

**TOWN OF PLYMOUTH  
ORDINANCE NO. 2018-01**

**AMENDMENT TO ZONING ORDINANCE**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF PLYMOUTH BY AMENDING SECTIONS 4, 5, 7, and 16.

THE TOWN BOARD OF THE TOWN OF PLYMOUTH, COUNTY OF ROCK, STATE OF WISCONSIN, HEREBY ORDAINS AS FOLLOWS:

**SECTION 1:** Section 4.5(2)(B)(3)(f) of the Town of Plymouth Zoning Ordinance shall be deleted in its entirety.

**SECTION 2:** Section 4.6(2)(B)(3)(g)(i) shall be amended to read as follows:

(i) The cumulative area of all accessory buildings shall not exceed the following:

1. 4,000 square feet on parcels of 3 – 5 acres in size;
2. 5,000 square feet on parcels of 5 – 7 acres in size;  
and
3. 6,000 square feet on parcels of 7 – 10 acres in size.

**SECTION 3:** Section 4.6(2)(B)(3)(g)(ii) shall be deleted in its entirety.

**SECTION 4:** Section 4.7(2)(H)(1) shall be deleted in its entirety.

**SECTION 5:** Section 4.7(2)(H)(2) shall be amended to read as follows:

(2) The cumulative area of an accessory building or buildings shall not exceed 2,000 square feet.

**SECTION 6:** Section 5.6 of the Town of Plymouth Zoning Ordinance shall be amended to read as follows:

Conditions Attached to Conditional Use Permit

- (1) Upon consideration of the factors listed in sections 5.4 and 5.5, the Planning & Zoning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems, based upon substantial evidence, to reasonably relate to the purpose of this Ordinance and, to the extent practicable, measurable. As used herein, “substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. Violation of any of the conditions shall be deemed a violation of this Ordinance.

- (2) Conditional Use Permits are revocable by majority vote of the Planning & Zoning Committee if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without the Planning & Zoning Committee's approval. In the event the Conditional Use Permit is not actively utilized for a period of two (2) years after the date of issuance, the Conditional Use Permit shall automatically be revoked upon the expiration of said two (2) year period.
- (3) The Town may impose conditions relating to a Permit's duration, transfer, and/or renewal.

**SECTION 7:** Section 7.4(2) shall be amended to read as follows:

(2) Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Use variances will not be granted, nor shall a variance be granted where the property owner created the unnecessary hardship.

**SECTION 8:** The definition of variance, as set forth in Section 16.2 shall be amended to read as follows:

Variance. The authority granted to the owner to depart from the terms of the zoning ordinance where it is shown that departing therefrom will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Variances will fall into one of the following categories:

- (a) Area Variance. A modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.
- (b) Use Variance. An authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by this Zoning Ordinance. A use variance shall not be granted under this Ordinance.

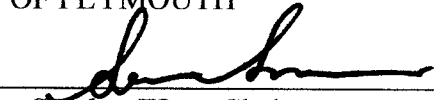
**SECTION 9:** The definition of duplex shall be added to 16.2 and shall read as follows:

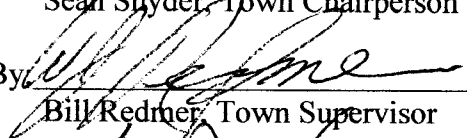
Duplex. A structure used for residential purposes and consisting of two living units that share a common wall if oriented side-by-side, or a common floor/ceiling if oriented stacked one atop the other, and whereas both living units are located on a single lot and are under one roof.

**SECTION 10:** This ordinance and the addition described herein shall take effect and shall be in full force from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11<sup>th</sup> day of September 2018.

TOWN OF PLYMOUTH

By:   
Sean Snyder, Town Chairperson

By:   
Bill Redner, Town Supervisor

By:   
Kim Dooley, Town Supervisor

Attest:

By:   
Susan Douglas, Town Clerk