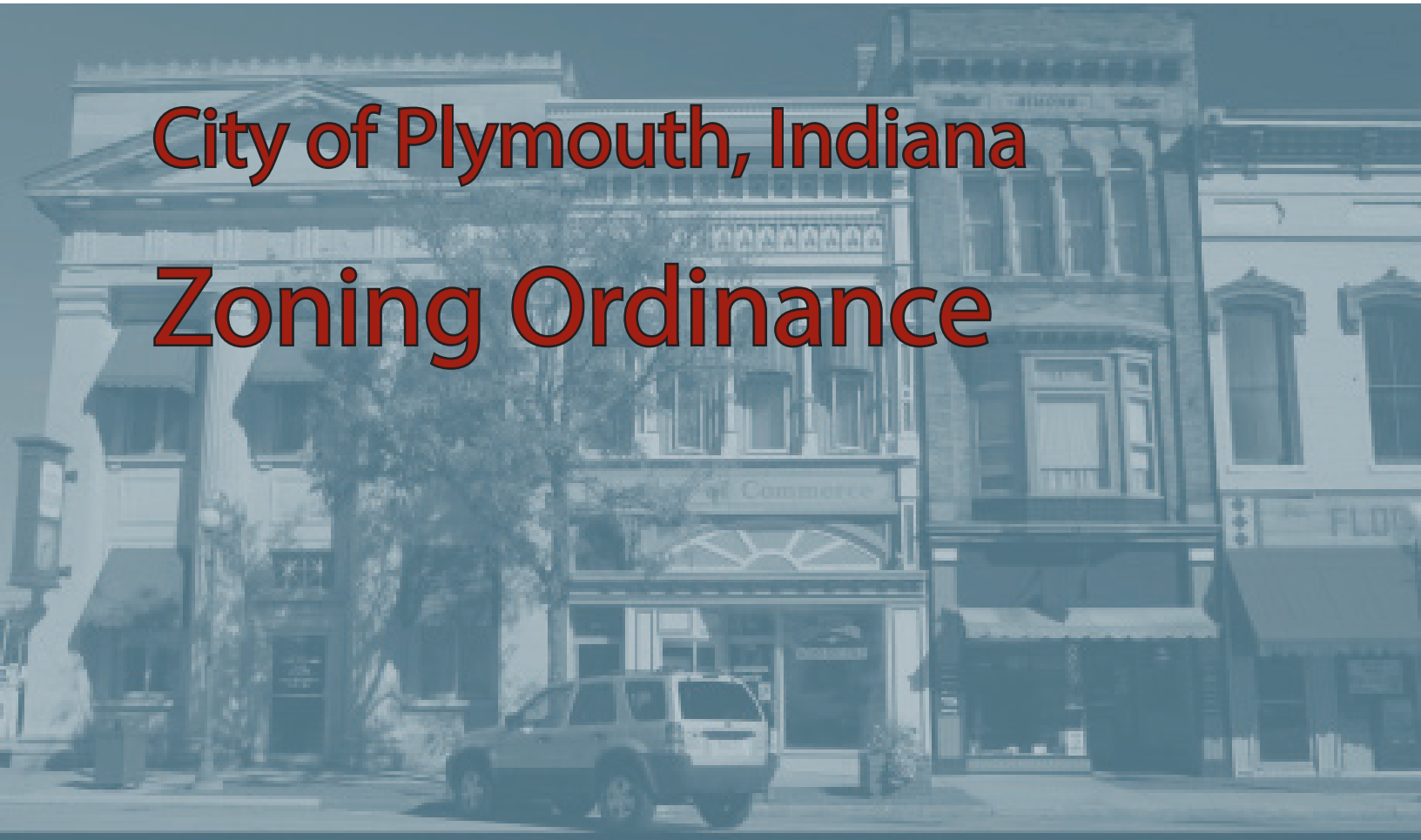
City of Plymouth, Indiana

Zoning Ordinance



Ordinance 2008-1957

May 12, 2008



City of Plymouth Plan Commission

124 N. Michigan Street
Plymouth IN, 46563
574.936-2124

City of Plymouth
Zoning Ordinance

Adopted May 12, 2008

Amended April 15, 2025

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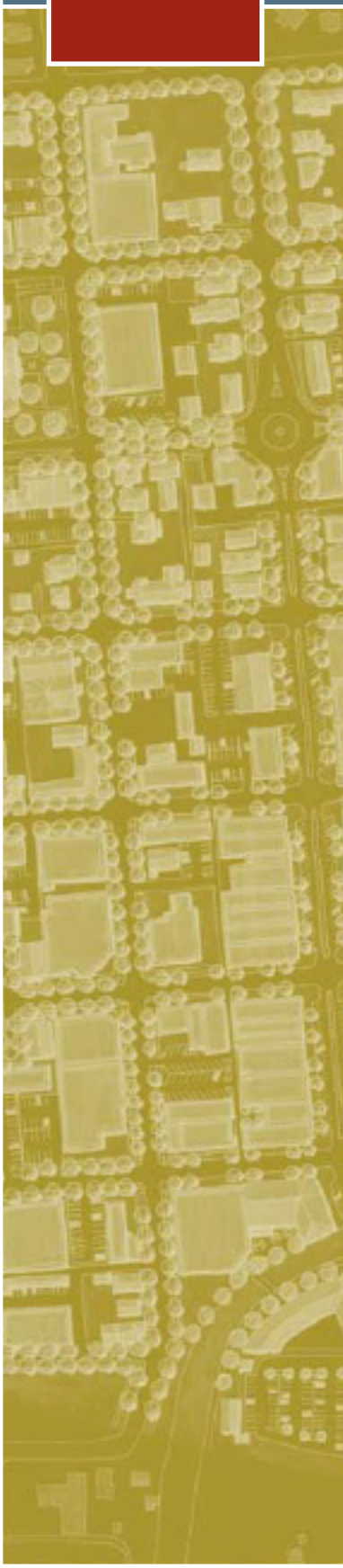


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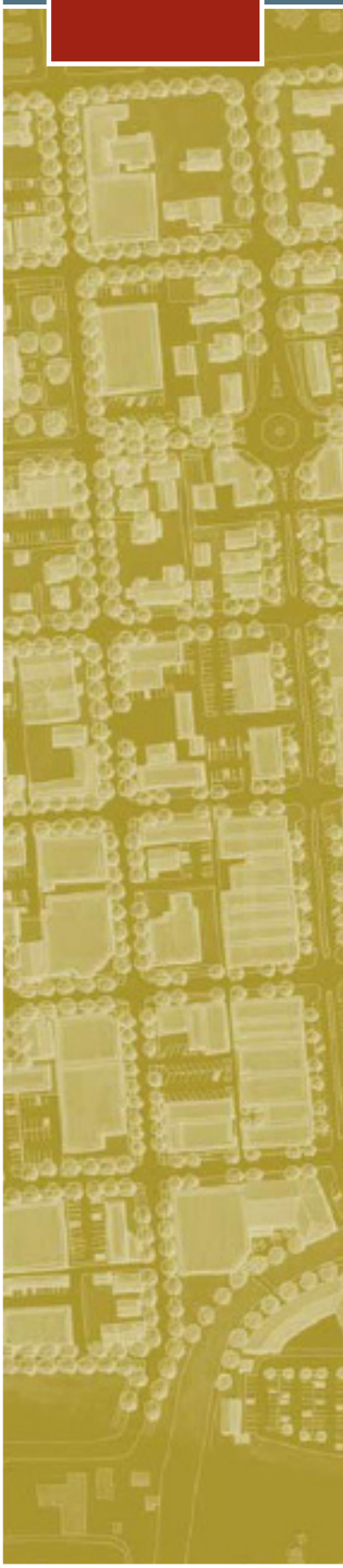


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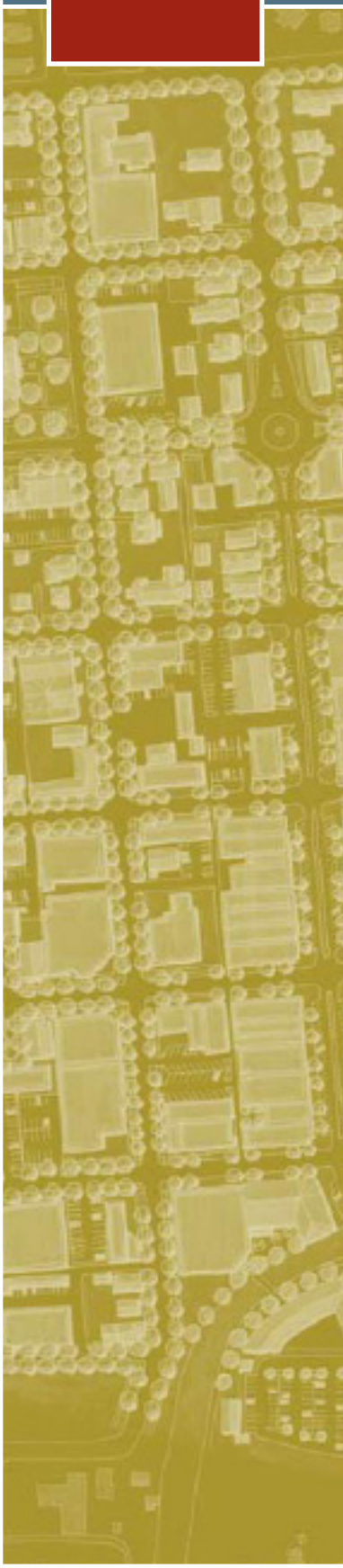


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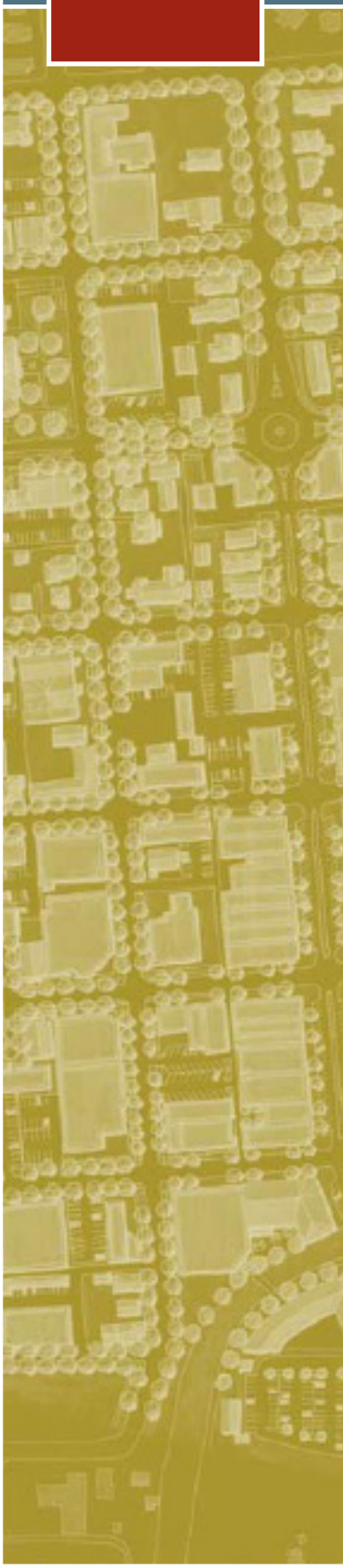
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Amendments

Date	Ordinance #	Sections Affected	Description
3/23/2009	2009-1980	Articles 3, 4, 6, and 13	Wind Energy Conversion (WECS) Standards and regulations
3/23/2009	2009-1981	Art 6, 200, Section (E)(2)(a)(i)	Wall signs or building signs
6/24/2013	2013-03	Art 6, 010, 060, 150 (J), Art 10, 020	Swimming Pool Standards, RV not in Campgrounds, and Legal Notice requirements.
6/23/2014	2014-04	Art 13 Definitions & Art 6, Sec 200 Signs	Add Electronic Message Signs Definition (EMC) & EMC sign standards to Art 6, Sec 200 2.(ix)
2/22/2016	2016-01	Art 6, Section 200, C. Exempt Signs, (4) Public Signs	Change definition of Public Officials.
2/22/2016	2016-02	Art 4 Overlay Zoning Districts, Sec 030, HN, Historic Neighborhood Overlay District	Add additional Historic Neighborhood Overlay permitting standards.
9/26/2016	2016-13	Article 4, Sec 030, HN Historic Neighborhood Ovedrlay District	Technical Review Committee review on New Home and home additions.
4/23/2017	2017-03	Article 6, Section 200	Update Sign Standards
9/25/2017	2017-08	Article 6, Section 210	Add Solar Energy Standards
3/2/2019	2019-04	Article 11, Section 060 B.& C	Add demolitions, fences, walls and hedges outside public right oway, and roofs. C. delete fences, walls, and hedges.

Amendments

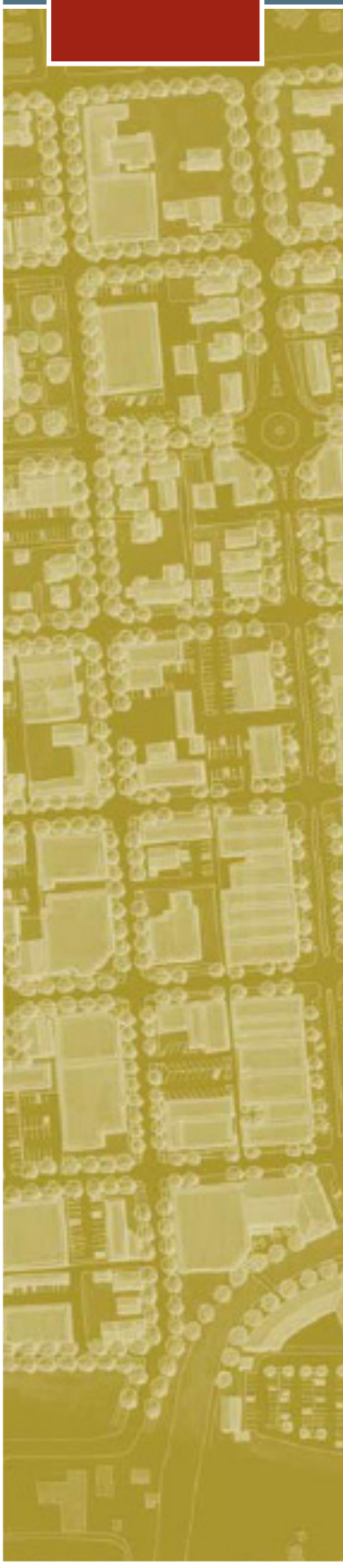
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Date	Ordinance #	Sections Affected	Description
7/22/2019	PC 2019-12	Articles 3, 4 and 6	Update Solar Regulations
7/13/2020	PC 2020-03	Articles 6 & 13	Add Farm Scale Solar Regulations
9/27/2021	PC 2021-08	Article 6, Section 190, Public Improvement Standards, B. Sidewalks.	
8/8/2022	PC 2022-10	Article 6, Section 200, E. (20 and (2) ii	
8/14/2023	PC 2023-10	Article 6, Section 070, Flood Hazard Area Standards	
10/9/2023	PC 2023-09	Add Agriculture Limited to R-1 District	
5/13/2024	PC 2024-05	Amend Child Day Care Services (In Home)	
5/13/2024	PC 2024-06	Amend 030 HN, Historic Neighborhood Overlay District	
10/14/2024	PC 2024-14	Amend Article 3 side yard setbacks for R-3, R-4, and alleys.	
3/11/2025	PC 2025-02	Amend Article 3 setback, lot coverage and tables for R-2, R-3, R-4, C-1 and C-3 Districts	
3/11/2025	PC 2025-03	Amend Article 6 to allow Shipping Containers	
6/9/2025	PC 2025-07	Article 3 C-2 Lot Requirements and R-3 Two-Family Residential Uses	
8/5/2025	PC 2025-09	Arts. 6 and 13 Lot and Acc. Strucutre Update	
8/5/2025	PC 2025-10	Arts. 6 and 13 Murals and Wall Signs	
1/3/2026	PC 2026-02	Arts. 6 and 11 Sidewalk Requirements, Application Requirements and Attendance Requirements.	
6/2/2026	PC 2026-07	Art. 11 Permitting Requirements for Acc. Structures and Roofs	
6/2/2026	PC 2026-08	Art. 6 Amend Existing Emergency Key Box Requirements	

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1 Preamble

010 Title

This Ordinance shall be formally known as the "City of Plymouth Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

020 Defined Words & Rules of Construction

A. Defined Words

Words used in a special sense in this Ordinance are defined in the Definitions section of the City of Plymouth, Indiana Zoning Ordinance. The general meaning of all terms not specifically defined by this Ordinance shall be consistent with the definitions provided by Glossary of Zoning, Development, and Planning Terms published by the American Planning Association as PAS Report #491/492 and any subsequent amendments. All other words, terms, and/or phrases not specifically defined by this Ordinance and not generally defined by the glossary noted above shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

B. The following rules of construction shall apply to the text of the Ordinance:

1. The particular will control the general.

2. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.

3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.

4. A building or structure includes any part thereof.

5. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."

6. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

7. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or," or "either. . . . . or," the use of the conjunction is defined as follows:

   a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.

   b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.

   c. "Either . . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

8. The word "includes" does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.

9. The word "city" means City of Plymouth, Indiana. The word "state" means the State of Indiana.

030 *Document Format*

The structure of the text of this Ordinance is as follows: Article (indicated by 1, 2, etc.), Chapter (indicated by 010, 020, etc.), Section (indicated by A, B, etc.), and subsequent Subsections (indicated by 1, a, i, etc.)

040 *Authority*

This Zoning Ordinance is adopted by the City of Plymouth pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised Indiana Code.

050 *Jurisdiction*

This Ordinance shall apply to all of City of Plymouth and its extra-territorial zoning jurisdiction consistent with the provisions of IC 36-7-4-205.

A. Federal and State Property
This Ordinance shall not apply to any property owned by the government of the State of Indiana or the United States of America.

B. Heritage Markers
In no instance shall this Ordinance be interpreted as prohibiting sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest

060 *Purpose*

This Ordinance is intended to guide the growth and development of the City in accordance with the City of Plymouth Comprehensive Plan and for the following purposes:

A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.

B. To promote the public health, safety, comfort, convenience, morals and general welfare.

C. To plan for the future development of the City to the end:

(cont)

1 Preamble

060 *Purpose (cont)*

1. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities;

2. that the needs of agriculture, housing, industry, and business be recognized in future growth;

3. that residential areas provide healthful surroundings for family life;

4. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and

5. that the community strives for high aesthetic value and quality planning and design.

070 *Conflicting Requirements*

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, convenience, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is least restrictive shall control.

080 *Overlapping Regulations*

When this Ordinance along with agreements with the City of Plymouth through its commissions, boards and departments, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

090 *Compliance*

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

100 *Transition Rules*

A. Prior Improvement Location Permit Filing

Any application for an Improvement Location Permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.

B. Prior Zoning Map Amendment Filing

Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Plan Commission shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

C. Prior BZA Petition Filing

Any application before the Board of Zoning Appeals (i.e. special use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or

2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

D. Expiration of Previous Approvals

All variances, special uses (special exception), rezonings, and other petitions regulated by this Ordinance which were approved three (3) years or less prior to the effective date of this Ordinance and not executed through the proper receipt of an Improvement Location Permit shall expire and become void seven (7) years after the effective date of this Ordinance.

1. All Improvement Location Permits issued three (3) years or less prior to the effective date of this Ordinance shall be void two (2) years after their date of issue if construction has not begun.

2. Improvement Location Permits issued three (3) years prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of six (6) consecutive months or if, in the opinion of the Zoning Administrator, construction has otherwise ceased.

3. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

110

Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period of time. If the last day is a Saturday, Sunday, or legal holiday recognized by the City, that day shall be excluded. When the period of time is less then seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded.

1 Preamble

120 *Conditions*

The attachment of reasonable conditions to the use and development of land within the City Jurisdictional Area as part of the approval of rezoning petitions, Special Exceptions, conditional uses, home occupations, temporary uses, variances, outline plans, development plans, plat vacations, and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the City by the State. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the City and to the safety and general welfare of present and future land owners and residents of the City. The failure to comply with any such conditions may be cause for denial of the permits and approvals prescribed by these regulations and shall constitute a violation of the Zoning Ordinance.

130 *Repealer*

The City of Plymouth, Indiana Zoning Ordinance dated July 1, 1974, and its associated Zoning Map and any amendments and/or revisions are hereby repealed. This City of Plymouth, Indiana Zoning Ordinance and the referenced and updated Official Zoning Map replace the repealed ordinance.

140 *Severability*

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

150 *Saving Provision*

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

Preamble

1

1 Preamble

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Zoning Districts

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020 *Unlisted or Questionable Uses..... 14*

030 *Official Zoning Map.....*

2 Zoning Districts

010 *Establishment of Zoning Districts*

A POS, Parks and Open Space

The Parks & Open Space category encompasses all public and private parks and recreation facilities. This includes City parks, public and private golf courses, recreation centers, and wetland and riparian areas. Potential new park locations are also designated by this land use. Parks should be developed to meet both the passive and active recreation needs of the community. Some privately held lands, such as golf courses, are also designated as Open Space because they contribute to the overall greenspace available for community use.

B R-1, Rural Residential

Rural Residential represents the lowest density of residential development in the Plymouth planning jurisdiction. The designation exists largely in the outlying areas of the jurisdiction that remain primarily agricultural in nature with scattered rural home sites. The Rural Residential category is intended to help preserve the rural nature of the land while allowing limited residential growth.

C R-2, Suburban Residential

The Suburban Residential category refers to low to medium density residential areas developed beyond the core neighborhoods around Plymouth's downtown. Characteristics of development in this category are comparatively larger lot sizes, curvilinear streets, and the use of cul-de-sacs. These areas are dominated by single-family residential development, but may also include schools, parks, and small-scale churches or institutional facilities. New residential growth will occur in this category as Plymouth expands outward into existing rural areas.

D R-3. Traditional Residential

The Traditional Residential category addresses the older neighborhoods directly adjacent to the downtown as well as other areas that have developed in a similar fashion. It also includes some vacant land that is intended to develop in a pattern similar in character to those older neighborhoods. The historic character of these neighborhoods is a key element of the quality of life in Plymouth, and preserving that character is a key purpose of the Traditional Residential designation. Uses within Traditional Residential areas will be primarily single-family residential in nature. Other uses found in this category may include schools, parks, and small-scale churches. The City should actively support the rehabilitation of existing homes in these neighborhoods as well as redevelopment in particularly distressed areas.

E R-4, Multifamily Residential

The Multifamily Residential category encompasses areas with the highest residential densities in Plymouth. This includes land already developed as apartment complexes, and condominiums. It also includes additional land intended to develop in a similar style in the future. This future development could include apartment complexes, condominiums, patio homes, duplexes, single-family attached homes, and other forms of multifamily residences. Multifamily Residential areas are intended to provide high-density residential options near appropriate commercial goods and services, transportation routes, and parks and open spaces.

F MH, Manufactured Home

Areas designated as Manufactured Home are able to support the heavy infrastructure and transportation needs of these typically high residential density neighborhoods. These area shall be adequately served by municipal sewer and water service and be in close proximity to emergency services. This district is established to accommodate manufactured home parks.

G C-1, General Commercial

General Commercial development includes restaurants, retail stores, commercial service businesses, and other related uses. The scale of such development ranges from a small drug store to a major "big box" retail store. General Commercial development occurs along major transportation corridors, as well as in larger collections of uses that serve a regional market.

H C-2, Downtown Commercial

The Downtown category represents the central business district of Plymouth. Plymouth's Downtown contains a mix of retail, entertainment, office, institutional and other uses in a compact and pedestrian-friendly core. Care must be taken to preserve the historic form and function of the Downtown area while maintaining its commercial vitality. Downtown Plymouth should provide an active and diverse focal point for the community, providing an array of goods and services that generate both local and regional interest.

I C-3, Corridor Commercial

Corridor Commercial development includes restaurants, large retail stores, intense commercial service businesses, businesses related to highway traffic, and other related uses. Corridor Commercial development occurs along major transportation corridors, as well as in larger collections of uses that serve a regional market.

J I, Industrial

The Industrial land use category includes both light and heavy industrial development, and is located primarily in the northwest sector of Plymouth, both inside the city limits and in the extended jurisdiction. It includes major employers that serve Plymouth as well as the northwest Indiana region. Uses may also include contractor's offices, manufacturing, and product suppliers. In some cases, small-scale accessory commercial uses such as dry cleaners, delis, or coffee shops may be included to serve the employees of the industrial developments.

K BP, Business Park

Like Industrial land, Business Park areas will include significant employers, although development will focus on professional offices, particularly in high-tech, research and development, and other emerging sectors of the economy. Accessory commercial uses to serve on-site employees would also be appropriate, although care must be taken to ensure that such uses remain only accessory in nature and do not generate large amounts of trips from customers outside of the area.

L AO, Airport Overlay

The Airport Overlay District is intended to be used to protect the City of Plymouth Municipal Airport and any airport to which overlay protection is applied in the future.

(cont)

2 Zoning Districts

010 *Establishment of Zoning Districts (cont)*

M DN, Downtown Neighborhood Overlay

The DN, Downtown Neighborhood Overlay District is a series of formed based regulations meant to blend unique and creative building designs with a mix of residential and commercial uses beneficial to the downtown area.

N HN, Historic Neighborhood Overlay

The HN, Historic Neighborhood Overlay District is intended to preserve the unique historic nature of residential areas within the core of the City of Plymouth.

O . NC, Neighborhood Commercial Overlay

Neighborhood Commercial centers provide convenience retail goods and services as well as public gathering spaces in close proximity to neighborhoods. Typical uses may include convenience stores, cafés, coffee shops, or other providers of day-to-day convenience goods and services. Combined with these commercial uses could be schools, parks, or churches. In certain instances, it may be appropriate to include residential uses in the form of apartments on the upper floors of neighborhood commercial buildings.

P WP, Wellhead Protection Overlay

The WP. Wellhead Protection Overlay District is intended to protect the source of the City of Plymouth's potable water from contamination.

Q PUD, Planned Unit Development

The Planned Unit Development district provides areas for creative and innovative design and development that might not be able to occur in one given district. This would include the mixing of land uses as well as innovative design in one land use. This should not be viewed as a way to circumvent existing districts but to provide for truly unique areas in the community.

020 *Unlisted or Questionable Uses*

Any use not listed as a permitted use or a special exception is considered not permitted unless the Zoning Administrator makes a determination otherwise. The Zoning Administrator may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted use or special exception. This determination may be appealed to the Board of Zoning Appeals.

030 *Official Zoning Map*

The zoning map for City of Plymouth, officially labeled "City of Plymouth Zoning Map", is hereby included as part of this Ordinance. The map may also be known as and referred to as the "Official Zoning Map."

A . Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.

B . Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the City of Plymouth Clerk-Treasurer.

C. Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Ordinance shall be used to identify the zoning districts on the Official Zoning Map.

D. Regular Revisions

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors or omissions in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the City Council.

E. Damaged, Destroyed, or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

F. Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

1. District boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.

2. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.

3. District boundaries indicated as parallel to or extensions of the above listed features shall be construed as so.

4. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.

5. Where a district boundary line divides a lot at the time such line is adopted, the district in which the majority of the area of the property is included shall apply
to the entire property. In cases where a property is divided equally between two or more zoning districts, the most restrictive district shall apply to the entire property. The Zoning Administrator shall determine the applicable zoning for properties divided into several zoning districts consistent with this section.

6. If the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official

(cont)

immediate action on any application shall be tabled and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

7. Any ruling of the Zoning Administrator pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

G. Effect of Vacation on Zoning

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then be subject to all appropriate regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area. The resolution of any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. Appeals of the Zoning Administrator's determination may be brought before the Board of Zoning Appeals.

2



Notes

Notes

Suggestions for Future Changes



3

Standard Zoning District Intent, Uses, & Standards

POS

Parks and Open Space District

The Parks & Open Space category encompasses all public and private parks and recreation facilities. This includes City parks, public and private golf courses, and recreation centers. Parks should be developed to meet both the passive and active recreation needs of the community. Some privately held lands, such as golf courses, are also designated as Open Space because they contribute to the overall greenspace available for community use.

Development Standards

Minimum Lot Area Per Residential unit:
- NA

Minimum Lot Area:
- None

Minimum Lot Width:
- None

Maximum Lot Width to Depth Ratio:
- None

Minimum Lot Frontage:
- 30 Feet

Sewer and Water:
- May use private well and septic systems

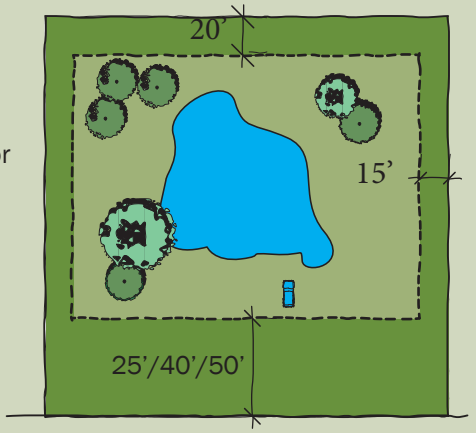
Minimum Front Yard Setback:
- 50 Feet when adjacent to Arterial Street
- 40 Feet when adjacent to Collector Street
- 25 Feet when adjacent to Local Street

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 15' Feet

Maximum Structure Height:
- None

Maximum Lot Coverage:
- 20%



Additional Development Standards that Apply

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-060 Fences, Hedges, Walls . 128

6-140 Landscape Standards . . 154

6-170 Open Space Standards . 179

6-190 Public Improvement Standards. 188

6-210 Telecommunication Facility Standards. 200

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

POS Parks and Open Space District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging
- Nursery and Greenhouse

Public Administration
- Government Parks and Recreation

Services
- Nature Parks and Other Similar Institutions

Transportation, Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Agricultural Uses
- Confined Livestock Feeding
- Dangerous and Exotic Animals
- Farm Implement Sales and Service
- Livestock Composting
- Livestock Distribution
- Livestock Incineration

Public Administration
- Community Center / Building for Govt. Services

Services
- Bed-and-Breakfast Inns
- Cemeteries and Crematories
- Commercial Amusement and Recreation
- Drive-In Motion Picture Theaters
- Fitness and Recreational Sports Centers
- Golf Courses and Country Clubs
- Marinas
- Museums
- Private Clubs and Organizations
- Racetracks
- Recreational and Vacation Camps (except Campgrounds)
- Recreational Goods Rental
- RV (Recreational Vehicle) Parks and Recreational Camps
- Septic Tank and Related Services
- Shooting Ranges
- Spectator Sports
- Zoos and Botanical Gardens

Transportation, Communications, Utilities
- Aircraft Landing Strip
- Communication Towers
- Electric Power Generation and Transmission
- Mining (except Oil and Gas)
- Wind Turbine

Wholesale Trade
- Feed Mills and Grain Elevators
- Fertilizer Sales and Storage

R-1 Rural Residential District

Rural Residential represents the lowest density of residential development in the Plymouth planning jurisdiction. The designation exists largely in the outlying areas of the jurisdiction that remain primarily agricultural in nature with scattered rural home sites. The Rural Residential category is intended to help preserve the rural nature of the land while allowing limited residential growth.

Development Standards

Minimum Lot Area Per Residential unit:
- 5 Acres

Minimum Lot Area:
- 1 Acres

Minimum Lot Width:
- 210' Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 50 Feet

Sewer and Water:
- May use private well and septic systems

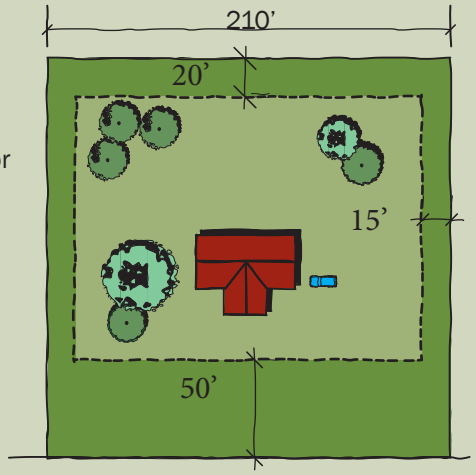
Minimum Front Yard Setback:
- 75 Feet when adjacent to Arterial Street
- 60 Feet when adjacent to Collector Street
- 50 Feet when adjacent to Local Street

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 15' Feet

Maximum Structure Height:
- None

Maximum Lot Coverage:
- 30%



Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards. 114

6-020 Bed and Breakfast Standards 115

6-030 Confined Livestock Feeding Standards. 116

6-040 Environmental Standards. 119

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-080 Garage Sales/Yard Sales . 152

- 146

6-090 Home Occupation. 147

6-100 Home Based Business . 148

6-110 Home Workshop 149

6-130 Kennel Standards. 153

6-150 Manufactured Home Community, RV Park, and Campground Standards . . . .

- 169

6-170 Open Space Standards . 179

6-210 Telecommunication Facility Standards. 200

6-220 Vehicle Sales From Residence 206

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

R-1 Rural Residential District

Permitted Uses

Residential Uses
- Single Family Residential
- Modular Home
- Manufactured Home - Type A
- Manufactured Home - Type B
- Child Day Care Services (in home)
- Home Occupation
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging
- Agriculture Limited
- Horses and Other Equine Production
- Nursery and Greenhouse
- Sawmill (Portable)

Public Administration
- Government Parks and Recreation

Services
- Nature Parks and Other Similar Institutions

Transportation,Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Residential Uses
- Home Based Business
- Home Workshop

Agricultural Uses
- Animal Production
- Confined Livestock Feeding
- Dangerous and Exotic Animals
- Farm Implement Sales and Service
- Livestock Auction
- Livestock Composting (accessory use to livestock production or confined feeding)
- Livestock Distribution
- Livestock Incineration (accessory use to livestock production or confined feeding)

Public Administration
- Community Center / Building for Govt. Services

Retail Trade
- Electronic Shopping and Mail Order House

Services
- Bed-and-Breakfast Inns
- Caterers
- Cemeteries and Crematories
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Commercial Amusement and Recreation
- Elementary and Secondary Schools
- Kennel
- Libraries and Archives
- Recreational Goods Rental
- Septic Tank and Related Services
- Welding Shop

- Zoos and Botanical Gardens

Transportation, Communications, Utilities
- Aircraft Landing Strip
- Communication Towers
- Liquefied Petroleum Gas (Bottled Gas) Dealers
- Mining (except Oil and Gas)
- Medium and large Solar Energy Systems
- Wind Turbine

R-2

Suburban Residential District

The Suburban Residential category refers to low to medium density residential areas developed beyond the core neighborhoods around Plymouth's downtown. Characteristics of development in this category are comparatively larger lot sizes, curvilinear streets, and the use of cul-de-sacs. These areas are dominated by single-family residential development, but may also include schools, parks, and small-scale churches or institutional facilities. New residential growth will occur in this category as Plymouth expands outward into existing rural areas.

Development Standards

Minimum Lot Area Per Residential unit:
- 1 Acres

Minimum Lot Area:
- 1 Acres

Minimum Lot Width:
- 210 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 50 Feet

Sewer and Water:
- May use private well and septic systems

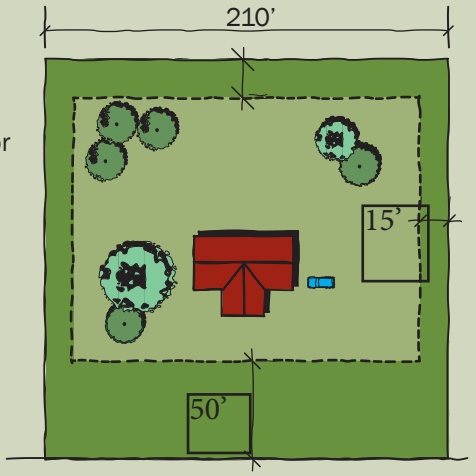
Minimum Front Yard Setback:
- 60 Feet when adjacent to Arterial Road
- 50 Feet when adjacent to Collector Road
- 40 Feet when adjacent to Local Road

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 10 Feet

Maximum Structure Height:
- 35 Feet

Maximum Lot Coverage:
- 40%



Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards 119

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-080 Garage Sales/Yard Sales 146

6-090 Home Occupation. 147

6-100 Home Based Business . 148

6-150 Manufactured Home Community, RV Park, and Campground Standards 169

6-170 Open Space Standards 179

6-220 Vehicle Sales From Residence 206

9-040 Use Variances. 241

9-050 Special Exceptions 242

9-060 Administrative Appeals 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

R-2 Suburban Residential District

Permitted Uses

Residential Uses
- Accessory Structure
- Single Family Residential
- Modular Home
- Manufactured Home - Type B
- Child Day Care Services (in home)
- Home Occupation

Agricultural Uses
- Crop Production
- Forestry and Logging

Public Administration
- Government Parks and Recreation

Transportation,Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Residential Uses
- Home Based Business

Public Administration
- Community Center / Building for Govt Service

Services
- Bed-and-Breakfast Inns
- Caterers
- Cemeteries and Crematories
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Elementary and Secondary Schools
- Libraries and Archives
- Nature Parks and Other Similar Institutions

Transportation,Communications, Utilities
- Wind Turbine

R-3

Traditional Residential District

The Traditional Residential category addresses the older neighborhoods directly adjacent to the downtown as well as other areas that have developed in a similar fashion. It also includes some vacant land that is intended to develop in a pattern similar in character to those older neighborhoods. Uses within Traditional Residential areas will be primarily single-family residential in nature. Other uses found in this category may include schools, parks, and small-scale churches.

Development Standards

Minimum Lot Area Per Residential unit:
- Single Family - 6,000 sq ft
- Two Family - 4,000 sq ft

Minimum Lot Area:
- Single Family - 6,000 sq ft
- Two Family - 8,000 sq ft

Minimum Lot Width:
- 50 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 30 Feet

Sewer and Water:
- Public

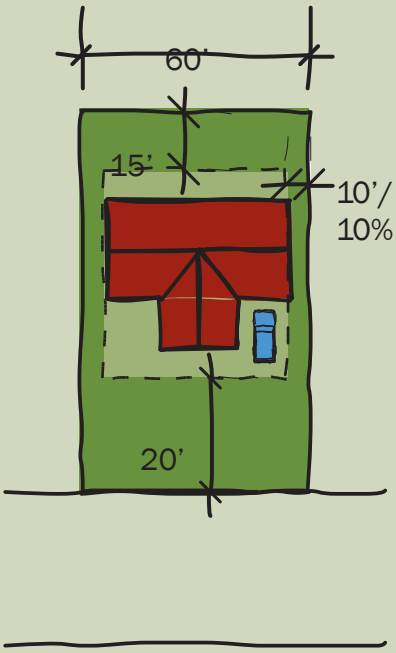
Minimum Front Yard Setback:
- 20 Feet

Minimum Rear Yard Setback:
- 15 Feet

Minimum Side Yard Setback:
- 5 feet

Maximum Structure Height:
- 35 Feet

Maximum Lot Coverage:
- 65%



Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-080 Garage Sales/Yard Sales 146

6-090 Home Occupation 147

6-100 Home Based Business . 148

6-150 Manufactured Home Community, RV Park, and Campground Standards 169

6-170 Open Space Standards . 179

6-220 Vehicle Sales From Residence 206

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

R-3 Traditional Residential District

Permitted Uses

Residential Uses
- Accessory Structure
- Child Day Care Services (in home)
- Home Occupation
- Manufactured Home - Type B
- Modular Home
- Two-family residential
- Single Family Residential

Agricultural Uses
- Crop Production
- Forestry and Logging

Public Administration
- Government Parks and Recreation

Transportation,Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Residential Uses
- Assisted Living Facility
- Group Home
- Home Based Business
- Multi-family residential

Public Administration
- Community Center / Building for Govt Service

Services
- Bed-and-Breakfast Inns
- Cemeteries and Crematories
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Elementary and Secondary Schools
- Libraries and Archives
- Nature Parks and Other Similar Institutions
- Nursing Care Facilities

Transportation,Communications, Utilities
- Wind Turbine (micro)

R-4

Multi-Family Residential District

The Multifamily Residential category encompasses areas with the highest residential densities in Plymouth. This includes land already developed as apartment complexes, condominiums, and mobile home parks. Multifamily Residential areas are intended to provide high-density residential options near appropriate commercial goods and services, transportation routes, and parks and open spaces.

Development Standards

Minimum Lot Area Per Residential unit:
- Single Family - 6,000 sq ft
- Two Family - 4,000 sq ft
- Multi-Family - 4,000 sq ft

Minimum Lot Area:
- Single Family - 6,000 sq ft
- Two Family - 8,000 sq ft
- Multi-Family - 20,000 sq ft

Minimum Lot Width:
- 60'

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- Single Family - 30'
- Two Family - 50'
- Multi-Family - 50'

Sewer and Water:
- Public

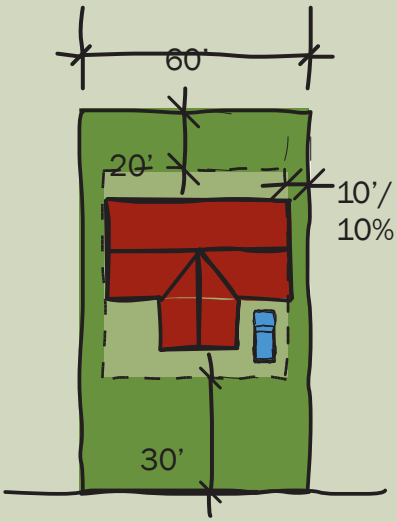
Minimum Front Yard Setback:
- 10 Feet

Minimum Rear Yard Setback:
- 20 Feet when next to a lot line

Minimum Side Yard Setback:
- 5 feet

Maximum Structure Height:
- 35 Feet

Maximum Lot Coverage:
- 55%



Single-Family

Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-060 Fences, Hedges, Walls 128

6-070 Flood Hazard Area Standards 129

6-080 Garage Sales/Yard Sales 146

6-090 Home Occupation. 147

6-100 Home Based Business 148

6-150 Manufactured Home Community, RV Park, and Campground Standards 169

6-170 Open Space Standards . 179

6-220 Vehicle Sales From Residence 206

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

R-4 Multi-Family Residential District

Permitted Uses

Residential Uses
- Accessory Structure
- Child Day Care Services (in home)
- Home Occupation
- Manufactured Home - Type B
- Modular Home
- Multifamily residential
- Single Family Residential
- Two-family residential

Agricultural Uses
- Crop Production
- Forestry and Logging

Public Administration
- Government Parks and Recreation

Transportation,Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Residential Uses
- Assisted Living Facility
- Condominium
- Group Home
- Home Based Business
- Residential Mental Retardation, Mental Health and Substance Abuse Facilities

Public Administration
- Community Center / Building for Govt Service

Services
- Bed-and-Breakfast Inns
- Cemeteries and Crematories
- Child Day Care Services
- Churches
- Colleges, Universities, and Junior Colleges
- Elementary and Secondary Schools
- Libraries and Archives
- Nature Parks and Other Similar Institutions
- Nursing Care Facilities

Transportation,Communications, Utilities
- Wind Turbine (micro)

MH

Manufactured Home District

Areas designated as Manufactured Home are able to support the heavy infrastructure and transportation needs of these typically high residential density neighborhoods. These area shall be adequately served by municipal sewer and water service and be in close proximity to emergency services.

Development Standards

Minimum Lot Area Per Residential unit:
- 3,000 sq ft

Minimum Lot Area:
- 5 Acres

Minimum Lot Width:
- 300 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 100 Feet

Sewer and Water:
- Public

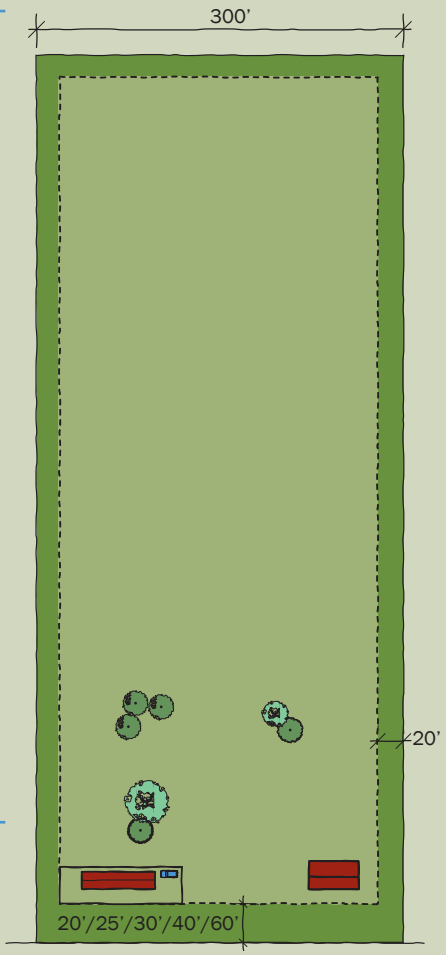
Minimum Front Yard Setback:
- 30 Feet

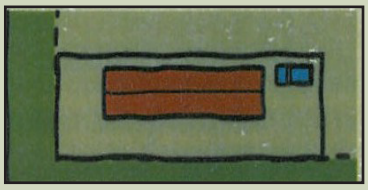
Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 20 Feet

Maximum Structure Height:
- 25 Feet

Maximum Lot Coverage:
- 65%





Additional Development Standards that Apply

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-080 Garage Sales/Yard Sales 146

6-090 Home Occupation. 147

6-100 Home Based Business . 148

6-150 Manufactured Home Community, RV Park, and Campground Standards 169

6-170 Open Space Standards . 179

6-220 Vehicle Sales From Residence 206

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

MH Manufactured Home District

Permitted Uses

Residential Uses
- Accessory Structure
- Child Day Care Services (in home)
- Home Occupation
- Manufactured Home - Type A
- Manufactured Home - Type B

- Manufactured Home Park

Agricultural Uses
- Crop Production
- Forestry and Logging

Public Administration
- Government Parks and Recreation

Services
- Laundries and Drycleaners (Coin-Operated)

Transportation,Communications, Utilities
- Rooftop, micro, and small ground mount solar installations
-

Special Uses

Residential Uses
- Home Based Business
- Modular Home
- Multifamily residential
- Single Family Residential
- Two-family residential

Retail Trade
- Manufactured (Mobile) Home Dealers

Services
- Child Day Care Services
- Churches
- Colleges, Universities, and Junior Colleges
- Elementary and Secondary Schools
- Nature Parks and Other Similar Institutions

Transportation,Communications, Utilities
- Wind Turbine (micro)

C-1

General Commercial District

General Commercial development includes restaurants, retail stores, commercial service businesses, and other related uses. The scale of such development ranges from a small drug store to a major "big box" retail store.

Development Standards

Minimum Lot Area:
- .5 Acres

Minimum Lot Width:
- 150 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 100 Feet

Sewer and Water:
- Public

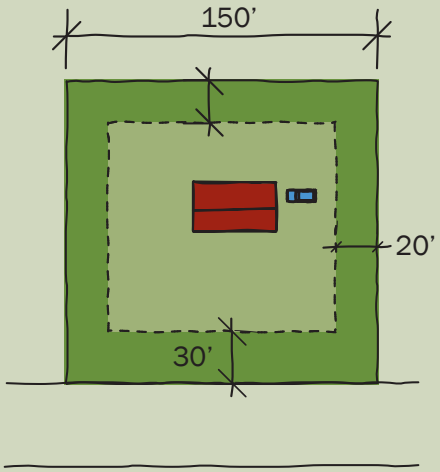
Minimum Front Yard Setback:
- 30 Feet

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 20 Feet

Maximum Structure Height:
- 45 Feet

Maximum Lot Coverage:
- 80%



Additional Development Standards that Apply

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-050 Exterior Lighting Standards 124

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-120 Industrial Standards. . . .150

6-140 Landscaping Standards 154

6-170 Open Space Standards . 179

6-180 Parking, Parking Access, and Loading Standards 181

6-190 Public Improvement Standards. 188

6-200 Sign Standards 191

6-210 Telecommunication Facility Standards. 200

7-000 Site Development Plans. 212

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

C-1 General Commercial District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging
- Nursery and Greenhouse

Finance, Insurance, and Real Estate
- Commercial Banking
- Insurance Carriers and Related Activities
- Offices of Real Estate Agents and Brokers
- Offices of Real Estate Appraisers
- Securities, Commodity Contracts, and Other Financial Investments and Related Activities

Public Administration
- Government Parks and Recreation
- Community Center / Building for Govt Service

Retail Trade
- Automobile Sales
- Automotive Parts, Accessories, and Tire Stores
- Building Material and Garden Equipment and Supplies Dealers
- Clothing and Clothing Accessories Stores
- Electronic Shopping and Mail- Order Houses
- Electronics and Appliance Stores
- Florists
- Food and Beverage Stores
- Furniture and Home Furnishings Stores
- Health and Personal Care Stores
- Office Supplies, Stationery, and Gift Stores
- Pet and Pet Supplies Stores
- Retail Bakeries
- Sporting Goods, Hobby, Book, and Music Stores

Services
- Appliance Repair and Maintenance
- Automotive Mechanical Repair and Maintenance
- Bowling Centers
- Carpet and Upholstery Cleaning Services
- Caterers
- Electronic and Precision Equipment Repair and Maintenance
- Exterminating and Pest Control Services
- Fitness and Recreational Sports Centers
- Full-Service Restaurants
- Funeral Homes and Funeral Services
- Hair, Nail, and Skin Care Services
- Home and Garden Equipment Repair and Maintenance
- Hospitals
- Hotels (except Casino Hotels) and Motels
- Landscaping Services
- Laundries and Drycleaners
- Laundries and Drycleaners (Coin-Operated)
- Libraries and Archives
- Medical and Diagnostic Laboratories
- Motion Picture Theaters (except Drive-Ins)
- Museums
- Offices of Dentists
- Offices of Physicians
- Packaging and Labeling Services
- Passenger Car Rental
- Personal and Household Goods Repair and Maintenance
- Photofinishing
- Photography Studios, Portrait
- Printing and Related Support Activities
- Private Clubs and Organizations
- Publishing Industries (except Internet)
- Religious Organizations
- Rental and Leasing Services
- Reupholstery and Furniture Repair
- Telephone Call Centers
- Travel Arrangement and Reservation Services
- Veterinary Services
- Video Tape and Disc Rental

- Vocational Schools

Transportation,Communications, Utilities

- Radio and Television Broadcasting
- Rooftop, micro, and small ground mount solar installations
- Wind Turbine

Whole sale Trade
- Merchant Wholesalers, Durable Goods

Special Uses

Manufacturing
- Computer and Electronic Product Assembly

Retail Trade
- Commercial Bakeries
- Gasoline Stations

Services
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Commercial Amusement and Recreation
- Commercial Parking Lots
- Golf Courses and Country Clubs
- Kennel
- Nature Parks and Other Similar Institutions
- Recreational Goods Rental
- Spectator Sports
- Zoos and Botanical Gardens

Transportation,Communications, Utilities

- Medium and large Solar Energy Systems

C-2 Downtown Commercial District

The Downtown category represents the central business district of Plymouth. Plymouth's Downtown contains a mix of retail, entertainment, office, institutional and other uses in a compact and pedestrian-friendly core. Care must be taken to preserve the historic form and function of the Downtown area while maintaining its commercial vitality. Downtown Plymouth should provide an active and diverse focal point for the community, providing an array of goods and services that generate both local and regional interest.

Development Standards

Minimum Lot Area:
- 1,200 Square Feet

Minimum Lot Width:
- 20 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 20 Feet

Sewer and Water:
- Public

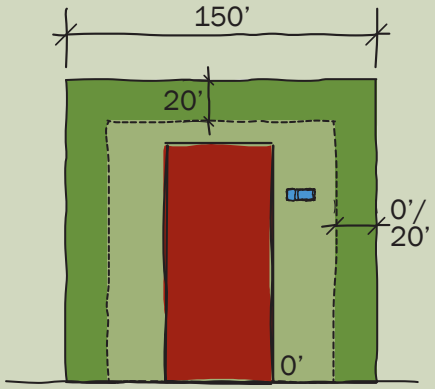
Minimum Front Yard Setback:
- 0 Feet

Minimum Rear Yard Setback:
- 10 Feet

Minimum Side Yard Setback:
- 0/20 Feet

Maximum Structure Height:
- 45 Feet

Maximum Lot Coverage:
- 100%



Additional Development Standards that Apply

4-020 Downtown Neighborhood Overlay District. 61

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-050 Exterior Lighting Standards 124

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-120 Industrial Standards. . . . 150

6-140 Landscaping Standards 154

6-170 Open Space Standards . 179

6-180 Parking, Parking Access, and Loading Standards 181

6-190 Public Improvement Standards. 188

6-200 Sign Standards 191

6-210 Telecommunication Facility Standards 200

7-000 Site Development Plans. 212

9-040 Use Variances. . . .. .241

9-050 Special Exceptions.. . . .242

9-060 Administrative Appeals. 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy. 284

C-2 Downtown Commercial District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging

Finance, Insurance, and Real Estate Uses
- Commercial Banking
- Insurance Carriers and Related Activities
- Offices of Real Estate Agents and Brokers
- Offices of Real Estate Appraisers
- Securities, Commodity Contracts, and Other Financial Investments and Related Activities

Public Administration
- Community Center / Building for Govt Service
- Government Parks and Recreation

Retail Trade
- Automotive Parts, Accessories, and Tire Stores
- Clothing and Clothing Accessories Stores
- Electronic Shopping and Mail- Order Houses
- Electronics and Appliance Stores
- Florists
- Food and Beverage Stores
- Furniture and Home Furnishings Stores
- Health and Personal Care Stores
- Office Supplies, Stationery, and Gift Stores
- Pet and Pet Supplies Stores
- Retail Bakeries
- Sporting Goods, Hobby, Book, and Music Stores

Services
- Appliance Repair and Maintenance
- Carpet and Upholstery Cleaning Services
- Caterers
- Electronic and Precision Equipment Repair and Maintenance
- Fitness and Recreational Sports Centers
- Full-Service Restaurants
- Funeral Homes and Funeral Services
- Hair, Nail, and Skin Care Services
- Hospitals
- Hotels (except Casino Hotels) and Motels
- Laundries and Drycleaners
- Laundries and Drycleaners (Coin-Operated)
- Libraries and Archives
- Motion Picture Theaters (except Drive-Ins)
- Museums
- Offices of Dentists
- Offices of Physicians
- Packaging and Labeling Services
- Passenger Car Rental
- Personal and Household Goods Repair and Maintenance
- Photofinishing
- Photography Studios, Portrait
- Printing and Related Support Activities
- Private Clubs and Organizations
- Publishing Industries (except Internet)
- Religious Organizations
- Rental and Leasing Services
- Reupholstery and Furniture Repair
- Travel Arrangement and Reservation Services
- Veterinary Services
- Video Tape and Disc Rental
- Vocational Schools

Transportation,Communications, Utilities
- Radio and Television Broadcasting
- Rooftop, micro, and small ground mount solar installations

Special Uses

Retail Trade
- Automobile Sales
- Commercial Bakeries
- Gasoline Stations Services
- Automotive Mechanical Repair and Maintenance
- Bowling Centers
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Commercial Amusement and Recreation
- Commercial Parking Lots
- Exterminating and Pest Control Services
- Landscaping Services
- Medical and Dianostic Laboratories
- Nature Parks and Other Similar Institutions
- Recreational Goods Rental
- Spectator Sports
- Telephone Call Centers
- Zoos and Botanical Gardens

Transpertation, Communications, Utilities
- Solar Energy Ststems - Mediun and Large
- Wind Turbine

C-3 Corridor Commercial District

Corridor Commercial development includes restaurants, large retail stores, intense commercial service businesses, businesses related to highway traffic, and other related uses. Corridor Commercial development occurs along major transportation corridors, as well as in larger collections of uses that serve a regional market.

Development Standards

Minimum Lot Area:
- .5 Acres

Minimum Lot Width:
- 150 Feet

Maximum Lot Width to Depth Ratio:
- 1:3; 3 times the lot width

Minimum Lot Frontage:
- 100 Feet

Sewer and Water:
- Public

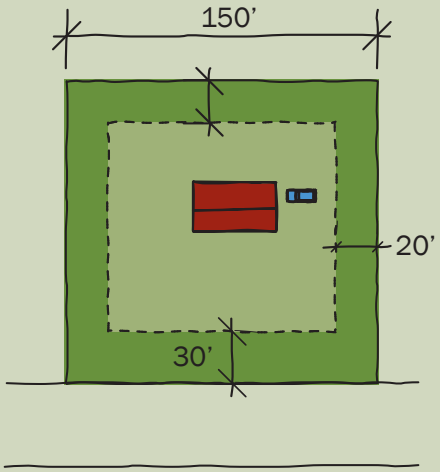
Minimum Front Yard Setback:
- 30 Feet

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 20 Feet

Maximum Structure Height:
- 45 Feet

Maximum Lot Coverage:
- 80%



Additional Development Standards that Apply

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-050 Exterior Lighting Standards 124

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-120 Industrial Standards. . . .150

6-140 Landscaping Standards 154

6-170 Open Space Standards . 179

6-180 Parking, Parking Access, and Loading Standards 181

6-190 Public Improvement Standards. 188

6-200 Sign Standards 191

6-210 Telecommunication Facility Standards. 200

7-000 Site Development Plans. 212

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

C-3 Corridor Commercial District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Farm Implement Sales and Service
- Forestry and Logging
- Nursery and Greenhouse

Finance, Insurance, and Real Estate Uses
- Commercial Banking
- Insurance Carriers and Related Activities
- Offices of Real Estate Agents and Brokers
- Offices of Real Estate Appraisers
- Securities, Commodity Contracts, and Other Financial Investments and Related Activities

Public Administration
- Community Center / Building for Govt Service

- Government Parks and Recreation

Retail Trade
- Automobile Sales
- Automotive Parts, Accessories, and Tire Stores
- Building Material and Garden Equipment and Supplies Dealers
- Clothing and Clothing Accessories Stores
- Commercial Bakeries
- Electronic Shopping and Mail-Order Houses
- Electronics and Appliance Stores
- Florists
- Food and Beverage Stores
- Furniture and Home Furnishings Stores
- Gasoline Stations
- Health and Personal Care Stores
- Manufactured (Mobile) Home Dealers
- Office Supplies, Stationery, and Gift Stores
- Pet and Pet Supplies Stores
- Retail Bakeries
- Sporting Goods, Hobby, Book, and Music Stores

Services
- Appliance Repair and Maintenance
- Automotive Mechanical Repair and Maintenance
- Bowling Centers
- Carpet and Upholstery Cleaning Services
- Caterers
- Electronic and Precision Equipment Repair and Maintenance
- Exterminating and Pest Control Services
- Fitness and Recreational Sports Centers
- Full-Service Restaurants
- Funeral Homes and Funeral Services
- Hair, Nail, and Skin Care Services
- Home and Garden Equipment Repair and Maintenance
- Hospitals
- Hotels (except Casino Hotels) and Motels
- Landscaping Services
- Laundries and Drycleaners
- Laundries and Drycleaners (Coin-Operated)
- Libraries and Archives
- Medical and Diagnostic Laboratories
- Motion Picture Theaters (except Drive-Ins)
- Motor Vehicle Towing
- Museums
- Offices of Dentists
- Offices of Physicians
- Packaging and Labeling Services
- Passenger Car Rental
- Personal and Household Goods Repair and Maintenance
- Photofinishing
- Photography Studios, Portrait
- Printing and Related Support Activities
- Private Clubs and Organizations
- Publishing Industries (except Internet)
- Recreational Goods Rental
- Religious Organizations
- Rental and Leasing Services
- Reupholstery and Furniture Repair
- Telephone Call Centers
- Travel Arrangement and Reservation Services
- Veterinary Services
- Video Tape and Disc Rental
- Vocational Schools

Transportation, Communications, Utilities
- Radio and Television Broadcasting
- Rooftop, micro, and small ground mount solar installations
-

Wholesale Trade
- Merchant Wholesalers, Durable Goods

Special Uses

Manufacturing
- Computer and Electronic Product Assembly

Retail Trade
- Fireworks sales
- Sexually Oriented Business

Services
- Child Care Center
- Churches
- Colleges, Universities, and Junior Colleges
- Commercial Amusement and Recreation
- Commercial Parking Lots
- Drive-In Motion Picture Theaters
- Kennel
- Marinas
- Nature Parks and Other Similar Institutions
- Self Storage Units
- Septic Tank and Related Services
- Shooting Ranges
- Spectator Sports
- Welding Shop
- Zoos and Botanical Gardens

Transportation, Communications, Utilities
- Communication Towers
- General Freight Trucking
- Liquefied Petroleum Gas (Bottled Gas) Dealers
- Solar Energy Systems - Medium and Large
- Wind Turbine

Wholesale Trade
- Auto Salvage Yard
- Feed Mills and Grain Elevators
- Fertilizer Sales and Storage

BP Business Park District

Like Industrial land, Business Park areas will include significant employers, although development will focus on professional offices, particularly in high-tech, research and development, and other emerging sectors of the economy.

Development Standards

Minimum Lot Area:
- 2 Acres

Minimum Lot Width:
- 300 Feet

Maximum Lot Width to Depth Ratio:
- None

Minimum Lot Frontage:
- 100 Feet

Sewer and Water:
- Public

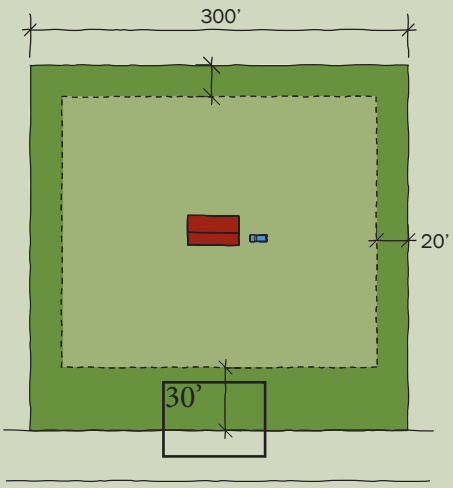
Minimum Front Yard Setback:
- 30 Feet

Minimum Rear Yard Setback:
- 20 Feet

Minimum Side Yard Setback:
- 20 Feet

Maximum Structure Height:
- 45 Feet

Maximum Lot Coverage:
- 70%



Additional Development Standards that Apply

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-050 Exterior Lighting Standards 124

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-120 Industrial Standards. . . .150

6-140 Landscaping Standards 154

6-170 Open Space Standards . 179

6-180 Parking, Parking Access, and Loading Standards 181

6-190 Public Improvement Standards. 188

6-200 Sign Standards 191

7-000 Site Development Plans. 212

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

BP Business Park District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging

Manufacturing
- Computer and Electronic Product Assembly

Public Administration
- Government Parks and Recreation
- Community Center / Building for Govt Service

Services
- Electronic and Precision Equipment Repair and Maintenance
- Fitness and Recreational Sports Centers
- Medical and Diagnostic Laboratories
- Museums
- Offices of Dentists
- Offices of Physicians
- Packaging and Labeling Services
- Printing and Related Support Activities
- Publishing Industries (except Internet)
- Religious Organizations
- Telephone Call Centers
- Travel Arrangement and Reservation Services
- Vocational Schools

Transportation, Communications, Utilities
- Rooftop, micro, and small ground mount solar installations

Special Uses

Manufacturing
- Computer and Electronic Product Manufacturing
- Electrical Equipment, Appliance, and Component Manufacturing
- Warehousing and Storage

Services
- Child Care Center
- Commercial Parking Lots
- Nature Parks and Other Similar Institutions

Transpertation, Communications, Utilities
- Solar Energy Systems - Medium and Large
- Wind Turbine

I

Industrial District

The Industrial land use category includes both light and heavy industrial development, and is located primarily in the northwest sector of Plymouth, both inside the city limits and in the extended jurisdiction. It includes major employers that serve Plymouth as well as the northwest Indiana region.

Development Standards

Minimum Lot Area:
- .5 Acres

Minimum Lot Width:
- 150 Feet

Maximum Lot Width to Depth Ratio:
- None

Minimum Lot Frontage:
- 100 Feet

Sewer and Water:
- Public

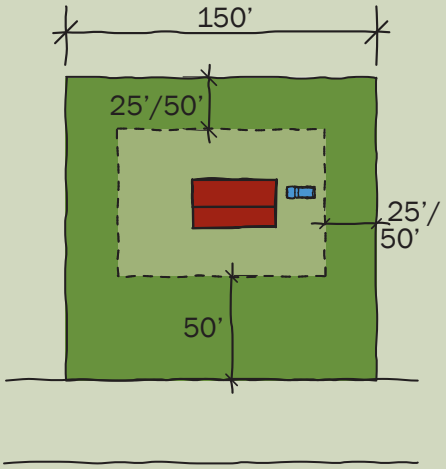
Minimum Front Yard Setback:
- 50 Feet

Minimum Rear Yard Setback:
- 25 Feet when the adjoining property is in an I District
- 50 Feet when the adjoining property is not in an I District

Minimum Side Yard Setback:
- 25 Feet when the adjoining property is in an I District
- 50 Feet when the adjoining property is not in an I District

Maximum Structure Height:
- 45 Feet

Maximum Lot Coverage:
- 70%



Additional Development Standards that Apply

5-010 Planned Unit Development 98

6-010 Accessory Structures and Use Standards. 114

6-040 Environmental Standards. 119

6-050 Exterior Lighting Standards 124

6-060 Fences, Hedges, Walls . 128

6-070 Flood Hazard Area Standards 129

6-120 Industrial Standards. . . .150

6-140 Landscaping Standards 154

6-170 Open Space Standards . 179

6-180 Parking, Parking Access, and Loading Standards 181

6-190 Public Improvement Standards. 188

6-200 Sign Standards 191

7-000 Site Development Plans 212

9-040 Use Variances 241

9-050 Special Exceptions 242

9-060 Administrative Appeals . 244

11-060 Improvement Location Permit. 281

11-070 Certificate of Occupancy 284

I Industrial District

Permitted Uses

Residential Uses
- Accessory Structure

Agricultural Uses
- Crop Production
- Forestry and Logging
- Sawmill (Portable)

Manufacturing
- Animal Food Manufacturing
- Apparel Manufacturing
- Beverage Manufacturing
- Cement and Concrete Product Manufacturing
- Chemical Manufacturing
- Computer and Electronic Product Assembly
- Computer and Electronic Product Manufacturing
- Electrical Equipment, Appliance, and Component Manufacturing
- Fabricated Metal Product Manufacturing
- Food Manufacturing
- Furniture and Related Product Manufacturing
- Leather and Allied Product Manufacturing
- Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
- Machinery Manufacturing
- Medical Equipment and Supplies Manufacturing
- Nonmetallic Mineral Product Manufacturing
- Paper Manufacturing
- Petroleum and Coal Products Manufacturing
- Plastics and Rubber Products Manufacturing
- Primary Metal Manufacturing
- Sawmill (Permanent)
- Textile Mills
- Textile Product Mills
- Transportation Equipment Manufacturing
- Warehousing and Storage
- Wood Product Manufacturing

Public Administration
- Government Parks and Recreation
- Community Center / Building for Govt Service

Retail Trade
- Electronic Shopping and Mail-Order Houses

Services
- Appliance Repair and Maintenance
- Automotive Body and Paint Repair
- Electronic and Precision Equipment Repair and Maintenance
- Exterminating and Pest Control Services
- Vocational Schools
- Welding Shop

Transportation, Communication, Utilities
- General Freight Trucking
- Rooftop, micro, and ground mount solar installtions

Wholesale Trade
- Feed Mills and Grain Elevators
- Fertilizer Sales and Storage

Special Uses

Agricultural Uses
- Livestock Auction
- Livestock Distribution

Manufacturing
- Foundries
- Rendering and Meat Byproduct Processing
- Storage of Explosive Material

Public Administration
- Government Parks and Recreation

Retail Trade
- Fireworks Sales

Services
- Child Care Center
- Commercial Parking Lots Institutions
- Hazardous Waste Collection
- Nature Parks and Other Similar Institutions
- Solid Waste Collection
- Solid Waste Combustors and Incinerators
- Solid Waste Landfill
- Waste Collection
- Waste Treatment and Disposal

Transportation, Communication, Utilities
- Bulk storage of petroleum products
- Communication Towers
- Electric Power Generation, Transmission and Distribution
- Solar Energy Systems - Medium and Large
- Wind Turbine

Wholesale Trade
- Auto Salvage Yard
- Materials Recovery Facilities

3 Standard Zoning District Intent, Uses, & Standards

120 Unlisted or Questionable Uses

Any use not listed as a permitted use or a special exception is considered not permitted unless the Zoning Administrator makes a determination otherwise. The Zoning Administrator may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted use or special exception. This determination may be appealed to the Board of Zoning Appeals.

130 Land Use Matrix

p - Permitted Use; s - Special Exception; d - Development Plan Required

Table 3-A, Land Use Matrix

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
AGRICULTURAL													
Animal Production		s											d
Confined Livestock Feeding		s											d
Crop Production	p	p	p	p	p	p	p	p	p	p	p	p	d
Dangerous and Exotic Animals		s											d
Farm Implement Sales and Service		s								p			d
Forestry and Logging	p	p	p	p	p	p	p	p	p	p	p	p	d
Horses and Other Equine Production		p											d
Livestock Auction		s										s	d
Livestock Composting (accessory use to livestock production or confined feeding)		s											
Livestock Distribution		s										s	d
Livestock Incineration (accessory use to livestock production or confined feeding)		s											
Nursery and Greenhouse	p	p					d	p		p			d
Sawmill (Portable)		p										p	d
FINANCE, INSURANCE, AND REAL ESTATE													
Commercial Banking								p	p	p			d
Insurance Carriers and Related Activities								p	p	p			d
Offices of Real Estate Agents and Brokers								p	p	p			d
Offices of Real Estate Appraisers								p	p	p			d
Securities, Commodity Contracts, and Other Financial Investments and Related Activities								p	p	p			d
MANUFACTURING													
Animal Food Manufacturing												p	d

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
Apparel Manufacturing												p	d
Beverage Manufacturing												p	d
Cement and Concrete Product Manufacturing												p	d
Chemical Manufacturing												p	d
Computer and Electronic Product Assembly								s		s	p	p	d
Computer and Electronic Product Manufacturing											s	p	d
Electrical Equipment, Appliance, and Component Manufacturing											s	p	d
Fabricated Metal Product Manufacturing												p	d
Food Manufacturing												p	d
Foundries												s	d
Furniture and Related Product Manufacturing												p	d
Leather and Allied Product Manufacturing												p	d
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing												p	d
Machinery Manufacturing												p	d
Medical Equipment and Supplies Manufacturing												p	d
Nonmetallic Mineral Product Manufacturing												p	d
Paper Manufacturing												p	d
Petroleum and Coal Products Manufacturing												p	d
Plastics and Rubber Products Manufacturing												p	d
Primary Metal Manufacturing												p	d
Rendering and Meat Byproduct Processing												s	d
Sawmill (Permanent)												p	d
Storage of Explosive Material												s	d
Textile Mills												p	d
Textile Product Mills												p	d
Transportation Equipment Manufacturing												p	d
Warehousing and Storage											s	p	d
Wood Product Manufacturing												p	d

130 Land Use Matrix (cont)

p - Permitted Use; s - Special Exception; d - Development Plan Req.

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
PUBLIC ADMINISTRATION													
Community Center / Building for Govt Service	s	s	s	s	s		p	p	p	p	p	p	d
Government Parks and Recreation	p	p	p	p	p	p	p	p	p	p	p	p	d
RESIDENTIAL													
Single Family Residential		p	p	p	p	s	p						d
Modular Home		p	p	p	p	s							d
Manufactured Home - Type A		p				p							d
Manufactured Home - Type B		p	p	p	p	p							d
Multifamily residential				s	p	s							d
Condominium					p	s							d
Group Home					s								d
Assisted Living Facility				s	s								d
Residential Mental Retardation, Mental Health and Substance Abuse Facilities					s								d
Manufactured Home Park						p							d
Child Day Care Services (in home)		p	p	p	p	p							p
Home Based Business		s	s	s	s	s							
Home Occupation		p	p	p	p	p							
Home Workshop		s											
Accessory Structure	p	p	p	p	p	p	p	p	p	p	p	p	d
RETAIL TRADE													
Automobile Sales								p	s	p			d
Automotive Parts, Accessories, and Tire Stores								p	p	p			d
Building Material and Garden Equipment and Supplies Dealers								p		p			d
Clothing and Clothing Accessories Stores								p	p	p			d
Commercial Bakeries								s	s	p			d
Electronic Shopping and Mail-Order Houses		s						p	p	p			d
Electronics and Appliance Stores								p	p	p			d
Fireworks sales										s			d
Florists								p	p	p			d
Food and Beverage Stores								p	p	p			d
Furniture and Home Furnishings Stores								p	p	p			d

Standard Zoning District Intent, Uses, & Standards

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
Gasoline Stations								s	s	p			d
Health and Personal Care Stores								p	p	p			d
Manufactured (Mobile) Home Dealers						s				p			d
Office Supplies, Stationery, and Gift Stores								p	p	p			d
Pet and Pet Supplies Stores								p	p	p			d
Retail Bakeries								p	p	p			d
Sexually Oriented Business										s			
SportingGoods,Hobby,Book,and MusicStores								p	p	p			d
SERVICES													
Appliance Repair and Maintenance								p	p	p		p	d
Automotive Mechanical Repair and Maintenance								p	s	p			d
Automotive Body and Paint Repair												p	
Bed-and-Breakfast Inns	s	s	s	s	s								d
Bowling Centers								p	s	p			d
Carpet and Upholstery Cleaning Services								p	p	p			d
Caterers		s	s					p	p	p			d
Cemeteries and Crematories	s	s	s	s	s								d
Child Care Center		s	s	s	s	s	s	s	s	s	s	s	d
Churches		s	s	s	s	s	s	s	s	s			d
Colleges, Universities, and Junior Colleges		s	s	s	s	s	s	s	s	s			d
Commercial Amusement and Recreation	s	s						s	s	s			d
Commercial Parking Lots								s	s	s	s	s	d
Drive-In Motion Picture Theaters	s									s			d
ElectronicandPrecisionEquipment Repairand Maintenance								p	p	p	p	p	d
Elementary and Secondary Schools		s	s	s	s	s	s						d
Exterminating and Pest Control Services								p	s	p		p	d
Fitness and Recreational Sports Centers	s							p	p	p	p		d
Full-Service Restaurants								p	p	p			d
Funeral Homes and Funeral Services								p	p	p			d
Golf Courses and Country Clubs	s							s					d
Hair, Nail, and Skin Care Services								p	p	p			d
Hazardous Waste Collection												s	d

130 Land Use Matrix (cont)

p - Permitted Use; s - Special Exception; d - Development Plan Req.

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
Home and Garden Equipment Repair and Maintenance								p		p			d
Hospitals								p	p	p			d
Hotels (except Casino Hotels) and Motels								p	p	p			d
Kennel		s						s		s			d
Landscaping Services								p	s	p			d
Laundries and Drycleaners								p	p	p			d
Laundries and Drycleaners (Coin-Operated)						p		p	p	p			d
Libraries and Archives		s	s	s	s			p	p	p			d
Marinas	s									s			d
Medical and Diagnostic Laboratories								p	s	p	p		d
Motion Picture Theaters (except Drive-Ins)								p	p	p			d
Motor Vehicle Towing										p			d
Museums	s							p	p	p	p		d
Nature Parks and Other Similar Institutions	p	p	s	s	s	s	s	s	s	s	s	s	d
Nursing Care Facilities				s	s								d
Offices of Dentists								p	p	p	p		d
Offices of Physicians								p	p	p	p		d
Packaging and Labeling Services								p	p	p	p		d
Passenger Car Rental								p	p	p			d
Personal and Household Goods Repair and Maintenance								p	p	p			d
Photofinishing								p	p	p			d
Photography Studios, Portrait								p	p	p			d
Printing and Related Support Activities								p	p	p	p		d
Private Clubs and Organizations	s							p	p	p			d
Publishing Industries (except Internet)								p	p	p	p		d
Racetracks	s												d
Recreational and Vacation Camps (except Campgrounds)	s												d
Recreational Goods Rental	s	s						s	s	p			d
Religious Organizations								p	p	p	p		d
Rental and Leasing Services								p	p	p			d
Reupholstery and Furniture Repair								p	p	p			d
RV (Recreational Vehicle) Parks and Recreational Camps	s												d

USE	POS	R-1	R-2	R-3	R-4	MH	NC	C-1	C-2	C-3	BP	I	PUD
Self Storage Units										s			d
Septic Tank and Related Services	s	s								s			d
Shooting Ranges	s									s			d
Solid Waste Collection												s	d
Solid Waste Combustors and Incinerators												s	d
Solid Waste Landfill												s	d
Spectator Sports	s							s	s	s			d
Telephone Call Centers								p	s	p	p		d
Travel Arrangement and Reservation Services								p	p	p	p		d
Veterinary Services								p	p	p			d
Video Tape and Disc Rental								p	p	p			d
Vocational Schools								p	p	p	p	p	d
Waste Collection												s	d
Waste Treatment and Disposal												s	d
Welding Shop		s								s		p	
Zoos and Botanical Gardens	s	s						s	s	s			d
TRANSPORTATION, COMMUNICATIONS, UTILITIES													
Aircraft Landing Strip	s	s											d
Bulk storage of petroleum products												s	d
Communication Towers	s	s										s	d
Electric Power Generation and Transmission	s											s	d
General Freight Trucking										s		p	d
Liquefied Petroleum Gas (Bottled Gas) Dealers		s								s			d
Mining (except Oil and Gas)	s	s											d
Radio and Television Broadcasting								p	p	p			d
Solar Energy Systems (Rooftop; Micro/Small Ground)	p	p	p	p	p	p	p	p	p	p	p	p	p
Solar Energy Systems (Medium/ Large Ground, Farm Scale)		s								s	s	s	s
Wind Turbine (MICRO)	s	s	s	s	s	s	s	s	s	s	s	s	s
WHOLESALE TRADE													
Auto Salvage Yard										s		s	d
Feed Mills and Grain Elevators	s									s		p	d
Fertilizer Sales and Storage								s		s	p		d
Materials Recovery Facilities											s		
Merchant Wholesalers, Durable Goods								p			p		d

140 Zoning District Distance Standards

Table 3-B, Distance Standards

	Front Yard [1]	Rear Yard	Side Yard	Maximum Building Height	From Regulated Drain
POS, Parks & Open Space	25'/40'/50' [2]	20'	15'	None	75'
R-1, Rural Residential	50'/60'/75' [2]	20'	15'	None	75'
R-2, Suburban Residential	40'/50/60' [2]	20'	10'	35'	75'
R-3, Traditional Residential	20'	15'	5'	35'	75'
R-4, Multi-Family Residential	10'	20'	5'	35'	75'
MH, Manufactured Home [6]	30'	20'	20'	25'	75'
C-1, General Commercial	30'	20'	20'	45'	75'
C-2, Downtown Commercial	0'	10'	0'/20' [4]	45'	75'
C-3, Corridor Commercial	30'	20'	20'	45'	75'
I, Industrial	50'	25'/50' [5]	25'/50' [5]	45'	75'
BP, Business Park	30'	20'	20'	45'	75'
PUD, Planned Unit Development [6]	50'	20'	15'	35'	75'

[1] Measured from the road or street right-of-way

[2] From Local Street / From Collector Street / From Arterial Street; as defined by the City of Plymouth 2004 Comprehensive Plan, Thoroughfare Plan Map

[3] 10' or 10% of the total lot width, whichever is less

[4] When adjoining property is in a C-2 District / When adjoining property is in other than a C-2 District

[5] When adjoining property is in an I District / When adjoining property is in other than an I District

[6] From the boundary of the PUD or Manufactured Home Community. Additional interior setbacks apply

A. Setback Requirements

1. Height Modification
   Church Spires, belfries, and domes, silos, water towers, and television and radio towers for personal use may be erected above the height limits specified in this section.

2. Visual Setback on Corner Lots
   A visual setback shall be provided for all lots located at road right-of-way intersections in all zoning districts except R-3 Traditional Residential District and C-2 Downtown Commercial District.

a. This triangular visual setback is measured along the right-of-way lines of the two intersecting rights-of-way.
b. The distance from the corner of the intersection of two streets shall be fifty (50) feet in each direction. A diagonal connecting those two fifty (50) foot segments closes the triangle.

c. The distance from the corner of the intersection of a street and an alley, the intersection of a street and a driveway, or the intersection of two alleys, shall be ten (10) feet in each direction. A diagonal connecting those two ten (10) foot segments closes the triangle.

d. Nothing shall be erected, placed, planted, or allowed to grow within this visual setback in such a manner as to impede vision between a height of two and one half (2.5) feet and ten feet above the centerline grades of the intersection.

3. Averaging Setbacks Along Road or Street Frontages and Alleys
Where the Zoning Administrator has determined that an average front yard setback line has been established prior to the adoption of this ordinance, the minimum front yard setback shall be that established average front yard setback; or ten (10) feet, whichever is greater.

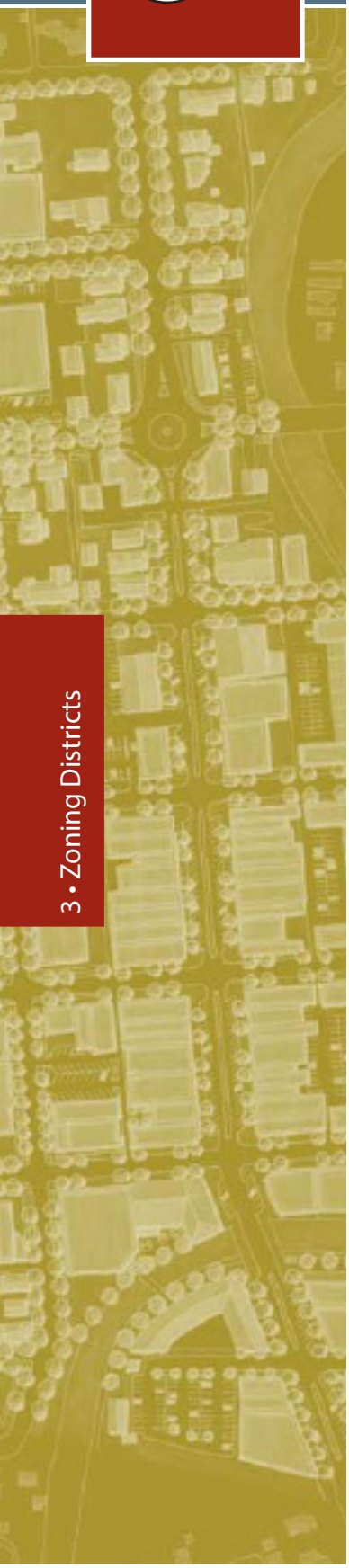
Where a property abuts an alley and the Zoning Administrator has determined that an average rear yard setback line has been established, the minimum rear yard setback for the portion of the property abutting the alley shall be that established average rear yard setback; or five (5) feet, whichever is greater.

4. Parking of Vehicles in Front Yard Setback
The parking of vehicles within any front yard setback is prohibited; unless the parking is on a driveway that has received City approval.

150 Zoning District Area Standards

Table 3-C, Area Standards

	Minimum Area Per Residential Unit	Minimum Lot Area	Minimum Lot Width	Maximum Width Depth Ratio	Max imum Lot Coverage	Minimum Access to Public ROW	Sewer & Water	Minimum Open Space
POS, Parks & Open Space	NA	none	none	none	20%	30'	NA	0%
R-1, Rural Residential	5 acres	1 acre	210'	1:3	30%	50'	Pub/Priv	500sqft/unit
R-2, Suburban Residential	1 acre	1 acre	210'	1:3	40%	50'	Pub/Priv	500sqft/unit
R-3, Traditional Residential								
Single Family	6,000 sqft	6,000 sqft	50'	1:3	55%	30'	Public	500sqft/unit
Two Family	4,000 sqft	8,000 sqft	50'	1:3	65%	30'	Public	500sqft/unit
R-4, Multi-Family Residential								
Single Family	6,000 sqft	6,000 sqft	60'	1:3	55%	30'	Public	10%
Two Family	4,000 sqft	8,000 sqft	60'	1:3	55%	50'	Public	10%
Multi-Family	4,000 sqft	20,000 sqft	60'	1:3	55%	50'	Public	10%
MH, Manufactured Home	3,000 sqft	5 acres	300'	1:3	65%	100'	Public	10%
C-1, General Commercial	NA	.5 acres	150'	1:3	80%	100'	Public	0%
C-2, Downtown Commercial	NA	1,200 sqft	20'	1:3	100%	50'	Public	0%
C-3, Corridor Commercial	NA	.5 acres	150'	1:3	80%	100'	Public	0%
I, Industrial	NA	.5 acres	150'	None	70%	100'	Public	0%
BP, Business Park	NA	2 acres	300'	None	70%	100'	Public	0%
PUD, Planned Unit Development	NA	5 acres	300'	None	NA	100'	Public	10%



Notes



4

Overlay Zoning Districts Intent, Uses, & Standards

010 *AO, Airport Overlay District 56*

020 *DN, Downtown Neighborhood Overlay District. . . . . .*

030 *HN, Historic Neighborhood Overlay District. . . . . .*

040 *NC, Neighborhood Commercial Overlay District. . . . . .*

050 *WH, Wellhead Protection Overlay District . . . . . .*

Overlay Zoning Districts Intent, Uses, & Standards

010 *AO, Airport Overlay District*

A. Purpose

The Airport Overlay District is intended to be used to protect the City of Plymouth Municipal Airport and any airport to which overlay protection is applied in the future.

In order to carry out the provisions of this section, there are created and established certain zones that include all of the land lying within the:

1. Approach Zones;
2. Conical Zone;
3. Horizontal Zone;
4. Noise-sensitive Zone in accordance with I.C. 8-21-10 et seq; and
5. Transitional Zone

as they apply to the airport. Such zones are shown on the City of Plymouth Municipal Airport Layout Plan, as amended, the most current copy of which is on file with the City of Plymouth Board of Aviation and the Plan Commission Office. The City of Plymouth Municipal Airport Layout Plan is hereby incorporated by reference. The limits of the various zones are defined in Section B of this Chapter.

This ordinance does not preclude or eliminate the use of Federal Aviation Association 14 CFR Part 77 and/or the Indiana Department of Transportation IC8-21-10 Regulation of Tall Structures and Noise Sensitivity Regulations. Federal regulations and state law may supersede or replace this ordinance if determined by federal, state, or local agency that the proposed object would be considered an object affecting navigable airspace and does not promote the safe, efficient use, and preservation of navigable airspace based on these standards.

B. Development Standards

1. Cross-reference
   To the extent that they are not inconsistent with the provisions of the Airport Overlay District, refer to *Article 3, Standard Zoning District Intent, Uses, & Standards* for standards applicable to the base zoning district.

2. Height Standards
   The applicable zone height limitations are hereby established and described as follows:

   a. General:

      i. Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this section to a height in excess of the applicable height limit herein established for such zone.

ii. An area located in more than one of the zones is considered to be only in the zone with the most restrictive height limitation.

b. Primary Surface
The primary surface begins two hundred (200) feet beyond each runway end threshold and two hundred fifty (250) feet offset each side from the runway's centerline for visual or non-precision approaches and five hundred (500) feet offset each side from the runway's centerline for precision approaches.

c. Utility Runway Visual Approach Zone
Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

d. Utility Runway Non-precision Instrument Approach Zone
Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

e. Runway Larger than Utility Visual Approach Zone
Slopes upward twenty (20) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

f. Runway Larger than Utility with a Visibility Minimum Greater than Three fourths Mile, Non-precision Instrument Approach Zone
Slopes upward thirty-four (34) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

g. Runway Larger than Utility with a Visibility Minimum as Low as Three-fourths Mile, Non-precision Instrument Approach Zone
Slopes upward thirty-four (34) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

h. Precision Instrument Runway Approach Zone
Slopes upward fifty (50) feet horizontally for each one (1) foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet to an additional horizontal distance of 40,000 feet along the extended runway centerline.

h. Conical Zone

(cont)

010 AO, Airport Overlay District (cont)

Slopes upward and outward twenty (20) feet horizontally for each one (1) foot vertically beginning at the periphery of the Horizontal Zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation. The airport elevation is eight hundred two (802) feet above mean sea level.

i. Horizontal Zone
One hundred fifty (150) feet above the airport elevation or a height of eight hundred two (802) feet above mean sea level.

j. Transitional Zone
Slopes upward and outward seven (7) feet horizontally for each one (1) foot vertically beginning at the sides of and at the same elevation as the primary surface and the Approach Zones, and extending to a height of one hundred fifty (150) feet above the airport elevation, which is eight hundred two (802) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each one (1) foot vertically beginning at the sides of and at the same elevation as the Approach Zones, and extending to where the Approach Zones intersect the conical surface. Where the Precision Instrument Runway Approach Zone projects beyond the Conical Zone, height limits sloping upward and outward seven (7) feet horizontally for each one (1) foot vertically shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at ninety-degree (90°) angles to the extended runway centerline.

k. Excepted Height Limitations
Nothing in *Article 4-010(B)(2), Height Standards* shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a maximum height up to fifty (50) feet the surface of the land; provided, however, that such maximum does not conflict with any of the Approach Zone, Boundary Zone, or Transitional Zone limitations of the Airport Overlay District.

3. Lighting Standards:

a. General

i. No parking lot, street, exterior building, or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure or building shall utilize full-cutoff luminaires.

ii. All signage lighting shall be internally illuminated and shall not exceed twenty (20) luces at the property line unless directed to do so by the FAA.

iii. No lighting within the Airport Overlay District shall spin, oscillate, or blink.

b. Hazard Marking and Lighting:

i. The owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Plymouth Municipal Airport to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Plymouth Municipal Airport.

ii. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of the Airport Overlay District and be reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the City of Plymouth Municipal Airport at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4. Performance Standards:

a. Air Pollutants
The emission of air pollutants such as, but not limited to, smoke, dust, noxious fumes, glare, and electrical radiation that would compromise the safety of aircraft by interfering with visibility, operation of electrical equipment, or any other condition necessary for safe flight is hereby prohibited.

C. Design Standards

1. Cross-reference
To the extent that they are not inconsistent with the provisions of the Airport Overlay District, refer to *Article 6, Design Standards* for design standards applicable to the given type of development.

D. Miscellaneous Standards

1. Nonconformance:

a. Regulations Not Retroactive
The regulations prescribed herein shall be construed to require the removal, lowering or other changes or alterations of any structure or tree not conforming to the regulations as of [the effective date of the ordinance codified in this chapter], or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.

b. Existing Uses

(cont)

010 AO, Airport Overlay District (cont'd)

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on [the effective date of the ordinance codified in this chapter] or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

c. Nonconforming Uses Abandoned or Destroyed

Whenever the City of Plymouth Board of Aviation determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the standards of the Airport Overlay District.

020 *DN, Downtown Neighborhood Overlay District*

A. Purpose

1. It is the desire of the City of Plymouth to actively encourage a sense of community and to improve the health, prosperity, and general quality of life of its citizens through the wise utilization of the land and other natural resources within its borders. The City therefore recognizes the need to:

   a. enhance the existing City for the good of all its citizens;

   b. increase the City tax base and promote local private capital investment within the City;

   c. preserve and highlight the natural and scenic attributes of the adjacent landscape;

   d. facilitate the efficient provision of public services;

   e. promote a greater variety of housing types, and a corresponding expansion of retail and commercial opportunities;

   f. promote safer pedestrian circulation and citizen-to-citizen interaction for all residents, but especially for children and the elderly;

   g. conserve non-renewable fuel resources and reduce pollution; and

   h. increase the City's appeal to tourists.

2. The City also recognizes that many villages, towns, and cities in the United States established and populated before 1945 (before the intensive use of the automobile and the advent of the interstate highway system) had a special sense of community and continue to be desirable places for their citizens to live, work, shop, learn, worship, and play. This desirability can be attributed largely to the fact that these places possess many of the following characteristics:

   a. dwellings, shops, and workplaces located in close proximity to each other;

   b. buildings, sidewalks, and trees aligned with streets in a disciplined manner, generally uninterrupted by curb cuts and parking lots;

   c. a range of street sizes, some of which are narrow (with sidewalks) and equally convenient for pedestrians and automobiles, others of which are wider and designed primarily for the automobile;

   d. well-defined parks, squares, and plazas which act as places for community gatherings, organized or individual recreation, and private contemplation; and

   e. civic, educational, and religious buildings located within and throughout the town that are both places of assembly for, and symbols of, the local community.

(cont)

020 *DN, Downtown Neighborhood Overlay District (cont?)*

3. The DN, Downtown Neighborhood Overlay District shall serve as the primary zoning district. Any specification not listed in this Chapter shall be taken from the existing underlying zoning district, but in any case where the existing zoning district conflicts with this Chapter, the DN, Downtown Neighborhood Overlay District shall control.

B. General Provisions

1. Transect-Based Zoning
Transect based zoning is a system of classifying the range of land uses from the least intensive to the most intensive. For example, a street is more urban than a road, a curb more urban than a swale, and a row of trees more urban than a cluster. Transect based zoning regulates for density and building type rather than for use, because transect based zoning encourages mix use and because uses change over time. Transect based zoning sub-categories allow broadly for residential, commercial, and light industrial uses, though some of these are designated as primary and some secondary to particular zones or building types. Civic buildings, though not typically listed, are an acceptable use in any zoning category and shall comply with regulations typical to that zone for requirements such as building heights and setbacks.

2 . DN, Downtown Neighborhood Overlay District Sub-categories
This DN, Downtown Neighborhood Overlay District creates the following sub-categories for future development:

a. Type I, Neighborhood Center

b. Type II, Neighborhood General

c. Type III, Neighborhood General, Special District

d. Type IV, Parks and Civic Green Space

C. Design Requirements

1. Type I, Neighborhood Center
The Neighborhood Center is the primary but not exclusive location for neighborhood commercial activity. The ground floor of many or most buildings in the Neighborhood Center will typically be devoted to commercial activities, with upper floors housing either residences or commercial space.

a. Minimum Lot Width - twenty (20) feet

b. Maximum Height of the First Floor - five (5) feet above grade

c. All primary buildings in the Neighborhood Center shall be built to the front property line and, for a minimum of sixteen (16) feet back from the front property line, to the side property line.

d. For Corner Flex-Buildings (Type I.1 below) the long side lot frontage not edged by building shall be edged by a masonry (stone, brick, or stuccoed) wall and/or wrought iron fence not less than six (6) feet in height.

e. Street front awnings and upper floor balconies are permitted on all Neighborhood Center buildings, and may extend beyond the lot line into the public right-of-way (R.O.W.) to a maximum of four (4) feet.

f. Maximum Building Lot Coverage
   i. Lots with an area less than one thousand two hundred (1,200) square feet - 100%

   ii. Lots with an area one thousand two hundred (1,200) square feet or greater - 75%.

g. Buildings on mid-block lots must be set back a minimum of twenty (20) feet from the rear lot line (except for permitted outbuildings, which have a three (3) foot rear build-to line).

h. Outbuildings are not permitted on lots in Neighborhood Center, except for those occupied by 2-3 Flats (Type I.5 below) or Rowhouses (Type I.6 below).

i. All buildings shall include fire-rated walls (per local building code) along the sides of the building that adjoin another lot.

j. Light industrial buildings, lumber yards, and car washes may be single story buildings, but must be at least 22' in height.

k. Primary entrances to primary buildings in Neighborhood Center shall generally open to the front sidewalk.

l. The following building/use types are permitted on Neighborhood Center lots:

   i. On Corner Lots:
      I.1 Corner Flex-Building

   ii. On Corner or Mid-block Lots:
      I.2 4-6 Flat
      I.3 U-Court Apartments

   iii. On Mid-Block Lots:
      I.4 Mid-Block Flex-Building
      I.5 2-3 Flat
      I.6 Rowhouse

m. Neighborhood Center buildings and/or lots may be employed for the following uses:

   - lodging, including hotel

(cont)

020 *DN, Downtown Neighborhood Overlay District (cont)*

- retail sales and services
- office
- private club
- restaurants, including coffee shops and tea rooms
- single-family or multi-family residences
- artist studio
- recreational building
- medical clinic-elderly care and social facilities
- workshop
- automobile parking lots except on corner lots
- warehouse
- light industry
- lumber yard
- car wash
- civic uses - parking garage (see *Article 4-020(F), Parking Requirements)*

- any other use deemed by the board to be in accordance with the intent of this section

n. Neighborhood Center lots may be used for automobile service stations, including the dispensing of fuel, subject to the following conditions:

i. that such facilities must be located on a corner lot,

ii. that the primary building shall be built to the front corner of the lot.

2. Type II, Neighborhood General
The Neighborhood General area is a primary, but not exclusive, location for neighborhood residences, with commercial activity typically located either on corner lots or in ancillary buildings.

a. Minimum Lot Width

i. Rowhouse (Type II.5) - twenty (20) feet

ii. All other building types - thirty (30) feet

b. Maximum Height of the First Floor Deck - five (5) feet above grade

c. Buildings in Neighborhood General located more than five (5) feet back from the front property line on corner lots shall have a minimum four (4) foot high masonry wall (stone, brick, or stuccoed) and/or a wrought iron fence at the front property line.

d. On mid-block lots buildings built more than five (5) feet back from the front property line shall have a minimum three (3) foot high picket fence or hedge located along the front property line.

e. No porches, balconies, stairs, or awnings may encroach into the public R.O.W., but they may extend past setback or build-to lines.

f. Unless otherwise indicated, total building lot coverage may not exceed 70% of the total lot area in Neighborhood General.

g. All buildings in Neighborhood General must be set back a minimum three (3) feet from the rear property line.

h. Fire-rated walls (per local building code) shall be required for the side or sides of any building that adjoins an adjacent lot.

l. The following building/use types are permitted on Neighborhood Center lots:

i. On Corner Lots:
II.1 Flex-Building
II.2 4-Flat
II.3 Corner Detached Single Family House

ii. On Corner or Mid-block Lots:
II.4 Duplex
II.5 Rowhouse
II.6 Sideyard House

iii. On Mid-Block Lots:
II.7 2-3 Flat
II.8 Mid-Block Detached Single Family House

m. Neighborhood Center buildings and/or lots may be employed for the following uses:

- residential dwellings
- lodging for not more than fifteen (15) persons, including bed and breakfasts
- retail sales and services on corner lots, and on mid-block lots as an accessory use for not more than five (5) employees
- offices on corner lots, and on mid-block lots as an accessory use for not more than five (5) employees
- artist studio
- any civic use
- automobile parking lots, per guidelines in *Article 4-020(F), Parking Requirements*
- any other uses deemed by the board to be in accordance with the intent of this section

3. Type III, Neighborhood General, Special District
The Neighborhood General Special District area is a primary, but not exclusive, location for modestly-sized light industrial uses, with neighborhood residences as a secondary use. All specifications and permitted uses of the Type II Neighborhood General zone apply to the Type III Neighborhood General Special District.

(cont)

020 *DN, Downtown Neighborhood Overlay District (cont)*

a. Neighborhood General Special District buildings and/or lots may also be employed for these additional uses:

- warehouse
- light industry
- lumber yard
- car wash

b. Outdoor storage is permitted provided that the storage area is surrounded by a masonry wall of a minimum six (6) feet in height.

c. Light industrial buildings, lumber yards, and car washes may be single story buildings, but must be at least twenty-two (22) feet in height.

4. Type IV, Parks and Civic Green Space
This is an area exclusively for public enjoyment and civic use buildings. No other building type may occupy any part of the Type IV Zone. Specifications for civic use buildings within the Parks and Civic Green Space may be found in the Permitted Building Types illustrations.

a. The following building type is permitted on Parks and Civic Green Space lots:

i. On Any Lot:
IV.1 Civic Building

b. Parks and Civic Green Space civic buildings may be used for the following purposes:

- City, County, State, or Federal Government
- library
- museum
- historical and/or cultural society
- public art gallery
- music centers, symphony halls, or other structures for the public enjoyment of musical performances
  - theater for the performing arts, indoors or outdoors
  - athletic facility, including playing fields
- fountains, monuments, park furniture, and open-air buildings (pavilions, gazebos, etc.)
  - trails
- other uses deemed by the board to be in accordance with the intent of this section

D. Prohibited Uses
The following new uses are specifically prohibited in this DN, Downtown Neighborhood Overlay District:

- chemical manufacturing, storage, or distribution as a primary use
- any commercial use which is primarily directed to patrons who are encouraged by the site layout or buildings to remain in their automobile while receiving goods

or services, except for automobile service stations, car washes, and banks
    - enameling, plating, or painting, except in artist studios as a primary use
- outdoor advertising or billboards as a principal use, or any outdoor advertising for a use not in the DN, Downtown Neighborhood Overlay District
    - chain link fences
    - foundries
- carting, express, moving, or hauling terminal or yard, except for the delivery or pick up of goods or merchandise solely to service businesses in the DN, Downtown Neighborhood Overlay District
    - manufacture or disposal of hazardous waste materials
    - manufacture or disposal of radioactive waste
    - scrap yards
    - mobile homes
    - commercial sand, gravel, or other mineral extraction
    - outdoor commercial
- any use producing any of the adverse impacts defined as prohibited under the definition of "light industry"

E. Street Types and Uses

1. "Street" is here used as a generic term that also refers to the following kinds of streets:

    a. Boulevards

    b. Streets

    c. Alleys

2. Streets shall be designed generally to:

    a. minimize alteration of natural site features

    b. improve the view of and from buildings and other prominent vistas

    c. minimize the area devoted to motor vehicle travel

    d. permit on-street parking

    e. promote pedestrian use and safety

    f. promote the creation of vista terminations

3. Alleys
   There shall be, where possible, a continuous network of alleys to the rear of lots.

4. Connection
   All boulevards, streets, and alleys shall terminate at public land or in connections to other streets either within or outside the DN. Downtown Neighborhood Overlay District.

(cont)

020 *DN, Downtown Neighborhood Overlay District (cont)*

5. Controlled Access
   Boulevards, streets, and alleys within or at the edge of the DN, Downtown Neighborhood Overlay District shall not be controlled by gates, bars, or other mechanisms that restrict public access.

6. Property Lines Coincident with Right-of-Way
   Property lines of lots shall intersect with the side line of the street which serves as primary access to that lot.

7. Sidewalk Sizes and Requirements

   a. All sidewalk systems shall be handicapped accessible.

   b. Sidewalks at least ten (10) feet in width shall be provided adjacent to all lot fronts in the Neighborhood Center.

   c. Sidewalks no less than five (5) feet in width and separated from the curb by a planter strip shall be provided along both sides of all other streets.

   d. Public sidewalks shall generally be parallel with the streets they adjoin and must be within the street right-of-way.

   e. The sidewalk's maintenance shall be provided by the City.

8. Lighting
   Street lights shall be provided along all boulevards, streets, and alleys at intervals not greater than ninety (90) feet and not less than (30) feet.

9. Crossings
   Streets shall be designed to minimize potentially dangerous pedestrian crossings. Pedestrian-activated crossing signals shall be provided as needed.

10. Access
    Lot layout and street design shall ensure pedestrian access to all lots.

11. Layout
    Street layouts shall be generally rectilinear with "deformations" as may be physically proper to adapt the street to topographic or other natural conditions, and to provide periodic vista terminations.

F. Parking Requirements

1. Minimum off-street parking requirements for specific building types are indicated in the Permitted Building Types illustrations.

2. On-Street Parking
   Except for places of access to off-street parking, continuous parallel parking shall be permitted along streets within forty (40) feet of street intersections.

3. Off-street parking in Neighborhood Center, Neighborhood General, and Neighborhood General Special District zones shall be located at the side or

rear of the buildings, are prohibited from being located on a corner, and shall be screened in accordance with *Article 4-020(F)(6)(b), Location* to help minimize their view from the street.

4. Parking Garage Requirements

   a. Parking garages or structures built for the purpose of storing four (4) or more vehicles are permitted in Neighborhood Center and may be located at intersections provided that there is not more than one per intersection, and provided that there is commercial activity edging the ground floor with its primary entrance fronting the main street.

   b. For this condition up to ninety percent (90%) lot coverage is permitted.

   c. Parking structures may also be located on mid-block lots if surrounded by residential or mixed-use buildings.

   d. Automobile exit/entry shall not exceed twenty-five (25) feet in width.

5. Intersections
   Parking lots of any kind are not permitted at intersections.

6. Location

   a. Parking lots shall be located at the side or rear of the buildings.

   b. Side parking lots shall be screened from the sidewalk by masonry walls, wrought iron fences, or hedges not less than six (6) feet in height, with entry and exit access not to exceed twenty-five (25) feet in width.

7. Parking for Existing Structures and Uses
   The Board of Zoning Appeals may grant variances to these parking requirements for existing buildings and uses.

G. Utility Requirements

1. Location

   a. All utilities shall, where possible, be located underground and within street and alley rights-of-way.

   b. All utility outlets, service entrances, transformers, and the like shall generally be centrally clustered in a neat and orderly fashion and shall be screened from view where permitted by building and electrical codes.

H. Review

New buildings in this district shall be reviewed by the Technical Review Committee and approved by the Plan Commission in accordance with *Article 7, Site Development Plans* of this ordinance.

(cont)

020 *DN, Downtown Neighborhood Overlay District (cont)*

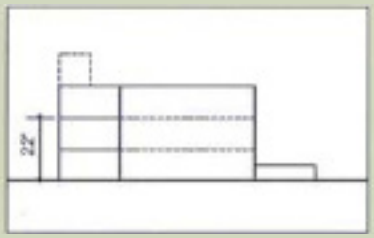
I. Permitted Building Types Illustrations

Each building type in the permitted building types list for each zone is represented with diagrams explaining the specifications peculiar to that building type.

1. Type I.1 - Corner Flex Building







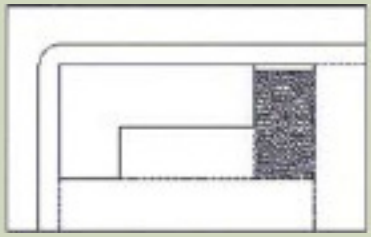
Height

Type I.1 buildings shall have a minimum of two stories at a a minimum height of twenty-two (22) feet and shall not exceed three stories plus an optional tower.



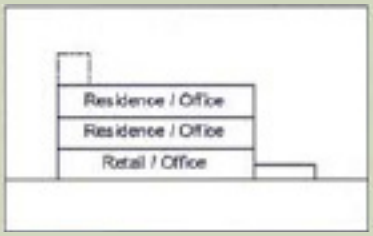
Building Location

Type I.1 buildings shall be built to both front property lines and on the short front to the side property line for a minimum of sixteen (16) feet back from the street. Long side lot frontage not edged by buildings shall be edged by a masonry wall and/or wrought iron fence. Maximum 75% building lot coverage. No outbuildings are permitted.



Parking

Type I.1 buildings shall have three private off-street parking space for every twenty (20) linear feet of frontage.



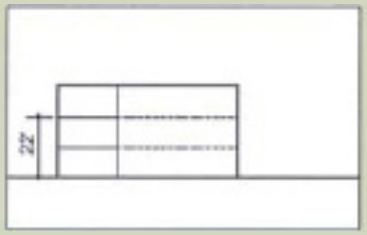
Permitted Use

1st Floor - Retail; Office
Higher than 1st Floor - Residence; Office

2. Type I.2 - 4-6 Flat









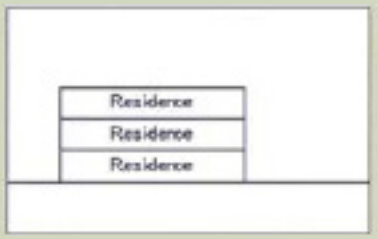
Height

Type I.2 buildings shall have a minimum of two stories at a minimum height of twenty-two (22) feet and shall not exceed three stories.

Building Location

Type I.2 buildings shall be built to the front property line and on the the side property line for a minimum of sixteen (16) feet back from the street, with no specified setback thereafter, and a rear yard setback of twenty (20) feet. Maximum 75% building lot coverage. No outbuildings are permitted.





Parking

Type I.2 buildings shall have two private off-street parking spaces for every three units.

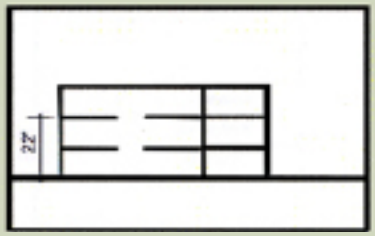
Permitted Use

Residence

3. Type I.3 - U-Court Apartments

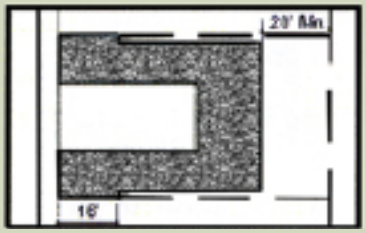






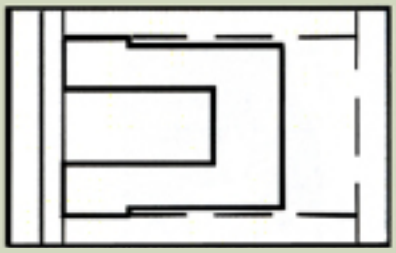
Height

Type I.3 buildings shall have a minimum of two stories at a minimum height of twenty-two (22) feet and shall not exceed three stories.



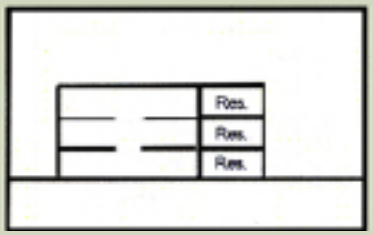
Building Location

Type I.3 buildings shall be built to the front property line and on the the side property line for a minimum of sixteen (16) feet back from the street, with no specified setback thereafter, and a rear yard setback of twenty (20) feet. Maximum 75% building lot coverage. No outbuildings are permitted.



Parking

Type I.3 buildings shall not be required to have off-street parking spaces.



Permitted Use

Residence

4. Type I.4 - Mid-Block Flex-building







Height

Type I.4 buildings shall have a minimum of two stories at a minimum height of twenty-two (22) feet and shall not exceed three stories.



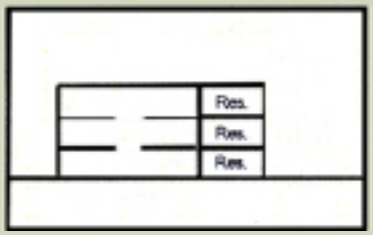
Building Location

Type I.4 buildings shall be built to the front property line and on the the side property line for a minimum of sixteen (16) feet back from the street, with no specified setback thereafter, and a rear yard setback of twenty (20) feet. Maximum 75% building lot coverage. No outbuildings are permitted.



Parking

Type I.4 buildings shall have one off-street parking space for every twenty (20) linear feet of frontage.



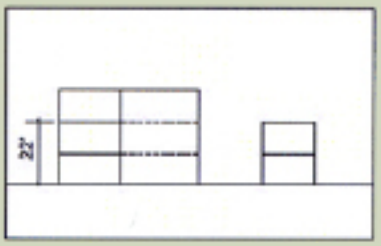
Permitted Use

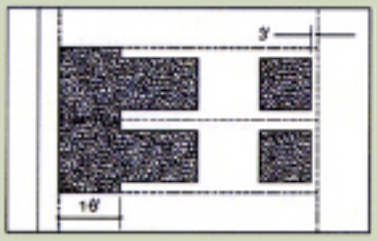
Residence

5. Type I.5 - 2-3 Flat







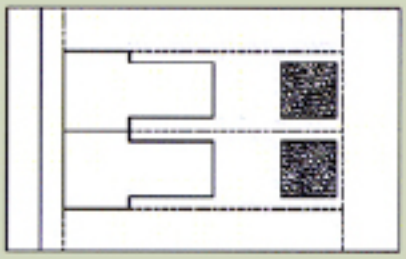


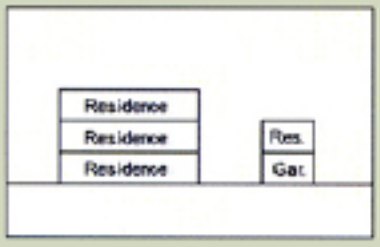
Height

Type I.5 buildings shall have a minimum of two stories at a minimum height of twenty-two (22) feet and shall not exceed three stories. An outbuilding is permitted, but cannot exceed two stories or the height of the primary building.

Building Location

Type I.5 buildings shall be built to the front property line and on the the side property line for a minimum of sixteen (16) feet back from the street, with no specified setback thereafter, and a rear yard setback of twenty (20) feet. Maximum 75% building lot coverage. Outbuildings shall have a three (3) foot rear build-to-line.





Parking

Type I.5 buildings shall have two off-street parking space for every three (3) units, including outbuilding.

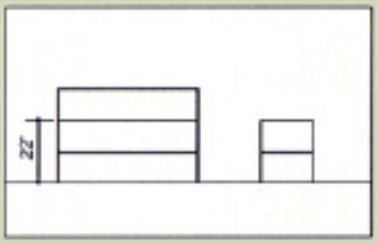
Permitted Use

Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

6. Type I.6 - Rowhouse









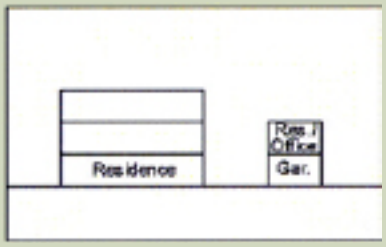
Height

Type I.6 buildings shall have a minimum of two stories at a minimum height of twenty-two (22) feet and shall not exceed three stories. An outbuilding is permitted, but cannot exceed two stories or the height of the primary building.

Building Location

Type I.6 buildings shall be built to the front and side property lines. Maximum 75% building lot coverage. Outbuildings shall have a three (3) foot rear build-to-line, must be built to the edge of one side lot line, and may occupy a maximum 80% lot width





Parking

Type I.6 buildings shall have one off-street parking space per lot.

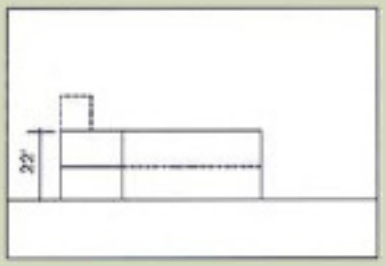
Permitted Use

Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence; Office

7. Type II.1 - Flex Building







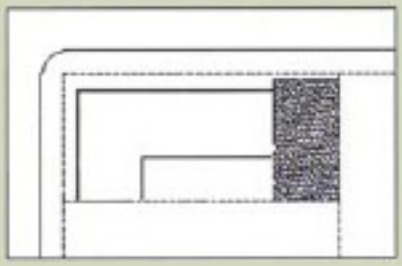


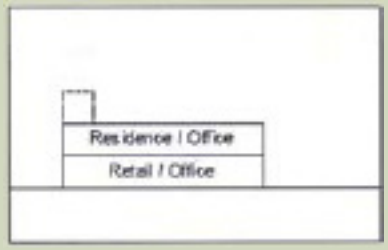
Height

Type II.1 buildings shall have two stories at a minimum height of twenty-two (22) feet plus optional tower. No outbuildings are permitted.

Building Location

Type II.1 buildings shall have a five (5) foot front build-to-line. No part of the building may be less than sixteen (16) feet deep. Maximum 70% building lot coverage.





Parking

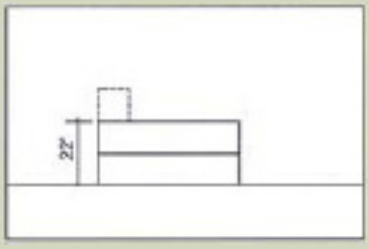
Type II.1 buildings shall have three (3) off-street parking spaces.

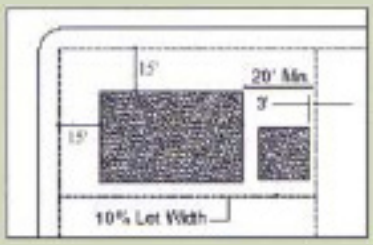
Permitted Use

1st Floor - Retail; Office
Higher than 1st Floor - Residence; Office

8. Type II.2 - 4-Flat





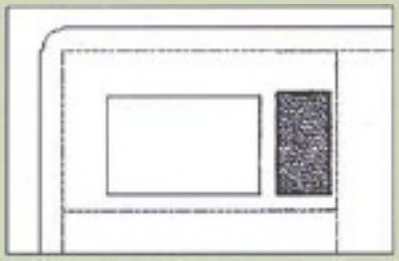


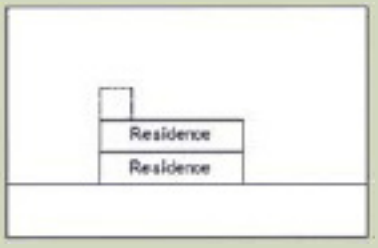
Height

Type II.2 buildings shall have two stories at a minimum height of twenty-two (22) feet plus optional tower. Outbuildings not exceeding two stories ort he height of the primary building are permitted.

Building Location

Type II.2 buildings shall have 10'-15' front build-to-lines; the short front shall have a 10% lot width sideyard setback; the long front shall have a twenty (20) foot minimum sideyard setback. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.





Parking

Type II.2 buildings shall have one (1) off-street parking spaces per dwelling unit.

Permitted Use

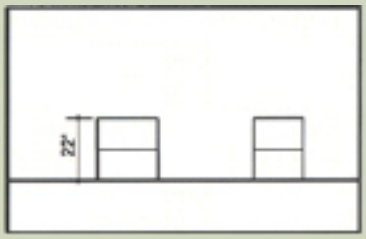
Residence

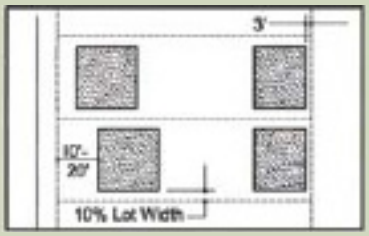
9. Type II.3 - Corner Detached Single Family











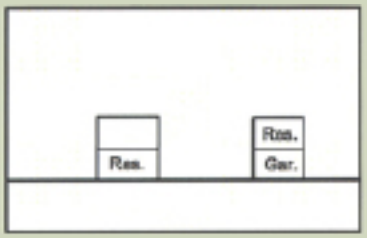
Height

Type II.3 buildings shall have two stories at a minimum height of twenty-two (22) feet. An outbuilding is permitted, but shall not exceed two stories or the height of the primary building.

Building Location

Type II.3 buildings shall have 10'-20' front build-to-lines on both fronts; and shall have 10% lot width sideyard setback. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.





Parking

Type II.3 buildings shall have one (1) required off-street parking space per dwelling unit, including outbuilding.

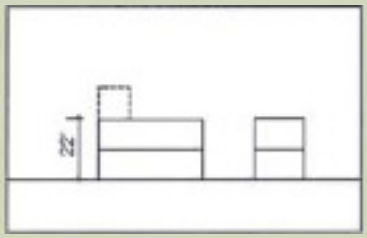
Permitted Use

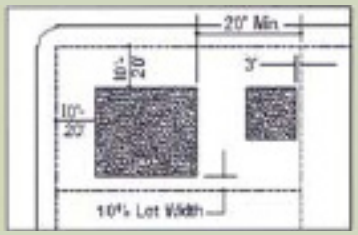
Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

10. Type II.4 - Duplex







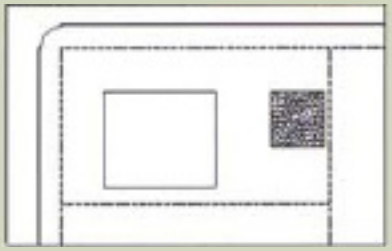


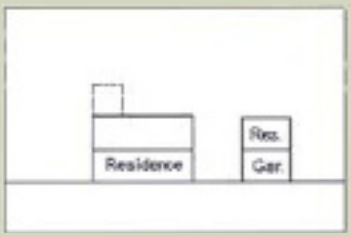
Height

Type II.4 buildings shall have two stories at a minimum height of twenty-two (22) feet plus optional tower. An outbuilding is permitted, but shall not exceed two stories or the height of the primary building.

Building Location

Type II.4 buildings shall have 10'-20' front build-to-lines; the short front shall have a 10% lot width sideyard setback; the primary shall have a twenty (20) foot minimum rear yard setback. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.





Parking

Type II.4 buildings shall have two (2) required off-street parking spaces.

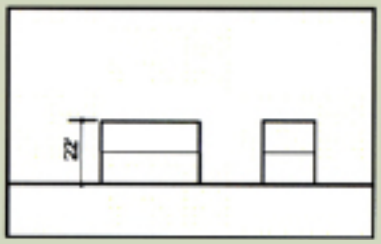
Permitted Use

Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

11. Type II.5 - Rowhouse







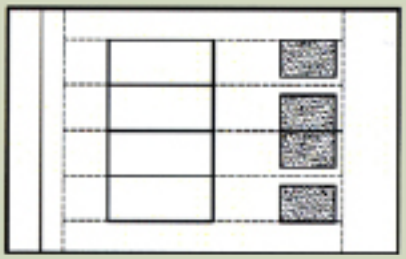


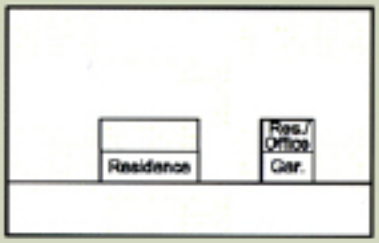
Height

Type II.5 buildings shall have two stories at a minimum height of twenty-two (22) feet. An outbuilding is permitted, but shall not exceed two stories or the height of the primary building.

Building Location

Type II.5 buildings shall have 5'-20' front build-to-line and shall be built to the side property lines. On corner lots. both fronts shall have a 5'-20' build-to line. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line. Rowhouses must be built in a minimum grouping of three (3).





Parking

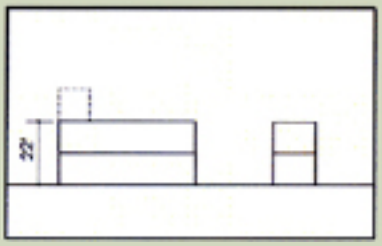
Type II.5 buildings shall have one (1) required off-street parking space per lot.

Permitted Use

Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence; Office

12. Type II.6 - Sideyard House





Height

Type II.6 buildings shall have two stories at a minimum height of twenty-two (22) feet plus an optional tower on corner lots only. An outbuilding is permitted, but shall not exceed two stories or the height of the primary building.



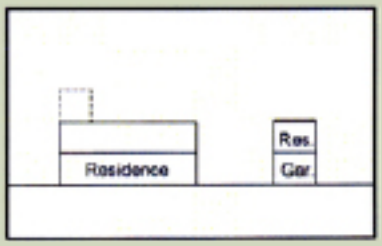
Building Location

Type II.6 buildings shall have 5'-15' front build-to-line and shall be built to one side property line. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.



Parking

Type II.6 buildings shall have one (1) required off-street parking space per dwelling unit, including outbuilding..



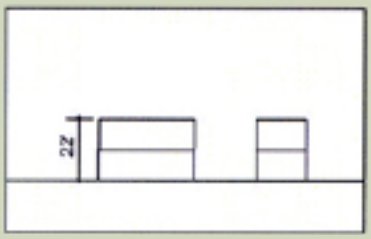
Permitted Use

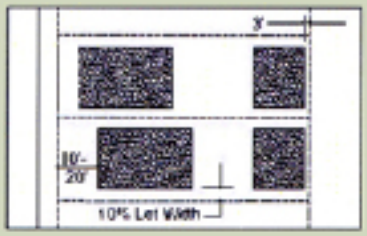
Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

13. Type II.7 - 2-3 Flat









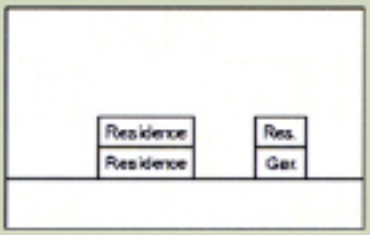
Height

Type II.7 buildings shall have two stories at a minimum height of twenty-two (22) feet. An outbuilding is permitted, but shall not exceed two stories or the height of the primary building.

Building Location

Type II.7 buildings shall have 10'-20' front build-to-line and shall have 10% lot width sideyard setback Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.





Parking

Type II.7 buildings shall have two (2) required off-street parking space per three (3) dwelling units, including outbuilding.

Permitted Use

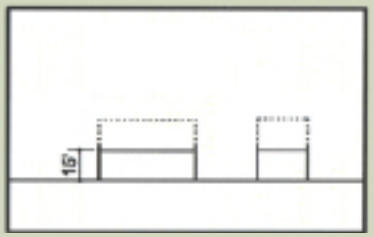
Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

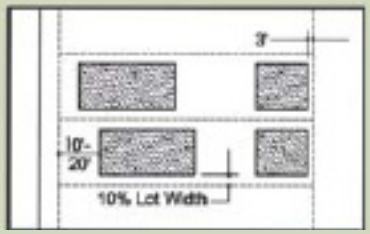
14. Type II.8 - Mid-block Detached Single Family









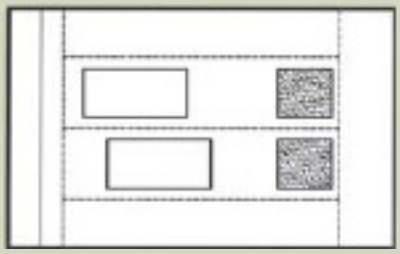


Height

Type II.8 buildings shall have a minimum of one story at a minimum height of 15' and shall not exceed two (2) stories. An outbuilding is permitted, but shall not exceed two stories.

Building Location

Type II.8 buildings shall have 10'-20' front build-to-line and shall have 10% lot width sideyard setback. Maximum 70% building lot coverage. Outbuildings shall have a three (3) foot rear build-to line.





Parking

Type II.8 buildings shall have one (1) required off-street parking space per dwelling unit, including outbuilding..

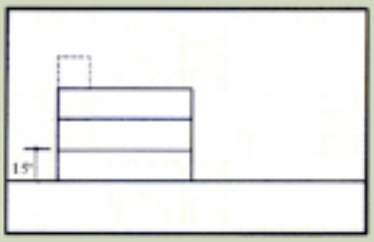
Permitted Use

Primary Structure - Residence
Accessory Structure 1st Floor - Garage
Accessory Structure 2nd Floor - Residence

15. Type IV.1 - Civic Buildings

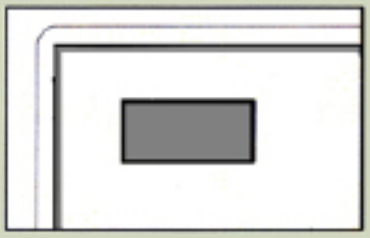






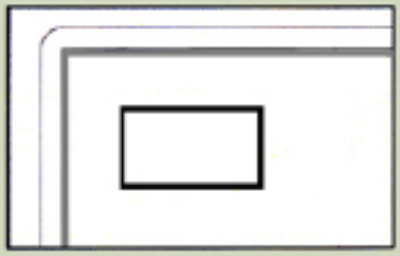
Height

Type IV.1 buildings shall have a minimum of one (1) story at a minimum height of 15' and shall not exceed three stories plus optional tower. No outbuildings are permitted.



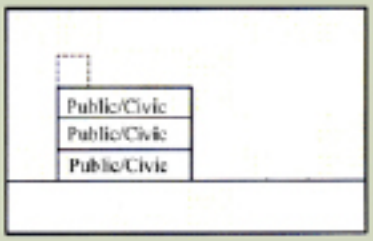
Building Location

Type IV.1 buildings shall have no specified setback or build-to lines. No more than 50% lot coverage by buildings is permitted. Lot frontage not edged by building shall be edged by wrought iron fence or shrubbery between 3' and 15' tall.



Parking

Type IV.1 buildings shall not be required to have off-street parking spaces.



Permitted Use

Public; Civic

Overlay Zoning Districts Intent, Uses, & Standards

030 *HN, Historic Neighborhood Overlay District*

A. Purpose

The HN, Historic Neighborhood Overlay District is intended to preserve the unique historic nature of residential areas within the core of the City of Plymouth.

B. Development Standards

1. Structure Height
   The height of residential structures at the primary roof ridge shall not be less then twenty (20) feet above grade; or less than 8/12 in slope, whichever is higher.

2. Front Entry Door Orientation
   The front entry door shall be located on the primary street facade of the residence or conform to the existing neighborhood practice.

3. Building Line
   The residence shall be built to the average established building line of the primary street on which the residence is fronted.

4. Site Plans
   Site Plans will include the architectural design of the new structure and /or additions and how it preserves the historic nature of the neighborhood.

5. Plymouth Building Commissioner
   Due to the historic value of these areas, the City has taken extra steps to ensure that their identity continues to prosper for generations to come. All site plans for any new homes, and home additions, must be reviewed by the Plymouth Building Commissioner.

C. Review Criteria

1. Alterations and New Construction

The Plymouth Building Commissioner must find that one of the following criteria has been met in order to approve an alteration or new construction request on all structures in the HN, Historic Neighborhood Overlay District.

a. The proposed alteration will cause the structure to more closely approximate the historical character, appearance, or material composition of the original structure than its current state. For non-historic structures, the proposed alteration will cause the structure to more closely resemble the historic structures in the area than its current state.

b. The proposed alteration will not further deviate from the historical character, appearance, or material composition than its current state.

c. The materials and design of proposed new construction will not conflict with or detract from nearby historic structures or the district as a whole.

d. No solar installations may be visible from the street.

2. Moving or Demolition

The Plymouth Building Commissioner may approve a request to move or demolish a structure in the HN District if all of the following criteria are met:

a. The structure cannot be economically rehabilitated on the site to provide a reasonable income or residential environment compared to other structures in the general area.

b. There is a demonstrated public need for the new use which outweighs any public benefit which might be gained by preserving the subject buildings on the site.

c. The proposed development, if any, is compatible with the surrounding area considering such factors as location, use, bulk, landscaping, and exterior design.

d. If the building is proposed to be moved, the new site and surrounding area will benefit from the move.

D. Design Standards

1. Plymouth Building Commissioner will review the outside exterior of the structure on how it fits the surrounding community.

2. The Plymouth Building Commissioner will review the ratio of living space and garages and/or detached accessory structures.

E. Procedures

At a minimum, the historic neighborhood overlay district application shall include:

1. A description of the location of the property, address, tax parcel number, and site of proposed work.

2. A detailed site plan showing the location of the structure on the site, setback dimensions, the location of driveways, streets and alleyways, landscape areas, and the general location of structures on adjacent lots. Photographs may be used in addition to the site plan.

3. A description of the proposed construction or alteration detailing the objectives of the work, listing the proposed changes as well as the materials and design (wood, brick, stucco, paint color, lighting etc.) Upon receipt of an application, the Plymouth Building Commissionermay request that a public Plan Commission hearing be conducted prior to rendering a decision on the application. The public hearing may be held in conjunction with the next scheduled meeting of the Plan Commission or scheduled separately. In either case, notice of the hearing must be given in a newspaper of general circulation in the City, at least ten (10) days in advance of the hearing. Signage indicating the date of the public hearing must be placed on the property ten (10) days prior to the hearing.

040 *NC, Neighborhood Commercial Overlay District*

A. Purpose

The Neighborhood Commercial District provides convenience retail goods and services as well as public gathering spaces in close proximity to neighborhoods. Typical uses may include convenience stores, cafes, coffee shops, and other providers of day-to-day convenience goods and services. The intent of this section is to establish a district designed and intended to accommodate retail, service, office, and other miscellaneous uses which are most compatible with uses typically found in residential neighborhoods.

B. Uses

1. Permitted Uses
   - Roadside Stand (For Sale of Farm Related Products)
     Clothing Apparel and Accessory Sales
   - Dry Goods and Notions
   - Furrier, Fur shop, Storage of Furs
   - Shoe Sales/Repair
   - Tailoring and Dressmaking
   - Offices, Professional, Semi-Professional, Business
   - Retail Only – Bakeries, Confectionaries, Delicatessen...
   - Specialty Shops, China, Glassware, Metal ware
   - Antique , Gift, Art, Stationary, Book, Florist, Jewelry...
   - Bicycle Sales and Service
   - Drug Store and Pharmacy
   - Photographic Studio – Music Conservatory – Dancing Instruction
   - Studios – Art, Music, Dancing
   - Barber & Beauty Shops
   - Funeral Homes & Mortuaries
   - Park, Playgrounds, Athletic Fields, Golf Courses, ...
   - Government Office Buildings/Facilities
   - Medical Health Center – Clinic for Humans – Physician/Dental Office
   - Private Day Care – Private Nursery
   - Small rooftop, micro, and ground mount solar installtions

2. Special Use
   - Convenience Store and Fuel Sales
   - Restaurant
   - Greenhouse – Commercial – Nursery Stock
   - Lawn and Garden Supplies
   - Sporting Goods, Sales and Rentals (Including Live Bait Sales)
   - Fraternal Clubs and Lodges, Social Clubs
   - Solar Energy Systems - Medium and Large
   - Wind Turbine

C. Site Plan Review

New buildings and uses within this district shall be reviewed by the Technical Review Committee in accordance with *Article 7, Site Development Plans* of this ordinance.

(cont)

040 *NC, Neighborhood Commercial Overlay District (cont)*

D. Development Standards

The development shall be found to be compatible with surrounding land uses. The following design elements shall be incorporated into the proposed Development Plan and utilized to determine the development's compatibility with surrounding uses:

1. Architectural Review
   Buildings must match the architectural style of buildings in a neighborhood. Buildings are required to be of like material and construction as existing buildings in the area of the development.

2. Landscaping & Vegetative Buffering
   Landscaping shall meet the requirements of this ordinance.

3. Lighting
   Outdoor lighting shall meet the requirements of this ordinance and shall not otherwise create negative impacts on the surrounding neighborhood.

4. Signs
   In order to maintain the character of the NC, Neighborhood Commercial Overlay District, the following provisions on signs are established. The following sign restrictions shall apply:

   a. All building mounted signs shall be flush mounted with the sign facing parallel to the street and shall not project more than eighteen (18) inches from the building wall.

   b. Total sign area on a building shall not exceed two (2) times the lineal frontage of the building along that street, up to a maximum of forty (40) square feet. Corner buildings and double frontage buildings shall be allowed this amount of signage on each street it fronts. Each business shall be allowed at least twelve (12) square feet of signs.

   c. The maximum number of signs permitted on a building shall be two (2) per street frontage.

   d. No sign shall project above the top of the building on which it is mounted.

   e. No off-premise, advertising signs shall be permitted.

   f. Free standing signs shall not exceed thirty-two (32) square feet in area, nor five (5) feet in height.

   g. Temporary signs, including "arrow" signs, are prohibited.

050 *WP, Wellhead Protection Overlay District*

A. Purpose

The purpose of this Chapter is to provide for the protection of the City of Plymouth's designated Wellhead Protection Areas (WHPA's) by creating Wellhead Protection Overlay Districts. These WHPA's are ground water resources that serve as a source of drinking water for the City of Plymouth public water system. WHPAs are delineated on a map entitled "Wellhead Protection Area Map, Area of Interest, Plymouth Indiana", dated March 11, 1999, and located in the office of the City of Plymouth Water Department; and are consistent with the Indiana Wellhead Protection Rule (Indiana, 1997), IC 8-4-1.1 et seq, IC 13-18-17-6, and the federal Safe Drinking Water Act 42.

The City of Plymouth recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can contaminate groundwater particularly in shallow/surficial aquifers. To ensure the protection of these drinking water supplies, this ordinance establishes a zoning overlay district to be known as the Wellhead Protection Overlay District.

The purpose of the Wellhead Protection Overlay District is to protect public health and safety by minimizing contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other regulations.

The Wellhead Protection Overlay District is superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/ uses allowed in a portion of one of the underlying zoning districts which fall within the Wellhead Protection Overlay District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Wellhead Protection Overlay District.

B. Zones Within the Wellhead Protection Overlay District

1. Zone 1 - Drinking Water Critical Impact Zone
   Zone 1 is defined as the area within the 6-month time-of-travel distance mapped around all the public water supply well(s).

   a. Encouraged Uses
      The following uses are encouraged within Zone 1 provided they meet the appropriate performance standards outlined in *Article 4-050(C), Performance Standards* and are designed so as to prevent any groundwater contamination.

      i. Parks, greenways, or publicly-owned recreational areas such as foot, bicycle and/or horse paths, and bridges.

(cont)

050 *WP, Wellhead Protection Overlay District (cont)*

ii. Necessary public utilities/facilities including the construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

iii. Conservation efforts for soil, water, plants, and wildlife;

b. Special Exceptions
The following uses are permitted only under the terms of a special exception and must conform to provisions of the underlying zoning district and meet the performance standards outlined in *Article 4-050(C), Performance Standards* .

i. Expansion of existing nonconforming uses to the extent allowed by the underlying district. The City of Plymouth Board of Zoning Appeals reserves the right to review all applications and shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.

c. Prohibited Uses.
The following uses, unless granted a special exception, are prohibited within Zone 1, the 6- month time-of-travel zone.

i. Automobile body/repair shop;
ii. Gas station;
iii. Fleet/trucking/bus terminal;
iv. Dry cleaner;
v. Electrical/electronic manufacturing facility;
vi. Machine shop;
vii. Metal plating/finishing/fabricating facility;
viii. Chemical processing/storage facility;
ix. Wood preserving/treating facility;
x. Junk/scrap/salvage yard;
xi. Mines/gravel pit
xii. Irrigated nursery/greenhouse stock
xiii. Confined animal feeding operations
xiv. Land divisions resulting in high density (>1 unit/acre) septic systems;
xv. Equipment maintenance/fueling areas;
xvi. Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
xvii. Underground storage tanks, (except those with spill, overfill, and corrosion protection requirements in place);
xviii. All other facilities involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or waste having potentially harmful impact on Wellhead quality;
xix. All uses not permitted in the underlying zone district

2. Zone 2 - Drinking Water Potential Impact Zone
Zone 2 is established as the remainder of the Wellhead Protection Overlay District not included in Zone 1, but deemed necessary to ensure adequate protection of public drinking water supplies.

a. Permitted Uses
All uses permitted in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the Wellhead Protection Overlay District.

b. Special Exceptions
All special exceptions allowed in underlying districts may be approved by the City of Plymouth Board of Zoning Appeals provided they can meet performance standards outlined for the Wellhead Protection Overlay District.

C. Performance Standards

The following standards shall apply to uses in Zones 1 and 2 of the Wellhead Protection Overlay District:

1. Any facility involving the collection, handling, manufacture, use, storage, transfer or disposal of any solid or liquid material or wastes, unless granted a special exception either through permit or another ordinance, must have a secondary containment system which is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.

2. Open liquid waste ponds containing materials referred to in item (1) above will not be permitted without a secondary containment system.

3. Storage of petroleum products in quantities exceeding fifty (50) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system noted in item (1) above where it is deemed necessary by the City of Plymouth Board of Zoning Appeals.

4. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous waste materials.

5. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:

   a. For flood control
   All underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100 year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100 year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).

   b. For fire control

(cont)

Plans shall include but not be limited to a safe fire fighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.

c. For equipment failures
Plans shall include but not be limited to:

i. Below ground level
Removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system.

ii. Above ground level
Liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.

d. For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Wellhead protection coordinator designated by the (local government authority).

6. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells should be properly plugged according to local and state regulations.

D. Liability

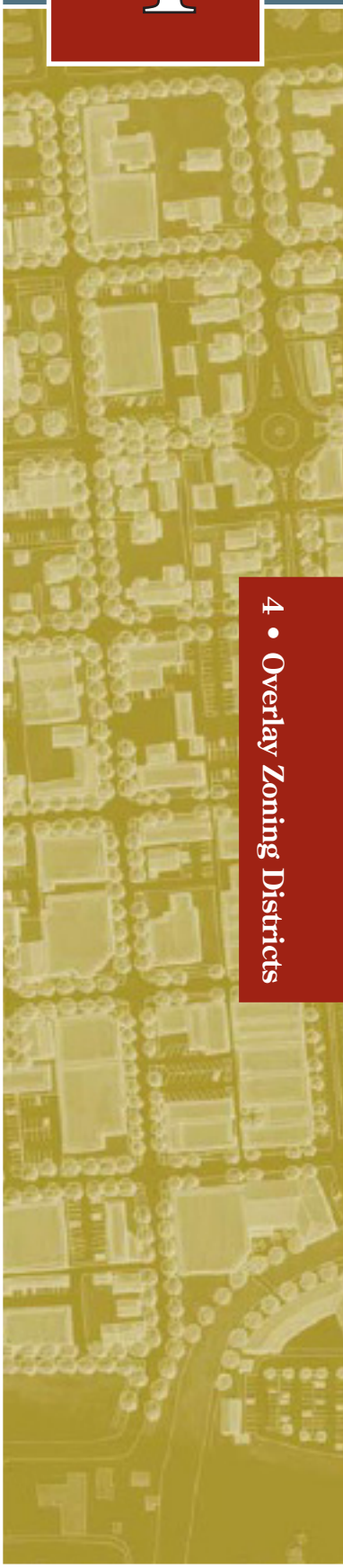
Nothing in this Chapter shall be construed to imply that the City of Plymouth has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

E. District Boundary Disputes

If the location of the Wellhead Protection Overlay District boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through appeal to the City of Plymouth Board of Zoning Appeals. The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district with respect to their individual parcel(s) of land show should be located. If the owner(s) request that the local government agency determine more accurately the boundaries of the district with respect to individual parcels of land, the agency may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation.

Overlay Zoning Districts Intent, Uses, & Standards

4





Notes

Notes

Suggestions for Future Changes



5

Planned Unit Development

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5 Planned Unit Development

010 *Purpose*

The purpose of the planned unit development is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities and community services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:

A. Reflect the policies of the Comprehensive Plan specific to the area in which the PUD is to be located;

B. Provide substantial buffers and transitions between areas of different land use and development densities;

C. Enhance the appearance of City of Plymouth by conserving areas of natural beauty, and natural green spaces;

D. Counteract urban monotony and congestion on streets;

E. Promote architecture that is compatible with the surroundings;

F. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;

G. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and

H. Pursue implementation of the Comprehensive Plan.

020 *Definition*

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved Secondary Plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the plan not fully described in the map and text. The uses and standards expressed in the Secondary Plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

030 *Requirements for Planned Unit Development*

A. The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments which run to the benefit of the Zoning Jurisdiction.

B. The plan shall indicate the land use, development standards, and other applicable City of Plymouth specifications which shall govern the Planned Unit Development. If the plan is silent on a particular land use, development standard, or other specification of City of Plymouth, the standard of the underlying district or the applicable regulations shall apply.

C. The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.

D. The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other City of Plymouth standards and other pertinent regulations, except where specifically varied through the provisions of this Section of the Ordinance.

E. Designation and Conveyance of Permanent Open Space.

1. Definition
   Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.

2. Designation
   No plan for a Planned Unit Development shall be approved, unless such plan provides for permanent landscaped or natural open space. A minimum of ten (10) percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.

3. Phasing
   If the Primary Plan provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.

4. Conveyance
   Permanent open space shall be conveyed in one of the following forms:

   a. To a municipal or public corporation; or

   b. To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Plan Commission and the City Common Council, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or

(cont)

030 *Requirements for Planned Unit Development (cont)*

c. To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or

d. Included in single family residential lots under the control of lot owners.

F. Uses permitted in a Planned Unit Development may be any use which is found in *Article 3-120, Land Use Matrix* of this Ordinance, subject to the approval of the Plan Commission and City Council.

040 *Procedure for Approval of Planned Unit Development*

A. Introduction

Applications shall be accompanied by all plans and documents required by *Article 5-050, Specific Content of Plans* of this Ordinance. A three step application process shall be used. The steps in the process are:

1. Pre-Design Conference;

2. Primary Plan Review; and

3. Secondary Plan Review.

B. Pre-Design Conference

Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the Technical Review Committee. The purpose of the pre-application conference shall be to:

1. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted City policies.

2. Allow the Technical Review Committee to inform the applicant of applicable policies, standards and procedures for the Planned Unit Development.

3. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.

C. Procedure for Primary Plan Review

1. The Primary Plan and application for the Planned Unit Development shall be submitted to the planning staff which will review and certify the application to be complete.

2. The Technical Review Committee will review the Primary Plan in accordance with *Article 10-030, Technical Review Committee* of this Ordinance.

2. The Primary Plan and application, Planning Department report, and such other documents as may be pertinent to the Planned Unit Development shall then be

forwarded to the Plan Commission for its consideration.

3. The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.

4. Where there are environmentally sensitive features on the site or the Secondary Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the Secondary Plan. And, where the Plan Commission recommends denial of a Primary Plan and the City Common Council approves the plan, the Plan Commission shall review the Secondary Plan.

5. Upon completion of its review, the Plan Commission shall certify the application to the City Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.

6. The City Common Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Council may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within ninety (90) days, the Ordinance takes effect as if it had been adopted as certified ninety (90) days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Council fails to act on the proposal within ninety (90) days, the proposal is defeated.

D. Effect of Approval of Primary Plan

1. When a Primary Plan for a Planned Unit Development has been approved by the Council, the Plan shall become effective and its location shall be shown on the Zoning Map. The Zoning Map shall be amended to designate the site as a Planned Unit Development.

2. Upon such amendment of the zoning map, the use and development of the site shall be governed by the Planned Unit Development Primary Plan, subject to approval of a Secondary Plan.

3. No permit of any kind shall be issued until the Secondary Plan has been approved.

E. Secondary Plan:

1. Purpose of Secondary Plan Review
The purpose of the Secondary Plan is to designate the controls for development of the Planned Unit Development. The Secondary Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.

(cont)

040 *Procedure for Approval of Planned Unit Development (cont)*

2. Time Limit for Approval of Secondary Plan
   The Secondary Plan shall be submitted to the Planning Department not more than 18 months following City Common Council approval of the Primary Plan. The Primary and Secondary Plans may be submitted as a single plan if all requirements of *Article 5-050.B, Primary Plan Requirements* and *Article 5-050. C, Secondary Plan Requirements* of this Ordinance are met. The Secondary Plan may be submitted and approved in stages, with each stage representing a portion of the Primary Plan, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Primary Plan, in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The Plan Commission may extend the time for application for approval of Secondary Plan for good cause, consistent with the purposes of this Ordinance.

3. Expiration of Time Limit
   Periodically, the planning staff shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time or to initiate action to amend the Zoning Map so as to rescind the Planned Unit Development designation.

4. Relationship of Secondary and Primary Plan
   The Secondary Plan shall conform to the Primary Plan as approved.

5. Procedure for approval of a Secondary Plan shall be:

   a. Secondary Plan Submission
      The Secondary Plan and supporting data shall be filed with the planning staff.

   b. Staff Review
      The planning staff shall review the Secondary Plan to include site plan review, in accordance with the requirements of this Ordinance.

   c. Staff Approval
      It shall generally be the responsibility of staff to review Secondary Plans, unless the Plan Commission reviews the Secondary Plans as provided in *Article 5-040.C(4), Procedure for Primary Plan Review* of this Ordinance or where a new Secondary Plan is required.

   d. Plan Commission Review
      If the Plan Commission has retained Secondary Plan Review authority, the Plan Commission shall hold a public hearing in accordance with its Rules of Procedure. The Commission may approve, deny or approve with modifications.

6. Expiration of Secondary Plan
   The Secondary Plan shall expire two (2) years after approval, unless grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Secondary Plan approved in stages. The time limit for completion may be set forth in the Secondary Plan,

in which case that schedule shall control the timing of development, rather than the time period contained in this paragraph. The approving authority may extend the time for commencement of the Secondary Plan for good cause, consistent with the purposes of this Ordinance.

7. Effect of Approval of Secondary Plan
No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Secondary Plan, and after acceptance by the City of all required guarantees for improvements pursuant to *Article 5-050.C(6), Guarantee of Performance for Completion of Improvements* of this Ordinance.

050 *Specific Content of Plans*

Planned Unit Secondary Plans and supporting data shall include all documentation listed in this Section of the Zoning Ordinance unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular request.

A. Pre-Design Conference Requirements

1. A written letter of intent from the applicant describing the applicant's intention for developing the site.

2. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic or geologic constraints.

B. Primary Plan Requirements

1. A drawing of the Planned Unit Development shall be prepared at a scale not less 1"=50', or as considered appropriated by the planning staff, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. The submission shall include:

   a. A site location map.

   b. The name of the development, with the words "Primary Plan".

   c. Boundary lines and acreage of each land use component.

   d. Existing easements, including location, width and purpose.

   e. Existing land use on abutting properties.

   f. Other conditions on adjoining land

      i. topography (at two (2) foot contours) including any embankments or retaining walls;

(cont)

050 *Specific Content of Plans (cont)*

ii. use and location of major buildings, railroads, power lines, towers and other influences; and

iii. name of any adjoining subdivision plat.

g. Existing streets on and adjacent to the tract, including street name, right-of-way width, walks, curbs, gutters, and culverts.

h. Proposed public improvements
Including streets and other major improvements planned by the public for future construction on or adjacent to the tract.

i. Existing utilities on the tract.

j. Any land on the tract within the 100-year floodplain.

k. Other conditions on the tract, including water courses, wetlands, sinkholes, wooded areas, isolated trees 6 inches or more in diameter, existing structures and other significant features.

l. Existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.

m. Map data such as north point, scale and date of preparation.

2. Miscellaneous
The Planning Staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.

3. Written Statement of Character of the Planned Unit Development
An explanation of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include:

a. A specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land in question.

b. Ownership
a statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.

c. Development scheduling indicating:

i. Stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.

ii. Projected dates for beginning and completion of each stage.

d. Proposed Uses

i. Residential Uses
   - gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;

ii. Nonresidential Uses
   - specific nonresidential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building heights.

e. Facilities Plan
Preliminary concepts and feasibility reports for:

i. Roads

ii. Sidewalks

iii. Sanitary sewers

iv. Stormwater management

v. Water supply system

vi. Street lighting

vii. Public utilities

4. Traffic Analysis
If requested by the planning staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

C. Secondary Plan Requirements
The application for Secondary Plan Review shall include, but not be limited to, the following documents:

1. Such additional information as may have been required by the Primary Plan Review.

2. An accurate map exhibit of the entire phase for which Secondary Plan Review is being requested, showing the following:

   a. Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.

(cont)

050 *Specific Content of Plans (cont)*

b. Design and precise location of all streets, drives, and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters, and culverts.

c. Location of all utility lines and easements.

d. A final detailed landscape plan, in conformance with *Article 6-140, Landscaping Standards* of this Ordinance.

e. Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.

3. If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a preliminary plat, as modified by the Primary Plan Review, is required where platting is to be done concurrent with the Secondary Plan Review.

4. Projected construction schedule.

5. Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.

6. Guarantee of Performance for Completion of Improvements
A bond or other guarantee acceptable to the City shall be provided for all required improvements and shall be executed at time of permit application or platting, whichever comes first. Improvements that must be guaranteed include facilities which shall become public, and may include other facilities or improvements as may be specified in the Primary or Secondary Plan Review. If the project is to be built in phases, the guarantee shall be posted prior to the commencement of work on each phase. The guarantee shall specify the time for completion of improvements, and shall be in an amount of one hundred twenty-five (125) percent of the estimated cost of the improvements.

060 *Review Considerations*

A. In their consideration of a Planned Unit Development Primary Plan, the Technical Review Committee in its report to the Plan Commission, the Plan Commission in its recommendation, and the City Common Council in its decision, shall consider as many of the following as may be relevant to the specific proposal:

1. The extent to which the Planned Unit Development meets the purposes of the Zoning Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the City.

2. The extent to which the proposed plan meets the requirements, standards, and stated purpose of the Planned Unit Development regulations.

3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited

to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.

4. The proposal will not be injurious to the public health, safety, and general welfare.

5. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation and visual enjoyment.

6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.

7. The desirability of the proposed plan to the City's physical development, tax base and economic well-being.

8. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.

9. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

070 *Changes in the Planned Unit Development*

A. Changes Requiring New Primary Plan Review

Changes which alter the concept or intent of the Planned Unit Development including but not limited to:

1. Increases in density not to exceed 10%;

2. Changes in the proportion or allocation of land uses;

3. Changes in the list of approved uses;

4. Changes in the locations of uses;

5. Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or

6. Changes in the final governing agreements where such changes conflict with the Primary Plan Review.

B. Changes Requiring New Secondary Plan Review.

Changes that require New Secondary Plan Review include the following:

1. Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;

(cont)

070 *Changes in the Planned Unit Development (cont)*

2. Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this ordinance;

3. Changes to the internal street system or off-street parking areas;

4. Changes in drainage management structures;

5. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or

6. All other changes not expressly addressed under *Article 5-070.A, Changes Requiring New Primary Plan Review* of this Ordinance, shall require new Secondary Plan Review.

Planned Unit Development

5



Notes

Notes

Suggestions for Future Changes



6

Development Standards

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010 Accessory Structures and Use Standards

A. Definition

A use, building, or structure, the permanent or temporary use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include: garages, carports, porches, decks, awnings, canopies, mini-barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses, swings, game courts, swimming pools, hot tubs, grain bins, grain dryers, solar systems, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures and therefore are not permitted include mobile homes, manufactured homes, construction trailers, recreational vehicles, box trucks, semi-trailers, and any other structure or equipment used for a use in which it was not designed.

B. Where Permitted

Accessory Uses, Buildings, and Structures shall be permitted in all districts, provided that the primary use which is supported by the accessory use, building, or structure is a permitted use within the district to which a lot is zoned.

Accessory structures are permitted on adjacently owned lots, used in common, provided they meet remaining development standards.

C. Development Standards

Accessory uses, buildings, and structures shall comply with all development standards of the applicable zoning district unless an exception is specifically provided for in this section.

D. Dumpsters, Compactors, and Trash Receptacles

Dumpsters, compactors, and other trash receptacles are not regulated as accessory structures.

E. Swimming Pools

Swimming pools must abide by this zoning ordinance as well as Indiana Administrative Code (675 IAC 20) and Indiana Residential Code (675 IAC 14-4.3 *et seq.*), as they may be amended from time to time.

F. Shipping Containers

Allow one (1) cargo container within R-1, C-1, C-3 and I districts regardless of parcel size with the conditions that the cargo container shall be maintained as the same color as adjacent strucutre, kept in good repair (i.e. no rust, holes, or worn paint, etc.), on a permanent foundation, and a second container is permissible for lots greater than five (5) acres. Additional containers may be allowed after review and approval by the Board of Zoning Appeals. Containers shall be used only for cold storage and shall not be permitted within any front yard setback.

020 Bed and Breakfast Standards

A . Definition

A Bed & Breakfast is an accessory use to a residential dwelling carried out for gain by the residents of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

B . Number of Rooms and/or Units

Up to five (5) rooms may be rented to guests, whether in the residence or some other appropriate structure on the property.

C. Limitation on stay

A Bed and Breakfast Establishment is not a rooming house or multi-family dwelling. Guests occupying rented rooms shall stay at the Bed and Breakfast Establishment for no more than fourteen (14) consecutive days

D . Food service

A Bed and Breakfast Establishment is not a restaurant. Food service is limited to breakfast; and food service shall only be provided to guests occupying rented rooms.

030 Confined Livestock Feeding Standards

A . Purpose

The purpose of this section is to protect existing approved Confined Livestock Feeding operations from being encroached upon by new residential, commercial, or industrial uses; as well as to protect existing residential, commercial, or industrial uses from being encroached upon by new Confined Livestock Feeding operations.

B. IDEM Permit Required

All Confined Animal Feeding Operations (CAFOs) must be issued an Indiana Department of Environmental Management (IDEM) permit before an Improvement Location Permit for the CAFO may be issued.

C. Route Permit Required

All CAFOs must obtain a "Route Permit" from the Marshall County Highway Department.

D. Water Wells and Ground Water

All CAFOs must abide by 312 AIC 12 Water Well Drilling and Ground Water. All wells capable of withdrawing over 100,000 gallons per day or 70 gallons per minute must be registered

E. Water Wells Testing

All CAFOs must submit an annual report of a private well water test. This test must be an approved test taken by an official approved by the Zoning Administrator.

F. Manure Application

All CAFOs must comply with all IDEM manure application regulations. All surface spread manure must be incorporated within 24 hours unless applied to a growing crop.

G. Irrigation of Manure

Irrigation of manure, except low nutrient water, is prohibited.

H. Odor Control

All CAFOs must provide a detailed odor control plan that includes the use of current, proven odor control technology. The plan may be updated from time to time by the producer to include the latest proven technology The plan shall address the following areas:

1. Confinement building
2. Manure storage
3. Manure application
4. Carcass disposal in compliance with Indiana State Board of Health Regulations.
5. Dust and particle matter

I. Setbacks From CAFO Structures

1. The minimum setback of a CAFO structure from any property line shall be one-thousand three-hundred twenty (1,320) feet provided one of the following following odor control technologies are employed:

   a. Biofilters

   b. Oil spray for dust control

   c. Shelterbelts

   d. Wet scrubbers

   e. Catalytic convertors

   f. Windbreak walls

   g. Aerodynamic deduster

   h. Biomass filter

   I. Ozonation

   j. Digester

   k. Diet manipulation

   l. Reducing manure loading rates for lagoons

   m. Surface of lagoon aerated

   n. Permeable cover for manure storage and lagoon

   o. Impermeable covers

   p. Composting

   q. Solids separation

   r. Acidification of manure to keep in ammonium form

   s. Dry manure storage

   t. Urine/feces segregation

   u. Other proven strategies as described in an approved odor control plan

2. The setback shall be increased by two-hundred (200) feet for every additional one-thousand (1,000) animals units for those operations which do not employ an additional odor control technology.

(cont)

030 Confined Livestock Feeding Standards (cont)

J. Shelterbelt Requirements

1. Shelterbelts shall be a minimum of two rows of trees or shrubs

2. Shelterblets must achieve a minimum height level to have the desired effect on odor before CAFO operations may start.

K. Resolution of Existing Violations

Any producer who has in the past five years committed CAFO violations in Indiana or any other state must resolve such violations before an Improvement Location Permit may be issued.

L. CAFO in Special Flood Hazard Area

CAFO facilities are not permitted in Special Flood Hazard Areas.

M. Abandoned or Ceased Confined Livestock Feeding Operations

If for any reason a lawful Confined Livestock Feeding operation is abandoned or ceases operation for the period of two (2) consecutive years, the operation shall not continue without approval as a new Confined Livestock Feeding operation.

040 Environmental Standards

A. Purpose

The following standards are intended to encourage protection of unique City of Plymouth environmental features and protect persons and property from dangers presented by both the natural and built environment. Some of the following standards refer to complimentary state regulations which are not enforced by the City of Plymouth but are listed in order to increase awareness of existing regulations in addition to local law.

B. Land Suitability

No land should be used, or structure erected where the land is unsuitable for such use or structure due to slopes, adverse soil or rock formations, erosion susceptibility, or any other feature as determined by the Zoning Administrator, Technical Review Committee, or Plan Commission likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.

C. Preservation of Natural Features

Existing natural features which would add value to the development of City of Plymouth, such as mature trees, streams, lakes, wetlands, stream-side forests (riparian areas), floodplains, and similar irreplaceable assets should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

D. Wetlands

Wetland areas shall be managed consistent with all applicable standards of the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management.

1. Stream-side Forests (Riparian Areas)
   Stream-side forests should be managed consistent with standards adopted by the National Resource Conservation service as expressed in the Conservation Practice Standard for riparian Forest Buffer (Code 391) and all subsequent amendments and revisions.

2. Floodplains
   Floodplains shall be managed consistent with the Flood Hazard Area Standards.

E. Conservation of Historic Features

Existing historic features, specifically historic landmarks and similar irreplaceable assets, should be preserved through harmonious and careful design.

F. Ground Cover

Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state that complies with the applicable weed and nuisance ordinances of City of Plymouth. If landscaped, it shall be planted with an all season ground cover and with trees and shrubs in accordance with the requirements of this Ordinance and in keeping with natural surroundings.

(cont)

040 Environmental Standards (cont)

G. Cut/Fill Grade

No cut or fill grade should exceed a slope of 3/1 or 33 1/3. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3:1 (rise:run) in slope. Cut and fill grade exceeding 3:1 (rise:run) in slope may be permitted using retaining walls and/or terraces. Cut and fill practices which remove natural topography and/or alter natural drainage shall be minimized.

H. Prompt Treatment of Fill

Material used for fill where permitted by this Ordinance and/or by the Indiana Department of Environmental Management, Indiana Department of Natural Resources, or other governmental agency, shall be promptly covered and seeded in a timely manner to prevent erosion.

I . Erosion Prevention

All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within 30 days after the removal or destruction of the natural cover and shall meet all Indiana Department of Environmental Management Standards for erosion control. Generally all erosion control measures should make use of best management practices which ensure the long-term operation and maintenance of the control features.

J . Surface Water

It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage.

1. Existing natural surface drainage should be utilized where practical

2. Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage patterns of surrounding properties.

3. Swales which provide drainage to a property or properties other than that upon which they are located are required to be placed in an easement meeting the specifications of the City of Plymouth Engineer to prohibit future filling or constructing.

4. On-site detention for a one hundred (100) year storm event shall be required in accordance with the City of Plymouth Storm Water Drainage Ordinance, unless a written statement by the City of Plymouth Engineer indicates that it is not necessary to prevent harm to adjoining properties.

5. All drainage plans are subject to review and approval by the City of Plymouth Engineer.

6. Drainage Swales

Drainage swales along dedicated streets and within the right-of-way, or within dedicated drainage easements are not to be altered, except for maintenance

as originally constructed and approved by the City of Plymouth Engineer or the Indiana Department of Transportation. Driveways may be constructed over these swales subject to the requirements of this Ordinance and the approval of the City of Plymouth Street Superintendant and/or Indiana Department of Transportation (INDOT approval is required for driveways accessing State highways).

7. Any Construction which disturbs more than four thousand (4,000) square feet of surface area must comply with all applicable storm water drainage ordinances, rules, regulations and standards.

K . Alterations to Bodies of Water

No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until written approval is obtained from the Indiana Department of Environmental Management and/or Indiana Department of Natural Resources and any necessary approvals are obtained from the U.S. Army Corp. of Engineers. Alterations include, among other things, filling of a pond, river or wetland.

L . Retention, Detention, and Pond Edges

All retention, detention, and pond edges must be maintained with a buffer of natural plantings within twenty (20) feet of the point of peak elevation.

M. Environmental Quality

All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other issues of environmental quality.

N . Hazardous Waste

All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other materials.

O . Waste/Debris

All properties shall at all times be maintained and used only in a clean, neat and well-groomed condition, free from all natural and man-made debris, junk, rubbish, trash, and similar items.

1. Waste Stored Outdoors
   No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot.

2. Waste Stored in Structures
   Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

(cont)

040 Environmental Standards (cont)

P. Fuel Storage

No highly flammable or explosive liquids, solids, or gases identified by the State Fire Marshal shall be stored in bulk above ground, except in tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.

1. Farm Use Exemptions
   All farm uses shall be exempt from the provisions of this Section provided that the quantities stored are appropriate to the use of the property in the opinion of the Zoning Administrator.

2. On-site Use Exemptions
   All stored fuel for on-site use shall be exempt from the provisions of this section. However, the storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services, the prescribed standards of the National Fire Protection Association, the requirements of the Bureau of Alcohol, Tobacco, and Firearms, and the Indiana Department of Homeland Security. Fire fighting equipment and prevention measures shall be subject to the approval of the applicable fire department and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

Q. Explosive Material

Explosive material, including fireworks, shall be handled and stored in accordance with Title 27, Code of Federal Regulations Part 55 -- Commerce In Explosives, as amended.

R Mining, Sand and Gravels Pits, and Other Extractive Operations

1. Approval
   In accordance with I.C. 36-7-4-1103 or as amended, the City may not prevent the use of any mineral resources outside any urban area. An urban area for this section is defined as any 1,320 foot square which includes at least eight (8) residential units.

2. Restrictions

   a. In Urban Areas
      Reasonable conditions may be placed on mining operations in Urban Areas as defined by this section to preserve general considerations of public health, safety, and welfare.

   b. In Non-Urban Area
      Any conditions or limitations may be placed upon mining operations in Non-Urban Areas as defined by this section in accordance with any required review by the Commission or Board.

3. Setbacks
   All mining operations shall maintain a one hundred (100) foot setback from adjacent non-mining property lines.

4. Development Plan
   Any request for approval of a mining operation shall include a Development Plan in accordance with *Article 7, Site Development Plans* of this Ordinance.

5. Reclamation Plan

   a. The development plan shall include a plan for reclamation of the property after the conclusion of the mining operations on the property.

   b. The applicant shall furnish a bank commitment of credit, bond, certified check or an escrow account or any other means in the manner and amount approved by the Board of Public Works to secure the site reclamation according to the plan.

6. Road Maintenance Bond
   The applicant shall furnish a bank commitment of credit, bond, certified check or an escrow account or any other means in the manner and amount approved by the Board of Public Works to secure the maintenance of City streets damaged by the mining operation.

S. Septic System Approval

All construction shall comply with the State of Indiana and the Marshall County Health Department regulations regarding approval and construction of on-site septic systems. In addition, when it is determined by the Marshall County Health Department that new construction requires a new on-site system, an alternate on-site septic system location shall also be approved and maintained for future use as an on-site septic system."

T. Private Tiles

All private drainage tile, either existing or new construction, located outside of a parcel and used as a condition for the installation of a private on-site sewage system, shall have a permanent easement of twenty (20) feet in width provided from the parcel line to a public outlet. A blanket easement for an existing drain shall be obtained when the location of the drain is unknown. Any existing private tile that crosses the property shall be provided with a twenty (20) foot wide easement.

050 Exterior Lighting Standards

A . Purpose

The purpose of this Chapter is to provide standards for outdoor lighting that protect the public safety and the general welfare of the community by reducing unsafe and unpleasant lighting conditions, such as light trespass and light pollution, while also promoting the safe and efficient movement of vehicles and pedestrians and the security of local properties.

B . General Requirements

All exterior lighting shall conform with the following general requirements:

1. General Design Standards
   All exterior lighting should generally conform to the guidelines of the latest version of the Illuminating Engineering Society of North America Lighting Handbook.

2. Mounting Height Measurement
   For the purposes of this Chapter, the mounting height of all light fixtures shall be defined as the vertical distance between the grade level of the surface being illuminated and the bottom of the lighting fixture (luminaire).

3. Use of Timers/Dimmers
   Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

4. Electrical Service
   The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on utility poles.

5. Holiday Lighting
   Holiday lighting shall be exempt from the provisions of this Chapter, provided that such lighting does not, in the opinion of the Zoning Administrator, create dangerous glare on adjacent streets and properties.

C. Parking Lot Lighting Requirements

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas while avoiding glare and direct illumination of adjacent properties or streets. All parking lot lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.

1. Lighting Fixtures
   All lighting fixtures providing illumination for parking lots shall be ninety (90) degree cut-off fixtures directed downward at the parking lot surface.

2. Maximum Mounting Height
   The maximum mounting height for all parking lot illuminating light fixtures shall be consistent with the following table:

Table 6-A, Maximum Lighting Mounting Height										
Zoning District	R-1	R-2	R-3	R-4	C-1	C-2	I	BP	MH	PUD
Maximum Mounting Height	20'	20'	20'	20'	25'	20'	25'	20'	20'-	

D. Gasoline Station/Convenience Store Requirements

Lighting levels on gasoline/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place on the property, and shall not be used for the purpose of illuminating signs. Such lighting shall conform with the following requirements:

1. Pump-Area Lighting
   Lighting fixtures on canopies shall conform to either of the following requirements:

   a. all light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or

   b. the lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy.

2. Canopy Lighting
   Lights shall not be mounted on the top or sides of any gas station canopy and the sides of the canopy shall not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy which are illuminated consistent with the standards for sign illumination in this Chapter.

E. Lighting of Exterior Display/Sales Areas

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Such lighting shall conform with the following requirements:

1. Lighting Fixtures
   All lighting fixtures used to illuminate exterior display/sales areas shall be 90 degree cut-off fixtures (luminaires) focus directly downward onto the display/sales area. Such light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

2. Fixture Height
   In no case shall fixtures be mounted at a height greater than twenty (25) feet above grade.

3. Fixture Location
   All lighting fixtures and mounting poles shall be located within the areas being illuminated.

(cont.)

050 Exterior Lighting Standards (cont)

F. Lighting of Outdoor Athletic/Performance Facilities

Lighting for all outdoor athletic and performance facilities and events shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.

1. Play/Performance Area Lighting
   Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/performance area and its immediate surroundings and does not spill onto adjacent streets or properties.

G. Security Lighting

Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

1. Non-residential Lighting Fixtures
   All security lighting in non-residential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. The use of general floodlighting fixtures shall be prohibited. Security lighting fixtures may be mounted on poles located no further than 10 feet from the perimeter of the area intended to be illuminated.

2. Residential Lighting Fixtures
   Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

3. Illuminated Areas
   Any security lighting shall only illuminate vertical surfaces (walls, doors, etc.) up to a height of 8 feet from either grade level or the bottom of any illuminated door or entryway, whichever is greater.

4. Perimeter Lighting
   Security lighting intended to illuminate a perimeter, such as a fence line, shall include motion sensors and be designed to be off unless triggered by an intruder located within 5 feet of the perimeter. Perimeter lighting shall not infringe on the peaceful enjoyment of adjacent property.

H. Lighting of Building Facades

Any illuminated facades shall meet the following requirements:

1. Lighting Fixtures
   Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

2. Lighting Direction
   Lighting fixtures shall be designed to wash the façade of the building with light (rather than providing a spot or floodlight affect) and shall be directed downward

onto the facade from the upper portions of the structure (rather than upwards onto the facade from the ground).

I. Illuminated Signs

All illuminated signs shall also conform to the following requirements:

1. Externally Illuminated Signs
   Lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties, and shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties. All fixtures external to the sign used to illuminate it shall be mounted on the top of the sign, directing light downward onto the face of the sign. Lights located on the ground, or at the base of the sign directing light upward shall be prohibited.

2. Internally Illuminated Signs
   Internally illuminated signs shall be composed of light lettering, symbols, etc. on a dark background. Light sources shall be fluorescent tubes behind the sign surface material.

060 Fences, Hedges, Walls

A. Permitted

Fences, hedges, and walls are permitted in required yard setbacks.

B . Fence Standards

The following fence and wall standards apply:

1. Must present the non-structural face outward;
2. Are permitted up to the property line;
3. May not be greater than seven (7) feet in height in the side yard and the rear yard;
4. Except for the livestock purposes, must not incorporate barbed wire, security wire, sharpened top spikes, electrified wires, or the like; and

C. Front Yard Fences

Fences, hedges, and walls, except necessary retaining walls, are subject to the following restrictions in the front yard setback.

1. No fence, hedge, or wall may exceed fourty-two (42) inches in height;
2. A front yard fence shall have at least 75% of its surface area open to permit visibility.

D . Swimming Pool Fences

Access to residential swimming pools shall be restricted by one (1) of the following means:

1. Walls or fencing not less than five (5) feet high and not more than six (6) feet high; and completely surrounding the pool and deck area. Doors and gates must be self-closing, latching, and capable of being locked.
2. A power safety pool cover which meets the requirements of the Indiana Residential Code (675 IAC 14-4.3-296(3)(D)), as it may be amended from time to time.
3. Other means not less than five (5) feet high and deemed by the Zoning Administrator to be impenetrable and completely surrounding the pool and deck area when the pool is not in use.

070 Flood Hazard Area Standards

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods

Section A. Statutory Authorization

The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the City of Plymouth does hereby adopt the following floodplain management regulations.

Section B. Findings of Fact

The flood hazard areas of the City of Plymouth are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

Section C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health.

(2) Minimize expenditure of public money for costly flood control projects.

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

(7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(8) Minimize the impact of development on adjacent properties within and near flood prone areas.

(9) Ensure that the flood storage and conveyance functions of the floodplain are maintained.

(10) Minimize the impact of development on the natural, beneficial values of the floodplain.

(11) Prevent floodplain uses that are either hazardous or environmentally incompatible.

(12) Meet community participation requirements of the National Flood Insurance Program.

Section D. Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:
(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities.

(2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.

(4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage.

(5) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

Article 2. Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

070 Flood Hazard Area Standards (cont)

(1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.

(2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.

(3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:

a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.

b. Structures used by the public, such as a place of employment or entertainment.

c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Aerator means a mechanical device placed within a public freshwater lake that is used to accomplish any of the following:

(1) Increase the amount of dissolved oxygen in the water.

(2) Increase the decomposition of organic materials.

(3) Alter water flow or circulation.

(4) Reduce icing.

(5) Enhance audio or visual enjoyment by bubbling or spraying water.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

Area of special flood hazard is the land within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE) means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Best Available Flood Layer (BAFL) means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

Building – See "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

Development means, for floodplain management purposes, any man-made change to improved or unimproved real estate

including but not limited to:

(1) construction, reconstruction, or placement of a structure or any addition to a structure;

(2) installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of boat lifts, docks, piers, and seawalls;

(7) construction and/or reconstruction of bridges or culverts;

(8) storage of materials; or

(9) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; re roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Dry hydrant means a structure that does both of the following:

(1) Extends lakeward of the legally established or average normal waterline or shoreline.

(2) Provides a means of suction water supply without direct drafting for fire protection.

Elevation Certificate means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

Enclosed area (enclosure) is an area of a structure enclosed by walls on all sides.

Enclosure below the lowest floor. See "Lowest Floor" and "Enclosed Area."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Fill for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood hazard area means areas subject to the one percent (1%) annual chance flood. (See "Special Flood Hazard Area")

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Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

Flood prone area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Floodplain")

Flood Protection Grade (FPG) is the BFE plus two (2) feet at any given location in the SFHA. (See "Freeboard")

Flood-related erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (See "Flood")

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

Floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe or Flood Fringe is the portion of the floodplain lying outside the floodway.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Glacial stone means a rounded stone that satisfies each of the following:

(1) Was produced by glacial activity.

(2) No individual stone weighs more than one hundred twenty (120) pounds.

(3) At least ninety percent (90%) of the material passes through a twelve (12) inch sieve.

(4) Not more than ten percent (10%) of the material passes through a six (6) inch sieve.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The hardship must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next

to the proposed walls of a structure.

Historic structure means any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

International Code Council-Evaluation Service (ICC-ES) Report means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

(1) Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.

(2) Conditional Letter of Map Revision Based on Fill (CLOMR-F) means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.

(3) Letter of Map Amendment (LOMA) means an amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

(4) Letter of Map Amendment Out as Shown (LOMA-OAS) means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.

(5) Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

(6) Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means, for floodplain management purposes, the lowest elevation described among the following:

(cont)

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(1) The lowest floor of a building.
(2) The basement floor.

(3) The garage floor if the garage is connected to the building.

(4) The first floor of a structure elevated on pilings or pillars.

(5) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:

a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.

b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.

(6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Natural grade for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

New construction for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (one-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Prefabricated Building is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

Principally above ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Public Freshwater Lake means a naturally formed lake (not man made) that has been used by the public with the acquiescence of a riparian owner. The term does not include the following:

(1) Lake Michigan.

(2) A lake lying wholly or in part within the corporate boundaries of any of the three (3) cities having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(3) A privately owned body of water:

a. used for the purpose of surface coal mining; or

b. created as a result of surface coal mining.

A listing of Indiana public freshwater lakes is maintained in Natural Resources Commission Information Bulletin #61.

Recreational vehicle means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3, Section B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

Special Flood Hazard Area (SFHA), synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the City subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Insurance Studies as Zones A, AE, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state, or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements which have been identified by the local code enforcement official and

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which are the minimum necessary to assure safe living conditions.

Temporary structure (Public Freshwater Lakes only) means a structure that can be installed and removed from the waters of a public freshwater lake without using a crane, bulldozer, backhoe, or similar heavy or large machinery. Examples of a temporary structure include the following:

(1) A pier that is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter and rest on the lakebed; and is not mounted in or comprised of concrete or cement.

(2) A boat shelter, boat lift, or boat hoist that has a canvas top and sides; is supported by auger poles or other poles that do not exceed three and one-half (3½) inches in diameter; is not mounted in or comprised of concrete or cement; is designed to float or to rest upon the bed of the lake under its own weight if any structure to which it is attached complies with this section; and, is not wider than ten (10) feet nor longer than twenty (20) feet.

Variance is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

Violation means the failure of a structure or other development to be fully compliant with this ordinance.

Walled and roofed means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Watercourse means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article 3. General Provisions
Section A. Lands to Which This Ordinance Applies
This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the City of Plymouth, Indiana as identified in Article 3, Section B, including any additional areas of special flood hazard annexed by the City of Plymouth, Indiana.

Section B. Basis for Establishing the Areas of Special Flood Hazard

(1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the City of Plymouth, delineated as an "AE Zone" on the Marshall County, Indiana and Incorporated Areas Flood Insurance Rate Map dated November 16, 2011 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Marshall County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated November 16, 2011 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone", the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.

(2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the City of Plymouth, delineated as an "A Zone" on the Marshall County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated November 16, 2011, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

(3) The regulatory flood elevation for each SFHA of a public freshwater water lake within the jurisdiction of the City of Plymouth delineated as an "Zone AE" on the Marshall County, Indiana and Incorporated Areas FIRM shall be in the stillwater elevation tables in the Flood Insurance Study of Marshall County, Indiana and Incorporated Ares dated November 16, 2011, and any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. A listing of Indiana public freshwater lakes can be found in Natural Resources Commission Information Bulletin #61.

(4) The regulatory flood elevation for each SFHA of a public freshwater water lake within the jurisdiction of City of Plymouth delineated as an "Zone A" on the Marshall County, Indiana and Incorporated Areas FIRM dated November 16, 2011, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved. A listing of Indiana public freshwater lakes is maintained in Natural Resources Commission Information Bulletin #61.

(5) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall

be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

(6) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section C. Establishment of Floodplain Development Permit
A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance

(1) No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.

(2) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations

(1) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.

(2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

(3) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

Section G. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

(1) Considered as minimum requirements.

(2) Liberally construed in favor of the governing body.

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the City of Plymouth, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the City of Plymouth. All violations shall be punishable by a fine from

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one hundred dollars ($100) to two thousand five hundred dollars ($2500).

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The City of Plymouth Common Council shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(3) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator

The Common Council of the City of Plymouth hereby appoints the Building Commissioner of Plymouth to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Floodplain Development Permit and Certification Requirements

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

a. A description of the proposed development.

b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.

c. A legal description of the property site.

d. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.

e. A letter from a licensed professional surveyor or engineer noting that an elevation reference benchmark has been established or confirmed for those projects requiring elevations to be met.

f. A site development plan showing existing and proposed development locations and existing and proposed land grades.

g. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.

h. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A and AE. Elevation should be in NAVD 88.

i. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.

j. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.

k. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.

l. Plans showing how any proposed structure will be anchored to resist flotation or collapse.

m. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.

n. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to the Department of Natural Resources for approval. Once the Department of Natural Resources approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction (See Article 4, Section C (8) and Article 4, Section E for additional information.).

o. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(2) Construction Stage.

a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

a. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

b. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

c. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

Section C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

(1) Enforce the provisions of this ordinance.

(2) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.

(3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

(4) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

(5) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(6) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.

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(7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

a. Verify and document the market value of the pre-damaged or pre-improved structure.

b. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.

c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement' for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.

d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Article 5 of this ordinance are required.

(8) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

(9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section A (1), Section A (3) (a) and Section A (4) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

(10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Article 4, Section C (9) is applicable.

(11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(12) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B.

(13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.

(14) Make on-site inspections of projects in accordance with Article 4, Section D.

(15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.

(16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.

(17) Provide information, testimony, or other evidence as needed during variance hearings.

(18) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Article 4, Section D.

(19) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of Department of Natural Resources permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section Article 4, Section D.

(20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Article 4, Section E.

(21) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

(22) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

Section D. Administrative Procedures

(1) Inspections of Work in Progress. As the work pursuant to a permit progress, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(2) Stop Work Orders.

a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(3) Revocation of Permits.

a. The floodplain administrator may revoke a permit or approval, issued under the provisions of this ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(4) Floodplain Management Records.

a. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

b. These records shall be available for public inspection at the Office of the Building Commissioner, 111 North Center Street, Plymouth, Indiana.

(5) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

Section E. Map Maintenance Activities
To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the City of Plymouth flood maps, studies and other data identified in Article 3, Section B accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:
(1) Requirement to Submit New Technical Data

a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.

ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.

iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.

b. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through

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the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

(2) Right to Submit New Technical Data
The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the President of the Common Council of the City of Plymouth and may be submitted to FEMA at any time.
(3) Annexation / Detachment
Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Plymouth have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Marshall County and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Plymouth boundaries, include within such notification a copy of a map of the City suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Plymouth has assumed or relinquished floodplain management regulatory authority.

Section F. Variance Procedures
(1) The City of Plymouth Board of Zoning Appeals (the board) shall hear and decide appeals and requests for variances from requirements of this ordinance.

(2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Marshall County Circuit or Superior Courts.

(3) In considering such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

a. the danger to life and property due to flooding or erosion damage.

b. the danger that materials may be swept onto other lands to the injury of others.

c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

d. the importance of the services provided by the proposed facility to the community.

e. the necessity to the facility of a waterfront location, where applicable.

f. the compatibility of the proposed use with existing and anticipated development.

g. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

h. the safety of access to the property in times of flood for ordinary and emergency vehicles.

i. the expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site.

j. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(4) A written report addressing each of the above factors shall be submitted with the application for a variance.

(5) Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:

a. A showing of good and sufficient cause.

b. A determination that failure to grant the variance would result in exceptional hardship as defined in Article 2.

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(6) No variance for a residential use within a floodway subject to Article 5, Section A (1), Section A (3) (a) or Section A (4) of this ordinance may be granted.

(7) Any variance granted in a floodway subject to Article 5, Section A (1), Section A (3) (a) or Section A (4) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(8) Variances to the Provisions for Flood Hazard Reduction of Article 5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(9) Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

(10) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

(11) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(12) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(13) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(14) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

Article 5. Provisions for Flood Hazard Reduction

Section A. Floodplain Status Standards

(1) Floodways (Riverine)

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14 28 1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

a. If the site is in a regulatory floodway as established in Article 3, Section B, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

b. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.

c. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

d. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting

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requirements of Article 4, Section E (1). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

f. For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

(2) Fringe (Riverine)

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

(3) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)

a. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

b. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

(4) SFHAs not Identified on a Map

a. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

c. Once the Floodplain Administrator has received the proper written approval, evidence of general

license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.

(5) Public Freshwater Lakes

Within the SFHA are public freshwater lakes. Public freshwater lakes are governed by IC 14-26-2 (sometimes referred to as the Lakes Preservation Act) and rules adopted by the Natural Resource Commission at 312 IAC 11-1 through 312 IAC 11-5 to assist with its implementation. A listing of public freshwater lakes can be found in the Indiana Register, Information Bulletin #61. Noting while Lake Freeman and Lake Shafer are listed, Indiana Department of Natural Resources and Natural Resource Commission authority is abridged by IC 14-26-2-15. Dredging of public freshwater lakes is addressed in the Indiana Register, Information Bulletin #60.

a. Lakes Preservation Act jurisdiction is based on the specific lake's legally established lake level, where this legally established elevation (legal lake level) meets the land along the shoreline. When no legal lake level is established for a lake, average normal shoreline at each site is used, based on observation of breaks such as lakebed vs ground and lines of demarcation.

b. Indiana Department of Natural Resources approval is required for excavation, fill, and placement, modification, or repair of a temporary or permanent structure over, along or lakeward of the shoreline or waterline of a public freshwater lake. Walls landward of the shoreline (within ten (10) feet) and below legal or normal water level of a public freshwater lake also require prior approval from the Department of Natural Resources.

c. General licenses and exemptions to the Lake Preservation Act may apply to the placement of temporary piers, dry hydrants, aerators, or glacial stone reface, provided they meet the specific criteria of the Public Lakes Rules.

d. No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval or qualification for a general license has been verified. Once a permit or approval has been issued by the Indiana Department of Natural Resources (or general license qualification verified), the Floodplain Administrator may issue the local Floodplain Development Permit, provided the applicable provisions contained in this article have been met. The Floodplain Development Permit cannot be less restrictive than the permit issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

Section B. General Standards

In all areas of special flood hazard, the following provisions are required:

(1) All new construction, reconstruction, or repairs made to a repetitive loss structure and all substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

(3) New construction and substantial improvements must incorporate methods and practices that minimize flood damage.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

(9) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.

(10) Where an existing or proposed structure or other development is affected by

multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

(11) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.

(12) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.

(13) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard.

Section C. Specific Standards
In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Article 3, Section B, the following provisions are required:
(1) Building Protection Requirement. In addition to the general standards described in Article 5, Section B, structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

a. Construction or placement of a residential structure.

b. Construction or placement of a non-residential structure.

c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.

d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost).

e. Installing a manufactured home on a new site or a new manufactured home on an existing site.

f. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

g. Reconstruction or repairs made to a repetitive loss structure.

h. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.

(2) Residential Construction.

a. New construction or substantial improvement of any residential structures shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.

b. In Zone A and Zone AE, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section C (2) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (2) (d) must be met.

c. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.

C. Doors and windows do not qualify as openings.

D. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

E. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, exclud¬ing any device that may be inserted such as typical foundation air vent device.

ii. The floor of such enclosed area must be at or above grade on at least one side.

d. A residential structure may be constructed on fill in accordance with the following:

i. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

ii. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.

iii. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.

iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

v. Fill shall be composed of clean granular or earthen material.

e. A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(3) Non-Residential Construction.

a. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.

b. In Zone A and Zone AE, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section C (3) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (3) (d) must be met.

c. Fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.

C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.

D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.

E. Doors and windows do not qualify as openings.

F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, exclud¬ing any device that may be inserted such as typical foundation air vent device.

ii. The floor of such enclosed area must be at or above grade on at least one side.

d. A nonresidential structure may be constructed on fill in accordance with the following:

i. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

ii. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.

iii. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical.

iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties.

v. Shall be composed of clean granular or earthen material.

e. A nonresidential structure may be floodproofed in accordance with the following:

i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.

ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

f. A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

(4) Manufactured Homes and Recreational Vehicles.

a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:

i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (2) (c).

iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

b. Recreational vehicles placed on a site in the SFHA shall either:

i. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or

ii. Meet the requirements for "manufactured homes" as stated earlier in this section.

(5) Accessory Structures

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

a. Shall have a floor area of 400 square feet or less.

b. Use shall be limited to parking of vehicles and limited storage.

c. Shall not be used for human habitation.

d. Shall be constructed of flood resistant materials.

e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.

f. Shall be firmly anchored to prevent flotation.

g. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.

h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (3) (c).

i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

(6) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.

Within SFHAs, new construction or placement of free-standing pavilions, gazebos, decks, carports, and similar development must meet the following standards:

a. Shall have open sides (having not more than one rigid wall).

b. Shall be anchored to prevent flotation or lateral movement.

c. Shall be constructed of flood resistant materials below the FPG.

d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.

e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

(7) Above Ground Gas or Liquid Storage Tanks.

Within SFHAs, all newly placed or replacement aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Article 5, Section C (3).

Section D. Standards for Subdivision and Other New Developments

(1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.

(4) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

(7) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

Section E. Standards for Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Article 6. Legal Status Provisions

Section A. Severability.
If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.



080 Garage Sales/Yard Sales

A. Definition

A public or private sale, conducted by the owner or occupier of a premises either inside or outside of a residence, garage, or other accessory building. An auction conducted by a State licensed auctioneer shall not be considered a garage sale.

B. Limit on Number

Up to three (3) garage sales may be conducted in any calendar year on a premises.

C. Limit on Time

A garage sale shall not be conducted for more than three (3) consecutive days, and only until 6:00 p.m.

D . Parking

The owner or occupier shall be encouraged to provide sufficient off-street parking on the premises of the garage sale. At no time shall customer parking interfere with the safe flow of traffic in the public right-of-way.

E. Items for Sale

All items offered at a garage sale shall be the personal property of the owner or occupier of the premises or the group he/she represents. The items shall not have been purchased specifically for resale at the garage sale.

F. Conclusion of Garage Sale

All outdoor evidence indicating that a garage sale has been conducted shall be removed within three (3) hours of the closing time. This includes sale items, display surfaces, and posted notices.

090 Home Occupation

A. Definition

A Home Occupation is an accessory use to a residential dwelling carried out for gain by one or more residents of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Occupation uses may include but are not limited to hair dressers, barbers, tax preparers, accountants, attorneys.

B. Area Requirements

Home Occupation uses shall not occupy an area in excess of twenty-five (25) percent of all floor area of the dwelling.

C. Outside Storage

Outside storage of goods and equipment shall not be permitted

D. Employees

Employees not residing on the property shall not be permitted.

E . Signs

1. The size of on-site signs are limited to an aggregate area of four (4) square feet.

2. On-site signs may only advertise goods or products sold on the property.

3. Signs may not be illuminated.

4. Off-site advertising signs must conform to all provisions of *Article 6-200, Sign Standards* of this Ordinance.

F. Parking

Off-street parking shall be provided by the Home Occupation on the property in accordance with *Article 6-180, Parking Standards* of this ordinance to prevent customers from parking in City rights-of-way.

100 Home Based Business

A. Definition

A Home Based Business is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes.

Home Based Business is intended to provide for a base of operations for service oriented businesses that engage in work elsewhere other than the residential property where based. Such businesses might include but are not limited to landscaping, construction, excavating, septic service, etc.

B. Outside Storage

Outside storage of goods and equipment is permitted subject to Board of Zoning Appeals conditions and approval. The Board of Zoning Appeals may pay particular attention to use, enjoyment, and value of adjacent properties.

C. Employees

Employees not residing on the property are permitted subject to Board of Zoning Appeals conditions and approval. The Board of Zoning Appeals may pay particular attention to available on-site parking and the condition and traffic on local roads.

D. Customers

A Home Based Business shall not maintain a store front or office open to the on-site visitation of customers.

E . Signs

1. The size of on-site signs are limited to an aggregate area of four (4) square feet.

2. On-site signs may only advertise goods or products sold on the property.

3. Signs may not be illuminated.

4. Off-site advertising signs must conform to all provisions of *Article 6-200, Sign Standards* of this Ordinance.

F. Parking

Off-street parking shall be provided by the Home Based Business on the property in accordance with *Article 6-180, Parking Standards* of this ordinance to prevent customers from parking in City rights-of-way.

110 Home Workshop

A. Definition

A Home Workshop is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes.

Home Workshop uses may include light fabricating, light manufacturing or processing activities, or related storage facilities.

B. Area Requirements

Home Workshop uses shall not occupy an area in excess of two thousand (2,000) square feet of gross area.

C. Outside Storage

Outside storage of goods and equipment is permitted subject to Board of Zoning Appeals conditions and approval. The Board of Zoning Appeals may pay particular attention to use, enjoyment, and value of adjacent properties.

D. Employees

Employees not residing on the property are permitted subject to Board of Zoning Appeals conditions and approval. The Board of Zoning Appeals may pay particular attention to available on-site parking and the condition and traffic on local roads.

E . Signs

1. The size of on-site signs are limited to an aggregate area of four (4) square feet.

2. On-site signs may only advertise goods or products sold on the property.

3. Off-site advertising signs must conform to all provisions of *Article 6-200, Sign Standards* of this Ordinance.

F. Parking

Off-street parking shall be provided by the Home Workshop on the property in accordance with *Article 6-180, Parking Standards* of this ordinance to prevent customers from parking in City rights-of-way.

120 Industrial Standards

A. Intent

The intent of these standards is to minimize the conflicts between industrial and commercial and residential uses and protect persons and property from the possible by-products of industrial production, distribution, and storage activities.

B. General Standards

All uses placed into operation after the effective date of this Ordinance shall comply with the following general standards in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this Ordinance shall be altered or modified in a manner that conflicts with these standards.

1. Smoke and Particulate Matter
   No use on a property shall release fly ash, dust, smoke, or any other type of particulate matter which violates the air quality standards established by the Indiana Department of Environmental Management.

2. Electrical Disturbance
   No use on a property shall cause electrical disturbance adversely affecting the operation of radios, televisions or any other equipment on any other lot in the vicinity. All applicable regulations of the Federal Aviation Administration shall apply to all operations which may adversely affect the navigation or control of aircraft.

3. Fire and Explosive Hazards
   The storage, utilization, and/or manufacture of all flammable and/or explosive materials shall conform to the applicable requirements of the Indiana Department of Fire and Building Services and the prescribed standards of the National Fire Protection Association. Fire fighting equipment and prevention measures shall be subject to the approval of the applicable Fire Department and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

4. Noise
   No use on a property shall create an objectionable production or operational noise, or combination of noises, detectable at the boundary line of any residential or commercial zoning district.

5. Odor
   No use on a property shall emit any objectionable odor, or combination of odors, that is detectable at the boundary line of any residential or commercial zoning district.

6. Vibration
   No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.

7. Glare
No use on a property shall produce any glare that is detectable at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these Industrial Standards, but shall comply with the Outdoor Lighting Standards section of this Article.

8. Noxious or Toxic Materials
No use on a property shall accumulate or discharge outside of the building(s) in which production or materials storage occurs any materials generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Marshall County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.

9. Waste Materials
No use on a property shall accumulate within in the lot, or discharge beyond the lot lines any waste matter in violation of the applicable standards and regulations of the Marshall County Board of Health, the Indiana State Board of Health, and the Indiana Department of Environmental Management.

10. Water Pollutants
No use on a property shall discharge any material, whether liquid or solid, into public waters or a public storm sewer system without any required approvals of the Marshall County Board of Health, Indiana State Board of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, the Indiana Stream Pollution Control Board.

C. Exemptions

The industrial standards provided by this section shall be subject to the following exemptions:

1. Farming Operations
Any applicable "Right to Farm" laws may supercede these standards as they pertain to farming and agricultural uses.

2. Exemptions
The following uses, activities, and circumstances shall be except from the standards established by this Chapter:

a. site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property;

b. the operation of motor vehicles or other facilities for the transportation of personnel, material, or products; and

c. public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

(cont)

120 Industrial Standards (cont)

D. Applicability

All uses shall conform with any and all applicable requirements of the state and Federal governments (including the standards of the Indiana Occupational Safety and Health Administration - IOSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by any applicable City of Plymouth Ordinance. In cases where the requirements of this Ordinance are in conflict with other applicable requirements, the most restrictive shall apply.

E. Interpretation

The industrial standards established by this Chapter provide general guidelines for use by the City of Plymouth in discussing expectations with new and expanding industrial operations. They also provided references to applicable state and Federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this Chapter shall be determined by the Plan Commission when consistent with the petition review processes established by this Ordinance, and otherwise by the Zoning Administrator. All decisions of the Zoning Administrator may be appealed to the Board of Zoning Appeals consistent with the provisions for Appeals of Administrative Decisions established by this Ordinance.

130 Kennel Standards

A. Purpose

The purpose of this section is to provide for the safe and healthy housing of animals as well as to preserve the safety, use, and enjoyment of surrounding properties.

B . Definition

A Kennel is defined as:

1. An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling three (3) or more dogs, cats, or other small domesticated pets; or

2. Any premises on which five (5) or more dogs, cats, and/or other small domesticated pets over four (4) months of age are kept.

C. Noise Setbacks

Noise produced by the animals and/or operation of the Kennel shall not interfere with the use and enjoyment of neighboring properties. Kennels, including shelters and fenced areas, shall be set back six hundred (600) feet from the nearest residence in which the operator of the Kennel does not reside.

D. Shelter

Sufficient shelter shall be provided to protect the animals from extremes of moisture and hot and cold weather. Animals shall be housed in a noise suppressing shelter between the hours of 9:00 pm and 6:00 am.

E . Fencing

Sufficient fencing in and around the Kennel shall be provided to secure animals. Fencing shall:

1. be secure enough to house the species and breed being kept; and

2. be comprised of a primary enclosure for normal operations of the Kennel and a secondary enclosure to prevent total escape in the event of escape from the primary enclosure.

F. Sanitary Waste Disposal

Proper sanitary disposal of animal waste shall be provided in accordance with all Marshall County Health Department regulations

G. Inspections

Kennels shall be open to periodic inspection by the City of Plymouth Zoning Administrator and/or the Marshall County Humane Society.

H. Licensing

All animals housed in kennels shall be properly licensed.

140 Landscaping Standards

A. Purpose

The purpose of this section is to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to achieve a healthy, beautiful, and safe community. These regulations are intended to:

1. Foster aesthetically pleasing development that will protect and preserve the appearance and character of the City.

2. Suggest landscaping, particularly trees and shrubs, that will not encroach on overhead or underground utilities.

3. Increase the compatibility of development with both adjacent development and the natural environment.

4. Improve environmental quality by recognizing the numerous beneficial effects of landscaping upon the environment.

5. Maintain and increase the value of land by requiring landscaping to be incorporated into a development, thus becoming by itself a valuable capital asset.

6. Provide direct and important physical and psychological benefits to human beings through the use of landscaping to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

7. Eradicate or control exotic plant species that have become nuisances because of their tendency to damage public and private works, to have a negative effect upon public health, or to disrupt or destroy native ecosystems.

8. Promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping.

9. Establish procedures and standards for the administration and enforcement of this ordinance.

B. Applicability

1. This section shall apply to all new development except new development located in R-1, R-2, and R-3 districts.

2. Previously approved developments need not comply unless a new or amended plat is submitted.

3. The requirements of this ordinance shall be applicable to the bufferyard, streetscape, street buffer, yard, and parking lot areas.

C. Content of Landscape Plan

Where required, a landscape plan shall conform to the following requirements:

1. A landscape plan is required for each lot within a proposed development. It is recommended that the landscape plan be prepared by a landscape architect, nurseryman, or other professional experienced in landscape design and the installation and care of plant materials.

2. All landscape plans submitted for approval as a component of a required site plan shall show the entire zoning lot to scale, on 24" x 36" sheets and shall contain the following information:

   a. The location and dimensions of all existing and proposed structures, parking lots and drives, roadways and right-of-way, sidewalks, bicycle paths, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines and easements, freestanding structural features, and other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved area.

   b. The name and address of the owner, developer, and plan preparer, the date the plan was prepared, scale, and north arrow.

   c. The location, quantity, size, and name—both botanical and common—of all proposed planting materials.

   d. The location, size, and common name of existing trees and individual shrubs, areas of dense trees or shrubs, and other natural features, indicating which are to be preserved and which are to be removed.

   e. The approximate location and generic identification of existing structures and plant materials within the yard of adjoining properties.

   f. Existing and proposed grading of the site, including proposed berming, indicating contours at not more than two (2) foot intervals.

   g. Specification of the type and boundaries of all proposed vegetative ground cover.

   h. Design of fences and other significant accessory structures.

   i. The location of barriers to be placed at or beyond the drip line of any trees to be preserved, and the type of material to be used for the barrier.

   j. Planting and installation details as necessary to ensure conformance with all required standards.

   k. Details indicating specific grading measures or other protective devices where trees are to be preserved in areas of cut and fill.

   l. A tabulation clearly displaying the relevant statistical information necessary for the Plan Commission to evaluate compliance with the provisions of this ordinance.

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140 Landscaping Standards (cont.)

D . Preservation of Existing Features

1. Trees and shrubs already existing on land subject to the provisions of this chapter shall be preserved wherever feasible. Criteria for judging the feasibility of retaining existing vegetation include:

   a. The practicability of arranging site plan components around existing features. In general, plans for groups of structures should be designed so as to preserve tree masses, individual tree specimens, and small stands of trees or shrubs.

   b. The condition of the vegetation with respect to continued vitality.

   c. The amount of healthy vegetation the area involved will support.

   d. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.

   e. The desirability or lack thereof of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component.

   f. Interference with utility services or encroachment into the traffic visibility triangle.

   g. The possibility of preserving the vegetation while meeting the development needs through pruning rather than removal.

2. Existing trees that are preserved will contribute to the required landscaping, based on individual tree types. For each shade tree that is preserved, which is greater than six-inch caliper, and is found on the City of Plymouth Tree Committee approved list, the amount of new shade trees to be installed shall be reduced by two (2) trees. Shrubbery will be evaluated in the same manner as new shrubbery based on the species. Such credit shall apply only to the required landscaping for the specific buffer yard, parking lot, commercial strip, or residential plot in which the existing vegetation is located, and only for that part of any required strip or perimeter yard in which the existing vegetation is located.

3. Substantial barriers shall be specified on the landscape plan and shall be placed at or beyond the drip line of trees to be protected. These barriers shall remain in place during heavy construction on the site, and no vehicle, machinery, tools, chemicals, construction materials, or temporary may be permitted within the barriers, nor may any notice or other object be nailed or stapled to protected trees.

4. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices, such as tree wells, tree walls, or specialized fill and pavement designs shall be required and shall be fully detailed on the landscape plan.

E . General Landscaping Requirements

All land areas that are not covered with buildings and pavement or used for agricultural purposes shall be appropriately landscaped in accordance with the requirements of this Chapter. Landscaping shall be provided in the areas specified and of the minimum intensity, specified below:

1. Trees are grouped into three categories: shade trees, ornamental trees, and evergreens. Shrubs are grouped by height: small shrubs (less than two (2) feet), medium shrubs (two (2) to six (6) feet), and large shrubs (greater than six (6) feet). Plant materials will be evaluated based on height, spread, and/or crown at maturity, using the best available resources to determine mature characteristics. For design flexibility, deciduous plant substitutions may be made on the following basis, however required evergreen plant materials shall not be substituted:

    a. 1 shade tree = 2 ornamental trees = 2 evergreen trees.

    b. 1 ornamental tree = 1 evergreen tree.

    c. 1 large shrub = 2 medium shrubs or 4 small shrubs.

    d. 1 medium shrub = 2 small shrubs.

2. Where front and rear yards overlap side yards, the yard shall be treated as part of the yard having the greater requirement.

3. The scale and nature of landscape materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead and underground utilities and utility easements or vehicular or pedestrian movement and visibility particularly at corners, driveway and point of ingress and egress. Growth characteristics should be carefully considered.

4. Plant material shall be selected to achieve an intended purpose such as shading, screening, ornamentation, etc.

5. The planting patterns of plant material shall be staggered and mixed in order to avoid long, monotonous and repetitive edges, especially along roadways.

6. Trees shall be planted to maintain a minimum five (5) foot clearance between the tree trunk and structures, building overhangs, walls, fences, and other trees.

7. Plantings should be arranged to promote energy conservation wherever practicable; e.g. use of tall deciduous trees on the south and west sides of buildings to provide shade from the summer sun and planting evergreens on

(cont)

the north of buildings to dissipate the effect of winter winds.

8. Screening of Trash Dumpsters, Trash Pads, and Loading Areas

   a. All trash dumpsters, trash pads, loading areas consisting of two (2) or more loading spaces, loading docks, building service and outside storage areas shall be screened from land in R-2, R-3, R-4, C-2, and BP zoning districts and must be screened if visible from a public street.

   b. In any I zoning district, trash dumpsters and trade pads shall be screened. Such screening may be achieved by using a minimum six (6) foot high, completely opaque fence or wall, a six (6) foot high berm, or a six (6) foot high evergreen screen. Height of the screen shall be measured from grade level .

9. Ground-mounted heating and cooling units for nonresidential or multifamily structures and above ground fuel tanks shall be adequately screened so as not to be visible from public streets and/or adjacent properties.

10. Grass and other vegetative ground cover shall be used for all open space, including parking lot islands, except for:

    a. Decorative mulch planting beds containing trees and/or shrubs.

    b. Inert stabilization in areas subject to severe runoff or erosion.

11. Where stone or other inert materials are to be used for ground cover, they shall be specifically identified on the landscape plan. Any area not so designated shall be required to have grass or vegetative ground cover.

12. All landscaping shall conform to the regulations established for visibility triangles to maintain safe sight distances and intersections and points of access in accordance with *Article 3-130.A(2), Visual Setback on Corner Lots* of this Ordinance.

13. Except as provided below, all landscape areas shall be separated from vehicular use areas by concrete curbing. Roll curbs may not be used for this separation. The width of curbing shall be excluded from the calculation of the minimum dimensions of all required landscape areas.

14. All landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles with wheel stops additional green space or other adequate method. Wheel stops if used, shall have a minimum height of six (6) inches above the finish surface of the parking area, be properly anchored, and continuously maintained in good condition. Wheel stops or other adequate barrier shall not be placed in locations of anticipated intense pedestrian traffic. As an alternative, curbing can be extended to serve the same purpose. Wheel stops shall not be a hazard and they shall be easily visible, painted or made in such a manner to avoid “trip and fall” accidents.

15. All trees and shrubs must be planted a minimum of five (5) feet behind the right-of-way line, unless a pre-existing tree pattern exists

16. In no case may a tree or shrub be planted within a drainage, sewer, or utility easement.

17. The artificial mounding of soil shall not exceed six (6) feet in R-1, R-2, R-3, R-4 and MH Districts.

F. Buffer Yard Landscaping Requirements

1. Intent
   The general purpose of buffering and screening is to soften the potential conflicts between the potential uses in one zoning district and the potential uses in another, adjacent district by using setbacks and landscaping. The potential degree (or intensity) of conflict (or potential conflict) between two zoning districts determines the extent of buffer yard required.

2. Buffer Yard Required
   The matrix below determines the type of buffer yard which shall be installed by the subject development entirely on the subject property.

   a. Buffer Yard Matrix

Table 6-B, Buffer Yard Requirements

The Buffer Yard type indicated on the table below shall be provided on the subject property when . . .

the zoning district for the property is . . .	and the adjoining property is zoned:									
	POS	R-1	R-2	R-3	R-4	MH	C-1	C-2	I	BP
POS							1		2	1
R-1										
R-2										
R-3										
R-4						1	2		3	2
MH				2	1			1	3	2
C-1	1	1	2	2	2				2	1
C-2						1			2	
I	2	2	2	3	3	3	2	2		1
BP	1	1	1	2	2	2	1		1	

(cont)

140 Landscaping Standards (cont.)

b. Buffer Yard Requirements
The required buffer yards shall meet the following minimum requirements:

i. Buffer Yard Type 1
Buffer Yard Type 1 shall include a minimum setback of ten (10) feet in addition to the yard setback otherwise required by this Ordinance. In addition, one (1) deciduous canopy tree must be planted in the buffer yard for every thirty (30) feet of contiguous boundary between the subject and adjoining properties.

ii. Buffer Yard Type2
Buffer yard Type 2 shall include a minimum setback of twenty (20) feet in addition to the yard setback otherwise required by this Ordinance. In addition, one (1) deciduous canopy tree and two (2) evergreen trees shall be planted in the buffer yard for every twenty-five (25) feet of contiguous boundary between the subject and adjoining properties.

iii. Buffer Yard Type 3
Buffer yard Type 3 shall include a minimum setback of twenty-five (25) feet in addition to the yard setback otherwise required by this Ordinance. In addition, a row of deciduous canopy trees shall be planted parallel to the property line within the buffer yard with one (1) tree placed every twenty (20) feet along the boundary between the subject and adjoining properties. Also, a six (6) foot tall opaque wooden fence or brick or stone wall, a five (5) foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed in the buffer yard

- If an undulating mound is used to fulfill the requirements, one (1) shrub for every ten (10) feet of continuous boundary shall be planted on the mound. All required shrubs shall measure eighteen (18) inches in height measured from grade at the time of planting.

- If a row of evergreen trees is used to meet the requirements, one (1) tree shall be placed every ten (10) feet along the property boundary.

c. Buffer Yard Standards
The buffer yard standards only apply along the property lines where the two conflicting zoning districts meet as specified in the Buffer Yard Requirements table. The required buffer yards shall be installed despite the presence of streets, alleys, streams and other features separating property lines in conflicting zoning districts.

i. Responsibility
The developer or owner of the subject property is responsible for installing the buffer yard at the time the property is developed. The adjacent property owner shall not have to participate in installing the buffer yard.

ii. Buffer Yard Location
All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this Ordinance.

iii. Planting Location
Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. However, no two (2) buffer yard trees (excluding evergreen trees) shall be placed within ten (10) feet of one another. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.

iv. Tree Size
All deciduous trees must have at least a two and one half (2-1/2) inch caliper measured at six (6) inches above the top of the rootball and all needled evergreen must be a minimum of six (6) feet in height measured from the top of the rootball when planted.

v. Ground Cover
All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground covering vegetation.

vi. Application
No landscaping required by this Chapter may be used to satisfy the minimum requirements of any other provisions of this Ordinance.

vii. Maintenance
All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.

- All plant material which is unhealthy or dead, in the opinion of the Zoning Administrator, shall be replaced by the end of the next spring or fall planting season.

- Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.

3. Screening Required

a. Ground Level Requirements
All outdoor storage areas for products, production materials, and equipment; dumpsters and waste container areas; and mechanical equipment areas located on the ground shall be screened consistent with the following requirements:

i. Fencing

(cont)

140 Landscaping Standards (cont.)

A six (6) foot tall, 100% opaque fence of wood, brick, or stone construction shall completely enclose the area. Opaque, six (6) foot tall wooden gates matching any wood fence, or painted to match a fence of another material shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.

ii. Landscape Screening
Evergreen planting shall be provided around the exterior perimeter of the required fencing.

- If evergreen shrubs are used they shall be a minimum of three (3) feet tall at the time of planting, and planted at a minimum of three (3) feet on center.

- If evergreen trees are used they shall be a minimum of five (5) feet tall at the time of planting and shall be planted a maximum of six (6) feet on center.

iii. Roof-top Requirements
All roof-top equipment, such as HVAC units, shall be screened from view on all sides by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure. This requirement shall not apply in I, Industrial Districts.

iv. Or other approved method.

G. Parking Lot Landscaping Requirements

The following landscape requirements applied to parking lots are intended to screen parking areas from the street, prevent large expanses of unbroken paving, and provide shade to cool paved areas during the hot summer months. The requirements are established for three areas: along the public right-of-way, along the parking lot's perimeter, and in the lot's interior.

1. Landscape Strip Along the Right-of-Way

a. When a parking lot is located adjacent to a public right of way or public street, a landscape strip shall shield views of parked cars to passing motorists and pedestrians, block headlight glare, and shall establish coordination among architecturally diverse buildings.

b. These minimum requirements apply to all parking lots adjacent to a street except those used in association with single-family dwellings. To provide flexible standards that reflect site constraints and opportunities, five options are available to meet the landscaped strip requirements.

i. Option 1

Provide a minimum ten (10) foot wide strip between a right way and the parking lot, planted with a minimum of one shade tree and ten (10) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

ii. Option 2
Provide a berm at least two and one-half (2.5) feet higher than the finished elevation of the parking lot. The berm shall have a minimum side slope of 2:1 and a minimum crown width of two (2) feet. Live vegetation shall cover the berm with a minimum of one (1) shade tree and five (5) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

iii. Option 3
Provide a six (6) foot landscaped strip with a minimum three (3) foot grade drop from the right-of way to the parking lot. A minimum of one (1) shade tree and five (5) medium shrubs are required for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

iv. Option 4
Provide a three (3) foot high opaque fence or wall constructed of materials compatible with the principal building and a four (4) foot wide landscaped strip planted with vegetative ground cover (low growing, dense vegetation), and a minimum of one shade tree for every thirtyfive (35) linear feet of street, excluding driveway openings.

v. Option 5
Preserve a twenty-five (25) foot wide strip of existing woodlands in lieu of the landscaping requirement.

c. Understory plants installed to meet the requirements of the parking lot landscaped strip shall be evergreen or dense deciduous shrubs. Plants used exclusively for screening must reach a minimum height of thirty (30) inches within three (3) years of installation and be at least eighteen (18) inches tall when planted.

2. Perimeter landscaping is required to define parking areas and prevent two adjacent lots from becoming one large expanse of paving. The required perimeter landscaping between adjacent lots does not preclude the need to provide vehicular access between the lots.

a. For lots nine-thousand six-hundred (9,600) square feet or smaller, the landscape strip must be a minimum of three (3) feet wide. Lots larger than nine-thousand six-hundred (9,600) square feet must have a landscape strip at least five (5) feet wide.

b. One (1) tree and three (3) small shrubs are required for every thirty-five (35) linear feet, excluding vehicular access aisles. Understory plants installed to meet the requirements of the parking lot landscaped perimeter shall be evergreen or dense deciduous shrubs.

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140 Landscaping Standards (cont.)

c. The applicant may preserve existing woodlands at least twenty-five (25) feet in width located within the same parcel in lieu of the above perimeter landscaping requirements.

3. Interior parking lot landscaping requirements are required for all parking lots seven thousand (7,000) square feet or larger. All areas within the lot's perimeter are counted, including planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation.

a. For all parking lots seven-thousand (7,000) square feet or larger, eight (8) percent of the total area must be an interior planting area.

b. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement.

c. All rows of parking spaces shall be provided a terminal island with concrete curbs and at least one-hundred thirty (130) square feet of area to protect parked vehicles, provide visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.

d. Landscaped islands with concrete curbs and at least one-hundred thirty (130) square feet of area shall be provided every ten (10) spaces or less within a row of spaces for multi-family residential sites and every fifteen (15) spaces or less within a row of spaces for business developments. Planting islands should be evenly spaced throughout the parking lot to consistently reduce the visual impact of long rows of parked cars. Islands shall be utilized where needed to control vehicular circulation and define major drives.

e. At least one (1) tree shall be provided for each landscaped island area. Islands exceeding two-hundred sixty (260) square feet shall have two (2) or more trees. Trees must have a clear trunk at least six (6) feet above the finished grade to allow for visibility and vehicular circulation beneath the tree canopy. Vegetative ground cover or low shrubs shall be planted in all landscaped island areas. Gravel and bark mulch may not be substituted for the ground cover or low shrubs.

f. To prevent cars from parking too close to trees or damaging shrubs, an extended curb or wheel stop must be provided. Planting islands parallel to parking spaces must be a minimum of five feet wide to allow car doors to swing open.

H. Business, Manufacturing, and Multi-family Residential Streetscapes

1. The following landscape strip requirements apply to all commercial and industrial zones and all nonresidential uses within a residential zone. The strip must be located on the property, adjacent to the public right-of-way or private streets, and may not include paved surfaces, with the exception of driveway openings

and pedestrian sidewalks or trails that cross the strip.

2. To provide flexible standards that reflect site constraints and opportunities, three options are available to meet the landscaped strip requirements. In the Options 2 and 3, two (2) ornamental trees may substitute for one (1) required shade tree. One (1) shade tree may substitute for five (5) medium shrubs, however shrubs may not be substituted for required trees.

   a. Option 1
   Provide a minimum ten (10) foot wide strip between a right-of-way and the building, planted with a minimum of one (1) shade tree and ten (10) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

   b. Option 2
   Provide a landscape strip a minimum of ten (10) feet wide and maximum of twenty (20) feet wide and an average strip fifteen (15) feet in width adjacent to the public right way, planted with a minimum of one (1) shade tree and five (5) medium shrubs for every thirty-five (35) linear feet of street frontage, excluding driveway openings.

   c. Option 3
   Preserve a twenty-five (25) foot wide strip of existing woodlands in lieu of the landscaping requirement.

I. R-4, Multi-Family Residential District Landscaping

1. All new residential development shall meet the following requirements for minimum planting and buffering of rear yards from minor collector streets or higher road classifications.

2. Trees in residential subdivisions should be grouped together to simulate natural tree stands.

3. Yards, setbacks, and other open space areas within residential developments shall be landscaped with live vegetation.

4. To allow for flexibility and creativity, two (2) ornamental or two (2) evergreen trees may substitute for one (1) required shade tree. Substitutions may be made for up to 1/2 of the number of required shade trees, but in all cases, at least one (1) shade tree must be planted.

5. When determining the amount of trees required for multi-family dwellings, the following features are not included in the landscape area calculation: lakes and other water features, required parking lot landscaping along a right-of-way, and interior parking lot landscape areas.

6. Trees fulfilling the perimeter buffer yard requirements may be counted toward the minimum planting requirements. Existing trees and woodlands may also fulfill part or the entire minimum planting requirements. The existing trees must exceed 2.5 inches in diameter and must be located on an individual lot within 75

(cont)

feet of a dwelling unit. Ornamental and evergreen trees must still be planted. For any subdivision, existing shade trees larger than 2.5 inches in caliper located on an individual lot or common green area may fulfill part or the entire shade tree requirement for that site.

7. The side and rear yards along the perimeter of R-4, Multi-Family Residential Districts must be screened from the view of any street classified as a collector or higher classification street. The buffer is required either on individual lots or as part of the common open space owned and maintained by a homeowners association. Buffer landscaping shall not encroach into the sight triangles at street intersections. Privacy fences, if constructed, shall be on the residential structure side of the lot. The buffer yard shall be a minimum of twenty (20) feet wide and planted with one (1) shade tree, two (2) evergreen trees, and four (4) large shrubs per thirty-five (35) linear feet of right-of-way.

8. If existing woodlands are located entirely in the buffer area, preserving the trees may satisfy all plant requirements. If existing woodlands are partially located within the buffer area, the number of shade trees, evergreen trees, and shrubs may be proportionately reduced.

J. Modifications and Waivers

1. Under conditions where a strict interpretation of requirements may be either physically impossible or create practical difficulties, an alternative compliance procedure may be used to maintain the spirit—rather than the letter of the law. The proposed solution must equal or exceed standard landscaping requirements. Requests to the Plan Commission for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:

   a. The site involves space limitations or unusually shaped parcels.

   b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.

   c. Due to a change of use of an existing site, the required buffer yard is larger than can be provided.

   d. Safety considerations are involved.

   e. Existing utility lines or easements complicate the placement of required plant materials.

2. The applicant shall provide a justification statement that describes which of the requirements established by this landscaping ordinance will be met with modifications, which project conditions justify using alternatives, and how the proposed measures equal or exceed normal compliance. The Technical Review Committee will review the alternative compliance application and recommend approval, approval with conditions, or disapproval of the proposal to the Plan

Commission, who will make the final decision.

3. Where compliance is required as a result of change in use or expansion of an existing building and compliance with this section will necessitate removal of existing pavement, the Plan Commission may approve a reduction of parking lot setbacks and other minimum planting areas, provided that proposed plantings, screens, and other landscape features are the equivalent to the minimum requirements in terms of landscaping.

4. Occasionally, plant substitutions for species specified on approved landscape plans are required due to seasonal planting problems and a lack of plant availability. Minor revisions to planting plans can be approved by the Plan Commission if there is no reduction in the quantity of plant material, no significant change in size or location of plant materials, and if the substitute plants are of the same general category and have the same general design characteristics as the plants originally approved. Proposed materials must also be compatible with the microclimate of the site to ensure healthy plant growth. If the proposed plant substitutions do not fulfill these criteria, then the changes must be submitted to the Plan Commission and reviewed for new approval

K. Installation and Maintenance

1. Plant materials shall conform to the requirements described in the latest edition of the American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown.

2. Plants shall conform to the measurements specified below:

   a. Caliper measurements shall be taken six inches above grade for trees under four (4) inches in diameter and twelve (12) inches above grade for trees four inches or larger in diameter.

   b. Minimum branching height for all shade trees shall be four (4) feet.

   c. Minimum size for shade trees shall be 2.5 inches in caliper.

   d. Minimum size for ornamental trees shall be 1.5 inches in caliper.

   e. Minimum size for evergreen trees shall be four (4) feet high.

   f. The Plan Commission may impose a condition at the time of Site Development Plan approval, that plants be larger at the time of installation, due to surrounding character of neighborhood.

3. After cultivation, all plant materials shall be mulched with a two (2) to three (3) inch layer of shredded bark, peat moss, or another suitable material over the

(cont)

entire area of the bed or saucer.

4. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises.

5. All landscape areas shall be kept free of refuse and debris. Fences, walls, and other barriers incorporated into the landscaping shall be maintained in good repair.

6. It is the responsibility of each private property owner to remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which overhang or interfere with line of sight, traffic control devices, public sidewalks, rights-of-way, or property owned by the City. The City shall have the authority to order the removal of any such trees or shrubs.

L . Technical Review Committee Review

The Technical Review Committee shall review each landscaping plan and make a recommendation to the Plan Commission to accept, deny or approve with conditions.

150 Manufactured Home Community, RV Park, and Campground Standards

A. Intent

This section details the process by which Manufactured Home Communities (MHC) and Recreational Vehicle Parks and Campgrounds (RVP/C) are reviewed. It also defines design standards that apply to each. MHCs and RVP/Cs involve the creation of individual sites (called manufactured home community lots and campsites respectively), and internal circulation patterns, much like subdivisions. What distinguishes them is that in MHCs and RVP/Cs, no lots are individually platted. Detailed plans of proposed MHCs and RVP/Cs shall be submitted for approval to the Plan Commission before work begins to ensure adequate design, circulation, and that state mandated health-related standards are met.

B. MHC and RVP/C Approval Process

1. Preliminary plans for a new MHC or RVP/C, or an expansion of an existing MHC or RVP/C, shall be approved by the Plan Commission in a public hearing at its regular meeting. All such Preliminary plans and expansions are subject to public notice and filing requirements. Any change to a site plan approved under this ordinance, the elements of which are listed in *Article 6-150.D, Preliminary MHC And RVP/C Plan Requirements* of this Ordinance below, shall also be approved by the Plan Commission in a public hearing at its regular meeting. However, this does not apply to a reconfiguration of the same number of lots, or the paving of previously unpaved internal streets, nor upgrading other on-site structures and facilities. But, a change to an internal street name does require approval of the Plan Commission and notification to the US Post Office, and the 911 Emergency Response System.

2. Final plans for a new MHC or RVP/C, or an expansion of an existing MHC or RVP/C, shall be approved by the Plan Commission in a public hearing at its regular meeting. The Final plan will not be considered for approval until the action taken by the Plan Commission on the required Preliminary plan has been completed. All such Final plans and expansions are subject to public notice and filing requirements. Any change to a site plan approved under this ordinance, the elements of which are listed in *Article 6-150.D, Preliminary MHC And RVP/C Plan Requirements* of this Ordinance below, shall require approval of an amended Preliminary plan by the Plan Commission in a public hearing at its regular meeting. However, this does not apply to a reconfiguration of the same number of lots, or the paving of previously unpaved internal streets, nor upgrading other on-site structures and facilities. But, a change to an internal street name does require approval of the Plan Commission and notification to the US Post Office, and the 911 Emergency Response System.

3. The filing deadline for a complete application for preliminary or final MHC or RVP/C plan approval is thirty (30) calendar days prior to the date of the regular meeting at which the petitioner intends to have the request heard. The requirements for a complete application are listed below.

4. At the hearing, the Plan Commission may either approve, conditionally approve or deny the preliminary or final MHC or RVP/C plans presented by the petitioner. If the petitioner or the petitioner's representative is not present at the hearing,

(cont)

150 Manufactured Home Community, RV Park, and Campground Standards (cont)

the Plan Commission shall table or dismiss the request.

C. Preliminary Plan Filing Requirements

1. Before an application for Preliminary MHC or RVP/C plan approval may be submitted, the petitioner shall arrange to meet with Plan Commission staff to review filing and design requirements. The petitioner shall bring to this meeting a proposed MHC or RVP/C plan drawn in sufficient detail so that staff can determine if design requirements are being met.

2. For a request for Preliminary MHC or RVP/C plan approval to be considered complete, the following items shall be presented to Plan Commission staff no less than thirty (30) calendar days before the regular meeting at which the petitioner intends to have the request heard:

   a. a signed "Application Form for Approval of Manufactured Home Community or Recreational Vehicle Park and Campground' with metes and bounds legal description of the property for which approval is being sought; and if floodplain land is present, a metes and bounds legal description of that portion of the property situated at or above the regulatory flood elevation as determined by the Zoning Ordinance and as certified by a Registered Land Surveyor or Registered Professional Engineer.

   b. a non-refundable processing fee in the amount established by the Plan Commission for MHC or RVP/C plan approval;

   c. a list of names and addresses of all property owners within three hundred (300) feet of the proposed development;

   d. for any RVP/C campsites proposed to be located within a floodway fringe, certification from a Registered Land Surveyor or Registered Professional Engineer that none of the campsites would be located within the flood plain established for that location by the Indiana Department of Natural Resources;

   e. Ten (10) sets of MHC or RVP/C plans, fulfilling all requirements of all agencies listed above; no deviations from minimum state standards shall be permitted;

   f. signatures indicating that a full set of MHC or RVP/C plans have been received by the City Police Department, City Fire Department, and the Plymouth Public School Corporation. If these agencies wish to comment to the Plan Commission staff on these plans, they shall do so within two (2) weeks of the filing deadline;

   g. written justification identifying a proposed RVP/C as either an en route or destination facility.

1. A complete application for Preliminary MHC or RVP/C plan approval shall be placed for public hearing on the Plan Commission's next available meeting agenda. If the application is not placed on the next agenda because it is incomplete, Plan Commission staff shall notify the petitioner in writing of the application's deficiencies.

D. Preliminary MHC And RVP/C Plan Requirements

A complete MHC or RVP/C plan is certified by a Registered Engineer or Architect licensed to practice in the State of Indiana and meets all the design standards of *Article 6-150.G, MHC Design Requirements* or *Article 6-150.H, RVP/C Design Requirements* of this Ordinance below. (A Registered Land Surveyor may certify those portions of MHC plans that deal with gravity sanitary sewers, storm sewers and tile drains.) It contains all of the following elements:

1. a cover sheet:

2. a vicinity map drawn to an appropriate scale,

3. the name of the proposed MHC or RVP/C;

4. a metes and bounds legal description of the area for which approval is being sought, including its location by quarter section, township and range, city, town or civil township;

5. the name and address of the petitioner;

6. the name, address and seal of the Registered Engineer, Architect or Land Surveyor certifying any parts of the plan;

7. the scale of the plan, north point, and date.

8. an analysis of current conditions:

   a. boundary, ownership, and zoning of the proposed site and all adjoining properties; if located in a flood hazard area, a metes and bounds legal description of that portion of the property situated at or above the regulatory flood elevation determined by *Article 6-070, Flood Hazard Area Standards* of this Ordinance, certified by a Registered Land Surveyor or Registered Professional Engineer.

   b. topography in intervals of not less than one (1) foot and not more than two (2) foot;

   c. location of all structures with an indication of their current condition, both on site and on adjoining properties;

   d. location, dimensions and names of all dedicated public streets, private streets, and railroad and utility rights-of-way, both on-site and adjacent to the site;

(cont)

150 Manufactured Home Community, RV Park, and Campground Standards (cont.)

e. location and size of all existing storm and sanitary sewers, water mains, electrical, gas, telephone and cable television lines, culverts, drainage tiles, legal drains (ditches), and underground facilities both on site and adjacent to the site;

f. identification and location of soil types and vegetation;

g. natural features, such as water courses, ponds, marshes, rock outcroppings, etc.;

h. for any RVP/C campsites proposed to be located within a floodway fringe, certification from a Registered Land Surveyor or Registered Professional Engineer that none of the campsites would be located within the regulatory floodway established for that location by the Indiana Department of Natural Resources;

9. a proposed site plan:

a. location, dimensions and names of all proposed streets;

b. location and dimensions by bearings and distances of all rights-of-way, sidewalks, crosswalks, alleys and easements;

c. location, dimensions and area of all proposed MHC lots if an MHC, or of all proposed campsites if an RVP/C; these are to be numbered consecutively; plus dimensions of the largest MH that will fit each proposed MHC-lot within the requirements of *Article 6-150.G, MHC Design Requirements* of this Ordinance below;

d. location of all proposed buildings or structures, such as an office and community center, a storage facility, a laundry room, a swimming pool, etc.;

e. location and use of all land to be used in common by residents or temporary occupants;

f. all MHC and MHC-lot setback lines;

10. a grading plan;

11. a utility plan showing location and connection of all electrical, gas, telephone, cable, water, sanitary sewer and drainage facilities; all stormwater drainage facilities shall be privately owned and maintained;

12. Drainage Plan;

13. plan and profile sheets of all proposed improvements, including streets (with typical cross-section showing pavement and sidewalk design) and the full range of underground utilities.

E . Final Plan Filing Requirements

1. For a request for Preliminary MHC or RVP/C plan approval to be considered complete, the following items shall be presented to Plan Commission staff no less than thirty (30) calendar days before the regular meeting at which the petitioner intends to have the request heard:

   a. a signed "Application Form for Approval of Manufactured Home Community or Recreational Vehicle Park and Campground' with metes and bounds legal description of the property for which approval is being sought;

   b. a non-refundable processing fee in the amount established by the Plan Commission for MHC or RVP/C plan approval;

   c. a letter from the Indiana State Department of Health indicating review and approval of the proposed plans in compliance with I.C. 16-41-27 and Rules 410 IAC 6-6 and 327 IAC 8-8-1 for MHCs, or Rule 410 IAC 6-7 for RVP/Cs, or their successors before local permits may be issued;

   d. letters from City of Plymouth Street Department, City of Plymouth Water Department, City of Plymouth Waste Water Department, County Health Department, County Drainage Board, and any other applicable government agency indicating review and approval of the proposed plans;

   e. ten (10) sets of MHC or RVP/C plans, fulfilling all requirements of all agencies listed above; no deviations from minimum state standards shall be permitted;

   f. surety in a form acceptable to the Board of Public Works if public improvements are to be installed either on-site or off-site; and

2. A complete application for Final MHC or RVP/C plan approval shall be placed for public hearing on the Plan Commission's next available meeting agenda. If the application is not placed on the next agenda because it is incomplete, Plan Commission staff shall notify the petitioner in writing of the application's deficiencies.

F. Final MHC And RVP/C Plan Requirements

A complete MHC or RVP/C plan is certified by a Registered Engineer or Architect licensed to practice in the State of Indiana and meets all the design standards of *Article 6-150.G, MHC Design Requirements* or *Article 6-150.H, RV/C Design Requirements* of this Ordinance below. (A Registered Land Surveyor may certify those portions of MHC plans that deal with gravity sanitary sewers, storm sewers and tile drains.) It contains all of the following elements:

1. the name of the proposed MHC or RVP/C;

2. a metes and bounds legal description of the area for which approval is being sought, including its location by quarter section, township and range, city, town or civil township;

(cont)

150 Manufactured Home Community, RV Park, and Campground Standards (cont.)

3. the name and address of the petitioner;

4. the name, address and seal of the Registered Engineer, Architect or Land Surveyor certifying any parts of the plan; and

5. the scale of the plan, north point, and date.

6. location, dimensions and names of all dedicated public streets, private streets, and railroad and utility rights-of-way, both on-site and adjacent to the site;

7. a proposed site plan:

   a. location, dimensions and names of all proposed streets;

   b. location and dimensions by bearings and distances of all rights-of-way, sidewalks, crosswalks, alleys and easements;

   c. location, dimensions and area of all proposed MHC lots if an MHC, or of all proposed campsites if an RVP/C; these are to be numbered consecutively; plus dimensions of the largest MH that will fit each proposed MHC-lot within the requirements of *Article 6-150.G, MHC Design Requirements* of this Ordinance below

   d. location of all proposed buildings or structures, such as an office and community center, a storage facility, a laundry room, a swimming pool, etc.;

   e. location and use of all land to be used in common by residents or temporary occupants;

   f. all MHC and MHC-lot setback lines;

8. plan and profile sheets of all proposed improvements, including streets (with typical cross-section showing pavement and sidewalk design) and the full range of underground utilities.

9. Drainage Plan.

G. MHC Design Requirements

The following design elements shall be incorporated into the proposed site plan of a complete proposed MHC plan:

1. Minimum MHC area:

   a. New MHC - 5 acres

   b. Addition to existing MHC - no minimum

2. Minimum MHC setbacks (within which no MHC-lots or structures shall be located):

    a. Along a local street or place - 25'

    b. Along a collector street - 30'

    c. Along a secondary arterial - 40'

    d. Along a primary arterial - 60'

    e. Abutting a residential, commercial, industrial or rural zone - 20'

3. Minimum Recreation Space
   At least ten (10) percent of the total area of the development

4. Maximum height of structures - 25'

5. Minimum parking
   two (2) paved parking spaces, garages and carports included , per MHC-lot, either on the lot or within three-hundred (300) feet of the lot being served; on-street parking spaces may be substituted if an eight (8) feet paved parking lane is provided, in addition to the minimum street width requirement

6. Minimum storage
   One-hundred twenty (120) cubic feet per manufactured home in a separate building, such as a shed.

7. Minimum protection against severe weather
   Reinforced building(s) (such as combination of community building, rental office, laundry, shower, restroom facilities) having an open floor area of at least fifteen (15) square feet per MHC-lot

8. Minimum MHC-lot area 3,000 sq.ft.

9. Minimum MHC-lot width - 30'

10. Maximum MHC-lot coverage by MH - 45%

11. Minimum MHC-lot vegetative cover - 30%

12. Minimum MHC-lot setbacks (including any expanded portion of the MM:

    a. Along a front lot line:

        i. internal street without sidewalk
           20' from pavement edge (or back of curb where required)

        ii. internal street with sidewalk - 17' from sidewalk edge

    b. Along a rear lot line:

(cont)

150 Manufactured Home Community, RV Park, and Campground Standards (cont)

i. mobile home/manufactured home - 15'

ii. accessory building - 6'

c. Along a side lot line - 6'

13. Minimum distance between MHC-lot line and any internal off-lot building or structure -15'

14. Internal streets
All MHC-lots shall have direct access to an internal street, there can be no direct access to a public street except at points of entry/exit to/from the MHC):

a. Minimum 1 -way pavement width - 12'

b. Minimum 2-way pavement width - 24'

c. Minimum additional pavement width for parking lane - 8'

d. Maximum dead end street length - 150'

e. Minimum turnaround pavement diameter - 100'

f. Minimum curb and gutter - where the density of the development is equal to or greater than three (3) dwelling units per acre to properly carry surface water, two (2) feet on each side in addition to the minimum street width requirement

15. Minimum paved sidewalk
At least one (1) side of each street, and connecting to all common facilities
Minimum paved sidewalk width - 3'

16. Minimum lighting
0.3 foot candles on streets and walkways, or individual yard lights on each MHC-lot with illumination equivalent to at least a 40 watt incandescent bulb

H. RVP/C Design Requirements
The following design elements shall be incorporated into the proposed site plan of a complete proposed RVP/C plan:

1. Minimum RVP/C area:

a. New RVP/C - 5 acres

b. Addition to existing RVP/C - no minimum

2. Minimum RVP/C setbacks (within which no campsites or structures shall be located):

a. Along a local street or place - 25'

b. Along a collector street - 30’

c. Along a secondary arterial - 40’

d. Along a primary arterial - 60’

e. Abutting a commercial, industrial or rural zone - 20’

f. Abutting a residential zone - 40’

3. Maximum height of structures - 25’

4. Minimum parking
One (1) parking space per campsite, plus a separate parking area for guests and visitors at a ratio of one and one-half (1.5) spaces per campsite

5. Minimum protection against severe weather
Reinforced building(s) (such as combination of community building, rental office, laundry, shower, restroom facilities) having an open floor area of at least fifteen (15) square feet per campsite

6. Minimum campsite width - 22’

7. Minimum distance between campsite and any adjacent building or structure - 15’

8. All campsites shall have direct access to an internal street, there can be no direct access to a public street except at points of entry/exit to/from the RVP/C.

I. MHC Additions

The owner, occupant or lessor of a mobile home in a mobile home park manufactured home community, shall not build any permanent additions that attach to that mobile home that would add to the living space within.

J. Recreational Vehicles Not in RV Park or Campground

Recreational Vehicles shall not be occupied for longer than eight (8) weeks per calendar year in any location within the jurisdiction of this zoning ordinance other than in an approved recreational vehicle park.

1. For the purposes of this subsection, the term “occupied” means being used for living or sleeping purposes.

a. In any enforcement action by the Zoning Administrator under this subsection or subsequent civil proceedings regarding an alleged illegal occupancy of a recreational vehicle, the following presumption shall apply:

i. That any recreational vehicle which maintains the connection of sewer facilities or water lines or gas or electricity, or which has slide-outs, pop-ups or other features extended or in use is being occupied.

b. Any complainant alleging an illegal occupancy of a recreational vehicle under this subsection may raise the presumption of occupancy set forth in subsection a. above by presenting the Zoning Administrator with photographs, video, or other documentary evidence exhibiting the connection of sewer facilities or water lines or gas or electricity, or the use or extension of slide-outs, pop-ups or other features over a period longer than eight (8) weeks per calendar year; a complainant may also raise the presumption of occupancy set forth in subsection a. above by presenting the Zoning Administrator with a sworn or otherwise verified statement, in the following format, or a substantially similar format, "I, (insert name) , swear or affirm under the penalties for perjury that I have personally observed (insert applicable conditions observed (i.e., connection of sewer facilities or water lines or gas or electricity, or which has slide-outs, pop-ups or other features extended)) on the recreational vehicle located at (insert location) over the following time period (insert time period totaling more than eight (8) weeks per calendar year) . Based upon these conditions, the recreational vehicle is presumed to have been occupied during that time period in violation of the Plymouth Zoning Ordinance." Upon receipt of a complainant's statement, the Zoning Administrator shall initiate appropriate enforcement proceedings.

c. A sworn or otherwise verified statement presented to the Zoning Administrator, in a substantially similar format to that set forth in in subsection b. above, containing a complainant's allegations that a recreational vehicle has been occupied on a property for at least four (4) weeks in that calendar year, shall trigger an obligation of the Zoning Administrator to send written notice to the property owner advising the property owner of the eight (8) week per calendar year recreational vehicle occupancy limitation imposed by this section and advising that the Zoning Administrator has received a statement alleging current occupancy of a recreational vehicle on the property of at least four (4) weeks during the current calendar year. The intent of the written notice under this subsection is to provide a warning or safe harbor to the property owner of the occupancy limitations of this section and to avoid a future violation or the need for enforcement proceedings. Upon providing such written notice, the Zoning Administrator's obligation is discharged and he is not required to take further action regarding the property until such time as he is presented with a complainant's statement alleging a violation of this section as is set forth in subsection b above.

d. The presumption raised by proof of the existence of such a condition as set forth in subsection a. above may only be rebutted by conclusive evidence that the such conditions did not, in fact, exist for a time period longer than eight (8) weeks per calendar year or that the recreational vehicle was not, in fact, occupied for a period longer than eight (8) weeks per calendar year.

e. A person charged with a violation of this subsection may demand an inspection by the Zoning Administrator of the subject recreational vehicle to rebut any presumption of occupancy raised pursuant to subsection a. above. Such demand shall be in writing addressed to the Zoning Administrator. The Zoning Administrator shall prepare a report of the finding of the inspection together with photographs, if appropriate.

160 Manufactured Homes

A . Definition

A dwelling unit designed and built in a factory which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.)

B . Type A Manufactured Home

A Manufactured Home that meets the following standards:

1. Constructed after January 1, 1981;
2. Exceeds seven-hundred fifty (750) square feet of occupied space;
3. Placed on a support system, enclosed with foundation skirting/siding and anchored to the ground in accordance with the One and Two Family Dwelling Code; and
4. May not be constructed with a permanent hitch, and the hitch must be removed.

C. Type B Manufactured Home

A Manufactured Home that meets the following standards:

1. Constructed after January 1, 1981
2. Has at least twenty three (23) feet in width
3. Exceeds nine-hundred fifty (950) square feet of occupied space which is composed of a double or multi-section unit;
4. Is placed on a foundation with a permanent masonry perimeter enclosure in accordance with the One and Two Family Dwelling Code.
5. May not be constructed with a permanent hitch, and the hitch must be removed; and
6. Siding made of materials customarily used for site-constructed homes.

170 Open Space Standards

A. Open Space Standards
This Open Space Standards section applies to the R-1, R-2, R-3, R-4, and MH zoning districts

B. Open space shall be established in all residential developments based on the table below:

Table 6-C, Open Space Standards

Zoning District	Open Space Required
R-1	500 square feet per dwelling unit for developments with a total area exceeding 20 acres
R-2	500 square feet per dwelling unit for developments with a total area exceeding 20 acres
R-3	500 square feet per dwelling unit for developments with a total area exceeding 5 acres
R-4, MH	10% of the total site area for all development

C. Open space required above for developments in the R-1, R-2, R-3, and R-4 zoning districts shall meet the requirements established by the City of Plymouth Subdivision Control Ordinance.

D. Open space required above for developments in MH zoning districts shall meet the following requirements:

1. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.

2. Common open areas may not include floodplains, detention ponds or other portions of the development which are undevelopable. Common open spaces should be located adjacent to such natural features when they are present in, or adjacent to the development.

3. Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system.

    a. All common open spaces shall have at least twenty (20) feet of frontage on a public or private street which includes sidewalks.

(cont)

170 Open Space Standards (cont)

b. All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owner's association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.

4. Common areas being a minimum of twelve (12) feet wide shall be provided permitting access from natural site features such as floodplains, detention ponds, and historic sites to public or private streets with sidewalks.

5. Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.

6. All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.

180
180

Parking, Parking Access, and Loading Standards

A. Purpose and Scope

The provisions of this Article are established to relieve and/or prevent traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City Jurisdiction.

B . Parking and Loading Requirement

The provisions of this Article shall apply to situations detailed below:

1. All buildings or structures erected or substantially altered and all uses of land or buildings and structures established or changed after the adoption of this ordinance.

2. Whenever a building or structure constructed before the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of housing units, seating capacity or otherwise, and such change or enlargement creates a need for additional parking spaces. In these cases, the number of additional spaces to be provided shall be based on the extent of the enlargement or change, provided that whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in: floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth in this Article.

3. Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same parcel as the building, structure or use served shall not hereafter be reduced below or, if already less than, shall not be further reduced below the requirements for a similar building, structure or use under this ordinance.

C. General Parking Regulations

1. The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one lot, provided that total number of such spaces shall be not less than the sum of requirements for the various individual buildings, structures or uses computed separately in accordance with this ordinance.

2. When two (2) or more uses are located within the same building or structure, offstreet parking spaces equal in number to the sum of the separate requirements for each use shall be provided.

3. Subsections (A) and (B) above notwithstanding, two (2) or more non-residential uses may jointly provide and use off-street parking spaces when their hours of operation do not normally overlap, subject to the requirements of *Article 6-170. F, Shared Parking* of this Ordinance.

4. All off-street parking spaces required by this ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be

(cont)

used for any kind of loading, sales or servicing, or for the continuous storage of a vehicle for more than forty-eight (48) hours.

5. Any parking area to be used by employees or visitors shall be provided parking spaces and associated access aisles designated, marked, and located to adequately accommodate the disabled. Accessible spaces shall be provided in sufficient numbers and to the specifications of the Americans with Disabilities Act (ADA) and the Indiana Building Code (IBC). Each accessible or van accessible parking space shall be located adjacent to an access aisle and in close proximity to the entrance(s) most accessible for the disabled. The required number and sizes of such spaces shall be provided regardless of any other provisions of these regulations or of any reduction in parking requirements otherwise approved by the Commission or the Board.

D . Parking Development Standards

1. Locational Standards

   a. Off-street parking spaces for all residential uses shall be located on the same lot as the residential structure or on a lot adjacent to the lot on which the residential structure is located.

   b. Off-street parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principal use building.

   c. Off-street parking spaces may be located in any yard, subject to applicable setback standards. However, parking spaces may not be located on the shared portions of shared driveways.

   d. Off-street parking areas, except those serving single-family detached dwelling units, shall be set back from all public rights-of-way lines a minimum of ten (10) feet. Any such areas abutting a zone or use with a more restrictive setback shall comply with the more restrictive setback.

2. Parking Space Dimensions
   Off-street parking spaces shall have minimum rectangular dimensions of not less than ten (10) feet in width and twenty (20) feet in length, except that parallel parking spaces shall be at least twenty-four (24) feet in length. Not more than ten (10) percent of the required parking spaces may be compact stalls with minimum rectangular dimensions of not less than eight (8) feet in width and sixteen (16) feet in length. Each such space shall have vertical clearance of at least seven (7) feet. All dimensions shall be exclusive of obstructions and of driveways, aisles, and other circulation areas.

3. Parking Space Access

a. Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means
of vehicular access to such parking space. The following minimum aisle or driveway width standards shall apply: twenty-five (25) feet wide for ninety (90) degree parking; twenty (20) feet wide for sixty (60) degree parking; twenty (20) feet wide for forty-five (45) degree parking; and fifteen (15) feet wide for parallel parking.

b. Clearly defined driveways shall be provided for ingress and egress to offstreet parking areas in accordance with the following standards:

Table 6-D, Driveway Standards

Driveway Standard		Single & Two Family Residential (feet)	Multi-family Residential & Non Residential (feet)
Maximum width at property line		22	40
Minimum distance from interior lot line		0	12 [1]
Minimum distance from street intersection		30	50
Space between two drives on the same property		24	40
Radius of curb return	Minimum	5	5
	Maximum	15	20

[1] Drives may be located at the property line in the case of shared driveways.

c. All areas devoted to off-street parking shall be designed to prevent traffic congestion on adjacent streets. Whenever possible, the number of traffic access points for uses fronting on arterial streets shall not exceed one (1) per three hundred (300) feet. Where direct access to an off-street parking area is provided by an arterial or federal aid secondary road, acceleration and deceleration lanes shall be provided on both sides of the access road in accordance with AASHTO standards.

d. All areas devoted to off-street parking shall be designed so that no vehicle is required to back into a street. Off-street parking areas that exclusively serve single-family detached and two-family dwelling units shall be exempted from this requirement unless direct access to the dwelling unit is provided by an arterial street.

4. Surfacing Requirement

(cont)

a. Off-street parking areas (including parking spaces, aisles and driveways) shall be paved with plant mix asphalt or concrete within one (1) year of the date on which the improvement location permit for the parking area is issued. Single family detached and two-family dwelling units may use crushed stone in place of plant mix asphalt or concrete.

b. Poured-in-place concrete curbs shall be installed to separate off-street parking areas from the front and sides of any abutting building or structure, otherwise barrier curbs shall be required to safely and efficiently direct the movement and parking of motor vehicles. Single family detached and two-family dwellings are exempted from this requirement.

c. The off-street parking area shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude channeled or concentrated drainage of water onto adjacent property or toward buildings.

d. No part of any off-street parking area, excluding drives that do not provide direct access to abutting parking spaces, shall have a slope of greater than five percent (5%).

e. The surface of off-street parking areas shall be maintained and kept in good repair, free from refuse, debris.

5. Screening and Landscaping
All off-street parking areas are subject to the provisions of *Article 6-140, Landscaping Standards* of this Ordinance.

6. Lighting
Any lighting used to illuminate a required off-street parking area shall be shielded with appropriate light fixtures directing the light away from adjacent properties in order that the illumination at any property line shall not exceed one (1) foot candle.

E. Minimum Parking Requirements and Calculation Method

1. Off-street parking spaces accessory to principal uses shall be provided in accordance with *Article 6-180.E, Table of Off-Street Parking Requirements* of this Ordinance, which is incorporated into this section. Parking space requirements for other uses will be determined by the Board:

a. based upon data supplied by the applicant in response to requests for traffic and parking data to be furnished with the application for site plan and/or improvement location permit; and,

b. in accordance with *Article 6-180.G, Loading Area Development Standards* of this Ordinance.

2. When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction of one-half (½) or less may be disregarded, while any fraction in excess of one-half (½) shall

be counted as one parking space.

3. In the event a specific use is not listed in *Article 6-180.E, Table of Off-Street Parking Requirements* of this Ordinance, the Zoning Administrator shall determine the number of spaces required. In making this determination, the zoning administrator shall consider the following criteria:

   a. the number of parking spaces required for a use listed in *Article 6-180.E, Table of Off-Street Parking Requirements* of this Ordinance that is most similar to the proposed use in terms of the parked motor vehicles that are anticipated to be generated;

   b. the square footage to be occupied by the proposed use; and,

   c. the number of employees and patrons that are anticipated for the proposed use.

F. Shared Parking

Parking which is to be shared among two or more businesses or land use activities may be permitted subject to the following requirements:

1. No more than fifty (50) percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.

2. Total parking provided shall be sufficient to meet the requirements of the greatest combined peak parking demands. Evidence in the form of parking generation studies or calculations shall be provided upon request of the Administrator.

3. The owners of the properties shall submit a written commitment guaranteeing that the parking spaces shall be provided and maintained as stipulated in the approved site plan, so long as parking is required for the properties in question or until the required parking is provided by other means. Such commitment shall be recorded by the property owners in the County Recorder's Office and a copy filed with the Planning Department.

G. Loading Area Development Standards

1. Location and Screening
   Where loading berths are provided, they shall be located on the same zoning lot as the use served. Loading berths shall be screened by either building walls, a solid fence, densely planted shrubbery, or any combination thereof, none of which may be less than six (6) feet in height at maturity. Loading berths may not be located in a front yard setback in any zoning district.

2. Loading Berth Access
   Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(cont)

3. Utilization
   Loading activities may not utilize required off-street parking spaces or access thereto.

4. Plan Required
   The location of loading activities must be shown on any site plan submitted for review.

H. Table of Off-Street Parking Requirements

Table 6-E, Non-Residential Required Parking Spaces

(sq. ft. indicates square feet of gross floor area)

Use	Parking Spaces	Standard
Employee Parking	1 space	employee working on the largest shift
Business Vehicle	1 space	business vehicle stored on-site
	..in addition to...	..for every...
restaurant, auditorium, gymnasium, church, or movie theater	1 space	3 seats
auto/boat/RV/or farm implement sales facility show rooms	1 space	500 sq. ft.
auto/boat/RV or farm implement dealership (to be used for each display item)	1 space	Per item on display
hardware home improvement, furniture, and large appliance stores	1 space	400 sq. ft.
medical or dental office or clinic	1 space	200 sq. ft.
fitness center, health spa, or entertainment center	1 space	200 sq. ft.
administrative or professional business office, library, museum, or art gallery	1 space	250 sq. ft.
car wash, repair, or modification center	1 space	200 sq. ft.
convenience stores, banks, gas stations, grocery stores, department stores, and other retail facilities	1 space	300 sq. ft.
day care facility	1 space	6 children permitted by capacity
hotel, motel, and bed and breakfast	1 space	sleeping unit

Table 6-E, Non-Residential Required Parking Spaces		
		(sq. ft. indicates square feet of gross floor area)
Use	Parking Spaces	Standard
golf course	20 spaces	nine holes
elementary and middle schools or high schools with a gym or auditorium	2 spaces	classroom
high school	1 space	20 students
community college, business, vocational, trade, or other commuter-based school	1 space	4 students
resident-student based college or university	1 space	2 on-campus residents
swimming pool or skating rink	1 space	100 square feet of recreational area
sports facility	20 spaces	field or court
hospital or nursing home	1 space	3 patient beds
personal service business, beauty or barber shop, or dry cleaners	1 space	200 sq. ft.
bowling alley	5 spaces	lane
self-storage facility	1 space	5000 square feet
Airport or heliport	1 space	for every 5 hanger or tie-down spaces

190 Public Improvement Standards

A . General Requirements

Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.

1. City of Plymouth Plan Commission, based on the recommendations of City Departments, shall make determinations as to needed street, utility, and drainage improvements.

2. All public improvements must be constructed to comply with all applicable standards included in this Ordinance, City of Plymouth Subdivision Control Ordinance, the Plymouth Complete Streets Policy, and any other adopted construction standards of City of Plymouth.

B . Sidewalks

All developments shall be required to install public sidewalks along any public streets within and adjacent to the development and approved according to the exception procedure of the City of Plymouth Complete Streets Policy.

1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.

2. Sidewalks shall be separated from the back of curb of the adjacent street by a planting strip which is a minimum of ten (10) feet in width along arterial and collector roads and six (6) feet in width along local streets.

3. Sidewalks shall be a minimum of five (5) feet in width in residential areas and eight (8) feet width in nonresidential and mixed use areas, and constructed of concrete consistent with all applicable City of Plymouth construction standards.

4. Refer to 96.061 for corporate limit sidewalk regulations

C. Greenways

All developments shall be required to install any portion of a greenway or trail system if the development property is within a greenway or trail system plan approved by the City. In no instance shall this be interpreted as requiring the development to participate in the establishment of pathways as lanes on a public street.

1. Design
   All pathways shall take the form of a separately constructed path or a ten (10) foot wide sidewalk.

2. Construction Requirements
   All pathways shall conform to the latest edition of the AASHTO Guide for the Development of Bicycle Facilities and any applicable, adopted City of Plymouth construction standards.

D. Internal Pedestrian Ways

All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.

1. These designated sidewalks shall be a minimum of five (5) feet in width and include an improved surface of concrete.

2. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.

E. Street Dedications

All developments shall be required to dedicate right-of-way consistent with the classifications of City of Plymouth Thoroughfare Plan for all existing and proposed roads transecting or adjacent to the property being developed.

F. Street Construction

The owners of new development shall install the portion of new roads proposed by the adopted Thoroughfare Plan transecting or adjacent to a property being developed if either of the following conditions are present:

1. The development has direct access to the road proposed by the Thoroughfare Plan; or

2. The road proposed by the Thoroughfare Plan will provide previously unavailable access to other properties controlled by the owner of the new development.

G. Street Trees

All residential developments in R-1, R-2, R-3, and R-4 districts shall be required to provide street trees within the right-of-way.

1. One street tree shall be planted for every forty (40) feet of road frontage.

2. All street trees shall be a minimum of 2-1/2 inch caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species approved as a street tree by the Commission.

3. No tree may be planted so that its center is closer than two (2) feet to a sidewalk or curb, or edge of pavement if no curbs are present. No tree shall be planted within twenty-five (25) feet of the intersection of two street rights-of-way, or within ten (10) feet of the intersection of a street and an entrance driveway. No tree shall be planted within ten (10) feet of any fire hydrant or five (5) lateral feet of any underground utility service.

H. Public Utilities

All new developments shall be required to connect to public sanitary sewer, water, and storm water drainage systems if reasonably feasible

1. Storm water drainage systems in developments shall not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.

2. The size of all water and sewer mains shall be large enough as determined by the Technical Review Committee and, if necessary the appropriate City board, to not only to serve the areas under immediate consideration, but also to serve areas which are likely to be developed and which should be served by the extensions

(cont)

under consideration.

3. Fire hydrants, emergency key boxes, bi-directional amplifier system and other fire fighting infrastructure shall be installed consistent with the requirements of the Plymouth Fire Chief (or Designee) or Building Commissioner according to the City of Plymouth Building Code.

I. Easements

No structure with the exception of fences may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder. Approval of the Board of Public Works and Safety shall be required for all fences proposed for placement in easements which are held by the City of Plymouth.

J. Dry Fire Hydrants

In locations where fire hydrants served by a pubic water system can not be provided, dry hydrants shall be provided in all lakes and storm water retention and detention

200 Sign Standards

A. Purpose

The purpose of this section is to: further the goals of the Comprehensive Plan; minimize the possible adverse effects of signs on nearby public and private property; encourage signs to be compatible with the scale and type of buildings and surrounding features; maintain and enhance the aesthetics of the City; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of City of Plymouth.

B . General Requirements

Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Commission, or cause the same to be done without first obtaining an Improvement Location Permit. The following general sign standards apply to all signs within the jurisdiction of the Commission.

1. Measurement
   The area of all signs shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension excluding any poles or supports. The height of all signs shall be measured from natural ground level at the location of the sign to the top of the sign, and include any poles or other supports unless otherwise specified in this Chapter. In no case shall sign height be measured from the top of any berm or other artificial grade.

2. Double-Faced Signs
   For all signs permitted by this Chapter, a double faced sign may be erected. Only the face area of one (1) of the two (2) sides shall be considered the face area of the entire sign. However, the two (2) faces shall be identical in face area, face opposite directions, be parallel to each other, and utilize the same support system.

3. Inspection
   Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this Chapter.

4 . Removal of Sign
   The Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article, at the cost of the property owner, consistent with the provisions of *Article 12, Enforcement & Penalties* of this Ordinance.

5. Maintenance
   All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition. If failure to maintain a sign is determined by the Zoning Administrator, a written notice will be given to the owner, business operator or lessee of the property consistent with the provisions of *Article 12, Enforcement & Penalties* of this Ordinance.

(cont)

200 Sign Standards (cont)

6. Illuminated Signs
All illuminated signs must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Indiana and *Article 6-050, Exterior Lighting Standards* of this Ordinance.

7. Exterior Murals and Wall Graphics

a. Murals, also known as wall art, are divided into two categories:

i. Mural (Work of Art/Noncommercial)

a. Does not require a sign permit, but requres a Plan Director letter of approval meeting the associated definition and below standrds. The Plan Director may consult with local artist(s) for best practices and technical information.
b. In certain instances, the Plan Director may defer the request to the Technical Review Committee or Board of Zoning Appeals.
c. The applicant shall submit a sketch of the proposal along with the existing wall material and list of media seeking to be used in the project for review.
d. Shall remain static.
e. May protrude no more than one (1) foot from the face of the building.

ii. Sign, Wall Sign (Commercial)
a. Sign, Wall Sign shall comply with the remainder of this chapter.

8. Enforcement
The enforcement of violations of the provisions of this Article shall be as provided by *Article 12, Enforcement and Penalties* of this Ordinance.

C. Exempt Signs
The following signs are exempt from all provisions of this Ordinance.

1. Flags
Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.

2. Integral Identification Signs
Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

3. Informational Signs
Informational signs, such as “NO PARKING” and “ENTRANCE”, that have a purpose secondary to the use of the property and having no commercial message are permitted. The maximum height of an informational sign shall be two and one half (2½) feet to the bottom of the sign and not exceed six (6) square feet in area. Informational signs are not permitted in any public rightof-way.

4. Public Signs
   Public signs erected by or on the order of State, County, or City of Plymouth government public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest; and signs directing people to public and quasi-public facilities.

5. Utility Marker Signs
   Utility signs are permitted to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Zoning Administrator.

6. Seasonal & Holiday Signs
   Seasonal or holiday signs, including lighting erected in connection with the observance of holidays.

7. Pennants
   Pennants, streamers and any combination of such signs, provided that the use of such signs is temporary and does not exceed thirty (30) consecutive days.

8. Banners
   Banners on the same property as a business not to exceed sixty (60) consecutive days.

D . Prohibited Signs

The following types of signs are expressly prohibited in all zoning districts.

1. Electronic Message Signs
   Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement. Applies only to the DN, Downtown Neighborhood Overlay District.

2. Emissions
   Signs that emit audible sound, odor or visible matter.

3. Imitation of Official Signs
   Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal or which bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.

4. Imitation of Emergency Vehicles
   Signs that may be construed as a light of an emergency or road equipment vehicle.

5. Visual Impairment
   Signs that hide any traffic, street, or roadway sign, signal or device from view, or that interfere with the Sight Visibility Area as defined in *Article 3-130.A(2), Visual Setback on Corner Lots* of this Ordinance.

6. Encroachment
   Signs that are located in any right-of-way, non-sign easement, or septic field, including those posted on utility poles or street signs.

(cont)

200 Sign Standards (cont)

7. Obstruction
Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.

8. Vehicle Signs
Signs placed on vehicles parked on public property primarily for the purpose of displaying the sign for commercial use. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.

9. Poster Signs
Posters, placards, and other similar signs attached to light poles, gas station canopy supports, trees, convenience store parking lots, and elsewhere outdoors.

10. Obsenity
Signs that contain statements, words, or pictures, which are obscene as defined by IC 35-49-2-1.

E. Permitted Signs

1. Signs permitted in any R-1, R-2, R-3, R-4, and MH Zoning District with a permit subject to the following regulations and other applicable standards in this chapter:

a. Home Based Business, Home Occupation and Home Workshop signsOne (1) sign or nameplate to identify the approved business conducted on the property. Said sign shall not exceed four (4) square feet in area and may be mounted flush against the dwelling or placed in the yard. The sign shall not be closer than five (5) feet to a side or rear lot line and shall not be illuminated.

b. Permanent real estate development signs.
Permanent real estate development signs may be placed at the entrance to a residential complex, subdivision or development and shall contain only the name of the subdivision or development, and shall not be less than five (5) feet from a side or rear lot line. In no case shall the sign exceed thirtytwo (32) square feet in area.

c. Farm or rural estate sign
One (1) sign identifying the farm or estate property on parcels not less than five (5) acres in area may be permitted. The sign shall not exceed twenty (20) square feet in area.

d. Temporary development signs
One (1) sign at the entrance to the development is allowed for the purpose of designating a new building or development, or for promotion of a subdivision provided that the sign shall not exceed thirty-two (32) square feet in area.

2. Signs are permitted in C-1, C-2, C-3, I, BP or PUD Zoning Districts plus any grandfathered institutional or commercial uses in a R-3 District, with a permit subject to the following regulations and other applicable standards in this Chapter:

   a. Sign type and permitted sizes.

      i . Wall signs or building signs
      Wall signs and building signs shall be placed against the exterior walls of buildings and shall not extend more than one (1) foot outside of a building's wall surface, shall not exceed three (3) square feet in area for every one (1) linear foot of building face width on which it is mounted, shall not exceed the height or project beyond the building, and shall be placed no closer than ten (10) percent of the lot width from the property line. Individual channel lettering will be preferred over cabinet signs on brick buildings.

      ii . Marquee and canopy signs

      - Marquee and canopy signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign, provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy.

      - A marquee or canopy may extend up to twelve (12) feet beyond the building to which it is affixed, but shall not extend into a required front yard, side yard, or rear yard, nor shall it extend closer than one (1) foot to the vertical plane formed by the curbline in a shopping center.

      - A name sign not exceeding two (two) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy, provided that the name sign is at least eight (8) feet above the sidewalk.

200 Sign Standards (cont)

iii . Monument signs

- All new signs and/or replacement of existing signs located along arterials or major thoroughfares shall be placed on a monument base constructed of the same material and color or shall enhance the exterior architecture of the principal building.
- The sign base shall not exceed three (3) feet in height. The monument sign shall not exceed eight (8) feet in overall height above the mean lot grade.
- Monument signs shall not exceed thirty-two (32) square feet in face area. The face area includes all surface area of the signage box and sign face but excludes the surface area of the signage base described.
- Monument signs may be positioned either parallel or perpendicular to the public right-of-way.
- Monument signs shall not encroach into rights-of-way.
- Address plaque or numbers shall be required on the monument base.

iv . Ground signs
Ground signs shall not exceed eight (8) feet in height above the mean lot grade or the mean street center line grade, whichever is less, and shall not exceed thirty-two (32) square feet in area on one side.

v . Pole Signs

- Pole signs are only permitted in C-3 and I Districts
- Pole signs shall not exceed twenty (20) feet in height.
- Pole signs shall not exceed seventy-five (75) square feet in area. • Pole signs may be positioned either parallel or perpendicular to the public right-of-way.

vii . Roof signs.
Attached Roof signs are prohibited.

viii. Time-and-temperature and LED devices

- Time-and-temperature devices may be erected as wall signs or part of ground and monument signs and shall meet the requirement attendant to those sign types.

- Time-and-temperature devices may display the time, the temperature, activities occurring on the premises, and public events, but shall not flash per *Article 6-190.D, Prohibited Signs* of this Ordinance. Signs and LED devices may be illuminated but nonflashing. Signs and LED devices shall not be revolving or animated; however, time-and-temperature devices may be cyclical.

ix. Electronic Message Signs are permitted and may be incorporated as part of a Ground/Free Standing or Wall mounted permanent signs with the following restrictions:

1. Static Message Signs

a. Operational Limitation. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement, of an illumination.
b. Minimum Display Time. Each message on the sign must be displayed for a minimum of five (5) seconds.
c. Message Change Sequence. A maximum of three tenths (0.3) seconds shall be allowed with no image displayed between each message displayed on the sign.
d. Light Intensity Change. No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more than two (2) times per second.
e. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
f. Requirements. The sign must meet all other criteria for the zoning district in which it is located.

2. Motion Message Signs
a. Operational Limitation. Such displays shall be limited to static displays, messages that appear to disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather that all at once.
b. Minimum Display Time. Each message on the sign must be displayed for a minimum of two (2) Seconds.
c. Message Transition Sequence. A maximum of one (1) second shall be allowed as transition time between messages.
d. Light Intensity Change. No flashing, strobing, scintillating, or variation of light intensity effects where the effect takes place more

(cont)

200 Sign Standards (cont)

than two (2) times per second.
e. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
f. Requirements. The sign must meet all other criteria for the zoning district in which it is located.
g. Permit. Motion Message Signs must be approved by the Board of Zoning Appeals

3) Video Message Signs
a. Operational Limitation. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and videos.
b) Location. Video Message Signs are only allowed in non-motor vehicular areas and must not be visible from any motor vehicle traveled public street.
c) Light Intensity Change. No flashing, strobing, scintillating, or varying of light intensity effects where the effect takes place more than two (2) times per second.
d. Sign Design. The design of the copy cannot be created in such a way as to be a distraction to motorists.
e. Requirements. The sign must meet all other criteria for the zoning district in which it is located.
f).Permit. Video Message Signs must be approved by the City of Plymouth Planning Commission (delete)

4) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

5) No electronic message signs shall exceed an brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 100 feet from the sign.

6) Any Electronic Message Sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner, causing motion, movement, flashing, or any similar effects, shall be restored to its normal operation, conforming with this section within forty-eight (48) hours unless the Zoning Administrator considers such malfunction to be a hazard to the health, safety, and welfare of the public and orders the sign to be turned off, disconnected, or disabled.

7) Location requirements for EMC signs:
(a) Setback from residential. The leading edge of an EMC sign shall be a minimum distance of 100 feet from an abutting

residential use or residential zone boundary

(b) Setback from other EMC signs. EMC signs shall be separated from other EMC signs by a minimum of 100 feet.

(c) Orientation. When located within 500 feet of a residential use or a residentially-zoned parcel, the EMC sign shall be oriented so no portion of the sign face is visible from an existing or permitted structure on that parcel.

(d) Location. The EMC sign shall be located on the parcel of lot of the use identified by the sign.

(e) No more than 50% of the facing surface of the sign may be comprised of comprised of a changeable electronic or digital display

b. Number of signs.
The total number of signs on any one (1) premise shall be limited as follows:

i. Only two (2) signs shall be permitted per business in C-1, C-2, I, BP, and PUD Districts. Four (4) signs are allowed in a C-3 District. Owners may elect for them to be any combination of wall signs, ground signs, monument signs, and pole signs (where permitted) not exceeding what is allowed above.

ii. Multi-tenant buildings may provide a tenant directory as one (1) of the two (2) signs permitted. This is subject to the requirements within the zoning district.

iii. Separate individual wall or canopy or fascia signs may be allowed for each tenant in a retail, shopping or commercial center. Size of wall signs approved in this manner shall be figured using the width of the bay occupied by each retail tenant.

F. Off Premise Signs (Billboards)

Off Premise Signs shall be permitted in C-3 and I Districts. No Off Premise Sign shall be permitted to be erected, constructed, installed or maintained in any manner inconsistent with the following:

1. Separation and Spacing
Off Premise Signs shall be separated from each other by not less than five hundred (500) feet in all directions

2. Interstates and limited access highways
No Off Premise Sign may be located within one thousand (1,000) feet of an entrance or exit of an interstate or limited access highway.

3. Intersections
No Off Premise Sign may be located within five hundred (500) feet of the intersection of any two public rights-of-way.

4. Off Premise Signs shall consist only of a single structure, having either one (1)

advertising face, or two (2) back-to-back advertising faces. There shall be no double-decked (stacked) or side-by-side Off Premise Signs.

5. Back-to-back Off Premise Signs are permitted, with each allowed the maximum square footage, provided that such signs are completely back-to-back or at an offset no greater than an angle of forty-five (45) degrees.

6. No Off Premise Sign may be located within one thousand five hundred (1,500) feet of a residential subdivision that has been recorded in the Marshall County Recorder's office or a property that is zoned R-2, R-3, R-4, or POS .

7. Off Premise Signs shall not be portable, inflated, attached, installed or constructed in any manner to a motor vehicle or trailer.

8. Dimensions, Setbacks, and Area of Off Premise Signs

   a. The maximum area of the face of any one side shall be no greater than six hundred and seventy-two (672) square feet.

   b. The maximum height of the sign and sign structure shall not be greater than twenty (20) feet.

   c. The maximum height of the sign face shall not exceed fourteen (14) feet.

   d. The maximum length of the sign face shall not exceed forty-eight (48) feet exclusive of structural members or supports.

   e. The minimum front yard setbacks for an Off Premise Sign shall be thirty (30) feet.

   f. The minimum side and rear yard setbacks for an Off Premise Sign shall be twenty (20) feet.

9. Off Premise Sign Design and Construction

   a. Off Premise Signs shall be engineered, designed, and constructed of materials commonly used in the signage industry.

   b. The application for an Off Premise Sign shall be accompanied by a signed and sealed certification from an engineer registered in the State of Indiana certifying that the Off Premise Sign meets the construction standards of this zoning ordinance, all applicable codes, and good engineering practices pertaining to all components of the sign and sign structure.

G. Temporary Signs

1. General Standards

The following General Standards apply to the placement of temporary signs in all zoning districts:

a. Types of Temporary Signs

A temporary sign is any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or t-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; Poster Signs; or signs attached to or painted on vehicles parked andvisible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of business. In no instance shall this provision be interpreted as temporarily or permanently permitting any sign prohibited by Article 6-190.D, Prohibited Signs of this Ordinance.

b. Height and Area

A single temporary sign shall not exceed thirty-two (32) square feet in area or eight feet in height from ground level.

c. Setback

A temporary sign shall not be placed in any public right-of-way and shall be placed a minimum of ten (10) feet from any neighboring property line.

d. Illumination

If illuminated, a temporary sign shall comply with Article 6-050, Exterior Lighting Standards of this Ordinance. In no instance shall any temporary sign use any flashing or blinking lights or other effect prohibited by this Ordinance.

2. Zoning District Specific Standards

In addition to the General Standards set forth above, the following standards apply to the placement of temporary signs in specific zoning districts:

a. Temporary Signs In C-1, C-2, C-3, I, BP, or PUD Zoning Districts

i. Maximum Area

Including both signs requiring a permit and signs not requiring a permit, no more than thirty-two (32) square feet of temporary sign(s) may be placed on a property at any one time.

(cont)

ii. Signs Requiring Permit
With a permit(s), one (1) temporary sign in excess of six (6) square feet may be placed on a property for no more than sixty (60) days in a calendar year.

iii. Signs Not Requiring Permit
One (1) temporary sign of no more than six (6) square feet may be placed on a property at all times. Additional temporary signs of no more than six (6) square feet each may be placed on a property for a total of no more than ninety (90) days in a calendar year.

b. Temporary Signs In R-1, R-2, R-3, R-4, and MH Zoning Districts

i. Maximum Area
Including both signs requiring a permit and signs not requiring a permit, no more than forty-eight (48) square feet of temporary sign(s) may be placed on a property at any one time.

ii. Signs Requiring Permit
With a permit(s), one (1) temporary sign in excess of six (6) square feet may be placed on a property for no more than sixty (60) days in a calendar year.

iii. Signs Not Requiring Permit
One (1) temporary sign of no more than six (6) square feet may be placed on a property at all times. Additional temporary signs of no more than six (6) square feet each may be placed on a property for a total of no more than ninety (90) days in a calendar year.

I. Existing, Illegal, Non-Conforming Signs

Any illegal, nonconforming signs consistent with the definition provided by *Article 8, Nonconforming Structures, Lots, & Uses* of this Ordinance shall be removed from the property on which they are located within sixty (60) days of the effective date of this ordinance. Any illegal, non-conforming signs remaining after that date shall be subject to the provisions of *Article 12, Enforcement & Penalties* of this Ordinance.

210 Solar Energy System (SES) Standards

A. Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations are necessary in order to:

1. To bring the benefits of solar energy to Plymouth, including the potential to add local jobs, reduce energy bills, and reduce pollution in a manner that preserves reliability and affordability"
2. minimize adverse effects of SES facilities through careful design and siting standards;
3. avoid potential damage to adjacent properties from SES failure through structural standards and setback requirements.

B. Authority

The Plymouth Planning Office is vested with the authority to review, approve, and disapprove applications for Solar Energy Systems, including a sketch, preliminary plans and final plans

C. Public Purpose

Regulations of the siting of SES facilities is an exercise of valid police power delegated by the State of Indiana. The developer has the duty of compliance with reasonable conditions laid down by the Plymouth Plan Commission.

D. General Approval Standards

1. Setbacks

Ground-mounted solar energy systems in all districts shall be installed either in the side yard or rear yard. Ground-mounted solar energy systems accessory to a principal use may be located no closer than the setback for accessory structures from the side or rear lot line. Farm-Scale Solar Energy Systems shall be setback 75' from all property lines and 250' from the nearest corner of residential structures. Interior project property lines don't have setback requirements.

2. Height:

a. Roof mount:

Roof-mounted solar energy systems may exceed the maximum building height, provided the SES does not exceed five feet in height above the roofline in residential districts and ten feet above the roof line in all other districts."

b. Ground mount: The maximum height restrictions for accessory structures in each zoning district are applicable to ground-mounted solar energy systems and solar energy systems.

3. Lot Coverage:

a. Lot Coverage cannot exceed the impervious lot surface requirements, except where the ground beneath the ground mount solar energy system is vegetated. In instances of that exception, the ground mount solar energy system's area shall not be included in calculations for lot coverage or impervious cover. The Applicant shall plant a pollinator species with a mix approved by a local licensed landscape architect or equivalent. The Michiana Council of Governments or Minnesota State requirements for pollinator species for solar installations shall be referenced.

(cont)

210 Solar Energy Systems Standards (cont)

4. Drainage:

a. Solar energy systems must meet the requirements of the Plymouth Storm Drainage & Sediment Control Ordinance.

5. Additional Farm Scale Conditions:
Buffer Requirements:
a. Shall have a 25' planted buffer along the following areas:
1. along the perimeter of project area.
2. along public roadways
3.. adjacent to residential lots within the 250' setback area.
a). The buffering shall be a minimum 3 row, 4 season tree stand with off-set spacing as to minimize the view of the proposed project.
b. Must be approved by the Marshall County Drainage Board and the system must be a minimum 75' away from any county ditch or tile.
b. Must repair private Drainage Systems
c. Must be reviewed by the Technical Review Committee
d. Must meet floodplain regulations.
e. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
f. Exterior lighting shall be limited to that required for safety and operational purposes and will not produce glare across lot lines onto properties not associated with the project and minimized for same property residences.
g.. The Applicant shall certify that the Applicant will comply with the Damage to Underground Facilities Law (Ind. Code 8-1-26) and accompanying regulations of the Indiana Utility Regulatory Commission, unless the applicant intends, and so states on the application that the system will not be connected to the electrical grid.
h. A decommissioning agreement must be executed by the Applicant.
i. A traffic management plan shall be approved by the Marshall County Highway Superintendent/ Marshall County Commissioners.
j. Property Operation and Maintenance Plan A property operation and maintenance plan shall be submitted with the Special Use application.
k. The facility shall have a perimeter security fence.
l. Signage on the solar farm fencing shall display the facility name, address and emergency contact information.
m. Must provide reasonable accessibility for emergency vehicles.

6. Historic Neighborhood District Overlay

1. Solar installations shall not be visible from a public street other than an alley.
2. All solar energy systems within the Historic Neighborhood District Overlay must be approved by the Technical Review Committee"
3. No ground mounted solar energy systems are permitted.

7. Emergency Access

1. Roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for

smoke ventilation opportunities, and provide emergency egress from the roof according to the Indiana Fire Code.

E. Permit

1. Rooftop, micro, and ground mount solar installations are permitted in all major zoning districts.

2. Ground mount solar energy systems are permitted as an accessory structure or as a primary use as provided in the Use Table. Micro and Small ground mount solar energy systems are permitted in all districts. Medium- and large-scale ground mount solar energy systems require a special use in districts R-1, C-1, C-2, C-3, BP, I, and PUD.

3. A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale grount mount solar energy systems prior to building permit approval.

F. Site Plan

1. A Technical Review is required for Medium- and Large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:

a. Property lines and physical features, including roads, for the project site;

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;

c. Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;

d. Name, address, and contact information for proposed system installer;

e. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;

f. Zoning district designation for the parcel(s) of land comprising the project site.

g. Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

G. Abandonment and Decommissioning Requirements

1. Small-Scale, Medium-Scale, and Large-Scale removal requirements:
Removal Requirements – Any small, medium- or large-scale Ground Mounted Solar Energy System which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Plymouth Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of: a). Physical removal of all Solar Energy Systems, structures, and equipment from the site.
b). Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
c). Stabilization or re-vegetation of the site as necessary to minimize erosion. The Plymouth Planning Office Plan Consultant may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Small-Scale, Medium-Scale, and Large-Scale abandonment:
Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Small-Scale, Medium-Scale or Large-Scale Ground-Mounted

Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Plymouth Plan Department. If the owner or operator of the Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned Small-Scale, Medium-Scale, or Large-Scale Ground Mounted Solar Energy System at the owner/operator's expense. As a condition of Site Plan approval, the Applicant and property owner shall agree to allow entry to remove an abandoned or decommissioned installation.

3. Farm-Scale construction, decommissioning and removal requirements:
a). Prior to the issuance of a building permit, a decommissioning plan must be approved by the Board of Zoning Appeals and recorded with the Marshall County Recorder, cross-referenced to the deed(s) to all associated project parcels. Once a project has not generated energy for 1 month the developer/owner shall notify the Plymouth Plan Commission Consultant. Once a facility has not generated power for 12 consecutive months, the system is to begin the process of decommissioning shall be undertaken in accordance with the aforementioned approved decommissioning plan shall be activated.

b). The decommissioning plan will include, but is not limited to, the following:

1. Lifetime of the project
2. Timeline for construction, and general operation
3. Decommissioning cost estimate, including salvage value of materials.
4. Restoration and reclamation requirements shall adhere to the following:
i. restoration of the pre-construction surface grade and soil profile after removal of the structures, equipment, graveled areas and access roads.
ii. re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area.
iii. for any part of the Solar Energy System on leased property, landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use remaining structures must be in conformance with all ordinances and regulations in effect at the time of decommissioning. Copies of said agreements must be provided as a part of the decommissioning plan whether made initially or at a later date pending approval of the Plymouth Plan Consultant or designee.
5. Bonds or financial assurance are required:
i. Bond or financial assurance that will cover the reconstruction of public infrastructure due to construction activity related to the Solar Energy System installation that will be approved in association with the traffic management plan.
ii.. Bond or financial assurance that will cover damage to the drainage infrastructure that may be damaged during the construction process beginning once construction has been completed and is to last for 5 years once construction has been completed.
iii. Bond or financial assurance that will cover the decommissioning of the Solar Energy System as described in the decommissioning plan.
iv. Bonds and financial assurance shall be reevaluated every 3 years with contributions adjusting at that time to cover costs at the time of decommissioning.
v. The amount of the Bonds or financial assurances must have the approval by the Board of Public Works.

220 Telecommunication Facility Standards

A. Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the communication needs of residents and businesses, these regulations are necessary in order to:

1. facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Plymouth;

2. minimize adverse visual effects of wireless communication facilities through careful design and siting standards;

3. encourage the location of towers in nonresidential areas through performance standards and incentives;

4. avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

5. provide mechanisms for the mitigation of tower proliferation through tower sharing requirements for all new tower applicants and those existing towers that are physically capable of sharing.

B. Authority

The City of Plymouth Plan Commission is vested with the authority to review, approve, conditionally approve, and disapprove applications for wireless communication facilities, including sketch, preliminary, and final plans.

C. Public Purpose

Regulations of the siting of wireless communication facilities is an exercise of valid police power delegated by the State of Indiana and as stipulated in the Federal Telecommunications Act of 1996. The developer has the duty of compliance with reasonable conditions laid down by the City of Plymouth Plan Commission.

D. Wireless Communication Facility Application Procedure and Approval Process

1. General Procedure
   In addition to the information required elsewhere in the City of Plymouth Zoning Ordinance, development applications and approval for wireless communications facilities shall include the following supplemental information:

   a. A report from a qualified and licensed professional engineer which:

      i. describes the tower height and design including a cross section, latitude, longitude, and elevation,

      ii. documents the height above grade for all potential mounting positions for co located antennas and the minimum separation distance between

antennas;

iii. describes the tower's capacity, including the number and type of antennas it can accommodate;

iv. document what steps the applicant will take to avoid interference with established public safety telecommunications;

v. includes an engineer's stamp and registration number; and,

vi. includes other information necessary to evaluate the request.

b. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

c. Before the issuance of a Improvement Location Permit, the following supplemental information shall be submitted:

i. a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460 1) shall be submitted to the Plan Commission; and

ii. a report from a qualified and licensed professional engineer which demonstrates the tower's compliance with structural and electrical standards.

d. Within sixty (60) days of completion of the facility, the applicant shall provide the Plan Commission with an as built survey from a Registered Land Surveyor verifying the coordinates, height, and site plan of the wireless facility.

2. Site Plan Requirements
In addition to the Site Plan requirements found elsewhere in the City of Plymouth Zoning Ordinance, site plans for wireless communications facilities shall include the following supplemental information:

a. Location and approximate size and height of all buildings and structures within five hundred (500) feet adjacent to the proposed wireless communication facility.

b. Site plan of the entire development, indicating all improvements including landscaping and screening.

c. Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site.

3. General Approval Standards
A wireless communication facility will be required to meet the following standards and specifications:

a. The location of the proposed tower is compatible with the intent of the City

of Plymouth Comprehensive Plan and Zoning Ordinance.

b. All efforts to locate on an existing tower have not been successful or legally/ physically possible.

c. The submitted site plan complies with the performance criteria set in these regulations.

d. The proposed facility/tower will not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

e. The Setback distance from the center of the proposed facility/tower to the nearest recorded parcel line shall be 60% of the height of the facility/ tower.

f. The proposed communication tower facility, including tower, buildings, and guyed cable anchors shall be enclosed in a fenced area. The fence shall be at least six (6) feet high. The fence shall enclose the ground area around and under guyed anchors until the point the guyed anchors are higher than fourteen (14) feet from finished grade.

g. The lowest six (6) feet of the facility/tower be visually screened by trees, large shrubs, solid walls, or opaque fences and/or nearby buildings if the facility is within five hundred feet (500) feet of a residence.

h. Proposed facility/tower does not penetrate any airspace surfaces on or near a public or private airport. Special attention shall be given to the following:

i. Approach Surface
Land lying beneath the approach surfaces which extends outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the runway end;

ii. Transitional Surface
The transitional surface begins at the runway end and on either side of the runway surface and slopes upward and outward at a 7:1 slope meeting the horizontal surface at one hundred fifty (150) feet above the elevation of the airport;

iii. Horizontal Surface
The horizontal surface begins by swinging arcs of five thousand (5,000) feet from the center end of the runway surface creating an elongated oval above the runway. The height of the horizontal surface is one hundred fifty (150) feet above the elevation of the airport; and

iv. Conical Surface
The conical surface begins at the edge of the horizontal surface and extends upward and outward for a distance of four thousand (4,000) feet at a slope of 20:1 with an initial elevation of one hundred fifty (150) feet above the airport elevation.

v. The owner of the wireless communication facility has agreed to permit other

persons, cellular providers, and/or government agencies to attach cellular antenna or other communications apparatus that do not interfere with the primary purpose of the facility.

j. There exists no other existing, facility/tower that can reasonably serve the needs of the owner of the proposed new facility/tower.

k. The facility/tower is in compliance with any other applicable local, state, or federal regulations.

E. General Wireless Communications Facility Performance Standards

1. Co-Location Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the City jurisdiction shall comply with the following requirements:

a. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the Plan Commission Office or a technical consultant finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile search radius (one (1) mile search radius for towers under two hundred (200) feet in height, one half mile search radius for towers under one hundred (100) feet in height) of the proposed tower due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building, as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

iv. Other unforeseen reasons that make it unreasonable to locate the planned telecommunications equipment upon an existing or approved tower or building.

b. Any proposed commercial wireless telecommunication service tower shall be designed, structurally and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over two hundred (200) feet in height or for at least one additional user if the tower is over one hundred (100) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

2. Tower and Antenna Design Requirements

Proposed or modified towers and antennas shall meet the following design requirements:

a. Towers and antennas shall be designed to blend into the surrounding environment using monopole design when possible and through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration

b. Tower Height
The maximum tower height permitted is calculated by applying the following:

i. If the tower is designed to accommodate only one service provider, the maximum height shall be one hundred (100) feet from grade.

ii. If the tower is designed to accommodate two service providers, the maximum height shall be two hundred (200) feet from grade.

iii. If the tower is designed to accommodate more than two service providers, the maximum height shall be three hundred fifty (350) feet from grade.

3. Accessory Utility Buildings
All utility buildings and structures accessory to a tower shall be architecturally designed to ble in with the surrounding environment and shall meet the minimum setback requirements of t Zoning Ordinance.

4 . Tower Lighting
Towers shall not be illuminated by artificial means and shall not display strobe lights unless t Federal Aviation Administration or other federal or state authority for a particular tower specifica requires such lighting.

5. Antennas Mounted on Structures, Roofs, Walls, and Existing Towers
The placement of wireless telecommunication antennas on roofs, walls, and existing towe may be approved by the City of Plymouth Plan Commission, provided the antennas meet t requirements of these regulations, after submittal of:

a. a final site and building plan as specified by *Article 6-210.E, General Wireless Communications Facility Performance Standards* of this Ordinance, and;b. a report prepare by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure.

6 . Temporary Wireless Communications Facilities
Any facility designed for temporary use (as defined by this ordinance) is subject to the following:

a. Use of a temporary facility is allowed only if the owner has received a temporary use permit from the City of Plymouth Plan Commission.

b. Temporary wireless facilities are permitted for use of no longer than ninety (90) days for use while constructing permanent facilities, and no longer than fourteer (14) days for use during a special event.

c. The maximum height of a temporary wireless facility is one hundred (100) feet from grade.

d. Temporary facilities are subject to all applicable portions of these regulations, excluding *Article 6-210.E(1), Co-Location Requirements* and *Article 6-210. E(2), Tower and Antenna Design Requirements* of this Ordinance.

7. Interference with Public Safety Telecommunications
No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Plan Commission at least ten (10) calendar days in advance of such changes to allow time to monitor interference levels during the testing process.

8. Signs and Advertising
The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

F. Non Commercial Wireless Facility (Amateur Radio Antennas) Standards
Private, not for profit antennas for personal use and less than forty (40) feet in height, including but not limited to television, radio, amateur radio, are exempt from *Article 6-210, Telecommunications Facility Standards* of this Ordinance.

230 Vehicle Sales From Residence

A. Vehicle Sale Permitted from Residence
Residents may display vehicles for sale on the same lot as their residence provided they reside on the property and the vehicle is titled to the resident.

B. Vehicles Displayed for Sale
No more than two (2) vehicles shall be displayed for sale at any one time.

C. Right-of-Way
Vehicles shall not be displayed for sale in any one specific location within a public right-of-way for in excess of twenty-four (24) consecutive hours."

D. Time Limit
All vehicles in aggregate may only be displayed for sale a total of thirty (30) calender days in any calender year.

240 Wind Energy Conversion System (WECS) Standards

A. Intent
In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations are necessary in order to:
1. Facilitate the provision of wind energy conversion system (WECS) services to the residents and businesses of Plymouth, Indiana;
2. Minimize adverse visual effects of WECS facilities through careful design and sitting standards;
3. Encourage the location of WECS in the City of Plymouth through performance standards and incentives; and,
4. Avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements.

B. Authority

The City of Plymouth Plan Commission is vested with the authority to review, approve, conditionally approve, and disapprove applications for WECS facilities, including sketch, preliminary, and final plans.

C. Public Purpose

Regulations for the sitting of wireless WECS facilities are an exercise of valid police power delegated by the State of Indiana. The developer has the duty to comply with reasonable conditions imposed by the City of Plymouth Plan Commission.

D. General Approval Standards

1. All WECS are subject to the air space control height and use restrictions surrounding airports pursuant to Federal Aviation Administration (FAA) requirements.
2. No WECS shall be illuminated unless required by a state or federal agency, such as the FAA.
3. The exterior surface of all WECS, including the wind tower and associated outbuildings shall be a nonreflective, neutral color.
4. Minimum clearance between blade tip and ground level is 30'.
5. The minimum separation distance between a wind tower and all surrounding property lines, overhead utility or transmission lines, other electrical substations, meteorological towers and primary communications towers shall be no less than 1.5 times the total height of the wind tower. This is measured from the base of the wind tower.
6. The minimum setback between a wind tower and public street(s) shall be no less than 1.5 times the total height of the wind tower.
7. All WECS shall be located so that the level of noise produced by wind turbine operation heard off-site shall not exceed 55 decibels.
8. WECS and their associated outbuildings/cabinets shall meet all setback requirqements for primary structures for the zoning dish·ict in which the WECS is located.
9. All WECS shall be equipped with a manual and automatic braking device capable of halting operation.
10. All wiring for a wind farm collection system shall be buried to the utility interconection point.
11. No WECS shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, airport RF signals, television or wireless phone, or other personal communications systems would produce electromagnetic interference with signal transmission or reception unless proven, engineered technology exist to dispel such problems and is incorporated into the plans (e.g. detuning or other such systems).
12. All WECS electrical equipment and connections must adhere to all applicable local, state, and national codes, and relevant national and international standards. The applicant may be required to finance outside inspectors deemed necessary by the Plan Commission.

E. WECS Facility Application Procedure and Approval Process

1. General Procedure
In addition to the information required elsewhere in the City of Plymouth Zoning Ordinance, development applications and approval for WECS facilities shall include the following supplemental information:

a. A report fiom a qualified and licensed professional engineer which:
i. Describes the tower height and design including a cross section, latitude, longitude, and elevation;
ii. Describes the tower's capacity;
iii. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
iv. Includes an engineer's stamp and registration number; and,
v. Includes other information necessary to evaluate the request.
b. Before the issuance of an Improvement Location Petmit, the following supplemental information shall be submitted:
i. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460 1) shall be submitted to the Plan Commission; and
ii. A report from a qualified and licensed professional engineer which demonstrates the WECS compliance with structural and electrical standards.
2. Site Plan Requirements
Site Plan requirements shall comply with all other provisions of the Zoning Ordinance.



7

Site Development Plans

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7 Site Development Plans

010 *Intent*

The intent of this Article is to further the goals of the City of Plymouth Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with
this Ordinance; and address the unique characteristics of certain types of development that require specific review and approval. The site development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures, but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits. Generally, the site plan review shall involve individual lots, and shall occur after re-zoning or platting approval. Site plan review may occur before or after any necessary Board of Zoning Appeals petitions based on the characteristics of each individual site plan review petition.

020 *Authority*

A. Site Development Plan Required

Site Development Plans shall be required for all developments for which a Improvement Location Permit is required by this Ordinance and which are located in C-1, C-2, C-3, I, and BP Districts and AO, DN, and WP Overlay District

B. Exemptions

The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain an Improvement Location Permit and any other permit or approval required by this Ordinance:

1. Sign Installation
   The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property;

2. Parking Lot Expansion
   The expansion of an existing parking lot which does not result in a greater than ten percent (10%) or two thousand (2,000) square foot, whichever is less, increase in the surface area of the parking available on the property on the effective date of this Ordinance, exclusive of the alteration or expansion, or the need for modifications to street accesses; or

3. Structural Expansion
   The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than ten percent (10%) increase in the floor area of the structures on the effective date of this Ordinance, exclusive of the alteration or expansion, and does not require the provision of additional landscaping, parking, or other improvement regulated by this Ordinance.

C. Review and Approval Authority

The Technical Review Committee shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this Article and *Article 10-030, Technical Review Committee* of this Ordinance.

1. Waiver of Requirements
   Neither the Technical Review Committee nor the Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a

Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning appeals consistent with *Article 9, Board of Zoning Appeals* of this Ordinance.

2. Revision Process
The procedure for the review of proposed changes or revisions to previously approved Site Development Plans shall follow the process for the initial approval of a Site Development Plan outlined in this Article.

030 *Application Materials*

A . General Requirements

All applications may be obtained from the office of the Zoning Administrator. All fees required shall be paid at the time petition and permit applications are submitted.

1. Application Forms
All applications shall be made on forms provided by the Zoning Administrator and which are contained in the attached Appendix. All petitioners and permit applicants shall submit original applications which are completed in their entirely either in ink or typed. All applications shall be signed.

2. Copies Required
All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City and the applicable Rules and Procedures of the Plan Commission.

3. Review Schedule
All petitions and permit applications shall be assigned reference and/or docket numbers by the Zoning Administrator. Petition applications shall be scheduled by the Zoning Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Plan Commission.

B. Application Submission

The petitioner shall submit:

1. an application for Site Development Plan review including;

   a. an affidavit and consent of property owner (if the property owner is someone other than the petitioner);

   b. a copy of the deed for the property;

   c. the required filing fee; and

   d. required supporting information to the Zoning Administrator.

(cont)

030 *Application Materials (cont)*

Supporting information shall include, but not be limited to, the requirements of this Section (the Zoning Administrator, City Engineer, Technical Review Committee, and/or Plan Commission may request additional supportive information, which shall be provided by the applicant). All drawings shall be provided in hard copy and electronic format in a manner specified by the City (the City may waive the requirement that an electronic version of any or all drawings be provided).

2. Summary Statement
A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Site Development Plan.

3. Statement of Re-use Options
If the Site Development Plan involves a previously undeveloped location, the petitioner shall provide a detailed statement describing the reasons why available redevelopment and in-fill development sites are not appropriate for this development.

4. Site Description
A general description of the site and its ownership including:

   a. the name, address, and telephone number of the applicant,

   b. the name, address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Site Development Plan design

   c. the name, address, and phone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or contracted design professional),

   d. the legal description of the subject property and common address of the site, and

   e. the proposed name of the development (if applicable).

5. Vicinity Map
A vicinity map showing and clearly identifying the subject property and showing all land within five hundred (500) feet of the subject property. The location map should identify the current zoning and use of all property within five hundred (500) feet of the subject property.

   a. The vicinity map shall also show all property which is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.

b. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Zoning Administrator, City Engineer, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of general driveways and access points, general land uses, general lot arrangements, and general drainage conditions and plans.

6. Property Survey
A property survey bearing the seal of a registered land surveyor and drawn to a common engineering scale, showing the following existing features for the subject property and all land within two hundred (200) feet of the property lines of the subject property:

a. the boundary line and dimensions of the subject property;

b. all structures;

c. topography interpolated from USGS sources and/or otherwise meeting the requirements of the City (provided topographic information shall tie into horizontal and vertical control points);

d. significant wooded areas and other isolated trees;

e. 100-year floodplain and 100-year floodway boundaries;

f. public and private streets (including street names), rights-of-way and easements;

g. building setback and any build-to lines;

h. all known drainage areas, tiles, pipes and structures;

i. existing utility services (including fire hydrants) and rights-of-way;

j. any known underground tanks;

k. street accesses; and

l. any other paved or otherwise improved areas.

7. Site Plan
A site plan, drawn to a common engineering scale, and bearing the seal of a professional engineer or land surveyor clearly showing all proposed aspects of the property and all features relevant to the Site Development Plan, including:

a. setbacks and buffer yards;

b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of the City);

(cont)

030 *Application Materials (cont)*

c. structures (including buildings, fences, and walls);

d. all structure heights, dimensions, and floor areas;

e. areas of outdoor storage;

f. permanent dumpsters and trash areas;

g. locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking spaces and ramps for the disabled, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to any additional requirements of the City);

h. open spaces and specific landscaped areas;

i. locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Marshall County Health Department, all public sewer connections shall be subject to the approval of the City);

j. water meter clean out locations and elevations and top of casting elevations;

k. sanitary sewer invert elevations;

l. the location, width, and purpose of all easements;

m. the use of each structure and the amount of parking allocated for those uses (consistent with the requirements of this Ordinance);

n. public improvements including sidewalks, pathways, street trees, and right-of-way dedications; and

o. locations for temporary uses, such as seasonal sales areas.

8. Landscaping Plan
A landscaping plan drawn to a scale of not more than 1 inch = 100 feet, and showing the following:

a. proposed landscaping, buffer yards, and street trees;

b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of the City);

c. 100-year floodplain and 100-year floodway boundaries;

d. existing and proposed public and internal sidewalks and other pedestrian ways,

e. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and

f. all existing trees and vegetation to be preserved, and the drip lines for such trees (in which no construction activity shall occur).

9. Sign Plan
A sign plan showing the location, height, method of illumination (if any) and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.

10. Drainage Plan
A site drainage plan bearing the seal of a professional engineer including all calculations and plans required by the City Stormwater Control Ordinance.

11. Lighting Plan
A site lighting plan, drawn to a scale of not more than 1 inch = 100 feet, showing the type and location of all exterior lighting fixtures.

12. Construction Plan
A site construction plan, drawn to a scale of not more than 1 inch = 100 feet, showing:

a. proposed erosion and sediment control measures;

b. the location of any proposed construction trailer and worker parking;

c. the location, height, and dimensions of any temporary construction-related signage;

d. any temporary site accesses to be used during construction;

e. any temporary utility connections; and

f. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

g. Utility plan profile sheets with a scale of 1"=20' or 1"=30'.

13. Stormwater pollution prevention plan

040 *Process*

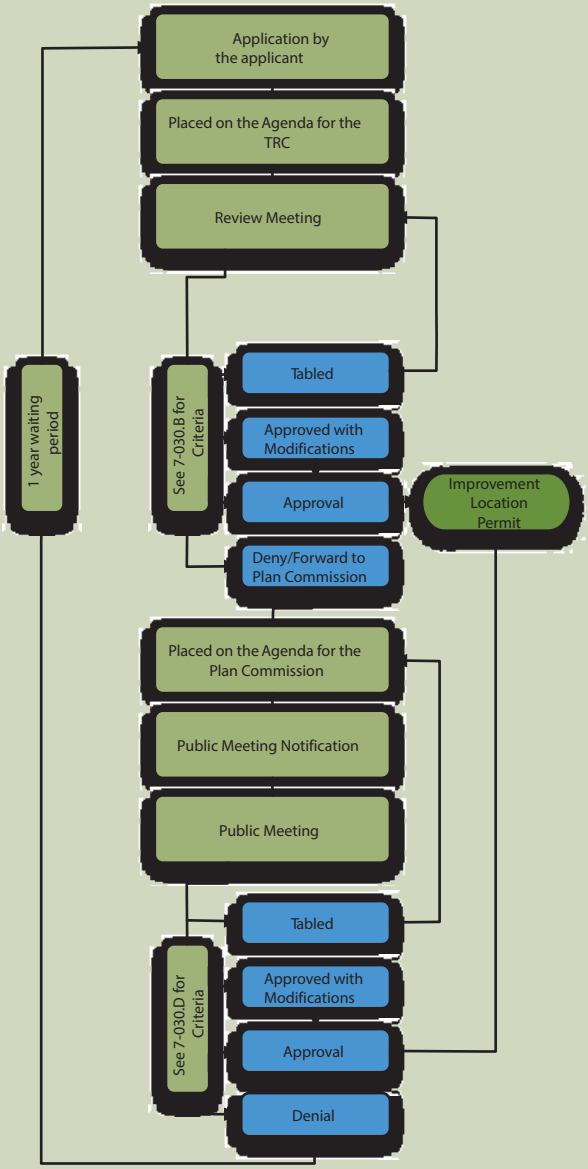
A. Review Process and Standards

Site Development Plans shall be subject to the following review and approval process:

(cont)

7 Site Development Plans

Chart 7-A, Site Development Plan Process



B . Technical Review Committee Review

The Technical Review Committee shall review the Site Development Plan, including all supportive information on the date established by the adopted calendar of meeting and filing dates. All Technical Review Committee actions and procedures shall be consistent with the provisions of *Article 10-030, Technical Review Committee* of this Ordinance.

1. Considerations

In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements

of this Ordinance and any other applicable legally adopted requirements of City of Plymouth.

2. Possible Action
The Committee may approve, approve with modifications, deny, table, or forward to the Plan Commission the Site Development Plan.

a. Approve
The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.

b. Approve with Modifications
The Committee shall approve the Site Development Plan with modifications if it is generally consistent with the considerations for approval outlined in B(2)(a) above, but requires minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review of the Zoning Administrator prior to the release of any Improvement Location Permit.

c. Table
The Committee shall table the Site Development Plan based on a request by the Zoning Administrator or the petitioner, a determination by the Zoning Administrator that sufficient information has not been provided, or the failure of the petitioner or an appropriate representative of the petitioner to appear at the Committee meeting. Site Development Plan applications which are tabled shall be automatically docketed for the next review meeting.

d. Forward to Plan Commission
The Committee shall forward Site Development Plans which are generally consistent with the considerations outlined above to the Plan Commission for a public hearing if the proposal:

i. includes any improvement to be dedicated to the public,

ii. includes proposed written commitments, or

iii. requires the imposition of conditions in order to be completely consistent with the considerations for approval.

iv. is located within the Downtown Neighborhood District.

e. Deny
The Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in this Article and Ordinance. If denied, the TRC decision shall automatically be appealed to the Plan Commission without further application or action by the applicant. The appeal shall be reviewed by the Plan Commission in accordance with Article 7-606, Appeals. The applicant may voluntarily withdraw the appeal of the TRC decision to the Plan Commission at any time.

(cont)

040 *Process (cont)*

3. Plan Commission Preparation
   If Plan Commission review is required, the Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted calendar of meeting and filing dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review consistent with the adopted calendar of filing and meeting dates.

C. Public Meeting Notification (if necessary)
Notification for the scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of Indiana State Code, the Rules and Procedures of the Plan Commission, and the provisions of *Article 10-050, Powers and Duties of the Plan Commission* of this Ordinance.

D . Plan Commission Review (if necessary)
The Plan Commission shall, at a meeting scheduled consistent with the adopted calendar of meeting and filing dates, review the Site Development Plan and any supportive information.

1. Representation
   The applicant and/or any appropriate representatives of the applicant, such as a surveyor or attorney, must be present at the public hearing to present the Site Development Plan and address any questions the Commission may have.

2. Presentations
   The Commission shall consider a report from the Zoning Administrator describing the findings of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.

3. Possible Action
   The Plan Commission shall approve, approve with modifications, deny, or table the Site Development Plan application.

   a. Approve
      The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.

   b. Approve with Modification
      The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements and intent of this Ordinance.

   c. Deny
      The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications which have been denied shall not be re-filed for a period of one (1) year from the date of the denial, unless a different design which addresses the reasons for the denial is submitted.

d. Table
The petition shall be tabled based on a request by the Zoning Administrator, the petitioner, remonstrators, or interested parties; an indecisive vote; or a determination by the Plan Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Plan Commission.

4. Assurance of Completion of Improvements
The Plan Commission may approve a Site Development Plan with the condition that surety be provided that guarantees the timely completion of any proposed public improvements included in the development. The surety shall be in a form acceptable to the Plan Commission, the Zoning Administrator, and the City Attorney, and be consistent with the surety provisions of the City of Plymouth Subdivision Control Ordinance.

E. Findings of Fact
The Zoning Administrator shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Zoning Administrator shall make copies of the written findings of fact available to the applicant within five (5) days of the date of the decision.

F. Permits
Prior to any construction activity, the improvements approved through all Site Development Plans shall be required to obtain the appropriate Improvement Location Permit, and any other required permits specified by this Ordinance.

050

Written Commitments

The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613.

A. Origin of Commitments
Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.

B. Consideration of Commitments
Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the petition.

C. Recording of Commitments
Following final action being taken on the Site Development Plan application, the written commitments shall be recorded by the petitioner in the office of the Marshall County Recorder. A copy of the recorded commitments shall be provided by the petitioner to the Zoning Administrator for the records of the Plan Commission prior to the receipt of an Improvement Location Permit.

(cont)

050 *Written Commitments (cont)*

D. Enforcement of Commitments

The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.

1. Successors in Interest
   The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.

2. Enforcement
   The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.

3. Modification
   The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this section.

060 *Appeals*

Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below:

A. Application

The person making the appeal shall submit to the Zoning Administrator a letter giving notice of the appeal and required supportive information within thirty (30) days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:

1. Submittals
   Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.

2. Findings of Fact
   Copies of any written decisions or findings of fact which are the subject of the appeal.

3. Description
   A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to the City of Plymouth upon which the appeal is based.

B. Public Meeting Notification

Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of *Article 10-020, Notice of Public Hearing* of this Ordinance.

C. Plan Commission Meeting

The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.

1. Representation
   Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.

2. Presentations
   The Commission shall consider a report from the Zoning Administrator, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.

3. Proceedings
   The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.

4. Possible Actions
   Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in this Article.



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Nonconforming Structures, Lots, and Uses

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8 Nonconforming Structures, Lots, and Uses

010 *Intent*

Upon adoption of this Ordinance and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

020 *Distinction Between Illegal Nonconforming and Legal Nonconforming*

A structure or lot which was constructed or is being used without an approved Improvement Location Permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable City laws and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal nonconforming structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Ordinance enactment or change, the property no longer conforms to the policies and standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or "Grandfathered".

030 *Nonconforming Signs*

A. Definition

Any sign, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Sign. For the purposes of this Article, a sign shall include the sign face and any supports, poles, or frames.

B. Continuation of Nonconforming Signs

Legal nonconforming sign may continue provided that it remains the same or fits within the below described tolerances:

1. Any legal nonconforming sign shall not be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity. However, any sign or portion thereof may be altered to decrease its nonconformity.

2. Any legal nonconforming sign which is intentionally altered to conform to the requirements of this Ordinance shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.

3. If a sign is moved or removed for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

4. The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this Article shall be interpreted as requiring a sign to be brought into conformance with this Ordinance if only the face is changed,

but not increased in size or altered in shape.

040 *Nonconforming Structures*

A. Definition

Any structure, lawfully established prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Structure.

B. Continuation of Legal nonconforming structure

A legal nonconforming structure may continue provided that it remains the same or fits within the below described tolerances:

1. Any legal nonconforming structure shall not be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Any legal nonconforming structure which is intentionally altered to conform to the requirements of this Ordinance shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.

3. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

050 *Nonconforming Lots of Record*

All lots legally established and recorded prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet applicable provisions of this Ordinance shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Ordinance are met. Any lot which met minimum lot standard area at the time it was created, shall be deemed buildable for a single family residence.

060 *Nonconforming Uses of Structures, Land, or Structures and Land in Combination*

Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

A. Parcels that were zoned business and/or industrial on the zoning map that was in effect prior to January 1, 2008, may be expanded by Special Exception through the City of Plymouth Board of Zoning Appeals, up to 25% of their floor area (as it existed January 1, 2008). In addition, when the expansion exceeds 10% of the floor area, site plan approval from the City of Plymouth Technical Review Committee must be obtained. No other existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Article.

(cont)

060 *Nonconforming Uses of Structures, Land, or Structures and Land in Combination (cont?)*

B. No structure shall be constructed in connection with an existing legal nonconforming use of land.

C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.

D. If no structural alterations are made, any non-conforming use may be changed to another non-conforming use with the approval of the Board of Zoning Appeals. The Board shall find that the proposed use is equally or more appropriate to the district in which it is located than the existing use. The Board shall consider the development standards applicable to the proposed use established by this Ordinance and may make reasonable conditions as part of any approval.

E. Where legal nonconforming use status applies to a structure and land in combination, the intentional removal of the structure shall eliminate the legal nonconforming status of the land.

F. No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Ordinance.

G. If a legal nonconforming use is intentionally discontinued for one (1) year or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance. Uses which are required to be discontinued due to government action which impedes access to the premises, or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision. Such exempt uses, if rebuilt or restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.

H. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed.

I. Any use which is legal nonconforming due to its presence in a 100-year floodplain may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with the Flood Hazard Area Standards section included in this Ordinance and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value.

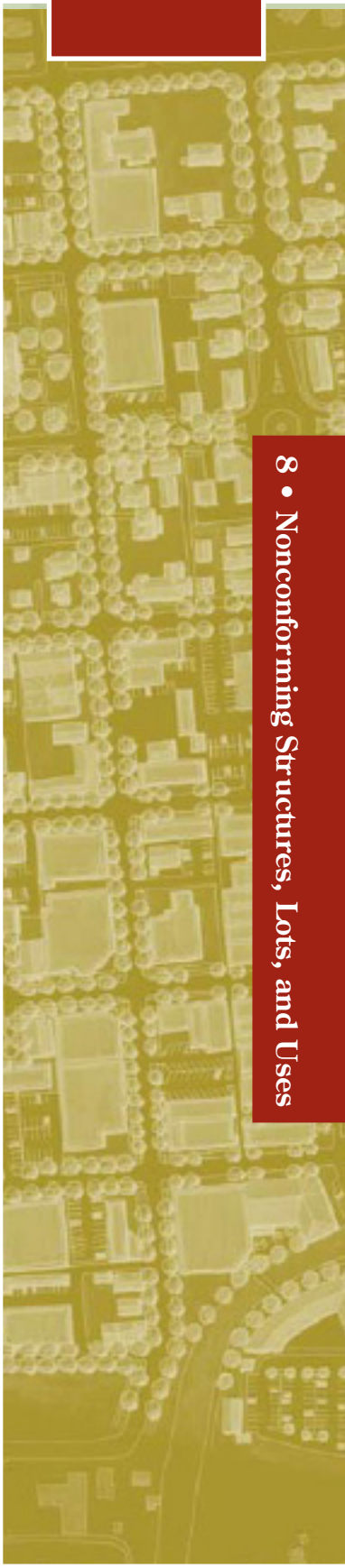
070 *Repairs and Maintenance*

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination:

A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.

B. If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the district in which it is located.

C. Nothing in this Chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.



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9

Board of Zoning Appeals

010 *Establishment and Membership*

A. Establishment

Pursuant with IC 36-7-4-901, the City of Plymouth Common Council establishes the City of Plymouth Advisory Board of Zoning Appeals which shall conduct business consistent with all requirements of the Indiana Code and this Ordinance.

B. Appointments

The Board of Zoning Appeals (otherwise referred to in this Ordinance as the "BZA" or the "Board") shall consist of, and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4- 902 through 906 as follows.

1. Mayor Appointment
   3 members appointed by the Mayor, 1 of which must be a member of the Plan Commission, and 2 of which must not be members of the Plan Commission.

2. City Council Appointment
   1 member appointed by the City Council who must not be a member of the Plan Commission.

3 Plan Commission Appointment
   1 of 2 of the Plan Commission's citizen members who live in the City's extra-territorial jurisdiction.

C. Alternates and Vacancies

Alternate Board of Zoning Appeal members may be appointed consistent with IC 36-7-4-907. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.

D. Territorial Jurisdiction

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the City of Plymouth Zoning Ordinance consistent with *Article 1-050, Jurisdiction* of this Ordinance.

E . Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

1. Development Standards Variances;

2. Flood Hazard Area Standards Variances.

3. Use Variances;

4. Special Exceptions; and

5. Administrative Appeals.

F. Rules and Procedures

The Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.

G. Filing

All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Zoning Administrator in the manner prescribed by the Board.

H. Hearing Schedule

The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.

I . Communication with Board Members

A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

J. Notice of Public Hearing

For all public hearings, notice shall be provided to the public consistent with the requirements of *Article 10-020, Notice of Public Hearing* of this Ordinance.

K. Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed in IC 36- 7-4-1000 series. All appeals shall be presented to a court of jurisdiction within thirty (30) days of the Board's decision.

020 *Development Standards Variances*

A. Decision Criteria

The Board may grant a variance from the development standards of this Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:

1. General Welfare
   The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. Adjacent Property
   The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3. Practical Difficulty
   The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

B . Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in *Article 9-020.A, Decision Criteria* of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the City of Plymouth Recorder's Office. A copy of the recorded commitments shall be provided to the Zoning Administrator for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with he recorded commitments.

D. Limitations

A development standards variance granted by the Board and executed in a timely manner as described in this Article shall run with the parcel until such time as:

1. the property conforms with the Ordinance as written, or

2. the variance is terminated.

030 *Flood Hazard Area Standards Variances*

A. Decision Criteria

The Board of Zoning Appeals may grant a variance from the Flood Hazard Area Standards of *Article 6-070, Flood Hazard Area Standards* of this Ordinance only if, after a public hearing, it makes findings of fact in writing, that:

1. Good Cause
   There exists a good and sufficient cause for the requested variance;

2. Exceptional Hardship
   The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and

3. Public Safety Hazards
   The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other existing laws or ordinances.

B. Compliance With Flood Hazard Area Standards

The Board of Zoning Appeals may only issue a variance to the terms and provisions of the Flood Hazard Area Standards of this Ordinance subject to *Article 6-070.E, Variance Procedures* of this Ordinance and the following conditions.

1. Maximum Protection
   All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

2. Written Notice
   The Board of Zoning Appeals shall issue a written notice to the recipient of the variance that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums.

3. Other Conditions
   The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in *Article 9-030.A, Decision Criteria* of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property and have such commitments recorded in the City of Plymouth Recorder's Office. A copy of the recorded commitments shall be provided to the Zoning Administrator for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

(cont)

030 *Flood Hazard Area Standards Variances (cont)*

D. Limitations

A flood hazard area standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as:

1. the property conforms with the Ordinance as written, or

2. the variance is terminated.

040 *Use Variances*

A. Decision Criteria

The Board may grant a variance from the use requirements and limitations of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:

1. General Welfare
   The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. Adjacent Property
   The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3. Practical Difficulty
   The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property (this situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain);

4. Unnecessary Hardship
   The strict application of the terms of this Ordinance will constitute an unnecessary hardship as they are applied to the property for which the variance is sought; and,

5. Comprehensive Plan
   The granting of the variance does not interfere substantially with the Comprehensive Plan.

B. Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in *Article 9-040.A, Decision Criteria* of this Ordinance above will be served.

C. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Marshall County Recorder's Office. A copy of the recorded commitments shall be provided to the Zoning Administrator for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

D. Limitations

Unless otherwise specified by the Board, use variance approvals shall be limited to, and run with the property specified in the petition. The Board may also limit use variances to a specific time period and a specific use. Use variances shall be invalid if:

1. The property conforms with the Ordinance as written, or

2. The variance is terminated.

050

Special Exceptions

In no case shall special exception uses be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.

A. Decision Criteria

The Board may grant a special exception for a use listed as such in the appropriate zoning district in *Article 3-120, Land Use Matrix* of this Ordinance if, after a public hearing, it makes findings of fact in writing, that:

1. General Welfare
   The proposal will not be injurious to the public health, safety, morals, and general welfare of the community;

2. Development Standards
   The requirements and development standards for the requested use as prescribed by this Ordinance will be met;

3. Ordinance Intent
   Granting the special exception will not be contrary to the general purposes served by this Ordinance, and will not permanently injure other property or uses in the same zoning district and vicinity; and

4. Comprehensive Plan
   The proposed use will be consistent with the character of the zoning district in which it is located and the City of Plymouth Comprehensive Plan.

B. Other Considerations

When considering a special exception the Board of Zoning Appeals may examine the following items as they relate to the proposed use:

1. topography and other natural site features;
2. zoning of the site and surrounding properties;
3. driveway locations, street access and vehicular and pedestrian traffic;
4. parking (including amount, location, and design);
5. landscaping, screening, buffering;
6. open space and other site amenities;
7. noise production and hours of any business operation;
8. design, placement, architecture, and building material of the structure;
9. placement, design, intensity, height, and shielding of lights;
10. traffic generation; and
11. general site layout as it relates to its surroundings.

C. Conditions

The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in *Article 9-050(A), Decision Criteria* of this Ordinance above will be served.

D. Commitments

The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-921 and have such commitments recorded in the Marshall County Recorder's Office. A copy of the recorded commitments shall be provided to the Zoning Administrator for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

E. Limitations

Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the petition. The Board may also limit special exceptions to a specific time period and a specific use. Special Exceptions shall also be invalid if:

1. the property conforms with the Ordinance as written, or

2. the special exception approval is terminated.

F. Special Exception Use Expansion

A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this Article for granting a special exception.

9 Board of Zoning Appeals

060 *Administrative Appeals*

A. Appeals

The Board may grant an appeal of any decision, interpretation, or determination made by the Zoning Administrator, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this Ordinance.

B. Decision Criteria

The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Ordinance.

C. Termination

The approval of an administrative appeal may be terminated by the Board of Zoning Appeals under the following procedure.

1. Public Hearing
   Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.

2. Grounds for Termination
   At the public hearing the appeal approval shall be terminated if a finding is made by the Board that the approval was the result of fraud or the misrepresentation of facts.

3. Time Limitation
   No administrative appeal may be reviewed by the Board of Zoning Appeals for the same cause more then once in any one (1) year period.

070 *Approval Expiration and Termination*

A. Improvement Location Permit Required

If the Board grants a special exception or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements of this Ordinance, an Improvement Location Permit for the execution of the approved variance or special exception shall be issued.

B. Expiration

A special exception or variance ceases to be authorized and is expired if an Improvement Location Permit for the execution of the approval has not been obtained within one (1) year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Zoning Administrator as being consistent with all written commitments or conditions, the requirements of this Ordinance, and all applicable permits within two (2) years of the date the approval is granted.

C. Termination

A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure.

1. Public Hearing
   Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing.

2. Grounds for Termination
   At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true.

   a. The execution of the approval is not consistent with any requirement of this Ordinance,

   b. The execution of the approval is not consistent with any condition of approval,

   c. The execution of the approval is not consistent with any written commitment, or

   d. The approval was the result of fraud or the misrepresentation of facts.

3. Time Limitation
   No special use or variance may be reviewed by the Board of Zoning Appeals for the same cause more then once in any one (1) year period.

D. Re-filing of Denied Applications

No request for variance, special exception, or administrative appeal which has been denied may be re-filed for a period of one (1) year from the date of the denial.

(cont)

070 *Approval Expiration and Termination (cont)*

E. Re-Consideration of Applications

Either the petitioner or any interested party may seek the reconsideration of any variance, special exception, or administrative appeal by submitting a written request to the Zoning Administrator within thirty (30) days of the date of Board action on the request. A variance, special exception, or administrative appeal may be reconsidered by the Board of Zoning Appeals under the following procedure.

1. Public Hearing
   Upon receipt of the written request for reconsideration by the Zoning Administrator the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. At the public hearing the Board shall only consider whether or not sufficient grounds for reconsideration are present, but shall not take any new action on the petition. If sufficient grounds are present, the Board shall place the petition on the agenda for its next regularly scheduled meeting at which time the petition shall be reconsidered and subsequent action taken.

2. Grounds for Reconsideration
   At the public hearing the Board shall determine whether or not the variance, special exception, or administrative appeal shall be reconsidered.

   a. The Board may reconsider the application if a finding is made that the entity seeking the reconsideration is able to provided substantial new information or clarified facts that were not known or available at the initial hearing on the petition and such new information or facts is directly related to the decision criteria established by this Ordinance.

   b. In no instance shall a reconsideration be granted to allow a petitioner to modify their application.

3. Time Limitation
   In no case shall the Board hear more that one (1) request for reconsideration for any single petition.

Board of Zoning Appeals

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10 Administration

010 *General Administration*

A. Administrative Officer

The City of Plymouth Zoning Administrator (including any designee(s) of the Zoning Administrator), will have the principal and concurrent responsibility with the Clerk-Treasurer for the administration and enforcing and/or coordination of the enforcement of this Ordinance within the Plan Commission's planning jurisdiction. The duties of the Zoning Administrator, or his/her designee shall include, but not be limited to:

1. Improvement Location Permits
   Reviewing, approving, or disapproving all Improvement Location Permits and keeping permanent records of applications made and actions taken;

2. Inspections
   Conducting inspections of structures, and properties to determine compliance with the requirements of this Ordinance and all approvals granted by the Plan Commission, Technical Review Committee, City Common Council, and Board of Zoning Appeals;

3. Record Keeping
   Maintaining permanent and current records documenting the application of this Ordinance including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;

4. Plan Commission Applications
   Receiving, processing, docketing, and referring to the Plan Commission all amendment applications;

5. Board of Zoning Appeals Applications
   Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this Ordinance and Indiana State Code; and

6. Clerical & Technical Assistance
   Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, or other body in the execution of its duties as established by this Ordinance and Indiana State Code.

B. Fee Schedule Established

The Zoning Administrator shall maintain a schedule of fees for all applications, permits, and other processes outlined in this Ordinance.

1. Fee Basis
   All fees shall be intended to reimburse the Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of petitions or applications.

2. Public Access
   The fee schedule shall be made available to the public by the Zoning Administrator.

3. Establishment and Revisions
   The fee schedule shall be prepared by the Zoning Administrator, reviewed by the Plan Commission, and approved by Ordinance by the City Common Council.

   a. The fee schedule may be amended by a recommendation submitted to the City Common Council by the Planning Commission followed by the City Common Council approval of a revised fee schedule Ordinance.

   b. The Zoning Administrator shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and City Common Council.

4. Payment Required
   Until all applicable fees have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

5. Fines for Failing to Obtain a Permit
   Any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit shall pay three (3) times the amount of the normal permit fee listed on the fee schedule.

C. Schedule of Meeting and Filing Dates

The Zoning Administrator with approval of the Clerk-Treasurer shall maintain an annual calendar of meeting and filing dates separately for the Technical Review Committee, Plan Commission, and Board of Zoning Appeals. The calendars of the TRC and Plan Commission shall be coordinated to ensure the efficient processing of petitions. All meeting and filing dates shall be based on the requirements of this Ordinance and the laws of the State of Indiana.

The calender of meeting and filing dates shall be prepared by the Clerk-Treasurer and adopted by resolution by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for adopting a coordinated calendar for the Technical Review Committee). The calender of meeting and filing dates shall be reviewed and updated annually by the Zoning Administrator.

020 *Notice of Public Hearing*

For all public hearings, the notice shall be provided to the public consistent with the requirements of this Chapter. Required public notice shall include the following:

A . Legal Notice

The Office of the Clerk-Treasurer shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in the Plymouth-Pilot News newspaper. The legal notice shall appear in the newspaper no less than one (1) time at least ten (10) days prior to the date of the public hearing. Legal notices shall include each of the following:

1. Property Location
   The general location of the subject property, including its common address, if any, and either a legal description of the land which is included or the tax ID parcel number(s) for such land.

2. Available Plans
   That the project plans are available for examination at the office of the City of Plymouth Plan Commission,

3. Hearing Information
   That a public hearing will be held giving the date, place, and hour of the hearing, and

4. Written Comments
   That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Zoning Administrator.

B . Notice to Interested Parties

The Office of the Clerk-Treasurer shall prepare and distribute written notice of the petition to all property owners within two (2) ownerships or three hundred (300) feet of the boundaries of the subject property, whichever is greater. In no instances shall streets, streams, or other features be considered boundaries precluding notification.

1. Notice Information
   The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in *Article 10-020, Notice of Public Hearing* of this Ordinance.

2. Responsibility
   The distribution of the notice shall be the responsibility of the Zoning Administrator. The cost of the notice shall be the responsibility of the petitioner through application fees.

3. Ownership Information
   The petitioner shall obtain ownership information from the most recent data available from official tax records.

4. Notification Requirements
   The notices shall be sent to each property owner at least one (1) time, and

the public hearing. The mailing shall be via First Class Mail through the United States Postal Service.

030 *Technical Review Committee*

A. Intent

The City of Plymouth Technical Review Committee (also known and referred to in this Article as the "TRC" and the "Committee") is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Review Committee is to provide efficiency in the work load of the Plan Commission, as well as applicants, by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of City of Plymouth.

Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and City Common Council by providing an initial examination and report based on all applicable adopted requirements of the City.

All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.

B. Authority and Approvals

The authority of the Technical Review Committee and appeals of its decisions shall be as follows:

1. Review Authority
   The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the City of Plymouth Plan Commission:

   a. Re-Zoning Petitions,

   b. Planned Unit Development Concept Plans, and

   c. Planned Unit Development Detailed Plans.

2. Approval Authority
   The Technical Review Committee shall have the authority to approve Site Development Plans as defined by *Article 7, Site Development Plans* of this Ordinance.

3. Appeal Rights
   All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in *Article 7-060, Appeals* of this Ordinance.

C. Committee Structure

The City Engineer shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:

(cont)

030 *Technical Review Committee (cont)*

1. Membership
The Technical Review Committee shall, at a minimum, consist of the following members:

   a. the City Engineer;

   b. the Zoning Administrator;

   c. the Superintendant of the City of Plymouth Street Department;

   d. the Superintendant of the City of Plymouth Water Department;

   e. the Superintendant of the City of Plymouth Waste Water Department;

   f. City of Plymouth Chief of Police;

   g. City Plymouth Fire Chief;

   h. no more than five (5) members of the Plan Commission total (including the Director of Public Works and four (4) others appointed by the Plan Commission);

   i. any others deemed necessary by the Office of the Mayor (such as representatives of the Soil and Water Conservation District and utilities).

2. Attendance
Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the City Engineer prior to the appropriate meeting.

   a. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of City of Plymouth.

   b. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the petition.

3. Duties of the City Engineer
The City Engineer shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree.

   a. In cases of disagreement and at his/her discretion, the City Engineer may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.

   b. The City Engineer shall determine the action to be taken on each petition by the Committee based on the comments of the Committee members.

4. Tabled Petitions
All petitions which are not approved by the Technical Review Committee and not forwarded to the Plan Commission shall be denied or tabled and placed on the agenda for the next appropriate Committee meeting.

   a. Prior to that meeting the petitioner shall address the comments of the Committee, making appropriate modifications to the application materials.

   b. The petitioner shall provide appropriate copies of the revised materials prior to the next Committee meeting based on the adopted calendar of meeting and filing dates.

   c. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the City Engineer. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.

C. Attendance Required

The petitioner and/or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting.

D. Meeting Record

The City Engineer shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within five (5) business days of the Committee's review. The written documentation shall consist of the following:

1. Action Taken
a letter to the petitioner stating the action taken by the Committee, and

2. Outstanding Comments
a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of City of Plymouth, the State of Indiana, and/or the Federal government.

E . Decision Criteria

In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the City of Plymouth Subdivision Control Ordinance, any adopted City of Plymouth Construction or Improvements Standards, and any other adopted and applicable standards of City of Plymouth, the State of Indiana, and/or the Federal government.

1. Mandatory Approval
In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.

(cont)

030 *Technical Review Committee (cont)*

2. Committee Member Comments
In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee.

   a. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.

   b. This shall further not be interpreted as preventing the City Engineer from establishing requirements for individual petitions based on professional norms in the instances where such requirements are authorized by this Ordinance.

F. Appeals

Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission or other Board charged with enforcing the City standard that is the subject of the appeal.

1. Relief from Specific Requirements
Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.

2. Appeal Procedure
All appeals of determinations of the TRC shall meet the following requirements:

   a. The appealing party shall be required to provide the City Engineer with written notice of the appeal within thirty (30) days of the date of the Committee decision.

   b. The City Engineer shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.

   c. Public notice for the meeting shall be required, consistent with the provisions *Article 10-020, Notice of Public Hearing* of this Ordinance.

   d. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.

G. Consistency

In all cases, the application materials, including any drawings which are presented to the Plan Commission, or provided to the City Engineer with an Improvement Location Permit application, following TRC review shall be completely consistent with those presented to the TRC, with the exception of any revisions requested by the Committee. Any petition which is inconsistent with the approval of the Technical Review Committee shall be referred back to the TRC for review and comment.

040 *Powers and duties of the City Common Council*

A. Duties

Duties should be interpreted as activities that are obligations. City Common Council duties include but are not limited to:

1. Plans and Ordinances
   Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission;

2. Plan and Ordinance Amendments
   Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission;

3. Zoning Map Amendments
   Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission;

4. Planned Unit Developments
   Adopt, reject or amend proposals for a Planned Unit Development District that have been certified and submitted by the Plan Commission;

5. Fee Schedule
   Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission; and

6. Other Duties
   All additional duties as permitted by Indiana State Code.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated by the City Common Council. The City Common Council powers include:

1. Plan and Ordinance Amendments
   Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance;

2. Zoning Map Amendments
   Initiate amendments to the Official Zoning Map; and

3. Other Powers
   All additional powers as permitted by Indiana State Code.

050 *Powers and duties of the Plan Commission*

The powers, duties, rules and procedures are further described by the Plan Commission Rules and Procedures (IC 36-7-4-400 Series)

A. Duties

Duties should be interpreted as activities that are obligations. Plan Commission duties include:

1. Plan and Ordinances
   Make recommendations concerning City Common Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law;

2. Rules and Procedures
   Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance;

3. Record Keeping
   Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission;

4. Surety
   Record and file bonds and contracts for development and land use activities with the Office of the Clerk-Treasurer;

5. Publications
   Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission;

6. Certification
   Adopt and maintain a permitting process and seal used to certify official or approved documents;

7. Recommendations
   Certify and submit recommendations to the City Common Council including new versions of, and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map;

8. Planned Unit Developments
   Certify and submit recommendations to the City Common Council for approving Planned Unit Developments;

9. Fiscal Affairs
   The Plan Commission shall supervise its fiscal affairs in the same manner as other departments of the City of Plymouth. All monetary and fiscal records of the Plan Commission shall be maintained by the Office of the Clerk-Treasurer;

10. Budgeting
    Prepare and submit an annual budget in the same manner as other departments of the City of Plymouth, and be limited in all expenditures to the provisions made for the expenditures by the Common Council.

11. Petitions
    Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions;

12. Fee Schedule
    Establish and maintain a City Common Council approved Fee Schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers;

13. Enforcement
    Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local resolutions, ordinances, and State of Indiana Law;

14. Other Duties
    All additional duties as permitted by Indiana State Code.

B . Powers

Powers should be interpreted as activities that are optional and may be initiated. Plan Commission powers include:

1. Advisory Committees
   Establish advisory committees as necessary, made up of City officials and the general public;

2. Executive Committee
   Establish an executive committee;

3. Funding Assistance
   Seek funding assistance through grant programs as necessary ;

4. Publications
   Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community; and

5. Other Powers
   All additional powers as permitted by Indiana State Code.

060 *Board of Zoning Appeals Duties and Powers*

The powers and duties of the Board of Zoning Appeals are described below. The powers, duties, rules and procedures are further described by *Article 10-060, Board of Zoning Appeals Duties and Powers* of this Ordinance and the Board of Zoning Appeals Rules and Procedures.

A. Duties

Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include;

1. Variances
   Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area), variances from the Flood Hazard Area standards, and variances of use based on the provisions of this Ordinance and Indiana State Code; and

2. Special Exceptions
   Review, hear and approve or deny all petitions for special exceptions based on the provisions of this Ordinance and Indiana State Code;

3. Appeals
   Review and hear appeals of decisions made under this Ordinance or in the enforcement of this Ordinance by the Zoning Administrator or other Plan Commission staff, committees or administrative boards or any other body except the Plan Commission (IC 36-7-4-913 through 900 Series);

4. Other Duties
   All additional duties as permitted by Indiana State Code.

B. Powers

Powers should be interpreted as activities that are optional and may be initiated. Board of Zoning Appeals powers include any powers as permitted by Indiana State Code.

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Notes

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Processes, Permits, and Fees

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010 Petition and Permit Application Types

A. Petition Applications Required

City of Plymouth hereby requires that an application be submitted for the following types of petitions:

1. Variance (use, development standards, and flood hazard area standards),
2. Special Exception,
3. Administrative Appeal,
4. Zoning Map Amendment,
5. Zoning Text Amendment
6. Planned Unit Development (subject to the requirements of *Article 5, Planned Unit Developments* of this Ordinance), and
7. Site Development Plan (subject to the requirements of *Article 7, Site Development Plans* of this Ordinance).

B. Permit Applications Required

City of Plymouth hereby requires that an application be submitted for the following types of permit applications:

1. Improvement Location Permit
2. Certificate of Occupancy, and
3. Sign Permit (permanent and temporary).
4. Demolition

C. Application Materials

Petition applications for issues listed in A.1 through 7 may be obtained from the Clerk-Treasurer. Permit applications for items listed in B.1 through 4 may be obtained from the Zoning Administrator.

1. Application Forms
   All applications shall be made on forms provided. All petitioners and permit applicants shall submit original applications which are completed in their entirety in ink or typed. All applications shall be signed and notarized (if required) and which are contained in the attached Appendix.

2. Copies of Materials
   All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Zoning Administrator and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.

3. Scheduling
   All petitions and permit applications shall be assigned reference and/or docket numbers by the Clerk-Treasurer. Petition applications shall be scheduled by the Clerk-Treasurer for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals and/or Plan Commission.



020 Variance Petitions

The following procedure shall apply to all variance petitions;

A. Application

The petitioner shall submit:

1. a variance application
2. affidavit and consent of property owner (if the owner is someone other than the petitioner)
3. a copy of the deed for the property involved
4. the required filing fee; and
5. required supportive information
   Supportive information may include, but not be limited to the following

   a. Site Plan
   A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.

   b. Letter of Intent
   A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by *Article 9, Board of Zoning Appeals* of this Ordinance. The letter should include any written commitments being made by the petitioner.

   c. Health Department Approval (if applicable)
   A letter from the Marshall County Board of Health indicating that the variance will not negatively affect the operation of a septic system (if any septic system is, or is to be located on the subject property).

B. Notification

Notification for the scheduled public hearing regarding the variance request shall be completed consistent with *Article 10-020, Notice of Public Hearing* of this Ordinance and the Rules and Procedures of City of Plymouth Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calender of filing and meeting dates, review the variance application and required supportive information.

1. Representation
   The petitioner or any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.

2. Testimony
   The Board shall consider a report from the Zoning Administrator and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures
   The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and Article 9, Board of Zoning Appeals of this Ordinance.

4. Possible Action
   The BZA may approve, approve with conditions, deny, or table the petition.

   a. Approval
      The petition shall be approved if findings of fact are made consistent with the requirements of *Article 9, Board of Zoning Appeals* of this Ordinance and Indiana State Code.

   b. Approval with Modifications
      The petition shall be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the petitioner.

   c. Denial
      The petition shall be denied if findings of fact consistent with the requirements of *Article 9, Board of Zoning Appeals* of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of one (1) year from the date of denial.

   d. Tabled
      The petition may be tabled based on a request by the Zoning Administrator, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

030 Special Exception Process

The following procedure applies to special exception petitions:

A. Application

The petitioner shall submit;

1. a special exception application;
2. affidavit and consent of property owner (if the owner is someone other than the petitioner);
3. a copy of the deed for the property involved;
4. the required filing fee; and
5. required supportive information.
   Supportive information may include, but not be limited to the following:

   a. Site Plan
   A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the special exception request.

   b. Letter of Intent
   A letter of intent to the Board of Zoning Appeals describing the details of the special exception request including but not limited to:

      i. The ways in which the special exception shall comply with the applicable development standards of this Ordinance,

      ii. The ways in which the special exception shall be consistent with the required findings of fact described by Chapter 10.5, Special Exceptions of this Ordinance, and

      iii. Any written commitments being made by the petitioner.

   c. Waste Disposal Verification
   A letter from the Marshall County Board of Health indicating that the special exception will make acceptable use of an existing or proposed septic system, or a letter from a public sewer provider stating that the proposed special exception shall be served by its utility. This required supportive information may be waived by the Zoning Administrator.

B. Notification

Notification for the scheduled public hearing regarding the special exception request shall be completed consistent with *Article 10-020, Notice of Public Hearing* of this Ordinance and the Rules and Procedures of City of Plymouth Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calender of filing and meeting dates, review the special exception application and required supportive information.

1. Representation
   The petitioner or any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.

2. Testimony
   The Board shall consider a report from the Zoning Administrator and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures
   The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and *Article 9, Board of Zoning Appeals* of this Ordinance.

4. Possible Action
   The BZA may approve, approve with conditions, deny, or table the petition.

   a. Approval
      The petition shall be approved if findings of fact are made consistent with the requirements of *Article 9-050, Special Exception* of this Ordinance and Indiana State Code.

   b. Approval with Modifications
      The petition may be approved with modifications if the Board of Zoning Appeals determines that the required findings of fact may be made only if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required finding of facts part of its approval and/or accept written commitments from the petitioner.

   c. Denial
      The petition shall be denied if findings of fact consistent with the requirements of *Article 9-050, Special Exceptions* of this Ordinance and the Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the Board for a period of one (1) year from the date of denial.

   d. Tabled
      The petition shall be tabled based on a request by the Zoning Administrator, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

040 Administrative Appeal Petitions

The following procedure shall apply to all appeals of administrative decisions;

A. Application

The petitioner shall submit an administrative appeal application and required supportive information. Supportive information shall include, but not be limited to the following:

1. Original Submittals
   Copies of all materials submitted to the staff member or administrative board upon which the decision being appealed was based.

2. Written Decisions
   Copies of any written decisions which are the subject of the appeal.

3. Appeal Basis
   A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to the City of Plymouth upon which the appeal is based.

B. Notification

Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with *Article 10.020, Notice of Public Hearing* of this Ordinance and the Rules and Procedures of City of Plymouth Board of Zoning Appeals.

C. Public Hearing

The BZA will then, in a public hearing scheduled consistent with the adopted calender of filing and meeting dates, review the administrative appeal application and supportive information.

1. Representation
   The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.

2. Testimony
   The Board shall consider a report from the Zoning Administrator and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures
   The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board and *Article 9-060, Administrative Appeals* of this Ordinance.

4. Possible Action
   The BZA may grant, grant with modifications, deny, or table the appeal.

   a. Granted

The appeal shall be granted if findings of fact are made consistent with the requirements of *Article 9-060, Administrative Appeals* of this Ordinance and Indiana State Code.

b. Granted with Modifications
The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) which are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.

c. Denied
The petition shall be denied if findings of fact are made supporting the administrative decision.

d. Tabled
The petition shall be tabled based on a request by the Zoning Administrator, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

050 Zoning Map Amendment Petitions

The following procedure shall apply to all Zoning Map Amendment ("rezoning") petitions:

A. Petition Initiation

Proposals for Zoning Map Amendments may be initiated by either the Plan Commission, the City Common Council, or through a petition signed by property owners of at least fifty (50) percent of the land involved.

1. City Initiation
   The Plan Commission shall prepare the petition for zoning map amendment if either the Commission or the City Common Council has initiated the petition. The Zoning Administrator shall serve as the representative of the petitioner for such proposals.

2. Property Owner Initiation
   Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials.

B. Application

The petitioner shall submit a

1. rezoning application;

2. affidavit and consent of property owner(s) (if the owner is someone other than the petitioner);

3. a copy of the deed for the property involved;

4. the required filing fee; and

5. required supportive information
   Supportive information may include, but not be limited to the following:

   a. Vicinity Map
      A vicinity map showing the use and zoning of all properties within one thousand (1,000) feet of the property subject to the rezoning request.

   b. Letter of Intent
      A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the petitioner.

C. Technical Review

The application materials shall be reviewed by the City of Plymouth Technical Review Committee consistent with the provisions of *Article 10-030, Technical Review Committee* of this Ordinance.

1. Representation
   The petitioner(s) or any representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.

2. Revisions
   Any revisions to the application materials or the proposal requested by the Committee shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. All revised submittals shall be submitted to the Zoning Administrator in a timely manner as specified in the Plan Commission Rules and Procedures and be consistent with the calendar of meeting and filing dates.

D. Notification

Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the requirements of *Article 10-020, Notice of Public Hearing* of this Ordinance and the Rules and Procedures of City of Plymouth Plan Commission.

E. Plan Commission Public Hearing

The Plan Commission will then, in a public hearing scheduled consistent with the adopted calender of filing and meeting dates (but no later than sixty (60) days following the receipt of the application, per I.C. 36-7-4-608), review the rezoning application and required supportive information.

1. Representation
   The petitioner and any representative of the petitioner must be present at the public hearing to present the petition and address any questions the Commission might have.

2. Testimony
   The Commission shall consider a report from the Zoning Administrator and testimony from the petitioner, remonstrators, the public and interested parties at the hearing.

3. Procedures
   The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.

4. Possible Action
   The Commission shall either forward the petition to the City Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.

   a. Favorable Recommendation

(cont)

The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in *Article 11-050, Decision Criteria* in this Chapter. The recommendations may include requested commitments from the petitioner.

b. Unfavorable Recommendation
The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in *Article 11-050, Decision Criteria* in this Chapter.

c. No Recommendation
The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that the petition includes aspects which the Commission is not able to evaluate.

d. Tabled
The petition shall be tabled based on a request by the Zoning Administrator, petitioner, remonstrator, or interested party; an indecisive vote; or a determination by the Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.

F. Certification

The Plan Commission shall certify its recommendation by resolution to the City Common Council within ten (10) days (per I.C. 36-7-4-608). The Plan Commission staff shall forward to the City Common Council appropriate copies of the Plan Commission resolution, the original application and all supportive information, any staff reports regarding the petition, and an ordinance for the Commissioners' consideration.

G. City Common Council Hearing

The City Common Council shall vote on the proposed rezoning ordinance within ninety (90) days of its certification by the Plan Commission.

1. Notification
The City Common Council shall provided notification of action on the ordinance consistent with Indiana State Code.

2. Possible Action
The City Common Council may either approve or deny the ordinance. If the Commissioners fail to act within the ninety (90) day time frame specified above, the ordinance shall become affective or be defeated consistent with the provisions of IC 36-7-4-608. The Council may also seek modifications or additions to any written commitments as described in *Article 11-050.I(2b), Written Commitments* of this Ordinance below.

H. Decision Criteria

In reviewing the rezoning petition, the Plan Commission and City Common Council shall pay reasonable regard to the following:

1. Comprehensive Plan
   City of Plymouth Comprehensive Plan and any other applicable, adopted planning studies or reports;

2. Current Conditions
   The current conditions and the character of current structures and uses in each district;

3. Desired Use
   The most desirable use for which the land in each district is adapted;

4. Property Values
   The conservation of property values throughout City of Plymouth; and

5. Responsible Growth
   Responsible growth and development.

I. Written Commitments

The petitioner in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-615.

1. Origin of Commitments
   Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the Technical Review Committee, or in response to any modifications requested by the Plan Commission or City Common Council.

2. Consideration of Commitments
   All commitments shall be considered by the Technical Review Committee, the Plan Commission, and the City Common Council in the review of the petition.

   a. Commitments shall be included as an element of the rezoning ordinance prepared by the Commission following action taken at the public hearing.

   b. Any deletion, addition, or alteration of the written commitments proposed by the City Common Council shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.

3. Recording of Commitments
   Following final action being taken on the rezoning application, the rezoning ordinance, written commitments included, shall be recorded in the office of the Marshall County Recorder. A copy of the recorded commitments shall be provided to the Zoning Administrator for inclusion in the petition file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for permit application which does not comply with the recorded commitments.

4. Enforcement of Commitments
   The written commitments shall be considered part of this Ordinance binding on the subject property.

(cont)

050 Zoning Map Amendment Petitions (cont)

a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.

b. The written commitments shall be enforceable by the City of Plymouth Plan Commission consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in *Article 12, Enforcement and Penalties* of this Ordinance.

c. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitment shall be terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

060 Improvement Location Permit

A. General Requirements

No structure shall be erected, moved, or added to, without an Improvement Location Permit issued by the Zoning Administrator. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance and other applicable regulations of City of Plymouth. When applicable, consistent with *Article 7, Site Development Plans* of this Ordinance, Site Development Plan review and approval shall be completed prior to the receipt of an Improvement Location Permit.

B. Permit Required

City of Plymouth requires that an Improvement Location Permit be obtained for the following:

1. any structure, for any use that exceeds two hundred (200) square feet in area and/or has a permanent foundation (including structures other than buildings such as towers, antennas, and free standing satellite dishes),
2. any temporary use of land or temporary structure,
3. signs (as specified by *Article 6-190, Sign Standards* of this Ordinance) ,
4. swimming pools (in ground or above ground),
5. additions to all structures,
6. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
7. placement or replacement of manufactured or mobile homes,
8. parking lot construction or alteration,
9. mineral, oil, and natural gas extraction,
10. telecommunication towers, buildings, antenna, and wind turbines.
11. fences, walls, and hedges placed outside of the public right-of-way,
12. Demolitions
13. Roof or re-roofing
14. any exterior construction that adds to or alters the height of the existing structure.

C. Exemptions

No ILP shall be required for the following types of improvements. However, any such improvement shall comply with any applicable requirements of this Ordinance, the Subdivision Control Ordinance, and any other applicable adopted standards of City of Plymouth.

1. cosmetic (non-structural) changes to any structure including the replacement windows in

060 Improvement Location Permit (cont)

existing openings, the installation of siding material, and repainting.

D. Application Requirements

All applications for improvement location permits shall be accompanied by:

1. Site Location Map
   a site location map showing the subject property and the general features of the property within five hundred (500) feet of the subject property;

2. Site Plan (if applicable)
   a detailed site plan with the dimensions indicated showing the following:

   a. the entire property and the features of the property including all rights-of-way, easements, property lines, required buffer yards, and setbacks;

   b. all existing and proposed structures or other site improvements with the dimensions of such improvements;

   c. the distances from all existing and proposed improvements to the property lines;

   d. the location of any existing or proposed septic field and well;

   e. the location of any existing or proposed driveway and/or parking areas;

   f. elevations of all existing and proposed structures or alterations;

   g. natural, physical or hazardous conditions existing on the lot;

   h. the location of any required landscaping, labeled according to size and species,

   i. finished floor elevations.

3. Waste Disposal Verification
   Either a septic permit from the Marshall County Health Department or a sewer access (tap-on) permit from the appropriate public sewer provider (if applicable);

4. Driveway Approval (if applicable)
   A driveway permit from the City or State Highway Department (if applicable);

5. Use Description
   A detailed description of the existing or proposed uses of the property and any structures;

6. Dwelling Units/Tenant Spaces (if applicable)
   An indication of the number of dwelling units, or tenant spaces the building is designed to accommodate;

7. Building Permit (if applicable)
   a Building Permit consistent with the requirements of the City of Plymouth Building Code and the procedures of the Building Official; and

8. Flood Hazard Area Information
   (if applicable) any other information necessary to meet the requirements of *Article 6-070, Flood Hazard Area Standards* of this Ordinance.

9. Drainage Plan (if required) including the location, type, and dimensions of any storm water structures, conduits, or detention/retention ponds, and

10. Notice of Agricultural Activity
    When agricultural activities are a permitted use in a zoning district in which a new residence is to be constructed, a 'Notice of Agricultural Activity,' identifying common effects of agricultural activity in those areas within the jurisdiction of this zoning ordinance, shall be executed by the owner of the real property upon which the new residence is to be built, and shall be included with the Improvement Location Permit file.

E. Copies

A copy of all submitted plans and application materials shall be retained by the Zoning Administrator for the permanent records of City of Plymouth Plan Commission.

F. Expiration of Permits

Improvement location permits shall expire consistent with the following provisions

1. Initiation of Work
   If the work described in any improvement location permit has not begun within six (6) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.

2. Completion of Work
   If the work described in any improvement location permit has not been completed within two (2) years of the date of its issuance, the permit shall expire; no written notice shall be given to the persons affected.

   a. The Zoning Administrator may grant two (2) extensions for up to one (1) year each for work completion. Requests for extensions must be received within one (1) month of the expiration.

   b. No extension shall be granted unless all appropriate extension fees, as defined by the adopted fee schedule, are paid to the Zoning Administrator and the project continues to conform with all applicable requirements of City of Plymouth.

G. Construction According to Permits and Permit Application

Improvement location permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of this Ordinance and subject to the provisions of *Article 12, Enforcement and Penalties* of this Ordinance.

070 Certificate of Occupancy

The following procedure applies to Certificates of Occupancy

A. Certificate Requirements

It shall be unlawful and in violation of the provisions of this Ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:

1. legally obtaining an Improvement Location Permit,
2. passing all required inspections, including the final inspection; and
3. receiving a Certificate of Occupancy.

B. Inspection

Upon the completion of the work approved through an improvement location permit, the permit holder shall contact the Zoning Administrator and schedule an inspection to verify the installation of improvements consistent with the requirements of this Ordinance. The City Building Inspector, any other municipal official, and any other person requested by the Zoning Administrator may also take part in the inspection.

C. Certificate Issuance

The Zoning Administrator shall issue the Certificate of Occupancy if the improvements comply with all applicable requirements of City of Plymouth, including this Ordinance, the Subdivision Control Ordinance, and all applicable Building Codes as verified by the Building Official.

080 Sign Permits

The following procedure applies to Improvement Location Permits for Signs (Sign Permits):

A. Sign Permit Review for Permanent Signs

The following procedure applies to Permanent Sign Permit Review

1. Application
   Application for a permit shall be filed with the Zoning Administrator and shall be accompanied by any information the Zoning Administrator determines is necessary to assure compliance with this Ordinance, including but not limited to:

   a. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit. All signs on the same parcel or owned by the same business must be noted.

   b. A dimensioned drawing showing the size of the sign face area and the height of the sign.

2. Effect of Sign Permit Issuance
   A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

3. Expiration
   A sign permit shall become null and void if work has not been started within thirty (30) days of the date the permit is issued or completed within six (6) months of the date the permit is issued.

B. Sign Permit Review for Temporary Signs

The following procedure applies to Sign Permit Review for Temporary Signs.

1. Application
   Application for a permit shall be filed with the Zoning Administrator and shall be accompanied by any information the Zoning Administrator determines is necessary to assure compliance with this Ordinance, including but not limited to:

   a. the type of temporary sign to be used.

   b. the period of time the temporary sign is to be used.

   c. the location at which the temporary sign is to be used, and the location on the property where the sign is to be placed.

2. Nullification
   A temporary sign permit shall become null and void if the sign has not been placed within thirty (30) days of the date the permit is issued.

(cont)

080 Sign Permits (cont.)

3. Effect of Sign Permit Issuance.
   A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.

Processes, Permits, and Fees

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Suggestions for Future Changes



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Enforcement and Penalties

010 *General Provisions 304*

020 *Construction Process Violations. 305*

030 *Immediate Public Risk Violations. . . . 306*

040 *Violation Procedure 307*

12 Enforcement and Penalties

010 *General Provisions*

A. Authority

The Plan Commission, Board of Zoning Appeals, City Common Council, Building Commissioner, and/or Zoning Administrator (and their designees) are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state laws.

B. Violations

Complaints made pertaining to compliance with provisions of this Ordinance shall be investigated by the Zoning Administrator. The Zoning Administrator may include other officials, such as the Director of Public Works, City Chief of Police, or City Fire Chief in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be to the discretion of the Zoning Administrator, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this Ordinance.

C. Inspections

Investigations of property may be done by the Zoning Administrator either from a right-of-way, or adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

D. Court Ordered Entry

In the event that the Zoning Administrator is denied entry to the subject property, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any other applicable ordinances adopted under state code.

1. Information Required
   The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

2. Entry Permitted
   Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the Zoning Administrator.

E. Responsibility for Violations

The property owner shall be held responsible for all violations.

F. Types of Violations

The following items shall be deemed civil violations, enforceable by the Zoning Administrator (penalties may be imposed based on the provisions set forth in this Article):

1. Illegal Structures
   The placement, erection, and/or maintenance of a primary structure, sign, accessory structures or any other element determined by the Zoning

Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance;

2. Illegal Use
Conducting a use or uses that do not comply with the provisions or explicit intent this Ordinance;

3. Failure to Obtain a Permit
Failure to obtain an Improvement Location Permit when required by this Ordinance;

4. Violation of Stop-Work-Order
Proceeding with work under a Stop-Work-Order or in violation of a Memorandum of Agreement;

5. Failure to Comply with Development Standards
Any failure to comply with the development standards and/or any regulations of the Zoning Ordinance; or

6. Failure to Comply with Commitments
Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, variance, or other similar and documentable commitment.

020 *Construction Process Violations*

A. Stop-Work-Orders

The Zoning Administrator may place a Stop-Work-Order on any land/property improvement process.

1. Procedure
Stop-Work-Orders shall be issued by written letter which shall state the violation and that work or other illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/ mailed to the owner, developer, property manager, tenant, or occupant.

2. Reasons
Reasons for a Stop-Work-Order include, but are not limited to:

   a. not complying with development standards and/or any regulations of the Zoning Ordinance;

   b. not obtaining an Improvement Location Permit prior to the start of construction of any improvement for which such a permit is required by this Ordinance;

   c. not completing structures or other improvements consistent with any approved Improvement Location Permit, variance, special exception, or other approval;

(cont)

020 *Construction Process Violations (cont)*

d. not meeting the conditions or commitments of a special exception, variance, or rezoning petition;

e. not meeting the conditions of a Site Development Plan, Planned Unit Development Plan, written commitment, or covenant which is enforceable by the Plan Commission; and

f. illegal use or expansion of use of structures, or structures and land in combination.

B. Memorandum of Agreement

The Zoning Administrator must meet with the person(s) served the Stop-Work-Order notice within seven (7) days of any such meeting being requested by the person(s). A Memorandum of Agreement shall be drafted stating the conditions by which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Zoning Administrator.

030 *Immediate Public Risk Violations*

Any violation of this Ordinance which presents an immediate risk to the health, safety, or welfare of the public or to property within the community may be corrected by the Zoning Administrator, or a person, firm, or organization selected by the Zoning Administrator, without prior notice to the property owner or other person responsible for the violation.

A. Immediate Public Risk Violation Defined

Immediate Public Risk violations shall include:

1. Obstructions
   Signs, structures, landscaping or other materials placed in a pubic right-of-way, easement, or sight visibility triangle in violation of this Ordinance;

2. Distractions
   Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; or

3. Other Threats
   Any other immediate threat to public welfare as determined by the City Common Council, Plan Commission, Board of Zoning Appeals, Zoning Administrator, City Chief of Police, City Fire Chief, or other public official.

B. Seizure of Materials

Any sign, structure, landscaping or other material which constitutes an immediate public risk violation may be seized by the Zoning Administrator in a manner that results in minimal damage to the material and the property upon which it is located.

C. Notice of Violation

The Zoning Administrator shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Ordinance, by either placing a notice in a conspicuous place on the property or by letter.

1. Notice Time Requirements
   The letter shall be sent to the property owner via certified mail within 24 hours of the seizure. A notice that is posted on the property shall be posted at the time the material is seized.

2. Notice Contents
   The letter or posted notice shall include the following:

   a. a description of the materials seized,

   b. a citation of the sections of the Ordinance which were violated and the characteristics of the violation which posed an immediate threat to public welfare,

   c. the address and phone number of the Zoning Administrator and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and

   d. instructions describing how, where, and when the seized items may be claimed.

D. Storage and Retrieval of Seized Materials

The Zoning Administrator shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than thirty (30) days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a fine on the List of Fines and Fees approved by the Common Council, plus reasonable storage fees and the establishment of a Memorandum of Agreement between the property owner and Zoning Administrator regarding the future use of the item in a manner consistent with this Ordinance.

E. Liability

Neither the Zoning Administrator, City of Plymouth, or any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

040 *Violation Procedure*

A. General Procedure

There shall be a minimum of a three step procedure for the enforcement of violations. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Zoning Administrator at his or her discretion. However, the general procedure for all violations shall be consistent. These minimum steps are as follows:

(cont)

040 *Violation Procedure (cont)*

1. Notice of Violation
   The Zoning Administrator shall issue a Notice of Violation to the person(s) who has committed, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within fifteen (15) days of the mailing or posting date of the notice.

2. Notice of Fines for Violation
   The Zoning Administrator shall issue a Notice of Fines for Violation to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines for Violations is a citation that states the fines for the violation. The Notice of Fines for Violation shall be mailed via Certified Mail, Return Receipt Request by the Zoning Administrator. The person(s) in violation will have a minimum of fifteen (15) days from the date of mailing to pay all applicable fines, and must correct the violation within the time period specified by the Zoning Administrator or face additional fines.

3. Legal Action
   If the person(s) in violation refuses to pay the fines and/ or correct the violation within the time frame specified by the Notice of Fines for Violation, the Zoning Administrator may refer the violation to the Plymouth City Attorney in order to pursue court action through a court of general jurisdiction. Additional fines and liens against the property may also be pursued until the matter is resolved.

B. Monetary Fines

Monetary fines may be imposed at the discretion of the Zoning Administrator with the Notice of Fines for Violations.

1. Multiple Violations
   Each violation shall constitute a separate offense.

2. Fine Amount
   Each day this ordinance is violated is a separate offense. Each separate offense shall be subject to a fine from one hundred dollars ($100) to twenty five hundred dollars ($2,500) for each day a violation of this ordinance occurs. Days are counted from the date of compliance ordered by the Zoning Administrator in the Notice of Violation. The amount of the fine shall be at the discretion of the Zoning Administrator, unless the Common Council has adopted a List of Fines and Fees, in which case the fine designated by the Common Council shall be controlling for the specific violation cited. Should the List of Fines and Fees not include the particular violation cited, then the Zoning Administrator shall retain the discretion to set the fine, subject to applicable appeal procedures.

   a. In addition to any fine imposed, any person who initiates any activity which requires an Improvement Location Permit without first obtaining the permit may be required to pay three (3) times the normal amount of the permit consistent with the adopted fee schedule.

   b. The amount of any fine shall be at the discretion of the Zoning Administrator.

3. Payment
   The payment of any violation shall be by cash or cashiers check and shall be delivered to the Zoning Administrator who shall forward the funds to the City Clerk-Treasurer for deposit in the General Fund. The Zoning Administrator shall issue a receipt to the person making the payment.

   a. In no instance shall a fine payment be accepted by the Zoning Administrator for a violation or violations on a property on which other violations remain unresolved.

   b. The Zoning Administrator may, at his/her discretion, waive the assessed fine for the otherwise timely correction of the violation.

C. Appeals

Any person receiving a Notice of Violation and/or Fines for Violation may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the person in violation filing an Administrative Appeal consistent with this Ordinance shall be submitted to the Zoning Administrator via Certified Mail at least three (3) days prior to the date any fine and/or compliance is due.

1. Fines
   Fines due will be postponed until the BZA has made a ruling as to the violation and/or fine. The person(s) in violation shall have a maximum of six (6) months to complete the hearing process with the BZA. Failure to meet this deadline will reinstate all fines due by the person(s) in violation, including those which would have accumulated during the appeal process.

2. Additional Notices
   No additional notices will be issued by the Zoning Administrator if the person(s) in violation has (have) submitted an appeal.

D. Enforcement of Ordinance Requirements and Commitments

The Zoning Administrator via the Plan Commission Attorney may bring an action in the Circuit or Superior Court of Marshall County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4 et. seq. and its subsequent amendments.

1. Enforcement
   This includes but its not limited the following:

   a. The Zoning Ordinance and any other requirements adopted separately by the City Council or adopted by their reference in the Zoning Ordinance.

   b. All agreements with the Plan Commission or its designees which have been recorded as covenants or written commitments in connection with a subdivision plat, a Site Development Plan, or a Planned Unit Development;

   c. All commitments made in accordance with IC 36-7-4 et seq; and

   d. All conditions imposed in accordance with IC 36-7-4 et seq.

(cont)

040 *Violation Procedure (cont)*

2. Restraint
   The Zoning Administrator may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et seq. or any ordinance adopted under IC 36-7-4 et seq.

3. Removal of Structures
   The Zoning Administrator may also bring an action in the Circuit or Superior Court of Marshall County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code.

4. Responsibility for Costs
   If the Zoning Administrator is successful in his/her action, the respondent shall bear all costs of his/her action, including the costs of any required remedy, any fines, and the costs of enforcement (including any attorneys fees, hours worked, photocopying charges, mileage, and other costs incurred directly or indirectly by the City).

   a. Documentation
      Only those costs of enforcement which are clearly documented by the Zoning Administrator, and which clearly bear relationship to the enforcement action shall be paid by the respondent.

   b. Determination
      In all instances the dollar amount to be paid by the respondent shall be determined by the court of jurisdiction.

5. Others Parties Eligible to Seek Enforcement
   An action to enforce a written commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:

   a. Rules and Procedures Provisions
      Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the Rules and Procedures of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or

   b. Specified Parties
      Any other specially affected person who was designated in the written commitment.

Enforcement and Penalties

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Suggestions for Future Changes

(cont)



13

Definitions

13 Definitions

010 Definitions

A

A Zone
Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A and Zone AE.

Abandonment
The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Structure
A use, building, or structure, the permanent or temporary use of which is customarily incidental and subordinate to the use of the primary building or primary use of the land on which the accessory use, building, or structure is located. By way of example only, some typical accessory uses, buildings, and structures include: garages, carports, porches, decks, awnings, canopies, mini-barns, storage sheds, outdoor fireplaces, outdoor furnaces, children's playhouses, swings, game courts, swimming pools, hot tubs, grain bins, grain dryers, and storage buildings. Some uses that shall not be considered accessory uses, buildings, or structures and therefore are not permitted include mobile homes, manufactured homes, construction trailers, recreational vehicles, box trucks, semi-trailers, and any other structure or equipment used for a use in which it was not designed.

Addition (to an existing structure)
Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Administrator
The individual or group responsible for the implementation and enforcement of the ordinances. The Zoning Administrator shall be the administrator for the Zoning and Subdivision Control Ordinances.

Advisory Plan Commission
A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The City of Plymouth Plan Commission is an advisory plan commission.

Agriculture
The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses, all of which are directly related to the production of food. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Agriculture Limited

The use of land for animal production is limited to 4-H projects and home consumption with sales limited to the sale of agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per five (5) acres of lot area. No large livestock or poultry are allowed in a major platted subdivision. Poultry must be kept in a fully enclosed secure pen of more than one hundred twenty-eight (128) square feet that includes an enclosed coop providing a minimum of two (2) square feet and an open run area providing a minimum of eight (8) square feet per bird.

Alley

A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

Alternative Tower Structure

Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers (see also Stealth Facility).

Amend or Amendment

Any repeal, modification, or addition to a regulation; or any new regulation.

Antenna

A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

Antenna Height

The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna Support Structure

Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

AO, Airport Overlay

The Airport Overlay District is intended to be used to protect the City of Plymouth Municipal Airport and any airport to which overlay protection is applied in the future.

Apartment

One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

Apartment Building

A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

13 Definitions

Applicant
: The owner, owners, or legal representative of real estate who makes application to City of Plymouth for action affecting the real estate owned thereby.

Aquifer
: A geological formation, group of formations or part of a formation composed of rock, sand or gravel capable of storing and yielding groundwater to wells and springs.

Arterial Road
: See Road, Arterial

Attached Building
: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.

Auto Repair
: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

B

BP, Business Park
: Like Industrial land, Business Park areas will include significant employers, although development will focus on professional offices, particularly in high-tech, research and development, and other emerging sectors of the economy. Accessory commercial uses to serve on-site employees would also be appropriate, although care must be taken to ensure that such uses remain only accessory in nature and do not generate large amounts of trips from customers outside of the area.

Base Flood Elevation (BFE)
: The elevation of the one-percent annual chance flood.

Basement
: That portion of a structure having its floor sub-grade (below ground level) on all sides.

Bed and Breakfast Establishment
: An accessory use to a residential dwelling carried out for gain by the residents of the dwelling, which is clearly incidental and secondary to the use of the dwelling
for residential purposes. Up to five (5) rooms may be rented to guests, whether in the residence or some other appropriate structure on the property. A Bed and Breakfast Establishment is not a rooming house or multi-family dwelling. Guests occupying rented rooms shall stay at the Bed and Breakfast Establishment for no more than fourteen (14) consecutive days. A Bed and Breakfast Establishment is not a restaurant. Food service is limited to breakfast; and breakfast shall only be provided to guests occupying rented rooms.

Berm
: A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

Billboard
See Sign, Off-Premise.

Bond
See Surety

Buffer Landscaping
Any trees, shrubs, walls, fences, berms, space, or related landscaping features required by Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

Building
A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building Area
The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

Building Code
The Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, and all forms of permanent structures and related matters within City of Plymouth. Also referred to herein as the City of Plymouth Building Code.

Building Envelope

The area on a lot, established by the setback lines, in which building can occur.

Building Height
See Structure Height

Business
The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

BZA
See Board of Zoning Appeals

C

C-1, General Commercial
General Commercial development includes restaurants, retail stores, commercial service businesses, and other related uses. The scale of such development ranges from a small drug store to a major “big box” retail store. General Commercial development occurs along major transportation corridors, as well as in larger collections of uses that serve a regional market.

C-2, Downtown Commercial

The Downtown category represents the central business district of Plymouth. Plymouth's Downtown contains a mix of retail, entertainment, office, institutional and other uses in a compact and pedestrian-friendly core. Care must be taken to preserve the historic form and function of the Downtown area while maintaining its commercial vitality. Downtown Plymouth should provide an active and diverse focal point for the community, providing an array of goods and services that generate both local and regional interest.

C-3, Corridor Commercial

Corridor Commercial development includes restaurants, large retail stores, intense commercial service businesses, businesses related to highway traffic, and other related uses. Corridor Commercial development occurs along major transportation corridors, as well as in larger collections of uses that serve a regional market.

Campground

See Recreational Vehicle Park/Campground

Cemetery

Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Certificate of Occupancy

A certificate stating that the occupancy and use of a structure complies with the provisions of the City of Plymouth Building Code and all other applicable regulations of City of Plymouth.

Child Care Center

A nonresidential building where at least one (1) child receives child care from a provider:

1. while unattended by a parent, legal guardian, or custodian;

2. for regular compensation; and

3. for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

Child Day Care Services (in home)

A residential structure in which no more than seven (7) children, or no more than three (3) children under twelve (12) months of age, (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;
2) for regular compensation; and for up to six (6) hours per day for ten (10) consecutive days, not including Saturdays, Sundays, and holidays.

Pursuant to IC 36-7-4-1108, if a child care home is used as the primary residence of the person who operates the child care home, nothing contained within this zoning ordinance shall be construed to:

(1) Exclude a child care home from a residential area solely because the child care home is a business.
(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.
(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family resources or the fire prevention and building safety commission.

City

City of Plymouth, Indiana.

Civil Airport Imaginary Surfaces

The imaginary airspace (primary, approach, transitional, horizontal and conical surfaces) designated by the Federal Aviation Administration and as defined by FAR, Part 77.

Clinic

An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

Co-location

Locating wireless communications equipment from more than one provider on a single site.

Collector Road

See Road, Collector

Commission

See Advisory Plan Commission

Communication Tower

A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

Communications Facility

A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers and accessory buildings.

Comprehensive Plan

Refers to the City of Plymouth Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the City pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Definitions

Condition of Approval

Stipulations or provisions set forth as a prerequisite for approval of a petition.

Condominium

Real estate lawfully subject to I.C. 32-25-1-1 et seq, by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding Operation

1. Any livestock operation with more than the following numbers of livestock:
    a. Three hundred (300) cattle; or
    b. Six Hundred (600) swine; or
    c. Six Hundred (600) sheep; or
    d. Thirty thousand (30,000) fowl; or
    e. Three hundred (300) horses; or
2. Any livestock operation with any combination of mixed livestock listed herein equaling 100% of the total permitted number of animals, i.e. 225 cattle (75% of permitted number of cattle) and 150 swine (25% of permitted number of swine) equals 100%; or
3. Any livestock operation where the operator elects to or is required to obtain any State or Federal (i.e. Indiana Department of Environmental Management) confined feeding approval.

Construction Plan(s)

The maps or drawings showing the specific location and design of improvements to be installed in accordance with the applicable requirements of City of Plymouth.

Contamination

An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.

Covenants

Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Critical facility

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Cul-De-Sac

A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

D

Dangerous and Exotic Animals

Any mammal, amphibian, or reptile which is of a species which is wild by nature, and of a species which, due to size, vicious nature, or other characteristics, is dangerous to human beings. Such animals shall include, but not be limited to, all wild cats to include lions, tigers, leopards, panthers, cougars, bobcats, and lynx, as well as wolves, bears, alligators, crocodiles, primates, and all forms of poisonous and constrictive reptiles. The term "dangerous and exotic animals" shall not include potbellied pigs, ostriches (including members of the ratite family), buffaloes, or any domesticated canines registered by the American Kennel Association.

Day Care Center

see Child Day Care Services

Dedication

The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or the recording of a plat.

Developer

An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stages of the project may differ.

Development

Any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;

2. installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than one hundred eighty (180) days;

3. installing utilities, erection of walls and fences, construction of roads, or similar projects;

4 construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

5. mining, dredging, filling, grading, excavation, or drilling operations;

6. construction and/or reconstruction of bridges or culverts;

7. storage of materials; or

8. any other activity that might change the direction, height, or velocity of

flood or surface waters. "Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; or gardening, plowing, and similar agricultural practices.

District
A section of City of Plymouth for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

DN, Downtown Neighborhood Overlay
The DN, Downtown Neighborhood Overlay District is a series of formed based regulations meant to blend unique and creative building designs with a mix of residential and commercial uses beneficial to the downtown area.

Domestic Pets
Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

Drives, Private
See Road, Private

Duplex
See Dwelling, Two-Family

Dwelling
A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and Indiana Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

Dwelling Site
A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

Dwelling Unit
Any structure or portion thereof designed for or used for residential purposes as a self sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Manufactured Home Type A

A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which has at least seven-hundred fifty (750) square feet of occupied space, and placed on a support system, enclosed with foundation skirting/siding and anchored to the ground in accordance with the One and Two Family Dwelling Code.

Dwelling, Manufactured Home Type B

A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

Dwelling, Multi-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family

A detached residential dwelling unit designed for and occupied by one (1) family.

Dwelling, Two-Family

A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

E

Easement

A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Elevated Structure

A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate

A certified statement that verifies a structure's elevation information.

Emergency Program

The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Electronic Message Center Sign

A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Encroachment

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Zoning Ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

FAA

Federal Aviation Administration.

Facility

Something that is built, installed, or established for a particular purpose.

Family

An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm

An area used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

Farm Animals

Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

FBFM

Flood Boundary and Floodway Map.

FCC

Federal Communications Commission.

FEMA

Federal Emergency Management Agency.

FHBM

Flood Hazard Boundary Map.

Financial Commitment
: That sources of private or public funds or combinations thereof have been identified which will be sufficient to finance public facilities necessary to support development and that there is reasonable assurance that such funds will be timely put to that end.

Finished Floor Area
: See Floor Area, Finished

FIRM
: Flood Insurance Rate Map.

Five-hundred year flood (500-year flood)
: The flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flat (2-3, 4, or 4-6)
: A multi-family residential structure in which units are separated horizontally (by floor), sometimes with two per floor.

Flex-Building
: A building of relatively open design allowing it to be utilized for a variety of businesses, typically with commercial activity on the ground floor and offices or residences on upper floors.

Flood
: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM)
: An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Protection Grade (FPG)
: The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

Floodplain
: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe.

Floodplain Boundaries
: Determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Definitions

Floodplain Management
The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodproofing (dry floodproofing)
A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate
A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway
The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe
Those portions of the floodplain lying outside the floodway.

Floor Area
The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Finished
That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Ground
That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation
The supporting member of a wall or structure.

Freeboard
A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Frequency
The number of cycles completed each second by a sound wave; measured in hertz (Hz).

Fringe
Those portions of the floodplain lying outside the floodway.

Front Line

With respect to a building, the foundation line that is nearest the front lot line. Front

Front Yard
The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Frontage
See Lot Frontage

G

Garage
An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

Garage Sales
A public or private sale, conducted by the owner or occupier of a premises either inside or outside of a residence, garage, or other accessory building. An auction conducted by a State licensed auctioneer shall not be considered a garage sale.

Gasoline Station
Any building or premises used for the dispensing, sale, or offering for sale at retail to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales.

(cont.)

Government Projects
: Any building, structure, or alteration thereof paid for and used by the local, state or federal government entities.

Grade
: The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and the property line or, when the property line is more than five (5) feet from the structure, between the structure and a line five (5) feet from the structure.

Grey Water
: All domestic wastewater except toilet discharge water.

Ground Floor Area
: See Floor Area,

Guyed Tower
: A communication tower that is supported, in whole or part, by guy wires and ground anchors.

H

Hardship
: A difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Hazardous Material
: A material which is defined in one or more of the following categories:

1. Ignitable
   A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline. Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

2. Explosive
   A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

3. Highly Toxic
   A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: chlorine gas.

4. Moderately Toxic
   A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man.

5. Corrosive
   Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

Height

See Structure Height

Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

HN, Historic Neighborhood Overlay

The HN, Historic Neighborhood Overlay District is intended to preserve the unique historic nature of residential areas within the core of the City of Plymouth.

Historic structure

Any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

Home Based Business

A Home Based Business is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes.

Home Based Business is intended to provide for a base of operations for service oriented businesses that engage in work elsewhere other than the residential property where based. Such businesses might include but are not limited to landscaping, construction, excavating, septic service, etc.

Home Occupation

A Home Occupation is an accessory use to a residential dwelling carried out for gain by one or more residents of the dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Occupation uses may include but are not limited to hair dressers, barbers, tax preparers, accountants, attorneys.

Home Workshop

A Home Workshop is an accessory use to a residential property carried out for gain by one or more residents of the property, which is clearly incidental and secondary to the use of the property for residential purposes.

Home Workshop uses may include light fabricating, light manufacturing or processing activities, or related storage facilities.

Hospital

An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

Hotel

A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

I

I, Industrial

The Industrial land use category includes both light and heavy industrial development, and is located primarily in the northwest sector of Plymouth, both inside the city limits and in the extended jurisdiction. It includes major employers that serve Plymouth as well as the northwest Indiana region. Uses may also include contractor's offices, manufacturing, and product suppliers. In some cases, small-scale accessory commercial uses such as dry cleaners, delis, or coffee shops may be included to serve the employees of the industrial developments.

Impervious Surface

Any material that prevents absorption of stormwater into the ground.

Improvement Location Permit

A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of the land.

Incidental

A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Institutional Facility for the Developmentally Disabled/Mentally Ill

A residential facility that provides care, supervision and protection and operates under a license issued under IC 12-16.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children (For reference see Indiana Code 12-7-2)

Interested Party

Interested parties shall include, but are not limited to, those persons, groups, property owners or other entities which are considered or consider themselves to be affected by a change in land use or the intended results of a petition.

Interior Lot

See Lot, Interior

Interstate

See Limited Access Highway

J

Junk

Scrap material, including but not limited to the following:

1. automotive or machinery equipment or parts, including used automotive tires;
2. cloth and clothing;
3. manufactured clay and porcelain products;
4. manufactured plastic products;
5. manufactured rubber products;
6. paper and paper products;
7. recylable products of all kinds;
8. scrap metal, including copper, brass, iron, steel, ferrious and nonferrous material;
9. wood and wood products;
10. wrecked and/or dismantled vehicles;
11. inoperable and exposed appliances;
12. building debris;
13. unused fill;
14. old cable or cordage.

Junk Yard

A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Jurisdiction

All land within the limits of City of Plymouth, Indiana but not the planning jurisdictions of incorporated cities and towns or property owned by the State of Indiana or Federal government.

K

Kennel

An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling three (3) or more dogs, cats, or other small domesticated pets; or

Any premises on which five (5) or more dogs, cats, and/or other small domesticated pets over four (4) months of age are kept.

L

Landscaping

The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Lattice Tower

A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

Legal Nonconforming Lot of Record

Any legally established and recorded lot prior to the date specified in the Subdivision Control Ordinance, or its subsequent amendments, that no longer meet the lot specific development standards.

Legal Nonconforming Sign

Any sign lawfully existing on the effective date of the Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance.

Legal Nonconforming Use
Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Zoning Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Letter of Map Amendment (LOMA)
An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR)
An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F)
An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

License
The rights and obligations extended by the Plan Commission to an operator to own, construct, maintain, and operate its system within the jurisdiction of the Plan Commission for the sole purpose of providing services to persons or areas outside the jurisdiction.

Limited Access Highway
Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

Local Road
A road designed primarily to provide access to abutting properties and discourage through traffic.

Local Street
See Local Road

Lodging House
See Boarding House.

Lot
A contiguous area of land separated from other areas of land by separate description for purpose of sale, lease, transfer of ownership or separate use. The boundaries of a lot shall be determined by its lot lines.

Lot Coverage
The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth
The horizontal distance between the front and rear lot lines.

Definitions

Lot Frontage
All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot Line
For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and For a corner lot, the line marking the boundary between the lot and each of the abutting streets. For the purpose of determining the required front yard, the proposed right-of-way shall be used where it is

greater than the existing right-of-way.

Lot of Record
A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded.

Lot Width
The distance as measured between the side lot lines at the front set back line.

Lot, Buildable
Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of City of Plymouth. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available. The lot to be buildable shall have been created in accordance with the provisions of the ordinance in effect at the time the lot was recorded.

Lot, Corner
A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

Lot, Developed
A lot with buildings or structures.

Lot, Improved
See Lot, Buildable

Lot, Interior
A lot other than a corner lot or a through lot.

Lot, Through
A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or Lake.

Lowest Floor
The lowest of the following:

1. the top of the basement floor;

2. the top of the garage floor, if the garage is the lowest level of the building;

3. the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or

4. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; or such enclosed space shall be usable for the parking of vehicles and building access.

Lowest floor

The lowest of the following:

1. the top of the lowest level of the structure;

2. the top of the basement floor;

3. the top of the garage floor, if the garage is the lowest level of the structure;

4. the top of the first floor of a structure elevated on pilings or pillars;

5. the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or

6. the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

   a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,

   b. such enclosed space shall be usable solely for the parking of vehicles and building access.

M

Maneuvering Space

An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.

Manufactured Home Park

A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/ or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Mobile Home Park. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufactured Home
See Dwelling, Manufactured Home.

Map Amendment
A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number
The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value
The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Master Plan
See Comprehensive Plan.

MH, Manufactured Home District
Areas designated as Manufactured Home are able to support the heavy infrastructure and transportation needs of these typically high residential density neighborhoods. These area shall be adequately served by municipal sewer and water service and be in close proximity to emergency services.

Micro Wind System.

A building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than 15' above the highest point of the roof; such building-mounted wind systems shall not be considered a wind energy conversion system. Micro wind systems are subject to regulations in all zoning districts.

Mitigation
Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

Mobile Home
See Dwelling, Mobile Home.

Mobile Home Park
See Manufactured Home Park.

Monopole Tower
A communication tower consisting of a single pole constructed without guy wires

and ground anchors.

Motel
: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.Motor Home
See Recreational Vehicle.

Motor Vehicle
: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Mural
: An image or work of art that is painted or affixed onto the side of a building, wall, or structure; or a painting on the ground. Murals are works that are noncommercial and do not include business names, phrases, or logos.

N

National Flood Insurance Program (NFIP)
: The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) as corrected in 1929
: A vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction
: Any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New Manufactured Home Park or Subdivision
: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the Zoning Ordinance.

Nonconforming Building
: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Lot of Record
: A lot which was created such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Sign
: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use
: A use which does not conform with the use regulations of the zoning district in which it is located.

Nursing Home
: A private home for the care of the aged or infirm, or any other person in need of nursing care and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics.

O

Obstruction
: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Official Zoning Map
: A map of City of Plymouth, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.

Official Zoning Map Copies
: A map of City of Plymouth, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

One-hundred year flood (100-year flood)
: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the onepercent annual chance flood. See “Regulatory Flood”.

One-percent annual chance flood
: The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

Open Space
: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer

fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Outdoor Storage

See Storage, Outdoor.

Owner

Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land, or their legal representative.

P

Parcel

See Lot.

Parking Space, Automobile

Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Paved

A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Surety

An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the City which guarantees that the developer will perform all actions required by the City regarding an approved plat or other land development, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the surety, or the surety will itself complete the requirements of the approval.

Permanent Foundation

A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Open Space

Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.

Person

A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Petitioner

Any person or group of persons, developer or developers, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land, or their legal representative.

Physical Map Revision (PMR)

An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Plan

See Comprehensive Plan.

Plan Commission

See Advisory Plan Commission.

Planned Unit Development

A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved Secondary Plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any aspects of the plan not fully described in the map and text. The uses and standards expressed in the Secondary Plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

Planning Department

A department within the City government that performs the administrative function for the Planning Commission and other functions as directed by the Planning Commission and/or Mayor.

Planning Jurisdiction

The area that a municipality has planning authority as drawn by each community in compliance with IC 36-7-4 et al. For the planning jurisdiction of City of Plymouth see Jurisdiction Area.

Porch

A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

POS, Parks and Open Space District

The Parks & Open Space category encompasses all public and private parks and recreation facilities. This includes City parks, public and private golf courses, and recreation centers. Potential new park locations are also designated by this land use. Parks should be developed to meet both the passive and active recreation needs of the community. Some privately held lands, such as golf courses, are also designated as Open Space because they contribute to the overall greenspace available for community use.

Poster Signs

Posters, placards, and other similar signs attached to light poles, gas station canopy supports, trees, convenience store parking lots, and elsewhere outdoors.

Practical Difficulty

A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Preexisting Towers and Antennas

Any tower or antenna for which a permit has been issued prior to the effective date of these regulations are exempt from the requirements of these regulations so long as the tower or antennas are not modified or changed.

Primary Building/Structure

The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.

Primary Containment Facility

A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.

Primary Use

The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special use.

Private Professional Office

An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.

Property Owner of Record

The person(s) identified as the property owner on the most recent list prepared and maintained by the City of Plymouth Assessor's Office.

Public Improvements

Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Property

Any real property, easement, air space, or other interest in real estate, including a street, owned and/or controlled by any governmental unit.

Public Sewerage System

A community sewer system including collection and treatment facilities owned and maintained by a municipality of sewer utility.

Public Road
: All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

Public Utility
: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Public Water System
: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a municipality of utility.

Public Works Agreement
: A contract, between the developer and the City to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

Public/Private Parking Area
: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Q

R

R-1, Rural Residential
: Rural Residential represents the lowest density of residential development in the Plymouth planning jurisdiction. The designation exists largely in the outlying areas of the jurisdiction that remain primarily agricultural in nature with scattered rural home sites. The Rural Residential category is intended to help preserve the rural nature of the land while allowing limited residential growth.

R-2, Suburban Residential
: The Suburban Residential category refers to low to medium density residential areas developed beyond the core neighborhoods around Plymouth's downtown. Characteristics of development in this category are comparatively larger lot sizes, curvilinear streets, and the use of cul-de-sacs. These areas are dominated by single-family residential development, but may also include schools, parks, and small-scale churches or institutional facilities. New residential growth will occur in this category as Plymouth expands outward into existing rural areas.

R-3. Traditional Residential

The Traditional Residential category addresses the older neighborhoods directly adjacent to the downtown as well as other areas that have developed in a similar fashion. It also includes some vacant land that is intended to develop in a pattern similar in character to those older neighborhoods. The historic character of these neighborhoods is a key element of the quality of life in Plymouth, and preserving that character is a key purpose of the Traditional Residential designation. Uses within Traditional Residential areas will be primarily single-family residential in nature. Other uses found in this category may include schools, parks, and small-scale churches. The City should actively support the rehabilitation of existing homes in these neighborhoods as well as redevelopment in particularly distressed areas.

R-4, Multifamily Residential

The Multifamily Residential category encompasses areas with the highest residential densities in Plymouth. This includes land already developed as apartment complexes, condominiums, and mobile home parks. It also includes additional land intended to develop in a similar style in the future. This future development could include apartment complexes, condominiums, patio homes, duplexes, single-family attached homes, and other forms of multifamily residences. Multifamily Residential areas are intended to provide high-density residential options near appropriate commercial goods and services, transportation routes, and parks and open spaces.

Racetrack

Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motorcross, tractor pulling, go-carts racing, remote control airplane flying, and similar uses.

Rear Lot Line

The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Rear Yard

The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Recreation Space

An area or areas, not part of an individual lot, consisting primarily of lawn and landscape designated and designed for activities including, but not limited to, children's games, picnics, playgrounds, informal athletic contests, and rest and relaxation. For the purposes of this ordinance, recreation space shall not include green areas such as storm water detention area, utility easements of any kind, rights-of-way, and natural features or areas of the site such as wetlands, woodlands, and steep terrain.

Recreational Vehicle Park/Campground

Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and/or other camping equipment but not including mobile or manufactured homes.

Recreational Vehicle

A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Registered Land Surveyor

A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer

An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood

The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway

The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Release

Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

Repetitive loss

The flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Residential Facility for the Developmentally Disabled/Mentally Ill

A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4 (7-10). No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the City of Plymouth planning jurisdiction as stated in Indiana Code.

Right-of-Way

A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Road, Arterial

A road with access control, restricted parking, and that collects and distributes traffic to and from collectors. Shown as Major Arterial and Minor Arterial Roads in the City of Plymouth Comprehensive Plan, Thoroughfare Plan.

Road, Collector

A road designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets. Shown as Major Collector and Minor Collector Roads in the City of Plymouth Comprehensive Plan, Thoroughfare Plan.

Road, Local

All City streets not designated as Arterial Roads or Collector Roads. These are low capacity roads whose function is to provide direct access to homes and property.

Road, Private

Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s).

Road, Public

All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Road

Any vehicular route that

1. is an existing state, county, or municipal roadway;
2. is shown upon a plat approved pursuant to law;
3. is approved by other official action; or
4. is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Roof and/or Building Mount Facility

A low power mobile radio service telecommunications facility in which antennas are mounted to an existing structure on the roof (including rooftop appurtenances) or building face.

ROW

See Right-of Way.

Rowhouse

A multi-level single family residence typically with zero side-yard build-to lines and a front build-to line per Ordinance.

S

Satellite Dish/Antenna

An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

Sawmill (portable)

The placement of a portable sawmill on a property to be used thirty (30) days or less per calendar year.

Scenic View

A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or man-made structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object.

School

A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Scrap Metal Yard

A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.

Secondary Containment Facility

A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required,

Self-Support Tower

- A communication tower that is constructed without guy wires and ground anchors.

Setback

The minimum horizontal distance between the building line and a lot line or right-of-way.

SFHA or Special Flood Hazard Area

Those lands within the jurisdiction of the City that are subject to inundation by the regulatory flood. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated February 1, 1994.

Sexually Oriented Business

A use defined by the City of Plymouth's Sexually Oriented Business Ordinance.

Shallow/Surficial

An aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.

Shared Housing

Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of unrelated occupants does not exceed four (4) regardless of the number of bedrooms.

Side Lot Line

A lot boundary line other than a front or rear lot line.

Side Yard

The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.

Sign

Any name, identification, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

Sign, Ground

A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.

Sign, Mural

A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Zoning Ordinances. Mural's not meeting the definition of a sign are not regulated by the Zoning Ordinance.

Sign, Off-Premise

A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This includes billboard and outdoor advertising signs.

Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Temporary

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; Poster Signs; or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of business.

Sign, Wall Sign

A sign painted or affixed onto the side of a building, wall, or structure.

Site Development Plan (Site Plan)

The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted to the plan commission and/or staff for approval prior to the release of improvement location permits on the site.

Solar Energy Systems (SES)

Solar Energy System: Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- A. Roof-mounted/Building Mounted solar energy system: A Solar Energy System that is structurally mounted to the roof of a building or structure.
- B. Ground-mounted solar energy system: A solar energy system that is structurally mounted to the ground and is not roof-mounted.
- C. Large-scale solar energy system: A Solar Energy System that occupies more than 40,000 square feet of surface area.
- D. Medium-scale solar energy system: A Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area.
- E. Small-Scale solar energy system: A Solar Energy System that occupies 1,750 square feet of surface area or less."
- F. Micro-scale solar energy system: A Solar Energy System that occupies less than 120 sq. ft. (Solar Energy Systems not tied to an electrical system or a stand along system are exempt such as flag pole lights, single solar lights, etc.)

G. . Farm-Scale Solar Energy System: A Solar Energy System that occupies 435,601square feet of panel area or more

- H. "Primary Use, Solar Energy System: A Solar Energy System is considered a

primary use if there is no other primary use on site.

Special Exception

A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals. Also know as a special exception.

Special Flood Hazard Area (SFHA)

Those lands within the jurisdiction of City of Plymouth subject to inundation by the regulatory flood.

Spill Response Plans

Detailed plans for control, recontainment, recovery, and clean up of hazardous material releases, such as during fires or equipment failures.

Start of Construction

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stealth Facility

Any communications facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof- mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. (See also Alternative Tower Structure).

Storage, Outdoor

The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.

Stormwater Treatment Practices (STPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Structural Alterations

Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure

A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.Structure Height

The vertical distance measured from the lot ground level to the highest point of the roof.

Subdivision

The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or territory subdivided.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds forty (40) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structures continued designation as a “historic structure”.

Solid Fill

Any substantial operation, which adds earth, concrete, or other inert material primarily to raise the grade of a parcel of ground. This in no way permits the use of sanitary landfill material, hazardous waste material or any other substance regulated

by the State of Indiana. the intent of this Special Use is to regulate the filling of land by earthen material to change the contour of the ground.

Special Flood Hazard Area

See SFHA

Surety

An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the City which guarantees that the subdivider
will perform all actions required by the City regarding an approved plat or in other situations, and provides that if the subdivider, developer, or property owner defaults
and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Swept area.

The diameter of the least circle encompassing all blades for a WECS.

Swimming Pool

A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications

The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Temporary Use/Structure

A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

Temporary Wireless Communication Facility

Any tower, pole, antenna, etc. designed for use while a permanent wireless facility is under construction, or for a special event or conference where a majority of people attending are wireless users.

Theater

A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare Plan

The official plan adopted as part of the City of Plymouth Comprehensive Plan or as subsequently amended,, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

All proposed right-of-way widths shall be treated as front property lines for the purpose of determining front yards and front setbacks except where the existing right-of-way is greater than the proposed right-of-way in which case the existing rightof-way shall be used. In no case shall there be any structures or signs located in the proposed right-of-way.

Time of Travel Distance

The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

Total height.
Regarding WECS, the distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

Tower
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, but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

Transportation Facilities
Capital facilities related to air, water, or land transportation.

U

Use
The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

V

Variance, Development Standards
A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use
The approval of a use other than that prescribed by the Zoning Ordinance.

Variety Store
A retail establishment that sells a multitude of consumer goods.

Vehicle
A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.

Vehicle, Inoperable
A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.

View Corridor
A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends in the focus of the view. The focus of the view may be a single object which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

W

Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Wellhead Protection Program (WHPP)

A WHPP is a program to sustain drinking water quality in ground waters that supply public water supply wells and wellfields, as mandated by the 1986 amendments to the federal Safe Drinking Water Act, Title II, Section 205, Subsection 1428.

Wireless Communication Facility

An all-encompassing definition; any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Wireless Telecommunications Services

Licensed public commercial telecommunications services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

WP, Wellhead Protection Overlay District

The WP. Wellhead Protection Overlay District is intended to protect the source of the City of Plymouth's potable water from contamination. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.

Wind Energy Conversion System (WECS).

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

Wind Generator.

An electric generator situated on a tower and driven by the force of wind on blades or a rotor.

Wind Tower.

The monopole, freestanding, or guyed structure that supports the energy capture, conversion, storage and transfer components of a WECS. These wind towers are not attached to an building.

Wind Turbine.

A turbine powered by the wind.

X

X zone
The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Y

Yard
A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

Z

Zone
A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone A
Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.Zone AE
Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply.

Zone B, C, and X
Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zoning Administrator
The person appointed by the Mayor to who has been delegated the responsibility for the administration of the regulations promulgated by the Zoning Ordinance and the Subdivision Control Ordinance of the City of Plymouth."

Zoning District
See District Zoning Map; See Official Zoning Map

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