelling	Height	Maximum 2 times their Distance from the nearest lot line
Other Structures		(See Article X, Section .01)
Yard	Rear	Minimum 100 feet
Farm Dwelling	Side	Minimum 20 feet
	Street	Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway
Other Structures	Rear	Minimum 20 feet if not Used for the housing of Animals; 100 feet if Used for the housing of Animals
	Side	Minimum 20 feet if not Used for the housing of Animals; 100 feet if Used for the housing of Animals
	Street	Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway

**(f) Existing Substandard Lots**

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel of record in the County Register of Deeds Office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Adjustments in accordance with Article XII, Section .01 of this Ordinance.

(g) Farm Consolidation

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 40,000 square feet in area.

A-3 AGRICULTURAL LAND HOLDING DISTRICT

(a) Purpose

The primary purposes of the A-3 District are to: (1) provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) insure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district with such review occurring; (a) a minimum of every 5 years, (b) upon completion or revision of a County agricultural preservation plan or municipal land use which affects lands in the district, or (c) upon extension of public services such as sewer and water necessary to serve urban development.

(b) Lands Included

The A-3 District is generally intended to apply to land located adjacent to the incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to non-agricultural use expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar lands are to be included.

(c) Principal Uses

All principal uses permitted in the A-1 Prime Agricultural Land District.

(d) Conditional Uses

See Article VI, Section .01, 4., 8., 10. (b)

(e) Area, Height, and Yard Requirements

Farm Building	Area	Minimum 35 acres
Farm Dwelling	Height	Maximum 35 feet
Other Structures	Height	Maximum 2 times their Distance from nearest Lot line (See Article X, Section .01)
Yard		
Farm Dwelling	Rear	Minimum 100 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway

Other Structures	Rear	Minimum 100 feet
	Side	Minimum 20 feet if not Used for the housing of Animals; 100 feet if Used for the housing of Animals
	Street	Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway

(f) Existing Substandard Lots

Principal, conditional, and accessory farm structures may be erected on any legal lot or parcel or record in the County Register of Deeds Office before the effective date of this Ordinance provided however that variances to the building and yard requirements shall be granted only by the Board of Adjustments in accordance with Article XII, Section .01 of this Ordinance.

(g) Farm Consolidation

Notwithstanding any area requirements to the contrary, farm dwelling existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance, except that no such lot shall be less than 40,000 square feet in area.

**A-4 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING, AND MARKETING DISTRICT**

(a) Purpose

The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or are closely allied with the agricultural industry.

(b) Principal Use

None; all uses in this District are conditional uses and must be approved in accordance with the procedures established in Article VI, Section .01.

(c) Conditional Uses

- (1) Blending and preparing of flour
- (2) Canning of fruits, vegetables, preserves, jams, and jellies
- (3) Canning of specialty foods
- (4) Coffee roasting and production of coffee products
- (5) Contract sorting, grading, and packaging services for fruits and vegetables
- (6) Corn shelling, hay baling, and threshing services
- (7) Cotton ginning and depressing
- (8) Cottonseed oil milling
- (9) Drying and dehydrating fruit and vegetables
- (10) Fertilizer production, sales, storage, mixing, and blending
- (11) Fluid milk processing
- (12) Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation
- (13) Grain elevators and bulk storage of feed grain
- (14) Grist mill services
- (15) Horticultural services
- (16) Livestock sales facilities

- (17) Malt production
- (18) Meat packing
- (19) Milling of rice
- (20) Milling of soybean oil
- (21) Milling of vegetable oil
- (22) Poultry and small game dressing and packing provided that all operations be conducted within an enclosed building
- (23) Poultry hatchery services
- (24) Preparation of cereal
- (25) Preparation of feed for animals and fowl
- (26) Production of animal and marine fat and oil
- (27) Production of chocolate and cocoa products
- (28) Production of condensed and evaporated milk
- (29) Production of creamery butter
- (30) Production of flour and other grain mill products
- (31) Production of frozen fruit, fruit juices, vegetables, and other specialties
- (32) Production of natural and processed cheese
- (33) Production of sausages and other meat products provided that all operation be conducted within an enclosed building
- (34) Production of shortening, table oils, and margarine, and other edible fats and oils
- (35) Production of wine, brandy, and brandy spirits
- (36) Sales of farm implements and related equipment
- (37) Sugar processing and production
- (38) Transportation related activities primarily serving the basic agricultural industry
- (39) Wet milling of corn
- (40) Bed and Breakfast

(d) Area, Height, and Yard Requirements

Lot	Area	Minimum, sufficient area For the principal structure and accessory buildings, All required yards, and off- Street parking as required By Article VII, Section .01 of this Ordinance
Building	Height	Maximum 60 feet
Yard	Rear	Minimum 75 feet
	Side	Minimum 75 feet
	Street	Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County highway

**A-5 AGRICULTURAL LIVING DISTRICT**

**(a) Purpose**

The primary purposes of the A-5 District are to maintain, preserve, and enhance agricultural land historically utilized for crop production but which are not included within the A-1 Prime Agricultural Land District and A-2 Agricultural Land Districts.

**(b) Lands Included**

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities.

**(c) Principal Uses**

All principal uses permitted in the A-1 Prime Agricultural Land District.

**(d) Conditional Uses**

See Article VI, Section .01, 4., 8., 10. (b) & (h).

**(e) There shall be permitted one (1) animal unit per acre. "One Animal Unit" is defined as: one cow, steer or horse; four swine; ten sheep or goats; 100 rabbits, chickens, or similar small animals. The area of a parcel used to calculate the permissible number of animal units is:**

- (1) The total acreage of the parcel less 20,000 square feet. 20,000 square is excluded as the "house area", or
- (2) The actual square footage of that part of the parcel to be used for the animals.

This method shall be considered when part of the parcel is marsh, creek, steep sloped or in any way a sensitive area unsuitable for animals.

**(f) Area, Height, and Yard Requirements**

Farm	Area Width	Minimum 3 acres Minimum 250 feet. For irregular shaped parcel, the width shall be determined to be the mean or average width of the lot
Building Farm Dwelling Other Structures	Height Height	Maximum 35 feet Maximum 2 times their Distance from nearest Lot line (See Article X, Section .01)
Yard Farm Dwelling	Rear Side Street	Minimum 100 feet Minimum 20 feet Minimum 75 feet from Center line of Town road; 100 feet from Center line of State or County Highway
Other Structures	Rear  Side	Minimum 20 feet if not used for Housing of animals; 100 feet if used for the house of animals  Minimum 20 feet if not used for Housing of animals; 100 feet if used for the house of animals

Street

Minimum 75 feet from Center  
of Town road; 100 feet from Center  
line of State or County Highway

(g) Farm Consolidation

Notwithstanding any area requirements to the contrary, farm dwellings existing at the time of adoption of this Ordinance and related farm structures remaining after farm consolidation may be separated from the farm lot provided however that the parcel created conforms with all regulations set forth in this Ordinance except that no such lot shall be less than 40,000 square feet in area.

4. Business Districts

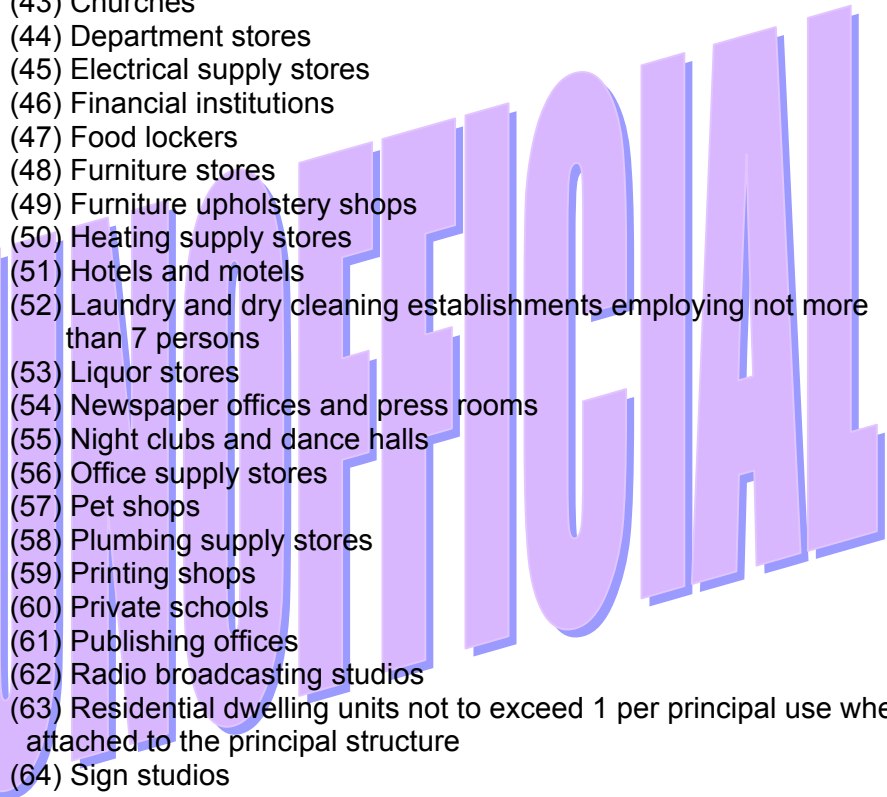
B-1 LOCAL AND GENERAL BUSINESS DISTRICT

(a) Principal Uses

None: All uses in this District are Conditional Uses and must be approved in accordance with the procedures established in Article VI, Section .01

(b) Conditional Uses include but are not limited to the following:

- (1) Arts, crafts, and hobby shops
- (2) Bakeries
- (3) Bath houses
- (4) Bait shops
- (5) Barbershops
- (6) Beauty Shops
- (7) Boat Liveries
- (8) Boat rental and boat access sites
- (9) Boats and marine supplies, not including manufacture
- (10) Book and stationery stores
- (11) Business Offices
- (12) Clinics
- (13) Clothing and apparel stores
- (14) Clothing repair shops
- (15) Clubs and lodges
- (16) Confectioneries
- (17) Dancing schools
- (18) Drugstores
- (19) Florists
- (20) Funeral homes provided all principal structures and uses are not less than 25 feet from any lot line
- (21) Gift Stores
- (22) Grocery stores (retail, delicatessen, meat and fish markets, and fruit and vegetable markets)
- (23) Hardware stores
- (24) Ice cream stores, soda fountains, soft drink stands
- (25) Music stores
- (26) Optical stores
- (27) Packages beverage stores
- (28) Pawn shops
- (29) Personal service establishments
- (30) Photographic supply stores
- (31) Professional offices
- (32) Restaurants

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- (33) Second-hand and antique shops
  - (34) Self service and pick up laundry and dry cleaning establishments
  - (35) Shoe stores
  - (36) Sporting goods stores
  - (37) Swimming beaches
  - (38) Taverns, bars restaurants, and supper clubs
  - (39) Tobacco stores
  - (40) Wholesale establishments confined to indoor storage
  - (41) Appliance stores
  - (42) Caterers
  - (43) Churches
  - (44) Department stores
  - (45) Electrical supply stores
  - (46) Financial institutions
  - (47) Food lockers
  - (48) Furniture stores
  - (49) Furniture upholstery shops
  - (50) Heating supply stores
  - (51) Hotels and motels
  - (52) Laundry and dry cleaning establishments employing not more than 7 persons
  - (53) Liquor stores
  - (54) Newspaper offices and press rooms
  - (55) Night clubs and dance halls
  - (56) Office supply stores
  - (57) Pet shops
  - (58) Plumbing supply stores
  - (59) Printing shops
  - (60) Private schools
  - (61) Publishing offices
  - (62) Radio broadcasting studios
  - (63) Residential dwelling units not to exceed 1 per principal use when attached to the principal structure
  - (64) Sign studios
  - (65) Television broadcasting studios
  - (66) Trade and contractor offices
  - (67) Upholsterers shops
  - (68) Variety stores
  - (69) Internet service provider
  - (70) Computer equipment and supply store

(b) Area, Height, and Yard Requirements

Lot	Area	
		Minimum, sufficient area for the principal structure and its accessory building Off-street parking and loading Areas required by Article VII, Section .01. In addition in all areas not served by a municipal sanitary sewerage system, the Lot area shall comply the requirements of Article IV, Section .04
Building	Height	
	Rear	Maximum 35 feet
	Side	Minimum 25 feet
	Street	Minimum 20 feet
		Minimum 75 from center line of Town road; 100 feet from center line of State or County highway

**B-2 HIGHWAY BUSINESS DISTRICT**

(a) Principal Uses

None: all uses in this District are Conditional Uses and must be approved in accordance with the procedures established in Article VI, Section .01

(b) Conditional Uses

- (1) Automobile and truck retail services
- (2) Automobile repair services
- (3) Bars, taverns, restaurants, night clubs, and dance halls
- (4) Candy, nut, and confectionery sales
- (5) Gasoline service stations
- (6) Gifts, novelty, and souvenir sales
- (7) Mini-storage facility, retail
- (8) Sales, service, and installation of tires, batteries, and accessories
- (9) Residential dwelling units not to exceed 1 per principal use when attached to the principal structure
- (10) See Article VI, Section .01, 8.

(c) Area, Height, and Yard Requirements

Lot	Area	
		Minimum, sufficient area for the Principal Structures and its accessory building, off- Street parking and loading areas required by Article VII, Section .01 Article X, Section 01. In addition, in all areas Not served by a municipal sanitary sewerage System, the lot area shall comply with the Requirements of Article IV, Section .04

Building	Height	Maximum 35 feet
Yard	Rear	Minimum 25 feet
	Side	Minimum 20 feet
	Street	Minimum 75 feet from center line of Town road; 100 feet from center line of State or County highway

## 5. Conservancy Districts

### C-1 LOWLAND CONSERVANCY DISTRICT AND STATE FLOODPLAIN

#### (a) Purposes

The primary purpose of the C-1 Lowland Conservancy District and State Floodplain is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Plymouth. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of the Town of Plymouth. The District recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land/water interface.

#### (b) Lands Included

The C-1 Lowland Conservancy District and State Floodplain shall include minimally all areas delineated as swamps, marshes, bogs, and other wetlands on the "Shoreland Zoning Map, Sheboygan County, Wisconsin" as described in the SHORELAND FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, as well as those shoreland and wetland areas identified as being of local concern.

#### (c) Principal Uses

The following uses are permitted in the C-1 Lowland Conservancy District and State Floodplain provided that such uses are conducted in accordance with sound conservation practices as established by the Soil Conservation Service and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography.

- (1) Dugout ponds and level ditches
- (2) Flood overflow and movement of water
- (3) Forestry and game management
- (4) Hiking trails
- (5) Hunting, fishing, wildlife preserves, and other historic/scientific areas
- (6) Navigation
- (7) Non-residential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops
- (8) Park and recreation areas not including the location or erection of buildings or structures
- (9) Wild crop harvesting including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds

(d) Conditional Uses

The following uses may be conditionally permitted except that issuance of a "Conditional Use Shoreland Zoning Permit" (Pursuant to the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources permits (pursuant to Sections 30.11, 30.12, 30.19, 30.195, and 31.05, Wisconsin Statutes) may be required.

- (1) Cranberry bogs
- (2) Piers and docks
- (3) Removal of peat or topsoil
- (4) Special crop farming
- (5) Utilities such as telephone, telegraph, gas lines, and transmission lines
- (6) See Article VI, Section .01, 9.

(e) Area, Height, and Yard Requirements

None: no buildings or structures permitted except as provided under Section (d) above, or by special exception.

C-2 UPLAND CONSERVANCY DISTRICT

(a) Purpose

The primary purpose of this District is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, sub-marginal farm lands, and abandoned mineral extraction lands within the Town of Plymouth. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town of Plymouth, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the Town of Plymouth.

(b) Principal Uses

The following uses are permitted in the C-2 Upland Conservancy District:

- (1) Farming and related agricultural uses when conducted in accordance with the Soil Conservation Service standards
- (2) Forest and game management
- (3) Forest preservation
- (4) Hunting and fishing clubs
- (5) Parks and recreation areas
- (6) Single-family dwellings

(c) Conditional Uses

See Article VI, Section .01, 9., 10., (b) & (h)

(d) Area, Height, and Yard Requirements

Lot	Area	Minimum 3 acres
	Width	Minimum 250 feet. For irregular shaped parcel, the width shall be determined to be the mean or average width of the lot

Building		
Dwelling		Maximum 35 feet
Other Structures	Height	Maximum 2 times the distance from the nearest lot line (See Article X, Section .01)

Yard

Dwelling	Rear Side Street	Minimum 100 feet Minimum 20 feet Minimum 75 feet from center line of Town road; 100 feet from center line of State or County highway
Other Structures	Rear Side  Street	Minimum 25 feet Minimum 20 feet if the structure is not to be used for the housing of animals; 100 feet if the structure is to be used for the housing of animals Minimum 75 feet from center line of Town road; 100 feet from Center line of State or County highway

6. Industrial Districts

M-1 INDUSTRIAL DISTRICT

(a) Principal Uses

None: All uses in this district are Conditional Uses and must be approved in accordance with the procedures established in Article VI, Section .01, 1., 2., 3., & 7.

(b) Conditional Uses

- (1) Building material sales and storage
- (2) Cleaning, pressing, and dyeing
- (3) Commercial bakeries
- (4) Commercial greenhouses
- (5) Contractors and construction offices, shops, and yards
- (6) Distributors
- (7) Farm machinery plants
- (8) Machinery sales
- (9) Manufacture and bottling of non-alcoholic beverages
- (10) Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; food, except fish and fish products, meat and meat products, cabbage, vegetables, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries
- (11) Manufacturing and/or assembling from substances such as wood, cork, glass, leather, fur, plastic, felt, ceramics, precious metals, metals, and other textiles
- (12) Manufacturing of electronic products and components
- (13) Printing, publishing, and binding plants
- (14) Communication towers including but not limited to cell phone, telephone, radio, microwave, and television towers
- (15) Radio and television broadcasting stations and electric equipment
- (16) Research laboratories
- (17) Warehouses, not-retail storage, and storage yards, (not including scrap or junk yards)

- (18) Wholesale outlets
- (19) Living quarters for watchman or caretaker
- (c) Area, Height, and Yard Requirements
 

Lot	Area	Minimum, sufficient area for principal Structure and its accessory building, off-street parking and loading areas required by Article VII, Section .01 and Article X, Section .01 and all required yards. In addition, in all areas not served by a municipal sanitary sewerage system, the Lot area shall comply with requirements of Article IV, Section .04
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Building Yard	Height Street	Maximum 45 feet Minimum 75 feet from center line of Town road; 100 feet from center line of State or County highway
	Rear Side	Minimum 100 feet Minimum 100 feet

**M-2 MINERAL GRAVEL DISTRICT**

- (a) Principal Uses
 

None: All uses in this District are conditional uses and must be approved in accordance with the procedures established in Article VI, Section .01
- (b) Conditional Uses
  - (1) Aggregate or ready mixed plant
  - (2) Clay, ceramic, and refractor mineral mining
  - (3) Crushed and broken stone quarrying
  - (4) Mixing of asphalt
  - (5) Non-metallic mining services
  - (6) Processing of topsoil
  - (7) Sand and gravel quarrying
  - (8) Washing, refining, or processing of rock, slate gravel, sand, or minerals
  - (9) Extension of any existing uses as listed above
- (c) Yard Requirements
 

All excavation and stockpiles shall be at least 200 feet from the right of way of any public or approved private street or property line. All accessories such as offices and parking areas, shall be at least 100 feet from any right of way or property line. These set back requirements can be amended only after agreement in writing by all property owners located within 200 feet of the Mineral Gravel District.

7. Park Districts

P-1 RECREATIONAL PARK DISTRICT

(a) Principal Uses

- (1) Boat rentals and boat access sites
- (2) Forest reserves
- (3) Golf courses and country clubs
- (4) Gymnasiums and athletic clubs
- (5) Ice skating rinks
- (6) Parks, general recreation
- (7) Parks, leisure and ornamental
- (8) Picnic grounds
- (9) Play lots and tot lots
- (10) Playfields and athletic fields
- (11) Playground

(b) Conditional Uses

See Article VI, Section .01, 9.

(c) Area, Height, and Yard Requirements

Lot

Area

Building  
Yard

Height  
Rear  
Side  
Street

Minimum, sufficient area for the principal structures and its

Accessory buildings, off-street parking and loading as required

Article VII, Section .01 and Article X Section .01, sewer and water

systems, all required yards

Maximum 35 feet

Minimum 50 feet

Minimum 50 feet

Minimum 75 feet from center line

of Town road; 100 feet from center line

of State or County highway

P-2 INSTITUTIONAL PARK DISTRICT

(a) Principal Uses

- (1) Churches, synagogues, and temples
- (2) College dormitories
- (3) Hospitals
- (4) Lodges and fraternal buildings
- (5) Monasteries
- (6) Nursery schools and day care centers
- (7) Nursing homes
- (8) Orphanages
- (9) Rectories
- (10) Retirement homes
- (11) Universities and colleges

(b) Conditional Uses

See Article VI, Section .01, 8., 9., & 10.

(c) Area, Height, and Yard Requirements		
Lot	Area	Minimum, sufficient area for the Principal structures and its accessory buildings, off-street parking and loading as required by Article VII, Section .01 and Article X, Section .01, sewer and water systems, and all required yards
Building	Height	Subject to Plan approval
Yard	Rear	Minimum 25 feet
	Side	Minimum 25 feet
	Street	Minimum 75 feet from center line of Town road; 100 feet from State or County highway

8. Residence Districts

R-1 SINGLE AND TWO-FAMILY RESIDENCE DISTRICT (Unsewered)

(a) Principal Uses		
(1) Single-family and two family detached dwellings on lots not served by public sanitary sewer.		
(b) Conditional Uses		
See Article VI, Section .01, 8.,9., & 10.		
(c) Area, Height, and Yard Requirements		
Lot		Width and area of all lots to be Determined in accordance with Article IV, Sections .02 and .06
Building	Height	Maximum 35 feet
Principal		Auxiliary building must be of the same exterior construction as the principal building or a conditional use permit shall be required
Auxiliary		Maximum 11 feet sidewall
	Height	Maximum 900 square feet
	Area	Limited to 1 auxiliary building
Yard	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	Minimum 75 feet from center line of Town road; 100 feet from center line of State or County highway

Except, propane tanks and one structure that does not exceed 150 square feet shall not be considered an auxiliary building and shall have a minimum set back from the lot line of 5 feet on the side yard and rear yard provided there is written consent submitted from all adjoining property owners. Detached outdoor wood furnaces shall not be allowed in the R-1 district without the written consent of all adjoining property owners.

R-2 PLANNED MOBILE HOME PARK RESIDENCE DISTRICT

(a) Principal Uses

None: All uses in the District are Conditional Uses and must be approved in accordance with the procedures established in Article VI, Section .01, 1.

(b) Conditional Uses

- (1) Mobile home dwellings
- (2) Single family detached dwellings

(c) Development Density

There shall be a maximum of 5 dwelling units per net developable acre.

(d) Sewerage Requirements

All mobile home park developments must be served either by a public sanitary sewerage system owned, operated, and maintained by a county, city, village, town, town sanitary district, town utility district, or metropolitan sewerage district, or by a private sanitary sewerage system, including a sewage treatment plant approved by the Department of Natural Resources. No new mobile park development and no expansion of an existing mobile home park development shall be approved where such development is to be served by an onsite septic tank soil absorption sewage disposal system, whether publicly or privately owned, operated, and maintained.

(e) Area, Height, and Yard Requirements

Site development	Area	Minimum 10 acres
	Width	Minimum 450 feet
	Open Space	Minimum 20 percent of development area exclusive of required yards and access drives
Building	Height	Maximum 35 feet
	Rear	Minimum 20 feet
	Side	Minimum 15 feet
	Mobile Park Street	Minimum 20 feet from right-of-way line

R-3 SINGLE FAMILY RESIDENCE DISTRICT (Sewered)

(a) Principal Uses

- (1) Single-family detached dwellings on lots served by public sanitary sewers

(b) Conditional Uses

See Article VI, Section .01, 10.

(c) Area, Height, and Yard Requirements

Lot	Area	10,000 square feet minimum
	Width	Minimum of 80 feet at building set-back line
Building	Height	Maximum 35 feet
Yard	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street	Minimum 75 feet from the center line of Town road; 100 feet from center line of State or County highway

## ARTICLE VI – CONDITIONAL USES

### .01 Conditional Uses

#### 1 . Application

Application for Conditional Use Permits shall be made in duplicate to the Town on forms furnished by its Clerk and shall include the following, where pertinent and necessary for proper review.

- (a) Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record within 300 feet.
- (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (c) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Town Board showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 200 feet of the subject site; soil mapping unit lines; mean and historic high water lines, on or within 200 feet of the subject premises, and existing and proposed landscaping.
- (d) Additional information as may be required by the Town of Plymouth such as ground surface elevations, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, flood-proofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows.
- (e) The Fee for Application for Conditional Use Permit shall be due at time of application. (See fee schedule.)
- (f) The Clerk shall publish a class 2 notice of the public hearing on the application for the conditional use permit. Further, the Clerk shall at least 1 week before said public hearing, mail, by regular mail, a notice of said public hearing to the last known address of each land owner within 300 feet.
- (g) In addition to the penalties set forth in Article IV, Section .09, if there is a Substantial violation of the conditions, restrictions or terms of a conditional use permit, the Town Board may, at its option, revoke the conditional use permit.
- (h) The Town Board shall have the discretion to issue a conditional use permit for a limited term or period of time.
- (i) The Town Board shall have the authority to at any time review the conditions of a previously issued conditional use permit and make any amendments to same, including the addition of new conditions, which it deems appropriate provided the Town Board first holds a public hearing and provides notice as set forth in subparagraph (f) above including notice to the subject land owner.
- (j) A conditional use permit shall be issued for a particular use of land and shall be automatically transferred to successive owners.

(k) In the event a land owner or his/her tenants desire to substantially or materially change, alter, enlarge, or expand an existing conditional use, the land owner shall be required to apply to the Town Board to amend the existing conditional use permit. The application and procedure to be followed shall be the same as set forth above for conditional use permits.

2. Review and Approval of Conditional Uses

The Town Board shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shore-land cover, natural beauty and wildlife habitat, and shall hold a public hearing after giving due notice to the parties in interest.

The Town Board may authorize the issuance of a Conditional Use Permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shore-land cover, or property values in the Town of Plymouth and its communities.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood-proofing, ground cover, diversions, silting basins, terraces, stream-bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the Town of Plymouth Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

Compliance with all other provisions of this Ordinance, such as lot width and area, yards, heights, parking, loading, traffic highway access, shall be required as provided in Article X, Section .01

3. Earth and Water Movements

Earth movements involving a site disturbance in excess of 1 acre not related to farming activity, stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, dredging, lagooning, and the installation of soil and water conservation structures are conditional uses and may be permitted in any zoning district.

The Town Board may request a review of each such earth or water movement by the Department of Natural Resources, the Soil Conservation Service, or other appropriate agency, and await their recommendations before taking final action, but not to exceed 60 days.

4. Agricultural and Related Uses

Except where specifically permitted as a principal use in Article V, Section .01, 3., the following agricultural and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular land use problems related to development of the site or sites as proposed.

- (a) Housing for migratory or seasonal farm workers in the A-1, A-2, and A-3 Districts.
- (b) Commercial feed lots in the A-1 Districts.
- (c) Livestock sales barns in the A-1, A-2, and A-4 Districts.
- (d) Animal hospitals, shelters, and kennels in all the Agricultural and Conservancy Districts and the B-2 Business Districts provided that the lot area is not less than 3 acres and further provided that if animals are to be housed outside, there is a minimum building separation of 1,000 feet from residential structure existing at the time of the issuance of a zoning permit.
- (e) Veterinarian services in the A-2, A-4 and B-2 Districts.
- (f) Commercial raising, propagation, or boarding of animals including, but not limited to mink, rabbits, foxes, and fowl, in the A-1, A-2, and A-3 Districts.
- (g) Commercial egg production in the A-1, A-2 and A-3 Districts.
- (h) Land restoration in all Agricultural and Conservancy Districts when conducted in accordance with the appropriate Soil Conservation Service standards.

5. Business and Related Uses

Except where specifically permitted as a principal use in Article V, Section .01, 4., the following commercial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular land use problems related to development of the site or sites as proposed.

- (a) Drive-in banks in the B-1 and B-2 Districts.
- (b) Drive-in establishments serving food or beverages for consumption outside the structure in the B-1 and B-2 Districts.
- (c) Drive-in theaters in the B-1 and B-2 Districts provided that a planting screen at least 25 feet wide is created along any side abutting a residential district
- (d) Motels, hotels, and tourist courts in the B-1 and B-2 Districts.
- (e) Vehicle sales, service, washing, and repair stations, garages, taxi stands, and public parking lots, in all Business Districts provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.

6. Industrial and Related Uses

Except where specifically permitted as a principal use in Article V, Section .01, 6., the following industrial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular land use problems related to development of the site or sites as proposed.

- (a) Commercial service facilities such as restaurants and fueling stations in the M-1 District provided all such services are physically and otherwise oriented toward Industrial District users and employees and other users are only incidental customers.
- (b) Outside storage and manufacturing area in the M-1 District. Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public-right-of-way and shall be at least 600 feet from Residential and Park Districts. Any Conditional Use Permit issued for a wrecking, junk, demolition, or scrap yard shall be subject to annual renewal.
- (c) Pea vineries, creameries, and condenseries in the A-4 Districts
- (d) Sewage disposal plants in all Districts.

7. Mineral Extraction and Related Uses

All conditional uses and renewals of conditional uses listed for the M-2 District shall be subject to the following regulations and such other regulations as the Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

- (a) Plat of Survey  
Submittal of a plat or survey showing, as appropriate, the data and information set forth in Article VI, Section .01, 1. (c), topographic date (Minimum contour interval of 5 feet), existing natural resource base date, the location of existing and proposed excavations.
- (b) Operations Plan  
Submittal of an operations plan, including at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and perimeter screening; and proposed hours of operation.
- (c) Restoration Plan  
Submittal of a restoration plan, including at least proposed contours, (minimum contour interval of 5 feet), type of fill, depth of restored topsoil, planting or reforestation, and timing and completion data.
- (d) Sureties  
The applicant shall furnish sureties to enable the Town of Plymouth to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by a consultant deemed appropriate by the Town Board. The consultant's fee shall be paid for by applicant prior to the issuance or renewal of the conditional use permit. The form and type of such sureties shall be approved by the Town Board.

(e) Permit Renewal

Any Conditional Use Permit issued for a use permitted in this Section shall be in effect for a specified time period but not to exceed 2 years. Such permit may be renewed upon application for successive periods not to exceed 2 years each.

Modifications or additional conditions may be imposed upon application for renewal.

(f) The applicant shall deliver ten (10) copies of the application and all attachments including the plat of survey, operations plan and restoration plan to the Town

Clerk at least 30 days prior to the date of the hearing on the approval or renewal of the conditional use permit.

8. Public and Semi-Public Uses

Except where specifically permitted as a principal use in Article V, Section .01, 7., the following public and semi-public uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular land use problems related to development of the site or sites as proposed.

(a) Airports, airstrips, and landing fields in all Agricultural Districts and the P-2 District.

(b) Colleges; universities; hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories in the P-2 and B-2 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

(c) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all districts.

(d) Public, parochial, and private elementary and secondary schools and churches in all Residential, Business, Agricultural, and Park Districts, provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.

(e) Public passenger transportation terminals such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in the B-2 district, provided all principal structures and uses are not less than 100 feet from any Residential District boundary.

(f) Utilities in all districts provided all principal structures and uses are not less than 100 feet from any Residential District lot line.

9. Recreational and Related Uses

Except where specifically permitted as a principal use in Article V, Section .01, 7., the following recreational and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular problems related to development of the site or sites as proposed.

- (a) Amusement activities such as fair grounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers in the P-1 District.
- (b) Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks in the P-1 and P-2 Districts.
- (c) Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, Turkish baths, skating rinks, and theaters in the B-1 and B-2 Districts
- (d) Cultural activities such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos in the B-1 and P-2 Districts
- (e) Golf courses and country clubs in all Residential, Conservancy, Park And Business Districts
- (f) Hunting and fishing clubs in the A-2, C-1, C-2, and P-1 Districts
- (g) Public assembly uses such as amphitheaters, arenas, field houses, gymnasiums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums in the P-1, P-2, B-1, and B-2 Districts
- (h) Public or private camp grounds in the A-2, P-1, P-2, C-1, and C-2 Districts subject to the following regulations and such other regulations as the Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

(1) Camping Area Location

The temporary accommodation of persons providing their own means of shelter is permitted only the locations approved on the site development plan, as required under Article V, Section .01, 7., of this Ordinance. In approving such locations, the Town Board shall view the proposed site and consider the general purpose and intent of this Ordinance to promote the public health, safety, and general welfare and to prevent over-crowding and the development of unhealthful or unsanitary conditions on the premises. Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.

Within the camping areas approved on the site plan, every camping unit shall be located on generally well-drained ground, and no camping unit or any building or structure related to the operation of such camping area, shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard, or be located more than 400 feet from a toilet or service building. (For the purpose of this Section, camping unit is defined as any recreational vehicle as defined in Sections H78.02 (3) (a) to (3) of the Wisconsin Administrative Code, including travel trailer, pick-up coach, motor home, camping trailer, and tent. A camping unit shall not be a mobile home, and shall not exceed 8 feet in width and 37.5 feet in length.)

(2) Minimum Camping Unit Site Area

There shall be not less than 4,000 square feet of land per camping unit exclusive of required yards, parking lots, and areas devoted to permanent buildings and their grounds. Camping unit site areas shall be located and spaced a minimum of 75 feet center to center. No camping units shall be located within 50 feet of any other camping unit. Group camping shall be permitted only in an area designated for such use on the approved site development plan. Automobiles, except self-propelled camping units, shall not be parked in any such designated group camping area except for loading and unloading purposes.

(3) Yards

A yard shall be provided along each side of the camp except that part which fronts on a lake or stream course.

Street

Minimum 100 feet

Rear

Minimum 50 feet plus 10 additional feet for each 10 camping units or fraction thereof in excess of a total of 40 camping units

Side

Minimum 50 feet plus 10 additional feet for each 10 camping units or Fraction thereof in excess of a total of 40 camping units

(4) Screening

It shall be a condition of the granting of the permit for such camp, and a continuing condition for its operation, that the natural vegetation, including grasses, flowers, shrubs, and trees be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein, so as to provide a natural screen between such camp and adjacent properties.

(5) Off-Street Parking

Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than 1 parking space for each camping unit. Each such parking space shall be not less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parking therein.

(6) Water Supply

There shall be an adequate source of pure water with supply outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.

(7) Sewage Disposal

Sanitary sewage and waste disposal facilities shall be provided as required by the Wisconsin Administrative Code, Chapter 78, and construed and maintained as required by the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN.

(8) Drives and Walkways

There shall be a system of driveways and walkways connecting every camp unit within any camping area with a public street or highway. Such driveways shall be not less than 16 feet in width and such walkways shall be not less than 5 feet in width. All driveways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Driveways shall be well lighted at night and shall be unobstructed at any time.

(9) Maintenance

It shall be a condition of the granting of a permit for the camping area, and a continuing condition for the operation of the same that:

- (i) Drainage of the area shall be maintained and camping units placed on well drained ground.
- (ii) Required yards shall be maintained.
- (iii) Water supply, sanitary sewage and waste disposal facilities shall be maintained.
- (iv) Driveways, walkways, and parking areas shall be maintained.
- (v) All requirements of Chapter H 78 of the Wisconsin Administrative Code shall be met and maintained.

(10) Permit Renewal

Any Conditional Use Permit issued for a campground shall be in effect for a 1 year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions may only be imposed by the Town Board after a public hearing.

(11) Existing Operations

Within 60 days after the adoption of this Ordinance, all existing campground operations in the Town of Plymouth shall be required to register with the Town Board and shall submit pertinent data relative to the present operation, including the boundaries of the operation and ownership data. A permit shall be granted by the Town Board to such existing operations subject to compliance with any appropriate requirements set forth by the Town Board. Any existing operation which does not conform within 90 days after the issuance of such a permit shall cease operations until such conditions are complied with and shall be penalized in accordance with provisions of Article IV, Section .09 .

(i) Recreational camps in the A-2, P-1, P-2, C-1 and C-2 Districts subject to the following regulations and such other regulations as the Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

(1) Yards

There shall be a yard on each side of a recreational camp as follows:

Street	Minimum of 100 feet
Rear	Minimum 50 feet plus 10 additional feet for each 10 camping units or fraction thereof in excess of a total of 40 camping units
Side	Minimum 50 feet plus 10 additional feet for each 10 camping units or fraction thereof in excess of a total of 40 camping units.

(2) Screening

There shall be a condition of the granting of the permit for a recreational camp, and a continuing condition for the operation of same, that the natural vegetation of the area, including grass, flowers, shrubs, and trees, be allowed to grow and develop in all required yards, except noxious plants, weeds, and trees, or that vegetation of equivalent density be planted therein so as to provide a natural screen between a camp and neighboring areas and so that required yards shall be unused and unusable for general purposes of camp operation.

(3) Off-Street Parking

Off-street parking shall be provided on the premises of any such recreational camp, but not in any required yard, equal to not less than 1 parking space for each camping unit, plus 1 additional parking space for each motor vehicle operated in connection with such camping.

(4) Sewage Disposal

Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by Chapter H 78 of the Wisconsin Administrative Code and constructed and maintained as required by the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN.

(5) Water Supply

Where public water is not available, the well or wells supplying any camping area shall comply with Chapter H 78 of the Wisconsin Administrative Code except that well pits or pump pits shall be permitted.

(j) Riding stables in the A-1, A-2, C-1, C-2, P-1 and P-2 Districts.

(k) Ski hills in the A-1, P-1, P-2, C-2 Districts.

(l) Yachting clubs and marinas in the P-1, P-2, C-1, C-2, B-1, and B-2 Districts.

## 10. Residential and Related Uses

Except where specifically permitted as a principal use in Article V, Section .01, 8. the following residential and quasi-residential uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Article I, Sections .03 and .04 and upon the particular use problems related to development of the site and sites as proposed.

- (a) Fraternities, lodges, and meeting structures of a non commercial nature in the R-1, P-2, and all Business Districts provided all principal structures and uses are not less than 25 feet from any lot line.
- (b) A business use which does not qualify as a Home Occupation, as defined by this ordinance, yet which does not alter the essential nature of the zoning classification of the property as residential, agricultural or conservancy, and is substantially compatible with the zoning district. These certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in particular districts(s) without consideration in each case, of the impact of those uses upon neighboring land. Such uses, nevertheless, may be desirable to be allowed in a particular district instead of rezoning the property, provided that due consideration is given to location, development and operation of such uses, and provided that the use is not harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. Such uses may be approved by the Town Board as conditional uses in the R-1, R-3, A-1, A-2, A-3, and A-5 districts.
- (c) One-family detached dwellings; one-family semi-detached dwellings; one-family attached dwellings; two-family dwellings; multiple-family dwellings.
- (d) Planned residential developments in the R-1, R-2 Districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations may vary provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, utilities, access, and open space shall also be assured by deed restrictions. The following provisions shall be complied with:

Development Lot	Area	Minimum 5 acres
	Area	Minimum of 2/3 of the minimum of the district in which located; minimum 3,000 square feet for the attached single-family dwellings
Building Yard	Width	Minimum of 2/3 of the minimum lot width for the district in which located; Minimum 20 feet for single-Family dwelling
	Height	Maximum 35 feet
Building Yard	Street	Minimum 20 feet
	Rear	Minimum 50 feet
	Side	Minimum 20 feet from street right-of-way lines, exterior property line of the development, and other buildings

- (e) Additional Residential dwelling units, including mobile homes, subject to existing ordinance, in the A-1, A-2, and A-3 Districts when necessary and essential to the principal or conditional permitted use.
- (f) Residential dwelling units not to exceed 1 per principal use when attached to the principal structures in the B-1 and B-2 Districts.
- (g) Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries or day care centers in the P-2 and all Business Districts provided all principal structures and uses are not less than 50 feet from any lot line.
- (h) Bed and Breakfasts.

ARTICLE VII – TRAFFIC PARKING AND ACCESS

.01 Traffic, Parking, and Access

1. Traffic Visibility

No obstruction, such as structures, parking, or vegetation shall be permitted in any district between the heights of 2 ½ feet and 10 feet above the plane through the mean centerline roadway grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right-of-way lines and line joining points on such lines located 50 feet from their point of intersection. In the case of arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet along each right-of-way line from their point of intersection.

2. Loading Requirements

In all districts adequate loading areas shall be provided and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

3. Parking Requirements

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

Single-family dwellings	2 stalls for each dwelling
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, Sororities, dormitories, Lodgings, and boarding houses	1 stall for each 2 beds, plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, Colleges, Theaters, Auditoriums, Community Centers, Vocational and Night Schools, And other places of public Assembly	1 stall for each 5 seats or enrollment
Elementary and secondary schools	1 stall for each employee and for each 5 students projected to be 16 years old or older
Restaurants, bars, places of Entertainment, repair shops, Retail and Service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing,	1 stall for each 2 employees

Plants, laboratories, and warehouses

Financial institutions; business,  
Governmental; and professional  
Offices

1 stall for each 300 square  
feet of floor area

Funeral homes

1 stall for each 4 seats, plus  
1 stall for each funeral vehicle  
maintained on premises

Bowling alleys

5 stalls for each alley

(a) Uses not Listed

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

(b) Combinations

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(c) Adequate Access

There shall be adequate access to a public street provided for each parking space, and driveways shall be at least 12 feet wide for one and two family dwellings and at least 24 feet wide for all other uses.

(d) Size

The size of each parking space shall be not less than 180 square feet (9 feet by 20 feet) exclusive of the space required for ingress and egress, and shall have a vertical clearance of at least 9 feet.

(e) Location

Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

(f) Surfacing

All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

(g) Curbs or Barriers

Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

#### 4. Driveways

All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

(a) Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways.

(b) Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

- (c) Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing, and repair stations, garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library, or other place of public assembly.
  - (d) In the event of a driveway in excess of 500 feet from the road providing access to the property and the residence or business building on the property, the Town of Plymouth Volunteer Fire Department shall mark the point in the driveway which is 500 feet from the public road by installing a metal stake adjacent to the driveway. All property owners shall cooperate with the fire department in allowing duly authorized representatives of same access to the property for the purpose in installing the metal stake. The property owner shall be prohibited from removing or altering the location of the stake. Any person, firm or corporation who fails to comply with this provision shall, upon conviction thereof, forfeit not more that \$500.00 for each offense together with the costs of prosecution. Each day a violation continues to exist shall constitute a separate offense.
5. Driveway/Culvert Permits Required  
No driveway and or culvert shall be placed, constructed or altered for the movement of traffic between town roads and abutting property within the Town of Plymouth without the prior issuance of a driveway/culvert permit by the Town Board or its designated appointee(s). Applications for permits shall be made on forms available from the Town Clerk or the Town Chairman.
6. Driveway/Culvert Permit Requirements  
In making application for a permit, the applicant agrees to the following conditions:
- (a) That the applicant represents all parties in interest, and that any driveway or approach constructed by applicant is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the road right-of-way.
  - (b) That the permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designated and subject to approval of the Town Board through its designated appointee(s). The permittee shall install the driveway/culvert without jeopardy to or interference with traffic using the road. Roadway surfaces, shoulders, ditches, and vegetation disturbed shall be restored to equivalent or original condition by the permittee.
  - (c) That no revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Town Board or its designated appointee(s).
  - (d) That the Town Board reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the road or to provide proper protection to life and property on or adjacent to the road.

- (e) That the permittee, their successors or assigns, agree to hold harmless the Town of Plymouth and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
  - (f) The Town of Plymouth does not assume any responsibility for the removal or clearance of snow, ice, sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any town road even though snow, ice, or sleet is deposited or windrowed on said driveway or entrance by its authorized agents engaged in normal winter maintenance operations.
  - (g) The permittee shall keep driveway/culvert free of debris and other obstructions to provide proper drainage along the road. Maintenance and upkeep of driveways on and over town road right-of-way shall be the responsibility of the permittee.
  - (h) Driveway(s) authorized by such permit shall be installed within a period of 90 days from issuance of said permit, otherwise the Town Board shall have the right to revoke said permit and applicant must reapply.
  - (i) If restoration of road right-of-way is not accomplished voluntarily and without delay, the Town Board may issue a notice setting forth a final date by which the restoration shall be completed. If applicant fails to complete the restoration within the allotted time, the Town Board may arrange for the restoration, and all resulting costs shall be the obligation of the permit applicant.
7. Driveway Location, Design And Construction Requirements
- (a) A driveway shall be located and restricted as to width as necessary so that the entire driveway roadway and its appurtenances are contained within the frontage along the road of the property served. At public highway or road intersections a driveway shall not provide direct ingress or egress to or from the public road intersection area and shall not encroach on or occupy areas of the roadway or highway signs or signals. When possible, a driveway shall be so located and constructed that vehicles approaching or using it will have a sight distance in both directions along the road of no less than 600 feet.
  - (b) The number of driveways permitted serving a single property frontage along a town road shall be the minimum deemed necessary by the Town Board for reasonable service to the property without undue impairment of safety, convenience, and utility of the road.
  - (c) The island area on the right-of-way between successive driveways or adjoining a driveway and between the road shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in subsection (h).
  - (d) The surface of the driveway connecting with rural-type road sections shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the road roadbed. Generally, the driveway will be no less than 4 inches below the edge of the blacktop at a point 6 feet from the edge of the blacktop. However, this may vary with shoulder width and ditch depth at a given driveway.
  - (e) Culvert materials are restricted to corrugated steel, concrete, and corrugated polyethylene pipe (HDPE), meeting AASHTO M 294, Type S Specifications, with a minimum of 12 inches of granular material cover.

- (f) The driveway shall not obstruct or impair drainage in roadside ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the road and in no case be less than the equivalent of a 15-inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet except as such restricted area is permitted to be filled in under the provisions of subsection (h).
  - (g) The driveway surface shall connect with the roadway blacktop in a neat, workmanlike manner.
  - (h) The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:
    - (1) The filling in or grading down shall be to grades approved by the Town Board or its designee and, except where road drainage is by means of curb and gutter, water drainage of the area shall be directed away from the road roadbed in a suitable manner.
    - (2) Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean out purposes may be required where total culvert length exceeds 100 feet.
    - (3) Where no road side ditch separates the restricted area from the road roadbed, permanent provision may be required to separate the area from the road roadbed, to prevent its use for driveway or parking purposes, by construction of a border, curb, rail, or posts deemed adequate by the Town Board or its designee.
8. Driveway Access
- The following policies shall guide the Town Board and its designated appointee(s), in approving the location and design of proposed driveways:
- (a) Driveway Location and Design
    - (1) Driveways shall be located so as not to inhibit effective traffic control on the Road for signals and signs.
    - (2) The number of driveways serving a single property shall be minimized.
    - (3) The surface of driveways in rural areas shall slope away from the road shoulder for surface water drainage.
  - (b) Commercial-Rural
    - (1) Width: Not wider than 35 feet measured at right angles to centerline of driveway, except as increased by permissible radii. Not greater than 62 feet (including flare and radii).
    - (2) Return radii: not greater than 40 feet.
    - (3) Angular placement: the angle between the centerline of a driveway serving two way traffic and the edge of the blacktop shall not be less than 45 degrees.
  - (c) Non-Commercial Rural
    - (1) Width: Not less than 16 feet nor greater than 24 feet measured at right angles to centerline of driveway.
    - (2) Return Radii: No return radius greater than 30 feet.
    - (3) Angular placement: Shall be at approximate right angles.
  - (d) Commercial Urban
    - (1) Width: Not greater than 35 feet.
    - (2) Return radii: determined by engineer.
    - (3) Angular placement: not less than 45 degrees.
  - (e) Non-Commercial Urban

- (1) Width: not greater than 24 feet.
- (2) Return radii: not to exceed 10 feet
- (3) Angular placement: right angles to curb lane.
- (f) Vision Corners
  - (1) Areas adjacent to the intersection of roads or public streets acquired to provide ample sight distance for drivers.
  - (2) When granting a permit if a substantial safety hazard is created, alternate access may need to be evaluated. Some examples of safety hazards are:
    - Insufficient visibility
    - Areas of frequent lane changing due to merging, exiting, or entering traffic
    - Areas in which a number of other driveways exist resulting in congestion
    - Approach area is not reasonably flat for stopping
- (g) Pull-Out Distance: a safe pull-out distance, eight seconds at 55 mph, is required to provide for safe entry onto a town road.

9. Driveway Permit Fee

The application Fee for a Driveway/Culvert Permit shall be due at the time the application is filed. (See fee schedule.) If the working period of 90 days has passed and the driveway/culvert is not installed, the applicant must reapply and pay another application fee.

10. Violation and Penalties

Anyone who violates Article VII, Section .01, 5. through 9., may be fined not more than \$500.00 as forth in Article IV, Section .09.

## ARTICLE VIII – SIGNS

### .01 Signs

#### 1. Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a proper permit and Conditional Use Permit if required, except those signs excepted in Paragraph 6. of this Article and without being in conformity with the provisions of the Ordinance. The sign shall also meet all the structural requirements of local and state building codes.

#### 2. The following signs are permitted in all districts, subject to the following regulations:

- (a) Signs over show windows or doors of a non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 feet in height and 10 feet in length.
- (b) Agricultural signs pertaining to the sale of agricultural products on a farm shall not exceed 30 square feet in area for any one farm.
- (c) Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (d) Name, occupation, and warning signs not to exceed 8 square foot located on the premises, and not closer than 50 feet between signs.
- (e) Bulletin boards of public, charitable, or religious institutions located on the premises.
- (f) Memorial signs, tablets, names of buildings, and date of erection
- (g) Official signs, such as traffic control, parking restrictions, information, and Notices
- (h) Temporary signs or banners when authorized by the Town of Plymouth Board.
- (i) Recreational directory signs not to exceed 2 in number indicating the direction and distance to a specific cottage, residence, or recreation facility not to exceed 2 square feet in display area.

#### 3. Signs Permitted in All Business and Industrial Districts

The following signs are permitted in the Business and Industrial Districts and subject to the following regulations:

- (a) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean centerline street grade.
- (b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area on all sides for any one premises; shall not extend more than 6 feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.

- (c) Ground signs limited to one sign for each individual business premises regardless of the number of businesses located on the premises which advertise the business names, services offered, or products sold on the premises, shall not exceed 30 feet in maximum total height; shall meet all yard requirements for the district in which it is located; shall not exceed 672 square feet on one side or 1,344 square feet on all sides for any one premises.
  - (d) In addition to being subject to the above regulation, no portion of any ground sign or billboard which advertise a business name, service offered, or products sold at a location other than the premises on which the sign is located shall be located within 100 feet of the centerline or 3 feet from the right-of-way of any state or county trunk highway, whichever distance is greater or within 42 feet of the right-of-way of any town road measured horizontally along a line normal or perpendicular to the center of the highway and shall not be located within 1,000 feet in any direction of any other ground sign. A third sign shall be at least 1,700 feet in any direction from the second sign and at least 2,000 feet away from the first sign. No ground sign or billboard shall be stacked, that is, one placed above another.
  - (e) Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
  - (f) Window signs shall be placed only on the inside of commercial buildings.
  - (g) Combinations of any of the above signs, counted on one side only, not including window signs, shall not exceed 500 square feet and shall meet all the requirements for the individual sign.
4. Facing  
No sign except those permitted in Paragraph 6 of this Article shall be permitted to face a Residential, Conservancy, or Park District within 100 feet of such district boundary.
5. Traffic  
Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door window, or fire escape; and no sign shall be lighted in such a way as to cause glare or impair driver visibility upon public ways.
6. Existing Signs  
Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Article IX, Section .01 shall apply.

## ARTICLE IX – NONCONFORMAL USES

### .01. Nonconforming Uses, Structures, and Lots

#### 1. Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

- (a) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order, or so as to comply with other provisions of this Ordinance.
- (b) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50 percent of the municipality's equalized value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- (c) Substitution of new equipment may be permitted by the Board of Adjustments if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- (d) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance.
- (e) When a nonconforming structure is damaged by fire, explosion, flood, or other calamity, to the extent of more than 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- (f) Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustments has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board.

2. Existing Nonconforming Structures

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along arterial streets and highways, or the yard, height, parking, loading, access, and lot area provisions of this Ordinance.

Additions and enlargements to existing nonconforming structures are and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to additions or enlargements are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by a public sanitary sewer. Existing nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and in so far as is practicable shall conform with the established building setback lines along streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to reconstruction, are applicable only if the lot or parcel conforms with the existing code requirements or if serviced by public sanitary sewer.

Existing nonconforming structures may be moved and in so far as is practicable shall conform with the established building setback lines along arterial streets or highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section, with respect to moving, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

3. Changes and Substitutions

Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading, and access provisions of this Ordinance, it shall not revert back to a nonconforming use or substandard structure. Once the Board of Adjustments has permitted the substitution of a more restrictive nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board.

4. Existing Vacant Nonconforming Lots

In any residential or agricultural district a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practicable, but shall not be less than the following:

Lot	Width	Minimum 50 feet (public sewerage) 80 feet (septic system)
	Area	Minimum 5,000 square (public sewerage) 20,000 square feet (septic system)
Building, Principal Yard	Height Street	Maximum 35 feet Minimum 25 feet from Lot line; the second street yard on corner lots shall be not less than 20 feet Lot line
	Rear Side	Minimum 25 feet from lot line Minimum 10 feet

5. Variances

Variances may be permitted only as allowed by the Board of Adjustment.

## ARTICLE X – MODIFICATIONS

### .01 Modifications

#### 1. Height

The district height limitations stipulated elsewhere in this Ordinance may be exceeded but such modifications shall be in accord with the following:

- (a) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
- (b) Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
- (c) Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
- (d) Communication structures such as radio and television transmission and relay towers, aerials, and observations towers shall not exceed in height 3 times their distance from the nearest lot line
- (e) Agricultural structures such as barns, silos, tanks, and windmills shall not exceed in height 2 times their distance from the nearest lot line.
- (f) Public or semi-public facilities, multiple family structures, and commercial and industrial structures may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structures exceed the district's maximum height requirement.
- (g) Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

#### 2. Yards

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- (a) Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard but such projections shall not exceed 3 feet.
- (b) Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the street yard, and shall not be closer than 1 foot to any existing public right-of-way. Fence posts shall be on the side of the fence facing the property owned by the owner of the fence.
- (c) Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (d) Accessory uses and detached accessory structures are permitted in the rear and side yards of all lots. They shall be not closer to the lot line than the minimum required yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 10 percent of the lot area,
- (e) Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

#### 3. Additions

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

4. Average Street Yards

The required street yards may be decreased in any Residential or Business District to the average of the existing street yards of the abutting structures on each side but in no case to less than 15 feet in such districts.

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## ARTICLE XI – ZONING COMMISSION; CHANGES, AMENDMENTS, HEARINGS

### .01 Changes and Amendments

#### 1. Establishment

There is hereby established a Zoning Commission for the Town of Plymouth the purpose of hearing petitions for a change in the district boundaries or to amend or supplement the regulations established by this Ordinance in harmony with the purpose and intent of this Ordinance.

#### 2. Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend or supplement the regulations established by this Ordinance in accordance with the provisions of the Wisconsin Statutes. Such change or amendment shall require the review and recommendation of the Town of Plymouth Zoning Commission to the Town Board.

#### 3. Membership

The Zoning Commission shall consist of three (3) members appointed by the Town Chairman and confirmed by the Town Board.

- (a) Terms shall be for staggered three-year periods.
- (b) Chairman shall be designated by the Town Chairman.
- (c) An Alternate Member may be appointed by the Town Chairman for a term of three years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (d) Secretary shall be the Town Clerk.
- (e) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 5 (five) days of receiving notice of their appointment.
- (f) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

#### 4. Initiation

A petition for change or amendment may be made by any property owner of the area to be affected by the change or amendment, by the Town Board of any town wherein the Ordinance is in effect, or by the Town of Plymouth Zoning Commission.

5. No petition for rezoning land within the jurisdiction of the Joint Review Commission, created by the City of Plymouth and Town of Plymouth Joint Resolution No. 1 of 2003, shall be approved by the Town Board unless the proposed rezoning has been first submitted to the Joint Review Commission for its review and recommendation. The review by the Joint Review Commission shall be completed within sixty (60) days, which shall commence upon filing with the chairperson or secretary of the commission. Should such review not be completed timely, the Town Board may proceed without such recommendation.

6. Petition for any change to the district boundaries or amendments to be regulation shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
  - (a) Petitioner's name, address, phone number, and interest in property (owner, etc.)
  - (b) Existing and proposed zoning district.
  - (c) Proposed use (a statement of the type, extent, area, etc., of any development project).
  - (d) Owner's names and addresses of all properties lying within 300 feet of the area proposed to be rezoned.
  - (e) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
  - (f) Legal description of property to be rezoned.
  - (g) Plot plan or survey plat property to be rezoned (show location, dimensions, zoning of adjacent properties, all drawn to scale).
  - (h) Additional information as may be requested by the Town of Plymouth Zoning Commission.
  - (i) The Fee for Petition for Zoning Change shall be due at time of application. (See fee schedule.)
7. The Town Board shall, after publishing a Class II notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Clerk shall, at least 10 days prior to the public hearing, mail a copy of the notice by first class mail to adjoining and any other landowners within 300 feet, as provided by the applicant on the Petition. The Town Board shall also give at least 10 days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.
8. Board Action  
Following such hearing and after careful consideration of the Town of Plymouth Zoning Commission recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. The Town of Plymouth Zoning Commission recommendations may only be overruled by the favorable vote of three-fourths of the members of the Town Board voting on the proposed change.
9. Protest  
In the event of a protest against such change or amendment, duly signed acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land directly opposite thereof extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the members of the Town Board voting on the proposed change.
10. Effective Date  
The amending ordinance shall become effective immediately after adoption by the Town Board, and publication or posting as provided by law.

## ARTICLE XII – BOARD OF ADJUSTMENTS

### .01 Board of Adjustments

#### 1. Establishment

There is hereby established a Board of Adjustment for the Town of Plymouth for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.

#### 2. Membership

The Board of Adjustment shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board.

- (a) Terms shall be staggered three-year periods.
- (b) Chairman shall be designated by the Town Chairman
- (c) An Alternate Member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (d) Secretary shall be the Town Clerk.
- (e) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within five (5) days of receiving notice of their appointment.
- (f) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

#### 3. Organization

The Board of Adjustments shall organize and adopt rules of procedure for its own Government in accordance with the provisions of this Ordinance.

- (a) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (b) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.
- (c) The Concurring Vote of four (4) members of the Board of Adjustment shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

#### 4. Powers

The Board of Adjustments shall have the following powers:

- (a) Errors – To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- (b) Variances – To hear and grant appeals for variance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
- (c) Interpretations – To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Zoning Commission has made a review and recommendation.
- (d) Substitutions – To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural

alterations are to be made and the Town Zoning Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

- (e) Unclassified Uses – To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the districts and the Town Zoning Commission has made a review and recommendation.
- (f) Temporary Uses – To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Town Zoning Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Adjustment, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
- (g) Permits – The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.
- (h) Assistance – The Board may request assistance from other Town officers, departments, commissions, and boards.
- (i) Oaths – The Chairman may administer oaths and compel the attendance of witnesses.

5. Appeals and Applications

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (a) Name and address of the appellant or applicant and all abutting and opposite owners of record, and owners within three hundred (300) feet.
- (b) Plat of Survey prepared by a registered land surveyor showing all of the information required under Article VI, Section .01
- (c) Additional Information required by the Board of Adjustment, Town Plan Commission, or Building Inspector.
- (d) The Fee for petition for hearing before the Board of Adjustments shall be due at time of application. (See fee schedule.) In the event an appeal is upheld, the Clerk shall refund the fee to the applicant.

6. Hearings

The Board of Adjustment shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes. The Clerk shall, at least 10 days prior to the public hearing, mail a copy of the notice by first class mail to adjoining and other landowners within 300 feet as provided by the applicant on the application. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

7. Findings

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist

and so indicates in the minutes of its proceedings.

- (a) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot of parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (b) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

8. Decision

The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant.

- (a) Conditions may be placed upon any Building permit ordered or authorized by the Board.
- (b) Variances, Substitutions, or Use Permits granted by the Board shall expire within one year unless substantial work has commenced pursuant to such grant.

9. Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

## ARTICLE XIII -- SITE PLAN AND DESIGN APPROVAL.

### .01 Site Plan and Approval

#### 1. Site Plan Approval

No building or zoning permit shall be issued for any construction within any multi-family residential zone, any business or commercial zone, or any Industrial zone unless site and construction plans for such construction shall be first approved by the Town Board, upon prior recommendation by the Joint Review Commission within its specific area of jurisdiction, which recommendation shall not be unreasonably amended.

#### 2. Application

The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Town Board or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter. The full cost of any outside consultant retained by the Town Board to review such application shall be paid by the developer/owner upon billing by the Town Clerk, and which payment is a condition of site plan approval, with full payment to be made prior to the issuance of any building permits for the project. Such application shall be submitted upon such form as is prescribed by the Town Board, and shall be accompanied by a non-refundable application fee in the amount of \$200.00. Such application shall at minimum conform to the following:

- (a) Contain a vicinity map showing railroad, major streams or rivers and public Streets within 1,000 feet of the site.
- (b) Be prepared at a scale of 1" = 10' to 1" = 60'.
- (c) Be arranged so that top or left of the plan represents north, and have Directional arrows and appropriate scale shown clearly.
- (d) Show the date of preparation and name, address, phone and fax number of the preparer.
- (e) Provide the address and legal description of the site and show the Boundaries and dimensions graphically.
- (f) Show the present and proposed topography of the site and adjacent areas with 50' by 2' contour lines, and by use of directional arrows the proposed flow of drainage from the site.
- (g) Show the total area of the site in acres or square feet and the location of existing and proposed structures and indicate as applicable height and building dimensions, entrances, number of dwelling units, and square footage by category of use.
- (h) Show existing structures within 50' of the site and show the building line of existing buildings adjacent to any proposed structures.
- (i) Show the location and dimensions of existing and proposed curb cuts, aisles, off-street parking and loading spaces, and walkways.
- (j) Show all curb cuts adjacent to the street.
- (k) Show the location and provide a landscaping schedule of all plantings, including grasses, shrubs and trees.
- (l) Show the location, height, and material for screening walls and fences.
- (m) Show all exterior signs on the site.

- (n) List the type and surfacing proposed for all parking, loading, and walkway areas.
- (o) Describe the proposed use, list the number of required parking spaces, and specify the location and number of parking spaces provided, including handicapped spaces.
- (p) Show the location of all fire hydrants and all existing and proposed facilities for water, telephone, communication, sewer, electric, natural gas, and storm drainage transmission facilities.
- (q) Show existing and proposed public street right-of-way, easements, or other reservations of land on the site.
- (r) Show adjacent property which is held under the same ownership and its zoning and current use.
- (s) Show the location, size, and method of screening for outdoor trash areas, and heating/cooling, electrical, gas or other mechanical equipment.
- (t) Show the location, height, and direction of proposed lighting.
- (u) Show the elevation views of proposed building and structures.
- (v) Show the ultimate development of the site and indicate development phases when the site is to be developed in stages.
- (w) Include a copy of covenants or deed restrictions intended to cover all or any portion of the site.
- (x) Including a statement and plan describing erosion control during and following project completion and describing the method intended to prevent tracking of dirt and other materials from the site onto public streets during construction.
- (y) A drainage control plan.
- (z) Show a timetable for start and completion of the project.
- (aa) Contain any other information that may be requested by the Town Board.

3. Administration.

The Town Board shall review the application and may refer the application and plans to any expert consultants selected by the Town Board to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within ninety (90) days of its receipt of the application, the Town Board shall approve, conditionally approve, or deny the proposal. A denial shall indicate a specific and detailed basis thereof.

4. Requirements.

In acting on any site plan, the Town Board shall consider the following:

- (a) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
- (b) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

- (c) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
- (d) The landscaping and appearance of the completed site. The Town Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section.
- (e) The following conditions shall be applied to a group development as a whole, and to individual uses within a group development:
  - (1) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
  - (2) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.
  - (3) No group development shall have access upon a local residential street.
  - (4) All development located within a group development shall be located so as to comply with the intent of this ordinance regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).
  - (5) The following standards shall apply to all new institutional, commercial, and office buildings in excess of 5,000 gross square feet and to all multi-building group developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 5,000 square feet. These conditions shall also be applied to the entire building and site in instances where building additions bring the total building area to over 5,000 gross square feet. Such conditions shall apply to both the building additions and to older portions of the building and the site that were constructed prior to the adoption of this section. This 5,000 square foot limit shall apply to individual free-standing buildings and to group developments in which the combined total of all structures on a site, regardless of diverse use or tenancy, combine to more than 5,000 gross square feet:
    - (i) Building exterior materials shall be of high quality on all sides of the structure including glass, brick, decorative concrete block, or stucco, or such other materials as are approved by the Town Board. Decorative architectural metal with concealed fasteners may be approved with special permission from the Town Board.

- (ii) Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20 percent of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20 percent of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight (8) feet or more. Roofs with particular slopes may be required by the Town Board to complement existing buildings or otherwise establish a particular aesthetic objective.
- (iii) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- (iv) Standard corporate trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the Town Board, only as subtlety integrated into the more generic design of the a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.
- (v) Public entryways shall be prominently indicated from the building's exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.
- (vi) Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screening wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (vii) Vehicle access from public streets shall be designed to accommodate peak traffic volumes without disrupting traffic on public streets from inadequate throat length access drive width or design or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off-site public roads, intersections, interchanges during the traffic peak associated with a full parking lot. Where the project shall adversely impact off-site traffic, the Town Board may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.
- (viii) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every twenty (20) cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of one-hundred (100) spaces in any one pod.

- (ix) A minimum of one two-hundred (200) square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five (25) feet of the building in areas located between the building and a public street.
  - (x) The applicant shall demonstrate full compliance with all requirements for stormwater, utilities, erosion control and public safety.
  - (xi) On-site landscaping shall be provided per the landscaping requirements of the Plan Commission.
  - (xii) A conceptual plan for exterior signage shall be provided at time of site plan review that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.
  - (xiii) The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location. A central pedestrian gathering area shall be provided.
  - (xiv) The Town Board may waive any of the above standards, but only if supplemental design elements or improvements are incorporated into the project that compensate for the waiver of the particular standard.
  - (xv) A written Development Agreement may be required by the Town Board prior to final site plan approval which shall set forth, in addition to the provisions of said section (e), all of the requirements of the site plan and project development as may be required by the Plan Commission in accordance with this section (d). Site plan approval shall be contingent upon full compliance with such Agreement.
- (f) The following design guidelines shall be applied to all multi-family residential development:
- (1) Large, monotonous building facades are undesirable and should be avoided when designing multi-family projects. Balconies, porches, stoops, garden walls, varied building and facade setbacks, varied roof designs, bay windows, and similar design features are strongly encouraged in new multi-family residential project designs. Boring box-like buildings that detract from the community should be avoided. Multi-family dwelling units should be designed so that they appear to be a grouping of smaller residential units.
  - (2) Garage doors and parking lots should be located so that they are not the dominant visual element of the project. All outdoor parking areas shall be screened from public view.
  - (3) Large unscreened parking lots shall be considered undesirable and should be broken up with landscaping islands and similar features.
  - (4) Landscaping shall be provided in the following locations:
    - (i) Along all public and private street frontages.
    - (ii) Along the perimeter of all paved areas (parking lots, walkways, driveways).
    - (iii) Along all building foundations.

- (iv) Along yards separating land uses which differ in intensity, density or character.
- (v) Around all outdoor storage areas such as trash receptacles and recycling bins.
- (vi) Around all utility structures or mechanical structures that are visible from the public right of ways or less intensive land uses.
- (vii) Within open areas of the site.
- (5) Large, plain-walled parking garages are undesirable and shall be avoided. When such structures are necessary to meet parking requirements, the facades of the structures should be broken up with foundation landscaping, varied facade setbacks or projections, and recessed garage doors. In no circumstances shall structures be highly visible from public right of ways or low density residential areas.
- (6) All parking lots shall be directly linked to building entrances by pedestrian walkways that are physically separated from vehicular movement areas.
- (7) All multi-family projects shall provide on-site open space areas that serve the needs of the project's residents, in addition to public park land and equipment development requirements applicable to all residential development.
- (8) Facilities for bicyclists (bike storage racks, bike paths, etc.) shall be included in all multi-family designs.
- (9) The architectural design of new multi-family units shall be compatible with and fit the context of the surrounding neighborhood. This includes selection of building and facade materials, building height, building bulk, setbacks, window and door styles and placements, roof design and colors.
- (g) The following design guidelines shall be applied to all new commercial or expanded existing commercial uses:
  - (1) The use of canopies, awnings, and trellises to add visual interest to building facades shall be encouraged.
  - (2) The use of multi-planed, pitched roofs to avoid monotony shall be encouraged.
  - (3) The use of roof overhangs, recessed entryways and arches shall be encouraged.
  - (4) The use of high quality landscaping treatment of buffer yards, street frontages, paved areas and building foundations shall be required when and where deemed appropriate.
  - (5) The number of access drives along arterial and collector streets shall be limited.
  - (6) New driveways shall have adequate throat depths to allow for proper vehicle stacking.
  - (7) All required parking lots shall be heavily landscaped.
  - (8) All signage shall be of high quality and of minimum height and size necessary.
  - (9) All commercial structures shall be arranged so that pedestrian areas and plazas are created on the site through strategic placement of buildings and open spaces. Long, unbroken or unarticulated strips of commercial structures shall be avoided.
  - (10) Commercial sites shall be designed so as to separate pedestrians, bicyclists and motorists.
  - (11) Amenities such as benches, fountains, and canopy shade trees shall be incorporated into commercial projects whenever possible.

- (12) All loading facilities shall be located behind buildings and shall be screened from the view of public rights of way and adjacent properties to the maximum extent possible.
  - (13) In multi-building commercial developments, all buildings shall be linked with safe pedestrian walkways that are separated from vehicular traffic areas.
  - (14) Pedestrian linkages between adjacent commercial developments is encouraged whenever possible.
  - (15) The use of common driveways which serve more than one commercial use is required whenever possible.
  - (16) Driveways shall be located as far as possible from street intersections so that adequate vehicular stacking room is provided. The number of access points shall be limited to the minimum amount necessary to provide adequate circulation. Direct access onto arterial streets shall be limited.
  - (17) Parking lot areas shall be designed so that pedestrians walk parallel to moving cars so as to minimize conflicts between pedestrians and vehicles.
  - (18) Screens, such as hedges, berms, trees, and decorative walls, shall be used to block the view of parking lots from public streets and adjacent residential areas.
  - (19) All outdoor storage shall be screened from public view.
  - (20) All mechanical equipment shall be screened from public view using either architectural elements or landscaping elements depending upon the specific situation.
  - (21) All outdoor lighting shall be shielded and all light shall be confined on-site through the use of cut-off luminaries.
  - (22) The following elements are to be avoided to the maximum extent possible:
    - (i) Large blank walls on visible facades.
    - (ii) Unpainted concrete block walls.
    - (iii) Monotonous "box like" structures.
    - (iv) Inappropriate mixtures of unrelated styles and materials
    - (v) Excessive signage.
    - (vi) Unscreened outdoor storage, loading and equipment areas.
    - (vii) Poorly designed, unscreened parking lot
    - (viii) An excessive number of driveway access points along arterial and collector streets.
    - (ix) Inadequately designed driveways.
- (h) The following design guidelines shall be applied to all new industrial or expanded existing industrial uses:
- (1) In situations where industrial uses abut non-industrial uses, screening shall be provided. Hedges, evergreen trees, berms, decorative fences or a combination of these screening elements shall be used when and where deemed appropriate.
  - (2) Long monotonous industrial building facades shall be avoided by varying building setbacks and placing vegetation in strategic locations along foundations.
  - (3) Parking lots shall be screened from the view of the public right of way and non-industrial uses. Large parking lots for employee and truck parking shall not be located between the building and public right of way. Smaller parking

- lots for visitors may be located in front of buildings, but shall be screened from public rights of way and non-industrial uses.
- (4) Pedestrian walkways shall be separated from vehicular traffic and loading areas.
  - (5) Industrial projects shall be designed so that vehicles servicing the site shall be able to move from one area of the site to another without re-entering a public street.
  - (6) Public streets shall not be used for parking trucks associated with the operation of industrial facilities. Truck loading and staging activities shall not be allowed within the public streets.
  - (7) Loading areas for industrial uses shall be located at the rear of buildings and shall be screened from the public rights of way and adjacent non-industrial uses.
  - (8) All outdoor storage areas shall be screened from public view using berm hedges, decorative walls or decorative fences. The height of such screens shall be determined by the height of the material being screened. Outdoor storage of materials or products shall only be allowed as a conditional use.
  - (9) All mechanical equipment, including but not limited to air conditioners, ventilation equipment, and refrigeration equipment, shall be screened from public view, whether the same be located upon the roof or at ground.
  - (10) The following shall not be permitted in any new industrial development:
    - (i) Large, blank unarticulated wall surfaces.
    - (ii) Un-landscaped chain link fences and barbed wire.
    - (iii) Non-architectural facade materials such as untreated exterior cement block walls and metal siding with exposed fasteners.
    - (iv) "Pole barn" type buildings.
- (i) The following design guidelines shall be applied to all new institutional development projects:
- (1) Proposed institutional projects shall not have an unacceptable negative effect upon existing traffic flows and volumes in the surrounding neighborhood. The existing street system must be adequate to meet increased traffic associated with the project.
  - (2) Existing residential uses shall be adequately buffered from the institutional use via the use of decorative fencing, vegetative screening, berms, or similar features.
  - (3) Institutional projects shall not generate on-street parking in residential neighborhoods. Appropriate parking needs must be provided on-site.
  - (4) High quality site design, building materials and design, lighting, and signage shall be required.
5. Effect on Town Services. Before granting any site approval, the Town Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from town officials, with special attention to the effect of such approval upon existing services and utilities. Should additional facilities be needed, the Town Board may withhold final approval until the Town Board has entered into an agreement with the applicant regarding the development of such facilities.

## ARTICLE XIV – TELECOMMUNICATIONS ANTENNAS AND TOWERS

.01 DEFINITIONS. As used in this article, the following terms shall have the following meanings indicated:

1. "Alternative tower structure" shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Free standing signs are not considered to be alternative tower structures.
2. "Antenna" shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. "FAA" shall mean the Federal Aviation Administration.
4. "FCC" shall mean the Federal Communications Commission.
5. "Governing Authority" shall mean the governing authority of the Town of Plymouth.
6. "Pre-existing towers and antennas" shall have the meaning set forth in Section .02, paragraph 4. of this article.
7. "Height" shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

.02 APPLICABILITY.

1. District Height Limitations:  
The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at, a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower exceed the following height limitations:
  - (a) For a single user, up to ninety (90) feet in height.
  - (b) For two users, up to one hundred twenty (120) feet in height; and
  - (c) For three or more users, up to one hundred fifty (150) feet in height.

2. **Public Property:**  
Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Article, provided a license or lease authorizing such antenna or tower has been approved by the governing body.
3. **Amateur Radio:**  
Receive-Only Antennas: This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a receiver only antenna.
4. **Pre-Existing Towers and Antennas:**  
Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Sections .03, 5. and .03, 6. Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antennas."

### .03 GENERAL GUIDELINES AND REQUIREMENTS

1. **Purpose Goals:**  
The purpose of this article is to establish general guidelines for the siting of and antennas. The goals of this article are to:
  - (a) Encourage the location of towers in non-residential areas and minimize the Total number of towers throughout community.
  - (b) Strongly encourage the joint use of new and existing tower sites.
  - (c) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
  - (d) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
  - (e) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
2. **Principal or Accessory Use:**  
Antennas and towers may be considered either principal or accessory uses. A different existing use or any existing structure on the same lot shall not preclude the installation of an antenna or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

3. Inventory of Existing Sites:

Each applicant for an antenna and or tower shall provide to the Town Board an inventory of its existing towers that are either within the jurisdiction of the Town Board, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Town Board may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the Town Board, provided, however, that the Town Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics and Lighting:

The guidelines set forth on this Section .03, 4 shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the Town Board may waive these requirements if it determines that the goals of this article are better served thereby.

- (a) Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obstruction.
- (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (e) Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1-1/2 sq. ft..

5. Federal Requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the Town Board at the expense of the tower or antenna owner or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

6. Building Codes, Safety Standards:

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town Board concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Town Board may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

#### .04 PERMITTED USES:

1. General:

The uses listed in this Section .04 are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Section .03 of this article and all other applicable articles.

2. Specific Permitted Uses.

The following uses are specifically permitted:

- (a) Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure, and
- (b) Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

#### .05 CONDITIONAL USE PERMITS

1. General.

The following provisions shall govern Conditional Use Permits under this article:

- (a) If the tower or antenna is not a permitted use under Section .04 of this article, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna.
- (b) Towers and antennas may be located in the A-1 Prime Agricultural, A-2 Agricultural, A-3 Agricultural Land Holding, B-1 Local Business, B-2 Highway Business, M-1 Industrial, P-1 Recreational Park, and P-2 Institutional Park zoning districts.
- (c) If a Conditional Use permit is granted, the Town Board may impose conditions to the extent the Town Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

2. Information required.  
Each applicant requesting a Conditional Use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawing calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Town Board to be necessary to assess compliance with this article.
3. Factors considered in granting conditional use permits.  
The Town Board shall consider the following factors in determining whether to issue a Conditional Use permit, although the Town Board may waive or reduce the burden on the applicant of one or more of these criteria if the Town Board concludes that the goals of this article are better served thereby.
  - (a) Height of the proposed tower;
  - (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment;
  - (c) Proximity of the tower to residential structures and residential district boundaries;
  - (d) Nature of uses on adjacent and nearby properties;
  - (e) Surrounding topography;
  - (f) Surrounding tree coverage and foliage;
  - (g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obstructions;
  - (h) Proposed ingress and egress;
  - (i) Availability of suitable existing towers and other structures as discussed in Section .05, 4. of this Article.
4. Availability of Suitable Existing Towers or Other Structures:  
The applicant shall submit a letter from all existing or proposed tower owners within a 6 mile radius of a proposed tower site verifying that additional compatible tower space is not available. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Board that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- (e) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an exiting tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
5. Setbacks and Separation:  
The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required; provided, however, that the Town Board may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.
- (a) Towers must be set back a distance of 155 feet from any lot line, road, or road right-of-way.
  - (b) Guys, and necessary facilities must satisfy the minimum zoning district setback requirements.
6. Landscaping:  
The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the Town Board may waive such requirements if the goals of this article would be better served thereby.
- (a) Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
  - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.
7. Joint Use of Tower  
Any conditional use permit issued under this article shall require the applicant to allow other users to jointly use or locate on said tower at a reasonable cost to the joint user in light of industry standards.

.06 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Town Board notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Town Board may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

## ARTICLE XV PUBLIC NUISANCES

### .01 Public Nuisances

#### 1. Public Nuisances Prohibited

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Plymouth.

#### 2. Public Nuisances Defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (b) In any way render the public insecure in life or in the use of property.
- (c) Greatly offend the public morals or decency;
- (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- (e) Threaten or impair the beauty of the landscape or the value of property in the Town of Plymouth.

#### 3. Public Nuisances Affecting Health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section .01, 2. above:

- (a) Adulterated Food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) Breeding Places for Vermin, Etc. Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) Garbage Cans. Garbage cans which are not fly-tight.
- (f) Noxious Weeds. All noxious weeds and other rank growth of vegetation.
- (g) Water Pollution. The pollution of any public or private well or cistern, stream, lake, canal or other body of water or ground water by sewage, creamery or other wastes or substances.
- (h) Noxious Odors, Etc. Any use of property, substances or things within the Town or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town, other than livestock manure.
- (i) Street Pollution. Any use of property which shall cause any nauseous or

unwholesome liquid or substances to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

- (j) Animals at Large. All animals running at large.
- (k) Accumulations of Refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) Air Pollution. The escape of smoke soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

4. Public Nuisances Offending Morals and Decency.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section .01, 2 of this Article:

- (a) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) Unlicensed Sale of Liquor or Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.
- (c) Continuous Violation of Town Ordinances. Any place or premises within the Town where Town Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (d) Illegal Drinking. Any place or premises resorted to for the purposes of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the Town.

5. Public Nuisances Affecting Peace and Safety.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section .01, 2. of this Article:

- (a) Signs, Billboards, Etc. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) Illegal Buildings. All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (c) Unauthorized Traffic Signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

- (d) Obstruction of Intersections. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) Tree Limbs. All limbs or trees which project over a public sidewalk or ditch area of the right-of-way less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof.
- (f) Dangerous Trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Town.
- (h) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for use.
- (i) Wires Over Streets. All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (k) Obstruction of Streets: Excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the Town or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) Open Excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) Flammable Liquids. Repeated or continuous violations of the Ordinances of the Town or laws of the State relating to the storage of flammable liquids.
- (o) Unremoved Snow. All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

6. Public Nuisances Threatening or Impairing Property Values. The following acts, omissions, places, conditions, and things, are hereby declared to be public nuisances threatening or impairing the beauty of the landscape or the property values of property in the Town of Plymouth:
- (a) Storage of Junked or Unlicensed Motor Vehicles. The parking, standing, storage, or accumulation of disassembled, inoperable, junked, or wrecked motor vehicles or more than one (1) unlicensed motor vehicle, except for the following persons or business entities operating in areas properly zoned:
    - (1) Motor vehicle salvage yards.
    - (2) Operable motor vehicles displayed for resale by new and used car dealers.
    - (3) Motor vehicles located in garages or other like structures hidden from public view. A fence shall not be considered a structure under this provision.
    - (4) Automobile repair garages and service establishments as authorized by the conditional use permit for the property. Inoperable vehicles may be kept for repair, but in no event shall they be permitted in public view in excess of thirty days.
7. Abatement of Public Nuisances.
- (a) Enforcement. The Town Board, Fire Chief or the Building Inspector shall enforce those provisions of this Chapter that comes within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself/herself that a nuisance does in fact exist.
  - (b) Summary Abatement. If the inspecting officer shall determine that a public nuisance exists within the Town and that there is a great and immediate danger to the public health, safety, peace, morals, decency or property values, the Town Board, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
  - (c) Abatement After Notice. If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, decency, or property values, he shall serve notice on the person causing or maintaining the nuisance to remove the same within thirty (30) days or whatever longer period of time as determined by the Town Board. If such nuisance is not removed within such period of time, the proper officer shall cause the nuisance to be removed as provided in Subparagraph (b) above.
  - (d) Other Methods Not Excluded. Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

8. Cost of Abatement.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

9. Enforcement; Penalty.

- (a) Enforcement. The Town Building Inspector, and any other agent authorized by the Town Board shall enforce the provisions of this Chapter and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section .01, 7. to abate a public nuisance unless the Building Inspector or other agent has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) General Penalty. Any person who shall violate any provision of this Article or interfere in any manner with the abatement of public nuisances or the enforcement of this Article, shall upon conviction thereof, be subject to the penalty as provided in Article IV, Section .09 .

UNOFFICIAL