

DEPARTMENT OF ENGINEERING
PUBLIC WORKS – STORMWATER MANAGEMENT
CITY OF PLYMOUTH, INDIANA
900 OAKHILL AVENUE - P.O. BOX 492
PLYMOUTH, IN 46563

Philip R. 'Rick' Gaul, P.E.
City Engineer

PHONE 574-936-3614
FAX 574-936-3017

TRC MEETING NOTES:

DATE: May 21, 2019

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AGENDA ITEMS:

- Relos Minor Subdivision – Ralph Booker
- Pineview 2nd Replat – Ralph Booker
- Plymouth Airport Subdivision – Ralph Booker
- Solar Regulations -Ralph Booker
- Small Cell Facilities – Discussion of Ordinance
& (See INPLANNING-L More 5G News e-mail)

ATTENDANCE:

See attached Attendance Sheet for 2019-05-21

MEETING NOTES:

Relos Minor Subdivision – Ralph Booker

Project Summary:

The property owner, Mary Relos, is wanting to subdivide an approximate 3.29 acre parcel of land from her existing 40 acre parcel for the purpose of constructing a home and accessory structures. The new home constructed on the newly subdivided parcel will be occupied by a relative of Mary Relos.

Planning:

- The request is considered a 1 lot subdivision.
- The new home will be on private water and sewer.
 - It was encouraged that the area be tested to ensure a septic system can be placed on the site before finalizing the paperwork.
 - At this time it is unknown if the proposed area has been tested for a septic system.

Transportation:

- Nothing to address.

Utilities:

- Nothing to address.

Drainage:

- Nothing to address.

General:

- Nothing to address.

Pineview 2nd Replat – Ralph Booker

Project Summary:

The property owner, Delenor & Linda Wenzel, would like to replat lots 3, 4 & 4A into their original configuration as in the first plat of Pineview Estates.

Planning:

- The replat will join lot 4 & 4A into a single lot (Lot 4) and will modify the southern parcel line of Lot 3.
- The parcels are served by private water and sewer.

Transportation:

- Nothing to address.

Utilities:

- Nothing to address.

Drainage:

- Nothing to address.

General:

- Nothing to address.

Plymouth Airport Subdivision – Ralph Booker

The Plymouth Airport is wanting to combine all of the airport owned parcels to the West of Lilac Road into a single parcel and also combine all the parcels East of Lilac Road into a single parcel.

Planning:

- Nothing to address.

Transportation:

- Nothing to address.

Utilities:

- Nothing to address.

Drainage:

- Nothing to address.

General:

- Nothing to address.

Solar Regulations -Ralph Booker

Ralph presented information to possibly modify the Plymouth Zoning Ordinance to allow small rooftop "micro" and ground mounted solar installations within all zoning districts and Neighborhood Commercial Overlay Districts. Solar installations within Historic Neighborhood Overlay Districts would be allowed but could not be visible from the street. Installations could take place on accessory structures but question if installations should be present on an accessory structure if a primary structure is not present

Planning:

- Lea Teale, with MACOG, put together information as a guide to help foster change.
- Solar panels / devices would need to be ground or roof mounted.
- An electrical permit from the City will be require.

Transportation:

- Solar devices should be placed where they do not impact public safety.

Utilities:

- Nothing to address.

Drainage:

- The area beneath a ground mounted solar panel / device needs to be planted with grass or a permeable surface to minimize the possibility of storm water runoff.
- If the area beneath the ground mounted solar panel / device is installed with, or becomes, a non-permeable surface the storm water runoff generated from this area will need to be retained on site.

General:

- Would there be restrictions on the maximum size allowable?
- Minimum & maximum mounting height?
- Installation location, Setbacks.
- Solar Devices should be placed so glare does not affect neighboring property owners.
- Will there be anything in place that will prevent solar devices from becoming an eyesore or blight on the neighborhood?

**Small Cell Facilities – Discussion of Ordinance
& (See INPLANNING-L More 5G News e-mail)**

- Discussion took place with no changes noted.
- It was noted, restrictions placed on small cell facilities are based on public health, safety, welfare and have nothing to do with zoning.
- Request for underground communication installation has been a problem for some time and will continue to get worse as the need to supply underground communication infrastructure to each small cell facility progresses.

END OF MEETING

Philip R. 'Rick' Gaul, P.E.
City Engineer

PHONE 574-936-3614
FAX 574-936-3017

DATE: Tuesday, May 21, 2019

8:00 Relos Minor Subdivision – Ralph Booker
8:15 Pineview 2nd Replat – Ralph Booker
8:30 Plymouth Airport Subdivision – Ralph Booker
8:45 Solar Regulations -Ralph Booker
9:00 Small Cell Facilities – Discussion of Ordinance
& (See INPLANNING-L More 5G News e-mail)

CITY ATTORNEY:	Sean Surrisi	[]
CITY ENGINEER:	Rick Gaul	[]
ZONING ADMINISTRATOR:	Keith Hammonds	[]
STREET DEPT SUPT:	Jim Marquardt	[]
UTILITY DEPT SUPT:	Donnie Davidson	[]
WATER DEPT AST SUPT:	Jeff Yeazel	[]
WASTEWATER & SEWER AST SUPT:	Larry Hatcher	[]
GIS:	Chris Marshall	[]
POLICE CHIEF:	Chief Bacon	[]
FIRE CHIEF:	Chief Miller	[]
PLAN COMMISSION:	Ralph Booker	[]
	Doug Feece	[]
	Fred Webster	[]
	Jim Sherwood	[]

[illegible]

MINOR SUBDIVISION APPLICATION

(page 1 of 2)

I (we) do hereby apply for minor subdivision approval of the following described subdivision in the City of Plymouth, Indiana.

Date Filed 5/13/19

Name of Subdivision Relos Minor Subdivision

Specific Request (1-2 sentence explanation) Create a 1 Lot Subdivision for residential use.

Explain Intended Use of Property Single Family Residential

Property Owner(s) Mary K. Relos

Address 15959 7th Rd. Telephone 574-780-5624
Plymouth, IN 46563

Developer Kristina Relos

Address 123 Oak Rd. Telephone 574-780-5623
Plymouth, IN 46563

Land Surveyor preparing the Plat Robert S. Aloï (Territorial Engineering, LLC)

Address 7908 N. State Hwy. 23 Telephone 574-586-3448
Walkerton, IN 46574

Address or location South side of 7th Rd., 2000' +/- East of Queen Road.



\$100.00 cash
Receipt
101258

MINOR SUBDIVISION APPLICATION

(page 2 of 2)

Section 25 Township 34N Range 1E Area (acres) 3.29 Ac.

Number of lots 1 Minimum lot sizes 3.22 Ac.

Number of feet of new streets to be dedicated 0

Legal description of property (See Attached)

Current zoning of property Industrial (BZA Granted "Variance of use" @ April 2, 2019 Meeting)


Signature of Owner

There is a \$100.00 fee at the time of application.

You must furnish the names and mailing addresses of neighboring property owners (within 300' of the owner's property) at the time of application.

We require that you furnish the City of Plymouth with a copy of the recorded plat within one month of approval.

You must furnish a plat with the different zoning areas marked on the plat.

Subject to the Subdivision Control Ordinance, Zoning Ordinance and all other ordinances of the City of Plymouth, Indiana.

RELOS MINOR SUBDIVISION

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 34 NORTH, RANGE 1 EAST, WEST TOWNSHIP, MARSHALL COUNTY, INDIANA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 25 AS EVIDENCED BY A HARRISON MONUMENT; THENCE NORTH 89°02'21" EAST ON THE NORTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 330.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°03'27" EAST A DISTANCE OF 538.16 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE SOUTH 89°56'33" WEST A DISTANCE OF 88.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE SOUTH 00°03'27" EAST A DISTANCE OF 350.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE NORTH 89°56'33" EAST A DISTANCE OF 255.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE NORTH 00°03'27" WEST A DISTANCE OF 350.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE SOUTH 89°56'33" WEST A DISTANCE OF 67.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE NORTH 00°03'27" WEST A DISTANCE OF 539.74 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH 89°02'21" WEST, ON SAID NORTH LINE, A DISTANCE OF 100.01 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 34 NORTH, RANGE 1 EAST, WEST TOWNSHIP, MARSHALL COUNTY, INDIANA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE NORTHWEST CORNER OF SECTION 26 AS SUCCEDED BY A MONUMENT THENCE NORTH 00°00'00" EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 26, A DISTANCE 5/8 INCH REMAINING BEGINNING, THENCE SOUTH 00°02'27" EAST A DISTANCE OF 536.16 FEET TO A CAPED 5/8 INCH IRON REMAINING

ROBERT S. ALCI
REGISTERED LAND SURVEYOR
HIDAMA NO. 20200024

THENCE SOUTH 05°33'17" EAST A DISTANCE OF 255.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE NORTH 85°53'17" WEST A DISTANCE OF 330.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE SOUTH 05°33'17" WEST A DISTANCE OF 350.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE SOUTH 85°53'17" WEST A DISTANCE OF 670.00 FEET TO A CAPPED 5/8 INCH IRON REINFORCING ROD; THENCE NORTH 00°33'27" WEST A DISTANCE OF 319.74 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH 89°02'21" WEST, ON SAID NORTH LINE, A DISTANCE OF 110.01 FEET TO THE POINT OF BEGINNING.

SURVEYOR'S REPORT
THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH A 1 LOT SUBDIVISION FOR RESIDENTIAL USE FROM A LARGER TRACT THAT IS ZONED INDUSTRIAL.

1. $\frac{1}{2}$

TITLE	DEGREE OF UNCERTAINTY IS AS FOLLOWS:	POSSESSION
RELATIVE POSITIONAL ACCURACY	= 0.12 FEET PLUS 100 PPM (SUBURBAN SURVEY)	= NONE
MONUMENTS	= AS FOUND RECORDED IN THE OFFICE OF THE MARSHALL COUNTY SURVEYOR AND AS ON PLATS OF SURVEY BY PLYMOUTH LAND SURVEY AND DESIGN INC. (BOOK # 2018019483 AND ASINMARCHE CONSULTANTS INC. (CASE # 20123398)	= NONE

[illegible]

CITY OF PLYMOUTH PLAN COMMISSION APPROVAL

THIS PLAN APPROVED BY THE CITY OF PLYMOUTH PLAN COMMISSION THIS _____ DAY OF _____

13
 20023710
 133
 20079412
 R C HALL AND
 J THE REYNOLDS
 MARK K HALL AND
 DOC #
 22' 5.8
 20071271 #
 22' 5.8
 LOT 1
 122' 4.2
 22' 5.8
 20071611 #
 122' 4.2

RODOLPH FEENE, PRES. _____
FRIED WEBSTER, SEC'Y. _____
_____ DAY OF _____
AUDITOR: _____

MARSHALL COUNTY PLAN COMMISSION APPROVAL
APPROVED BY THE MARSHALL COUNTY PLAN COMMISSION IN ACCORDANCE WITH THE SUBDIVISION CONTROL DRAINAGE.

DATE _____

PRES. (SIGNATURE) _____ SECY. (SIGNATURE) _____

PRINT _____ PRINT _____

VOID UNLESS RECORDED BEFORE _____ DAY OF _____

AUDITOR: _____

[illegible]

THE BOARD OF ZONING APPEALS GRANTED A "VARIANCE FOR USE" AT THEIR APRIL 2, 2015

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

LEGEND

S.B. = SCHOOL
 R.W. = RAILROAD
 D.B. = DIED RECORD-BOOK/PAGE
 C. = FOOD
 M. = RECORDED

ROBERT S. ALJO
TERRITORIAL ENGINEERING, LLC
7308 STATE HIGHWAY 23
WILKERSON, WY 83574
(314) 566-3448

[illegible]

2019-09

SUBDIVISION REPLAT APPLICATION
(page 1 of 2)

I (we) do hereby apply to replat the following described subdivision with the provisions of the Subdivision Control Ordinance of the City of Plymouth, Indiana.

Date Filed Wednesday, May 15, 2019

Name of Subdivision Second Replat of Lots 3, 4 & 4A in Pineview Estates

Date of Preliminary Approval _____ Case No. _____

Date of Final Approval _____ Case No. _____

Plan Commission Action _____

Date Plat Recorded _____

Specific Request (1-2 sentence explanation) Replat lots 3, 4 & 4A into their original configuration in the First Plat of Pineview Estates.

Explain Intended Use of Property Single Family Residential

Property Owner(s) Delenor & Linda Wenzel

Address 9595 Deer Trail, Plymouth 46563 Telephone (574) 935-5441

Developer _____

Address _____ Telephone _____

Land Surveyor preparing the Plat J. Bernard Feeney

Address 505 N. Walnut St. Plymouth 46563 Telephone (574) 936-3469

Address or location State Road 17, Plymouth, IN. 46563

SUBDIVISION REPLAT APPLICATION

(page 2 of 2)

Section 7 Township 33N Range 2E Area (acres) 3.21+/-

Number of lots 2 Minimum lot sizes .96 acres

Number of feet of new streets to be dedicated N/A

Legal description of property Lot No. 3, Lot No. 4 and Lot No. 4A in the

Replat of Pineview Estaes, A Subdivision located in the Northwest

Quarter of Section 7, Township 33 North, Range 2 East, Center Township

Marshall County, Indiana and recorded as Inst. No. 201303975.

Current zoning of property

R-2

Signature of Owner

There is a \$100.00 advertising fee at the time of application.

You must furnish the names and mailing addresses of neighboring property owners (within 300' of the owner's property) at the time of application.

We require that you furnish the City of Plymouth with a copy of the amended recorded plat within one month of approval.

You must furnish a plat with the different zoning areas marked on the plat.

Subject to the Subdivision Control Ordinance, Zoning Ordinance and all other ordinances of the City of Plymouth, Indiana.

503207000001000018
KRING ANGELA & CORY W/H
6882 SR 17
PLYMOUTH, IN 46563

503207000002002018
POWELL LARRY K & NANCY J H/W
10080 COUNTRY SIDE DR
PLYMOUTH, IN 46563

503207000002005018
WENZEL DELENOR I & LINDA LOU
9595 DEER TR
PLYMOUTH, IN 46563

503207000002006018
MONTGOMERY DANIEL
10021 COUNTRYSIDE DR
PLYMOUTH, IN 46563

503207000002007018
WENZEL INDUSTRIES INC
9595 DEER TR
PLYMOUTH, IN 46563

503207000002008018
ODELL JEFFREY D & BOBBIE J H/W
10036 COUNTRY SIDE DR
PLYMOUTH, IN 46563

503207000002009018
WILLIAMS ROBERT LEE & PATRICIA A H/
10046 COUNTRY SIDE DR
PLYMOUTH, IN 46563

503207000003000018
SNYDER MARK B
6730 ST RD 17
PLYMOUTH, IN 46563

503207000136000018
PEREIRA ROLAND J TRUSTEE PEREIRA
8252 VIRGINIA ST
MERRILLVILLE, IN 46410

503207000173000018
STAPLES KEVIN & VALERIE TRUST
5122 FELLOWS ST
SOUTH BEND, IN 46614

503207000178000018
STAPLES PAUL S & JUDITH A
6868 ST RD 17
PLYMOUTH, IN 46563

503207000179000018
STAPLES PAUL S & JUDITH A
6868 ST RD 17
PLYMOUTH, IN 46563

2019-10

MINOR SUBDIVISION APPLICATION

(page 1 of 2)

I (we) do hereby apply for minor subdivision approval of the following described subdivision in the City of Plymouth, Indiana.

Date Filed Wednesday May 15, 2019

Name of Subdivision Plymouth Municipal Airport Subdivision

Specific Request (1-2 sentence explanation) Combine all properties into
a two parcel subdivision.

Explain Intended Use of Property Aviation Activities

Property Owner(s) City of Plymouth

Address PO Box 492, Plymouth 46563 Telephone 574-935-5152

Developer _____

Address _____ Telephone _____

Land Surveyor preparing the Plat J. Bernard Feeney

Address 505 N. Walnut St., Plymouth 46563 Telephone (574) (#c_#\$(

Address or location N. Michigan Road, Plymouth, IN. 46563

MINOR SUBDIVISION APPLICATION

(page 2 of 2)

Section MRL11(9T) Township 33N Range 2E Area (acres) 241.67

Number of lots 2 Minimum lot sizes 22.50 acres

Number of feet of new streets to be dedicated N/A

Legal description of property N1/2 SE E MR EX4 Tract, South 1/2 SE Quarter

Current zoning of property BP - Business Park

Signature of Owner

There is a \$100.00 fee at the time of application.

You must furnish the names and mailing addresses of neighboring property owners (within 300' of the owner's property) at the time of application.

We require that you furnish the City of Plymouth with a copy of the recorded plat within one month of approval.

You must furnish a plat with the different zoning areas marked on the plat.

Subject to the Subdivision Control Ordinance, Zoning Ordinance and all other ordinances of the City of Plymouth, Indiana.

504228000001000019
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504228000002000018
INDIANA TOOL & MFG CO INC
P O BOX 399
PLYMOUTH, IN 46563

504228000004000018
WALLSMITH REAL ESTATE HOLDINGS LI
P O BOX 929
PLYMOUTH, IN 46563

504228000009000018
PLYMOUTH CITY OF BOARD OF AVIATIO
PO BOX 492
PLYMOUTH, IN 46563

504291000006000018
INDIANA TOOL & MFG CO 6100 MICHIGAN
P O BOX 399
PLYMOUTH, IN 46563

504291000007000018
INDIANA TOOL & MFG CO 6100 MICHIGAN
P O BOX 399
PLYMOUTH, IN 46563

504291000008000018
RAYNE ENTERPRISE LLC
201 AIRPORT RD
PLYMOUTH, IN 46563

504291000010000018
INDIANA STATE OF INDOT
PO BOX 429
LA PORTE, IN 46352

504291000012000018
STOCKBERGER CARL D & TANYA L
11652 11TH RD
PLYMOUTH, IN 46563

504291000012001018
PLYMOUTH CITY OF
124 N MICHIGAN ST
PLYMOUTH, IN 46563

504291000013000018
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504291000030000018
KINDT DONALD T & BARBARA J
18300 9C RD
PLYMOUTH, IN 46563

504291000031000018
D A J LLC
PO BOX 538
PLYMOUTH, IN 46563

504291000105000018
D A J LLC
PO BOX 538
PLYMOUTH, IN 46563

504291000110000018
INDIANA TOOL & MFG CO INC
6100 MICHIGAN RD
PLYMOUTH, IN 46563

504291204044000019
INDIANA TOOL & MFG CO INC
6100 MICHIGAN RD
PLYMOUTH, IN 46563

504291300030000019
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504291301002000019
HILL TOP HOTELS LIMITED LIABILITY COM
303 S MAIN ST STE 209
MISHAWAKA, IN 46544

504291301004000019
KRISH1 INC
1020 N COLISEUM BLVD APT #124
FORT WAYNE, IN 46805

504291301011000019
SOUTH MICHIGAN REALTY LIMITED
120 W LEXINGTON AVE
ELKHART, IN 46516

504291301027000019
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504291301028000019
MERSCH ENTERPRISES INC
13122 NUTMEG RIDGE
PLYMOUTH, IN 46563

504291301029000019
SUNRISE HOTEL OF PLYMOUTH INC
259 S ZURICH AVE
EGG HARBOR CITY, NJ 08215

504291301043000019
FIRST NATIONAL BANK OF FIRST AMERI
PO BOX 961009
FORT WORTH, TX 76161-0009

504291301051000019
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504291301052000019
PLYMOUTH CITY OF
PO BOX 492
PLYMOUTH, IN 46563

504291303054000019
PLYMOUTH CITY OF
124 N MICHIGAN ST
PLYMOUTH, IN 46563

PART OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTH HALF OF THE FRACTIONAL SECTION 28 & THE SOUTH HALF OF THE MICHIGAN ROAD LANDS SECTION 11, TOWNSHIP 34 NORTH, RANGE 2 EAST, CITY OF PLYMOUTH, CENTER TOWNSHIP, MARSHALL COUNTY, INDIANA



PART OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTH HALF OF THE FRACTIONAL SECTION 28 & THE SOUTH HALF OF THE MICHIGAN ROAD LANDS SECTION 11, TOWNSHIP 34 NORTH, RANGE 2 EAST, CITY OF PLYMOUTH, CENTER TOWNSHIP, MARSHALL COUNTY, INDIANA



PART OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTH HALF OF THE FRACTIONAL SECTION 28 & THE SOUTH HALF OF THE MICHIGAN ROAD LANDS SECTION 11, TOWNSHIP 34 NORTH, RANGE 2 EAST, CITY OF PLYMOUTH, CENTER TOWNSHIP, MARSHALL COUNTY INDIANA

[illegible]

Edward Feeney
 EDWARD FEENEY, PLS. NO. 80040309



Solar Regulations

- Add “Small rooftop, micro, and ground mount solar installations “ to all zoning districts.
- Add “Small rooftop, micro, and ground mount solar installations” to Neighborhood Commercial Overlay District
- Add “No solar installations must be visible from the street” in Historic Neighborhood Overlay District

Solar Regulations

- Add “Solar systems” to Accessory Structures.
- Should solar be permitted if the primary use in not present?

ORDINANCE NO. 2019-2146

**AN ORDINANCE REGARDING THE PERMITTING OF
WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES
WITHIN THE PUBLIC RIGHT-OF-WAY**

Statement of Purpose and Intent

The purpose and intent of this ordinance is to adopt the City of Plymouth's initial Small Cell Facility Permitting Policy, to designate the Plymouth Board of Public Works and Safety as the authorized body to adopt any future amendments to the Policy, and to designate the Plymouth Technical Review Committee as the permit authority for matters involving wireless facilities and wireless support structures within the public right-of-way, tasked with the day-to-day administration of the Policy.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Plymouth, Indiana as follows:

Section 1. The attached document is hereby adopted as the City's initial Small Cell Facility Permitting Policy. The authority to make any future amendments to the Policy is delegated to the Plymouth Board of Public Works and Safety.

Section 2. Title XV, entitled Land Usage, shall be amended by adding a new chapter, Chapter 154, entitled WIRELESS PERMITTING, as follows:

§ 154.1 WIRELESS PERMITTING

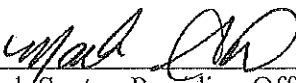
(A) As contemplated by Indiana Code § 8-1-32.3-8, and other applicable State and Federal law, as may be amended from time to time, the Technical Review Committee is hereby designated as the City's permitting authority regarding wireless facilities and wireless support structures within the public right-of-way.

(B) The Technical Review Committee shall publish, or otherwise make available, the City's Small Cell Facility Permitting Policy to wireless communications service providers or other interested persons, and shall, as may be advisable, recommend any amendments to the Policy to the Board of Public Works and Safety for adoption.

(C) As the City's permitting authority, the Technical Review Committee is tasked with the day-to-day administration and implementation of the Policy, as such it is authorized to create any necessary, applications, and other forms regarding the permitting, construction, installation, modification, or siting of wireless facilities or wireless support structures within the public right-of-way, and is further authorized to make administrative decisions regarding such matters.

Section 3. This ordinance is effective upon passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED this 25th day of March, 2019.



Mark Senter, Presiding Officer

ATTEST:



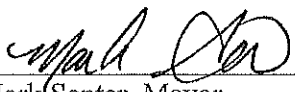
Jeanine M. Xaver, IAMC/CMC, Clerk-Treasurer

Presented by me to the Mayor of the City of Plymouth, Indiana on the 25th day of March, 2019,
at 6:38 o'clock pm.



Jeanine M. Xaver, IAMC/CMC, Clerk-Treasurer

Approved and signed by me this 25th day of March, 2019.



Mark Senter, Mayor

City of Plymouth, Indiana's Small Cell Facility Permitting Policy

Statement of Purpose and Intent

This Policy establishes standards for permitting Small Cell Facilities and associated supporting structures within the public right-of-way of the City of Plymouth, Indiana, in order to promote the orderly growth of needed wireless communications infrastructure, while ensuring the public health, safety, and welfare of the community.

Table of Contents

Section 1. Definitions
Section 2. General Provisions
Section 3. Aesthetic Requirements
Section 4. Safety Requirements
Section 5. Preliminary Siting & Design Process
Section 6. Application & Notice Process
Section 7. Construction Process
Section 8. Communication During Operation

Section 1. Definitions

The following definitions apply throughout this Policy:

"Permit Authority" means the Plymouth Technical Review Committee.

"Antenna" means any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

"Applicant" means a wireless communications service provider or a person/entity who owns or otherwise makes available infrastructure for wireless communications service, including their agents, employees, and contractors, who submit an application for a permit.

"Business day" means a day other than a Saturday, a Sunday, or a legal holiday (as defined in Indiana Code § 1-1-9-1).

"Small Cell Facility"

(a) As used in this Policy, "small cell facility" means:

- (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015); or
- (2) a wireless facility that satisfies the following requirements:
 - (A) Each antenna, including exposed elements, has a volume of six (6) cubic feet or less.
 - (B) The primary equipment enclosure located with the facility has a volume of twenty-eight (28) cubic feet or less.

(b) For purposes of subsection (a)(2)(B), the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:

- (1) Electric meters.
- (2) Concealment equipment.
- (3) Telecommunications demarcation boxes.
- (4) Ground based enclosures.
- (5) Back up power systems.
- (6) Grounding equipment.
- (7) Power transfer switches.
- (8) Cut off switches.

(c) a freestanding structure that is designed to support or capable of supporting Small Wireless Facilities that does not exceed the greater of:

- (A) fifty (50) feet measured from grade; or
- (B) the height of any utility pole in place on July 1, 2017, and within five hundred (500) feet of the proposed small cell facility, plus ten (10) feet.

(The term does not include a Utility Pole or an Electrical Transmission Tower. The term does not include any below grade ancillary utilities.) (The term may also be referred to as a "SCF")

"Micro Wireless Facility" means a Small Cell Facility to which both of the following apply:

- (1) The Small Cell Facility is not larger in dimension than:
 - (A) twenty-four (24) inches in length;
 - (B) fifteen (15) inches in width; and
 - (C) twelve (12) inches in height.
- (2) If the Small Cell Facility has an exterior antenna, the exterior antenna is not longer than eleven (11) inches.

"Utility Pole" means a structure that is:

- (1) owned or operated by:
 - (A) a public utility;
 - (B) a communications service provider;
 - (C) a municipality;
 - (D) an electric membership corporation; or
 - (E) a rural electric cooperative; and
- (2) designed or used to:
 - (A) carry lines, cables, or wires for telephony, cable television, or electricity;
 - (B) provide lighting;
 - (C) provide traffic control; or
 - (D) provide signage.

(The term does not include a Wireless Support Structure or an Electrical Transmission Tower).

"Electrical Transmission Tower" means a structure that physically supports high voltage overhead power lines. The term does not include a Utility Pole.

“Wireless Support Structure”

- (a) As used in this chapter, "wireless support structure" means a freestanding structure that is:
 - (1) designed to support; or
 - (2) capable of supporting; wireless facilities.
- (b) The term does not include a Utility Pole or an Electrical Transmission Tower

“Substantial Modification of a Wireless Support Structure” means the mounting of a Small Cell Facility on a Wireless Support Structure in a manner that:

- (1) increases the height of the Wireless Support Structure by the greater of:
 - (A) ten percent (10%) of the original height of the Wireless Support Structure; or
 - (B) twenty (20) feet;
- (2) adds an appurtenance to the Wireless Support Structure that protrudes horizontally from the Wireless Support Structure more than the greater of:
 - (A) twenty (20) feet; or
 - (B) the width of the Wireless Support Structure at the location of the appurtenance; or
- (3) increases the square footage of the equipment compound in which the Small Cell Facility is located by more than two thousand five hundred (2,500) square feet.

(The term does not include: increasing the height of a Wireless Support Structure to avoid interfering with an existing antenna; increasing the diameter or area of a Wireless Support Structure to shelter an antenna from inclement weather, or connect an antenna to the Wireless Support Structure by cable.)

“Modifications of a Small Cell Facility” means the mounting of new or additional antennas and/or equipment to Wireless Support Structure that exceeds the design loading of the said structure. This will initiate a reanalysis of the Wireless Support Structure and the submittal of the Indiana Professional Engineer certified reanalysis to the permitting agency.

“Collocation” means the placement or installation of a Small Cell Facility on existing structures within the public right-of-way that include a Small Cell Facility or a Wireless Support Structure. (The Term includes the placement, replacement, or modification of a Small Cell Facility within an approved equipment compound.)

To the extent not inconsistent with this Policy, the definitions set forth within Indiana Code § 8-1-32.3 *et seq.* shall apply herein. Any other undefined words or terms shall be taken in their ordinary and reasonable meaning given the context.

Section 2. General Provisions

A. Below is the contact information for various City officials involved in the Small Cell Facility permitting process:

City of Plymouth – Clerk-Treasurer
Jeanine Xavier

City of Plymouth – City Attorney
Sean Surrisi

124 N. Michigan St.
Plymouth, IN 46563
574-936-2124
clerktreas@plymouthin.com

124 N. Michigan St.
Plymouth, IN 46563
574-936-3604
cityattorney@plymouthin.com

City of Plymouth – Street Supt.
Jim Marquardt
2124 Western Ave
Plymouth, IN 46563
574-936-2017
street@plymouthin.com

City of Plymouth – Utilities Supt.
Donnie, Davidson
900 Oakhill Ave
Plymouth, IN 46563
574-936-3017
wastewater@plymouthin.com

City of Plymouth – Building Comm.
Keith Hammonds
111 N. Center St.
Plymouth, IN 46563
574-936-2824
bldgcomm@plymouthin.com

City of Plymouth – City Engineer
Rick Gaul
900 Oakhill Ave
Plymouth, IN 46563
574-936-3604
publicworks@plymouthin.com

City of Plymouth – Fire & EMS
Rod Miller
111 N. Center St.
Plymouth, IN 46563
574-936-2156
fire@plymouthin.com

City of Plymouth – Police
Dave Bacon
215 W. Washington
Plymouth, IN 46563
574-936-2126 Ext. 1203
dbaconppd@plymouthin.com

B. Applications to place Small Cell Facilities and their ancillary elements within the right-of-way must be submitted, by appointment only, to the City Engineer and approved by the Technical Review Committee.

C. An application fee of \$100.00 per Small Cell Facility addressed in the application shall be due at the time the application is submitted.

D. If a City owned Utility Pole is used or modified/replaced for use, a yearly rental fee \$50.00 per pole shall be charged. The Small Cell Facility's owner shall be responsible for the modifications, added parts, and the structural integrity of said total structure.

E. A cash financial guarantee will be required to perform work in the right-of-way. The financial guarantee amount is based on the risk of damage to City infrastructure during construction. Once the project is completed a Completion Affidavit and As-Built drawings shall be submitted to the City Engineer; once verified damages are not present the financial guarantees will be refunded. (Note: Damages include the placement/revisions to right-of-way appurtenances that may be detrimental to the City and the public. One example: Failure to comply with ADA-United States

Access Board requirements would make the City not eligible for Federal and/or State funded projects.)

F. The City shall be indemnified and held harmless from all actions, claims, demands, liabilities and damages which may be imposed on or incurred by the Applicant, owner, designer/engineer, or installer as a consequence of any act or omission on the part of the Applicant, owner, designer/engineer, or installer.

G. The owner of the Small Cell Facilities and their ancillary facilities shall provide the power for said facility and any auxiliary street lighting attachments used by the City.

H. The Applicant shall be responsible for the proper maintenance of the facility and the proper attachments/revisions to the Small Cell Facility infrastructure elements.

I. All facilities shall be planned, designed, and constructed in compliance with the below information.

- **Americans with Disabilities Act (ADA)** – The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. As administered by the United States Department of Justice, Civil Rights Division. (www.ada.gov)
- **United States Access Board** - The Access Board is an independent federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards. (www.access-board.gov)
 - **Americans with Disabilities Act Accessibility Guidelines (ADAAG)** - These guidelines are used by the Department of Justice (DOJ) and the Department of Transportation (DOT) in setting enforceable standards that the public must follow.
 - **Proposed Right-of-Way Guidelines (PROWAG)** – Part of the United States Access Board, PROWAG develops new guidelines for public rights-of-way that will address various issues, including access for blind pedestrians at street crossings, wheelchair access to on-street parking, and various constraints posed by space limitations, roadway design practices, slope, and terrain.
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Section 3. Aesthetic Requirements

A. New Wireless Support Structures placed in the right-of-way shall match the existing City pole structure(s) in that area. If there are no City structures in that area the new Wireless Support Structure shall be a smooth rigid pole with black powder coating.

B. Antennas and equipment shall be shrouded and/or enclosed. Shrouds and/or enclosures shall match the Wireless Support Structure in color and design.

C. The top of the concrete foundation may not extend more than 3" above the ground level. If the concrete foundation is contiguous to a sidewalk the top of the foundation shall match level with the sidewalk.

D. All manufacture's/Applicant's/Owner's decals, logos, or branding, shall be removed from the Small Cell Facility.

E. Wireless Support Structures shall be placed within half the side yard setback between any two properties. They shall not be placed in front of homes or buildings.

F. Wireless Support Structures shall be no closer than fifty feet to any other structure. If the distance between existing poles is less than 100' the distance is half the distance between the two poles.

G. The proposed Small Cell Facility shall cause no objectionable noise that would impair the peaceful enjoyment of neighboring properties.

Section 4. Safety Requirements

A. All Small Cell Facilities and their elements shall adhere to the current Edition of the:

- a) Indiana Building Code;
- b) Telecommunication Industry Association Standards;
- c) American Concrete Institute (ACI) Building Code Requirements; and
- d) All other standards applicable for the safe and proper installation and use of the Small Cell Facility.

B. All Small Cell Facilities shall be protected from access by the non-authorized individuals (no climb – locked equipment/service cabinets).

C. The Small Cell Facilities shall be placed as close to the right-of-way line as possible and shall not be placed in the appurtenance-free area of the street as set forth in the Indiana Design Manual.

D. Any antenna equipment electric cabinets, equipment cabinets, equipment compound, etc. shall be located as to not interfere with City sidewalks:

- a) Meet United States Access Board requirements: length, width, slopes, vertical alignment, etc. of sidewalks;
- b) Meet the Indiana Design Manual provide sidewalk/traffic/street crossings sight distances; and
- c) Not block the extension of the sidewalk system.

E. All elements of the Small Cell Facility, including, but not limited to, its antenna, antenna equipment, connections, mountings, its foundation, and site location layout shall be designed by a certified and licensed Indiana Professional Engineer or Architect in good standing and qualified to work in said area.

F. All foundations shall be drilled pier reinforced concrete, bolted (with bolt covers).

G. A plaque, not to exceed 8 square inches, shall be affixed to all Wireless Support Structures identifying:

- a) The structure;
- b) The name of the owner, including the following contact information:
 - (1) Mailing address;
 - (2) Phone number;
 - (3) E-mail address; and
 - (4) 24 hour Emergency phone number.

Section 5. Preliminary Siting & Design Process

A. The City recommends that, prior to filing an application for a permit under this Policy, that an Applicant engage the City staff to assist the Applicant's Small Cell Facility development team with troubleshooting preliminary siting and design concerns. During such pre-application period of engagement, to the extent practicable, the City will aid the Applicant in discovering existing conditions and access to the proposed site area such as:

- a) Current city underground utilities;
- b) Congested underground areas;
- c) Planned City improvements; and
- d) Other limiting issues.

Section 6. Application & Notice Process

Applications

A. Applications for a permit to construct a new Small Cell Facility, to substantially modify an existing Small Cell Facility, for Collocation, or for construction, placement, or use of a Small Cell Facility, must be submitted, by appointment only, to the City Engineer, and approved by the Technical Review Committee.

B. All applications shall contain:

- a) The name, business address, and point of contact for the Applicant;
- b) The location/site plan of the proposed or affected Small Cell Facility; and
- c) A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
- d) any other information required on the applicable City application forms, including a construction plan that describes all structures and equipment.

Evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:

- (A) would not result in the same wireless service functionality, coverage, and capacity;

- (B) is technically infeasible; or
- (C) is an economic burden to the applicant.

C. The City shall review any application within ten (10) business days of its receipt to determine if the application is complete. If the City determines that an application is not complete, then it shall notify the Applicant in writing of all defects in the application. With respect to applications for a permit to construct a new Small Cell Facility, or to substantially modify an existing Small Cell Facility, the Applicant shall have thirty (30) days after receiving the notice of defects in which to cure the defects. With respect to applications for a permit for Collocation, or for construction, placement, or use of a Small Cell Facility, the Applicant shall have fifteen (15) days after receiving the notice of defects in which to cure the defects. An Applicant for any permit may request additional time in which to cure defects in the application.

D. With respect to applications for a permit to construct a new Small Cell Facility, or to substantially modify an existing Small Cell Facility, upon final submission and cure of any defects, the City shall issue its written notice of approval or denial of the permit, including its basis for the decision, within ninety (90) days thereafter. With respect to applications for a permit for Collocation, upon final submission and cure of any defects, the City shall issue its written notice of approval or denial of the permit, including its basis for the decision, within forty-five (45) days thereafter. With respect to applications for a permit for construction, placement, or use of a Small Cell Facility, upon final submission and cure of any defects, the City shall issue its written notice of approval or denial of the permit, including its basis for the decision, within sixty (60) days thereafter.

Notices

E. The City acknowledges that, pursuant to Indiana Code § 8-1-32.3-15(b), that the routine maintenance of Small Wireless Facilities, the replacement of Small Wireless Facilities with substantially similar equipment, and the installation, placement, maintenance, or replacement of Micro Wireless Facilities on cables strung between existing Utility Poles, are exempted from the City's permitting process. However, the City does require any person intending any such project to provide the City Engineer with ten (10) business day's-notice of the project. If, after reviewing the notice, the City Engineer contends that the project falls outside the scope of Indiana Code § 8-1-32.3-15(b)'s exemptions, he shall so notify the person proposing to undertake the project and send the matter to the full Technical Review Committee for a determination as to whether an application for a permit is required. (Note: in all operations exempt from the permitting requirements of this Policy, the provisions of Section 2. F. still apply and the owner shall observe the traffic control and other requirements of Section 7.).

F. If a site is requested for development by an entity and construction has not begun within 2 years of approval. The application approval for said location will be terminated as per I.C. 8-1-32.3-26(b)(4)

Section 7. Construction Process

A. The Small Cell Facility owner or owner's representative shall give a notice five (5) business days prior to any construction or maintenance work on said Small Cell Facility that will take place above ground in the City right-of-way or on City property to the:

- a) Street Department Superintendent;
- b) Utilities Superintendent;
- c) Building Commissioner; and
- d) City Engineer

B. Traffic control is required during all site operations. The traffic control items used shall meet the Indiana Manual Uniform Traffic Control Devices (MUTCD) must be in place when installing and/or servicing the Small Cell Facilities and their ancillary facilities. Submit Traffic Control Plans to the Street Department Supt. and the City Engineer five (5) business days prior to performing any construction activities.

C. A site meeting with the contractor and the City representatives noted above prior to the beginning of any construction activities is required.

D. The installer of the Small Cell Facility and their ancillary facilities shall pot hole and locate all City utilities crossing and all adjacent City utilities within 3' of the proposed installations.

E. When modifying supports of an existing traffic control device a certified INDOT signal electrical contractor shall be utilized during construction.

- a) All the wiring that is located within any modified support shall be replaced;
- b) All traffic control wiring and wire connections associated with the modifications shall be inspected and replaced if necessary to ensure a properly working traffic control system; and
- c) Intersection signal control must be maintained during construction.

F. Any new Small Cell Facility structure or existing infrastructure being used or modified to support Small Cell Facility structures shall be analyzed and certified by a qualified and licensed Indiana professional engineer to conform to the latest structural standards and wind loading requirements. This includes the structure, support arms, and the foundation.

G. Existing support structures modified to be used as a Small Cell Facility structure shall be designed to match the existing support in materials, coatings, section, shape, etc.

H. Auxiliary items such as cross arms, cross bars, mounting plates, etc. if not replaced shall be modified for a proper fit.

I. Replaced support, cross arms, signals, etc. are the property of the City and shall be delivered to the Street Department, 2124 Western Avenue, Plymouth, Indiana (574-936-2017).

J. At the end of construction, the City shall be notified identifying the:

- a) name of the structure (location);
- b) number of structure;
- c) owner's name; and
- d) owner's contact information.

K. Within sixty (60) days of completion of the facility, the Applicant shall submit to the City Engineer a Completion Affidavit and an As-Built Drawing certified by an Indiana Registered Land Surveyor verifying the coordinates, height, and site plan of the wireless facility.

L. The various City Departments will be notified for final inspections.

M. All damage by Installer to City of Plymouth infrastructure shall be repaired to equal or better condition.

Section 8. Communication During Operations

A The City Engineer and the City Attorney shall be notified of any and all changes in ownership of the Small Cell Facility and its elements. The plaque, as noted above, that is affixed to the Small Wireless Facility structure shall be updated to identify the structure, the new owner and the new owner's contact information.

B. Traffic control is required during maintenance operations. The traffic control items used shall meet the Indiana Manual Uniform Traffic Control Devices (MUTCD) must be in place when servicing the Small Cell Facilities and their ancillary facilities. When performing maintenance on the Small Cell Facility the City Engineer shall be informed five (5) working days prior to maintenance activities.

C. If for any reason the Small Cell Facility is not maintained and/or is damaged and not repaired, or is otherwise abandoned, the City of Plymouth may notify the owner of the deficiency in writing.

- a) The owner will then have thirty (30) days to respond with a repair/removal plan;
- b) Once the owner has responded the maintenance/repair plan. The Small Cell Facility repairs shall be performed within sixty (60) days
 - i) If a reanalysis is required the reanalysis shall be performed within the sixty (60) day period;
 - ii) then the owner shall have 60 days to perform said repairs.
- c) The City, through its Board of Public Works and Safety, has the right to order the removal of the facility if:
 - i) The owner does not respond within the thirty (30) day time period; or
 - ii) If the designer/engineer reanalysis is not performed within the sixty (60) day time period.
 - iii) If the Small Cell Facility is not repaired within sixty (60) days.
- d) Once the Removal Order is approved by the Board of Public Works and Safety, the owner will receive written notification of the Removal Order.
 - i) The owner is given thirty (30) days to remove and salvage the Small Cell Facility;

ii) After thirty (30) days the City will remove the Small Cell Facility and invoice the owner for the costs of the removal.