

**1.14 Effective Date**

This Ordinance shall be in full force and in effect at 12:01 am, on \_\_\_\_\_, 2002. The effective date is based on the passage and notice of adoption as required by law.

Certified by the Plan Commission of Atlanta, Indiana on the 21<sup>st</sup> day  
of MARCH, 2002.

Abe Brown  
Paul E. Vandyke  
David Farley  
ACZ  
Warren Brown  
Bill Farley

Passed and adopted by the Town Council of Atlanta, Indiana on the \_\_\_\_ day  
of \_\_\_\_\_, 2002.

ATTEST:

\_\_\_\_\_  
Town of Atlanta Clerk-Treasurer



**Town of Atlanta Plan Commission  
Certification of Action**

The Town of Atlanta Plan Commission, after holding the required Public Hearings, did by a vote of 7-0, on March,  
21, 2002 in the Atlanta Town Hall at a regularly scheduled meeting of the Plan Commission, approve a new Town  
of Atlanta Subdivision Control Ordinance as amended. The Plan Commission Docket No. is PC \_\_\_\_\_.

The Town of Atlanta Plan Commission hereby certifies the said Town of Atlanta Subdivision Control Ordinance as amended  
to the Atlanta Town Council for its consideration.

Abel Soria

Larry E. Vaughan

Frank Farley

Warren Brown

Bill Farley

Date: \_\_\_\_\_

\_\_\_\_\_  
Attest: Secretary  
Town of Atlanta Plan Commission

Date: \_\_\_\_\_





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# TOWN OF ATLANTA Zoning Ordinance

5405 General



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**Article One**  
**Basic Provisions**

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## Article One

# Basic Provisions

### 1.1 Title

This Ordinance shall be formally known as the "Atlanta Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance."

### 1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Sixteen.

### 1.3 Authority

This Zoning Ordinance is adopted by the Town 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 Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

### 1.4 Purpose

This Ordinance is intended to guide the growth and development of the Town in accordance with the Atlanta Comprehensive Plan and for the following purpose.

- A. To secure adequate light, air, and convenience of access; and that 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 Town to the end:
  - a. That the community grows only with adequate public ways, utility, health, educational, and recreational facilities;
  - b. That the needs of agriculture, industry, and business be recognized in future growth;
  - c. That residential areas provide healthful surroundings for family life;
  - d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
  - e. That the community strive for high aesthetic value and quality planning.

### 1.5 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.

### 1.6 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.

### 1.7 Interpretation

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



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**1.8 Jurisdiction Area**

This Ordinance shall apply to all land within the corporate limits of the Town of Atlanta and other lands as discussed in the interlocal agreement with Hamilton and Tipton Counties and revised in 2002.

**1.9 Application**

It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances (other than previous zoning ordinances), or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

**1.10 Saving Provision**

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue.

**1.11 Repealer**

The Atlanta Zoning Ordinance of 1990 (ordinance no. 90-01), together with the Zoning Map which was a part the above mentioned Ordinance and their subsequent amendments, are hereby repealed. This Ordinance, the Atlanta Zoning Ordinance, and the referenced and updated Official Zoning Map shall replace the repealed ordinances as of the adoption and effective date.

**1.12 Transition Rules**

- A. Subdivision and planned development lots fully approved prior to the adoption of this ordinance shall be regulated by the terms and conditions of the recorded plats (or development laws) of the Subdivision Control and Zoning Ordinance which was in place at the time of the approvals. All procedures shall follow the procedures set forth by this Zoning Ordinance.
- B. Applications for Improvement Location Permits which have been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance shall be regulated by the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing.
- C. Applications for a zone map amendment which have been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance shall be allowed to be continued to process to completion pursuant to the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing, provided, however, if the proposed use would no longer be permitted in the proposed zoning classification as a result of changes to that zoning classification from the adoption of this Ordinance, such application shall be amended to request the zoning classification of this Ordinance in which the proposed use is first permitted.

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- D. Applications before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) which have been filed with the BZA or its designees and which application is full and complete, prior to the effective date of this Ordinance shall be allowed to continue the process pursuant to the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing, provided that:
- a. if such application is no longer required by the terms of this Ordinance, the application will be dismissed; or
  - b. if the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance and were not required under the previous Ordinances, such application will be amended to include only those additional approvals which are required and within the jurisdiction of the Board of Zoning Appeals.
- E. Property Splits. All new building sites shall meet the requirements of this Ordinance unless a building permit is issued and is still valid, sites were approved as building sites by Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance. Parcels recorded prior to the date of this Ordinance that do not meet the size or lot width requirements of this Ordinance but shall meet all other requirements of this Ordinance of the section that deals with the size and site.

### 1.13 Amendments

In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

The legislative body, Plan Commission, or at least fifty percent of the affected property owners may initiate a petition to change the zoning maps according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission rules.

In its review of the text and zone map amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

- A. The most recently adopted Comprehensive Plan
- B. Current conditions and the character of structure and uses in each district.
- C. The most desirable use for which the land in each district is adapted.
- D. The conservation of property values throughout the jurisdiction.
- E. Responsible development and growth.

**1.14 Effective Date**

This Ordinance shall be in full force and in effect at 12:01 am, on \_\_\_\_\_, 2002. The effective date is based on the passage and notice of adoption as required by law.

Certified by the Plan Commission of Atlanta, Indiana on the \_\_\_\_ day  
of \_\_\_\_\_, 2002 .

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Passed and adopted by the Town Council of Atlanta, Indiana on the \_\_\_\_ day  
of \_\_\_\_\_, 2002.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_

Town of Atlanta Clerk-Treasurer



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**Article Two**  
**General Zoning Districts**

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## Article Two

# General Zoning Districts

### 2.1 Establishment of Districts

For the purpose of this Ordinance, the Planning Jurisdiction is divided into the following zoning districts for the general uses as stated:

**AG—Agriculture (Page 3-2 and 3-3):** This district is established for agricultural areas and homes and buildings associated with agriculture production.

**R1—Estate Residential (Page 3-4 and 3-5):** This district is established for those areas in the planning jurisdiction which are for single family, detached, large homes and estate sized lots.

**R2—Large Lot, Large Home Residential (Page 3-6 and 3-7):** This district is established for those areas in the planning jurisdiction which are for single family, detached, large size lots and large homes.

**R3—Medium Lot, Medium Home Residential (Page 3-8 and 3-9):** This district is established for those areas in the planning jurisdiction which are for single family, detached, medium size homes and medium size lots.

**R4—Medium Lot, Small Home Residential (Page 3-10 and 3-11):** This district is established for those areas in the planning jurisdiction which are proposed for single family, detached, small to medium size homes, and medium size lots.

**R5—Old Town Residential (Page 3-12 and 3-13):** This district is established for the existing older neighborhoods in Atlanta .

**R6—Multifamily Residential (Page 3-14 and 3-15):** This district is established for small to moderate sized multifamily apartments, duplexes, condominiums, and/or similar units.

**MP—Mobile Home Park (Page 3-16 and 3-17):** This district is established for manufactured home parks which lease dwelling sites for single-wide and double-wide manufactured homes.

**SC—Special Character Commercial (Page 4-2 and 4-3):** This district is established for areas of special character in Atlanta.

**OC—Office Commercial (Page 4-4 and 4-5):** This district is established for small to moderate scale office uses with provisions for some complementary uses.

**DC—Downtown Commercial (Page 4-6 and 4-7):** This district is generally intended to meet the special issues and land use goals for the downtown area in Atlanta .

**C1—General Commercial (Page 4-8 and 4-9):** This district is generally intended for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale.

**C2—Business Park/Light Manufacturing/Utility (Page 4-10 and 4-11):** This district is generally intended for small business parks, light manufacturing facilities, light manufacturing parks, and utility usage.

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**C3—Industrial Park/Manufacturing (Page 4-12 and 4-13):** This district is generally intended for large business parks, manufacturing facilities, manufacturing parks, and utility usage.

Each of the above districts stand alone and are not a part of a hierarchy system of zoning. For example, what is permitted in the C1 district is NOT permitted in the C2 district. Only those uses and development standards which are expressly permitted and noted for each district apply.

**2.2 Establishment of Overlay District**

For the purpose of this Zoning Ordinance an overlay district has been established as stated below.

**WP-OL—Wellhead Protection Overlay (page 5-1):** This district is established to protect the integrity and drinkability of the community's public water supply.

**2.3 Planned Development Districts**

The provisions of this ordinance allow the R2, R3, R6, OC, C1 and C2 districts to be rezoned for a planned development. No other districts can be rezoned into a planned development district.

On the Official Zoning Map a planned development district, once rezoned, shall be labeled as PD followed by the district it was created from. The following are the appropriate labels for Planned Development Districts: PD-R2, PD-R3, PD-R6, PD-OC, PD-C1 and PD-C2.

The provisions that regulate Planned Developments can be found in Article 8 beginning on page 8-2.

**2.4 District Land Uses**

Land uses are either Permitted, Non-Permitted or a Special Exception in each Zoning District. Atlanta's permitted and special exception uses for each district are noted in the Permitted Use and Special Exception columns in Article 3 and 4. These articles represent two categories of Zoning Districts. They are:

**Residential Districts, Article 3, found on page 3-1; and  
Commercial Districts, Article 4, found on page 4-1.**

**2.5 Unlisted or Questionable Land Uses**

Any land use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Zoning Administrator makes a determination otherwise. The Plan Commission or Zoning Administrator may determine into which category any questionable use be placed if not specifically listed and is similar to another use that is Permitted or a Special Exception. This determination may be appealed to the Board of Zoning Appeals.





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**Article Three**

**Agricultural and Residential  
Zoning Districts**

# "AG" District

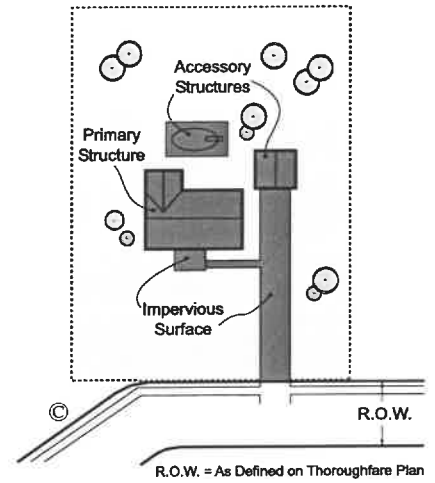
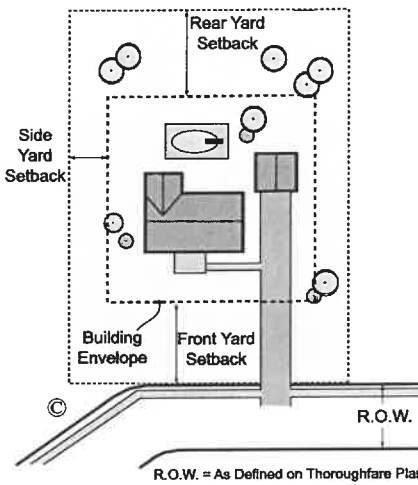
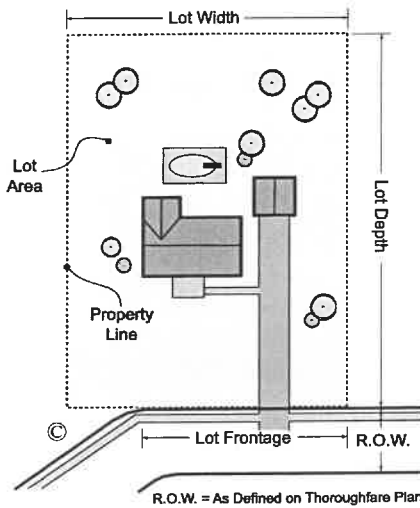
## 3.1 "AG" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "AG" District, Agriculture, is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Atlanta for farming operations.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from "spot zoning", conflicting land uses, and any use that may inflict significant environmental impacts.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to promote prime agriculture land for production crops in the "AG" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•residential facility for developmentally disabled (small)*</li> <li>•residential facility for mentally ill*</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>•agricultural crop production</li> <li>•orchards (without retail sales)</li> <li>•plant nursery (without retail sales)</li> <li>•production of farm animals</li> <li>•roadside produce sales</li> <li>•storage of agricultural products produced on site</li> <li>•tree farms (without retail sales)</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupations #1</li> <li>•riding stables (private)</li> <li>•kennel (private)</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•child care home (owner occupied home)</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>•agricultural seed sales</li> <li>•private commercial raising of nonfarm animals</li> <li>•farm equipment sales/service</li> <li>•commercial outdoor storage of farm materials</li> <li>•commercial processing agriculture products</li> <li>•commercial processing agriculture products produced on site</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>•kennel</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>•commercial riding stables</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station</li> <li>•church, mosque, or temple</li> <li>•school, public or private</li> <li>•child care center</li> <li>•community center</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•utility substation</li> <li>•public well</li> <li>•sewage treatment plant</li> <li>•water treatment plant</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•artificial lake or pond over one (1) acre in size</li> <li>•home occupation #2</li> <li>•greenhouse facilities (wholesale only)</li> </ul>

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

# "AG" District

## 3.2 "AG" District Standards



### Minimum Lot Area:

- 1.5 acres

### Minimum Lot Width:

- 200 feet

### Maximum Lot Depth:

- 2.5 times the lot width

### Minimum Lot Frontage:

- 180 feet on a Public Street with access from said Public Street (only if used for a building site for primary or secondary structures)

### Sewer and Water:

- Does not require municipal water or sewer hookup

### Minimum Front Yard Setback:

- 60 feet when adjacent to a Primary Arterial
- 50 feet when adjacent to a Secondary Arterial
- 45 feet when adjacent to a Collector
- 40 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 45 feet for Primary Structure
- 35 feet for Secondary Structure

### Minimum Rear Yard Setback:

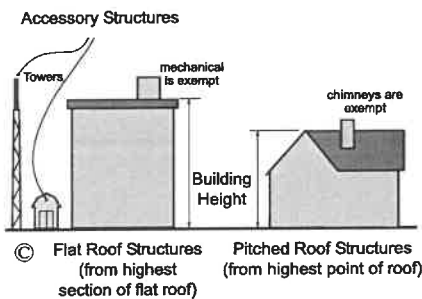
- 45 feet for the Primary Structure
- 35 feet for Secondary Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 5% of the Lot Area.

### Minimum Main Floor Area:

- 1,400 square feet for one story Primary Structures; or
- 800 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,400 square feet or more.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures
- Agriculture related accessory structures are exempt.

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Floodplain (FP)</b>	<b>Fences and Walls (FN)</b>
• LY-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• FN-01 ..... Page 7-25
<b>Height (HT)</b>	<b>Lighting (LT)</b>	<b>Miscellaneous (MS)</b>
• HT-01 ..... Page 7-2	• LT-01 ..... Page 7-13	• MS-02 ..... Page 7-26
<b>Accessory Structures (AS)</b>	<b>Parking (PK)</b>	• MS-03 ..... Page 7-26
• AS-01 ..... Page 7-3	• PK-01 ..... Page 7-13	• MS-04 ..... Page 7-26
• AS-02 ..... Page 7-3	• PK-06 ..... Page 7-15	• MS-05 ..... Page 7-26
<b>Temporary Uses (TU)</b>	• PK-07 ..... Page 7-15	• MS-06 ..... Page 7-26
• TU-01 ..... Page 7-5	<b>Entrances/Drives (ED)</b>	• MS-07 ..... Page 7-26
• TU-02 ..... Page 7-5	• ED-01 ..... Page 7-16	<b>General Signs (GS)</b>
<b>Landscaping (LS)</b>	<b>Vision Clearance (VC)</b>	• GS-01 ..... Page 10-2
• LS-01 ..... Page 7-5	• VC-01 ..... Page 7-18	<b>Temporary Signs (TS)</b>
• LS-02 ..... Page 7-6	<b>Home Occupation (HO)</b>	• TS-01 ..... Page 10-4
• LS-03 ..... Page 7-6	• HO-01 ..... Page 7-19	<b>Permanent Signs (PS)</b>
<b>Buffer Yards (BY)</b>	• HO-02 ..... Page 7-20	• PS-01 ..... Page 10-5
• BY-01 ..... Page 7-7	<b>Telecommunication Facilities (TF)</b>	
<b>Performance Standards (PS)</b>	• TF-01 ..... Page 7-22	
• PS-01 ..... Page 7-8	• TF-02 ..... Page 7-24	
<b>Environmental (EN)</b>	• TF-03 ..... Page 7-25	
• EN-01 ..... Page 7-9		

# "R1" District

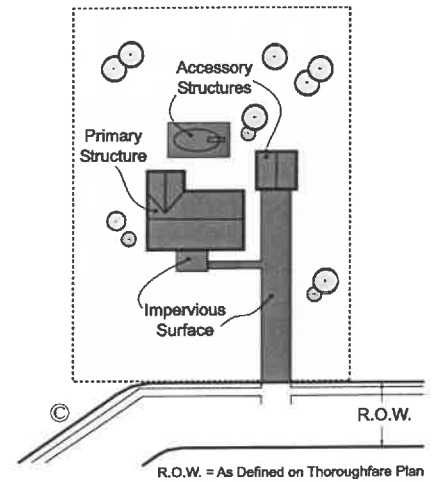
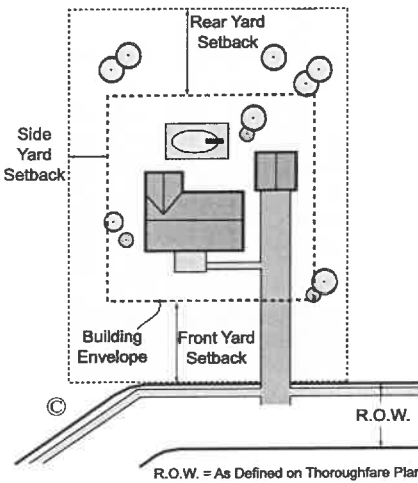
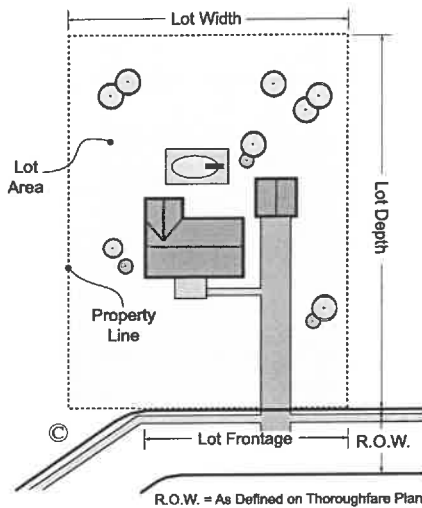
## 3.3 "R1" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R1" (Estate Residential) District is intended to provide a land use category for large lots and large single family detached homes. The provisions that regulate this land use district should provide for this district to be used sparingly in Atlanta.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 1 dwelling unit per acre community-wide in the "R1" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupation #1</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>•golf course</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station</li> <li>•church</li> <li>•school, public or private</li> <li>•community center</li> <li>•government buildings</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•public well</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•artificial lake or pond over one (1) acre in size</li> <li>•home occupation #2</li> </ul>

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

# "R1" District

## 3.4 "R1" District Standards



### Minimum Lot Area:

- 45,000 square feet

### Minimum Lot Width:

- 140 feet

### Maximum Lot Depth:

- 2.5 times the Lot Width

### Minimum Lot Frontage:

- 80 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water and sewer hookup

### Minimum Front Yard Setback:

- 60 feet when adjacent to a Primary Arterial. Driveways are not permitted off of a Primary Arterial
- 50 feet when adjacent to a Secondary Arterial. Driveways are not permitted off of a Secondary Arterial
- 45 feet when adjacent to a Collector
- 40 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 40 feet

### Minimum Rear Yard Setback:

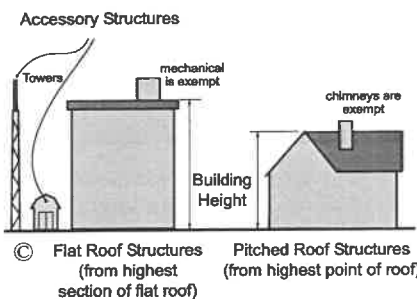
- 75 feet for the Primary Structure
- 55 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 25% of the Lot Area.

### Minimum Main Floor Area:

- 2,100 square feet for one story Primary Structures; or
- 1,500 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 2,100 square feet or more.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Floodplain (FP)</b>	<b>Fences and Walls (FN)</b>
• LY-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• FN-01 ..... Page 7-25
<b>Height (HT)</b>	<b>Lighting (LT)</b>	<b>Miscellaneous (MS)</b>
• HT-01 ..... Page 7-2	• LT-01 ..... Page 7-13	• MS-02 ..... Page 7-26
<b>Accessory Structures (AS)</b>	<b>Parking (PK)</b>	• MS-03 ..... Page 7-26
• AS-01 ..... Page 7-3	• PK-01 ..... Page 7-13	• MS-05 ..... Page 7-26
• AS-02 ..... Page 7-3	• PK-06 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Temporary Uses (TU)</b>	• PK-07 ..... Page 7-15	• MS-07 ..... Page 7-26
• TU-01 ..... Page 7-5	<b>Entrances/Drives (ED)</b>	<b>General Signs (GS)</b>
• TU-02 ..... Page 7-5	• ED-01 ..... Page 7-16	• GS-01 ..... Page 10-2
<b>Landscaping (LS)</b>	<b>Vision Clearance (VC)</b>	<b>Temporary Signs (TS)</b>
• LS-01 ..... Page 7-5	• VC-01 ..... Page 7-18	• TS-01 ..... Page 10-4
• LS-02 ..... Page 7-6	<b>Home Occupation (HO)</b>	<b>Permanent Signs (PS)</b>
• LS-03 ..... Page 7-6	• HO-01 ..... Page 7-19	• PS-01 ..... Page 10-5
<b>Buffer Yards (BY)</b>	• HO-02 ..... Page 7-20	
• BY-01 ..... Page 7-7	<b>Telecommunication Facilities (TF)</b>	
<b>Performance Standards (PS)</b>	• TF-01 ..... Page 7-22	
• PS-01 ..... Page 7-8	• TF-02 ..... Page 7-24	
<b>Environmental (EN)</b>	• TF-03 ..... Page 7-25	
• EN-01 ..... Page 7-9		

# "R2" District

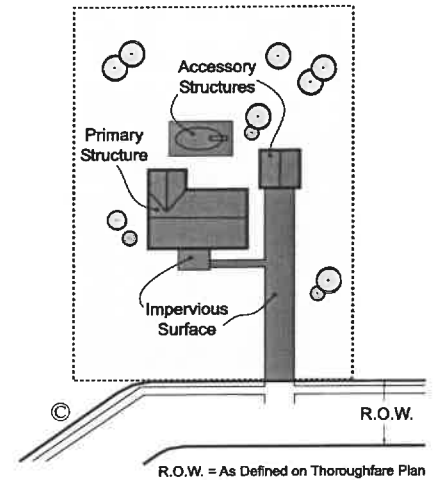
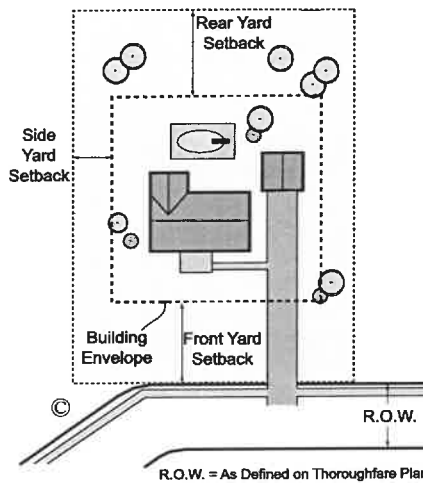
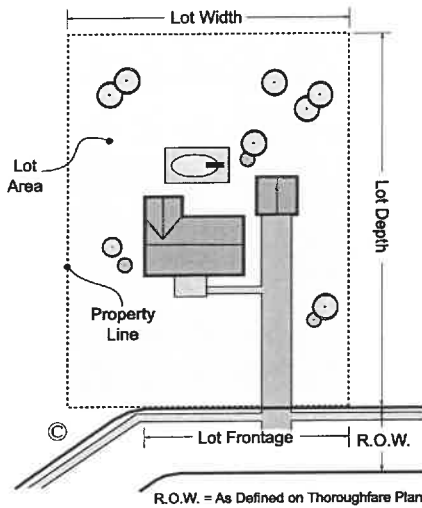
## 3.5 "R2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R2" (Large Lot, Medium Home) District is intended to provide a land use category for large lots and medium-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Atlanta for existing and future housing growth.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 1.5 to 2.0 dwelling units per acre community-wide in the "R2" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupation #1</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•bed and breakfast facility (owner occupied - 3 guest rooms)</li> <li>•residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>•golf course</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station</li> <li>•church</li> <li>•school, public or private</li> <li>•child care center</li> <li>•community center</li> <li>•government building</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•public well</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•home occupation #2</li> </ul>

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

# "R2" District

## 3.6 "R2" District Standards



### Minimum Lot Area:

- 22,000 square feet

### Minimum Lot Width:

- 100 feet

### Maximum Lot Depth:

- 2.5 times the Lot Width

### Minimum Lot Frontage:

- 65 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water and sewer hookup

### Minimum Front Yard Setback:

- 50 feet when adjacent to a Primary Arterial. Driveways are not permitted off of a Primary Arterial
- 45 feet when adjacent to a Secondary Arterial. Driveways are not permitted off of a Secondary Arterial
- 40 feet when adjacent to a Collector or Local Street.

### Minimum Side Yard Setback:

- 30 feet

### Minimum Rear Yard Setback:

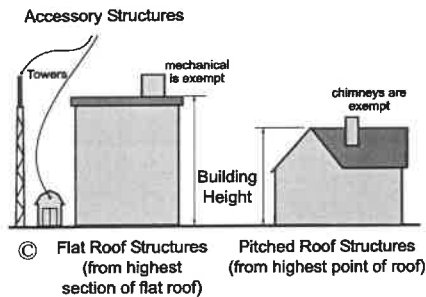
- 30 feet for the Primary Structure
- 30 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 40% of the Lot Area.

### Minimum Main Floor Area:

- 1,800 square feet for one story Primary Structures; or
- 1,300 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,800 square feet or more.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

## Additional Standards that Apply

### Lot/Yard (LY)

- LY-01 ..... Page 7-2

### Height (HT)

- HT-01 ..... Page 7-2

### Accessory Structures (AS)

- AS-01 ..... Page 7-3
- AS-02 ..... Page 7-3

### Temporary Uses (TU)

- TU-01 ..... Page 7-5
- TU-02 ..... Page 7-5

### Landscaping (LS)

- LS-01 ..... Page 7-5
- LS-02 ..... Page 7-6
- LS-03 ..... Page 7-6

### Buffer Yards (BY)

- BY-01 ..... Page 7-7

### Performance Standards (PS)

- PS-01 ..... Page 7-8

### Environmental (EN)

- EN-01 ..... Page 7-9

### Floodplain (FP)

- FP-01 ..... Page 7-10

### Lighting (LT)

- LT-01 ..... Page 7-13

### Parking (PK)

- PK-01 ..... Page 7-13
- PK-06 ..... Page 7-15
- PK-07 ..... Page 7-15

### Entrances/Drives (ED)

- ED-01 ..... Page 7-16

### Vision Clearance (VC)

- VC-01 ..... Page 7-18

### Home Occupation (HO)

- HO-01 ..... Page 7-19
- HO-02 ..... Page 7-20

### Telecommunication Facilities (TF)

- TF-01 ..... Page 7-22
- TF-02 ..... Page 7-24
- TF-03 ..... Page 7-25

### Fences and Walls (FN)

- FN-01 ..... Page 7-25

### Miscellaneous (MS)

- MS-02 ..... Page 7-26
- MS-03 ..... Page 7-26
- MS-05 ..... Page 7-26
- MS-06 ..... Page 7-26
- MS-07 ..... Page 7-26

### General Signs (GS)

- GS-01 ..... Page 10-2

### Temporary Signs (TS)

- TS-01 ..... Page 10-4

### Permanent Signs (PS)

- PS-01 ..... Page 10-5

# "R3" District

## 3.7 "R3" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R3" (Medium Lot, Medium Home) District is intended to provide a land use category for medium lots and medium-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Atlanta for existing and future housing growth.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 2.5 to 3.5 dwelling units per acre community-wide in the "R3" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupation #1</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, two-family **</li> <li>•bed and breakfast facility</li> <li>•boarding house**</li> <li>•child care home (owner occupied home)**</li> <li>•residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>•golf course</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station **</li> <li>•church **</li> <li>•school, public or private **</li> <li>•child care center **</li> <li>•community center **</li> <li>•government building **</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•public well</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•home occupation #2</li> </ul>

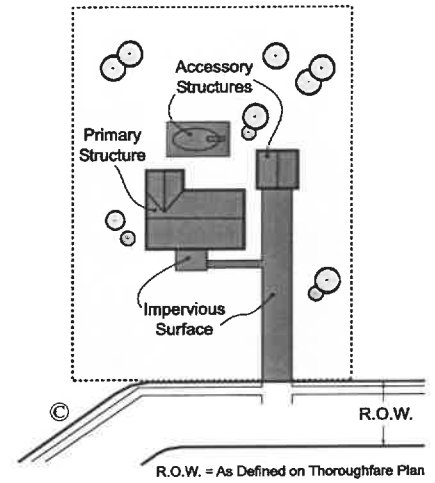
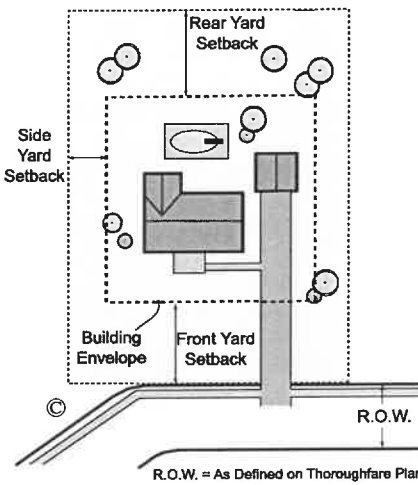
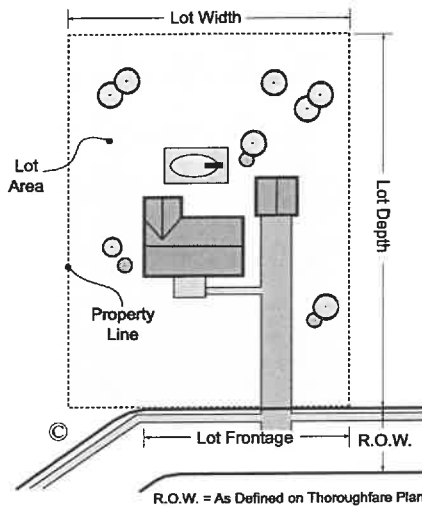
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*Minimum side yard setback of 25 feet, minimum lot width of 100 feet



# "R3" District

## 3.8 "R3" District Standards



### Minimum Lot Area:

- 10,000 square feet

### Minimum Lot Area Per Dwelling Unit:

- 10,000 square feet

### Minimum Lot Width:

- 80 feet

### Maximum Lot Depth:

- 2.5 times the Lot Width

### Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water and sewer hookup

### Minimum Front Yard Setback:

- 50 feet when adjacent to a Primary Arterial. Driveways are not permitted off of a Primary Arterial
- 45 feet when adjacent to a Secondary Arterial. Driveways are not permitted off of a Secondary Arterial
- 35 feet when adjacent to a Collector or a Local Street

### Minimum Side Yard Setback:

- 15 feet

### Minimum Rear Yard Setback:

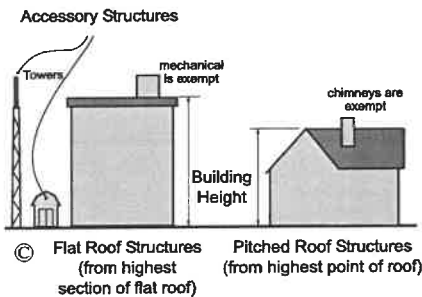
- 25 feet for Primary Structures
- 20 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 45% of the Lot Area

### Minimum Main Floor Area:

- 1,500 square feet for one story Primary Structures; or
- 1,100 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,500 square feet or more



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Floodplain (FP)</b>	<b>Fences and Walls (FN)</b>
• LY-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• FN-01 ..... Page 7-25
<b>Height (HT)</b>	<b>Lighting (LT)</b>	<b>Miscellaneous (MS)</b>
• HT-01 ..... Page 7-2	• LT-01 ..... Page 7-13	• MS-02 ..... Page 7-26
<b>Accessory Structures (AS)</b>	<b>Parking (PK)</b>	• MS-03 ..... Page 7-26
• AS-01 ..... Page 7-3	• PK-01 ..... Page 7-13	• MS-05 ..... Page 7-26
• AS-02 ..... Page 7-3	• PK-06 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Temporary Uses (TU)</b>	• PK-07 ..... Page 7-15	• MS-07 ..... Page 7-26
• TU-01 ..... Page 7-5	<b>Entrances/Drives (ED)</b>	<b>General Signs (GS)</b>
• TU-02 ..... Page 7-5	• ED-01 ..... Page 7-16	• GS-01 ..... Page 10-2
<b>Landscaping (LS)</b>	<b>Vision Clearance (VC)</b>	<b>Temporary Signs (TS)</b>
• LS-01 ..... Page 7-5	• VC-01 ..... Page 7-18	• TS-01 ..... Page 10-4
• LS-02 ..... Page 7-6	<b>Home Occupation (HO)</b>	<b>Permanent Signs (PS)</b>
• LS-03 ..... Page 7-6	• HO-01 ..... Page 7-19	• PS-01 ..... Page 10-5
<b>Buffer Yards (BY)</b>	• HO-02 ..... Page 7-20	
• BY-01 ..... Page 7-7	<b>Telecommunication Facilities (TF)</b>	
<b>Performance Standards (PS)</b>	• TF-01 ..... Page 7-22	
• PS-01 ..... Page 7-8	• TF-02 ..... Page 7-24	
<b>Environmental (EN)</b>	• TF-03 ..... Page 7-25	
• EN-01 ..... Page 7-9		

# "R4" District

## 3.9 "R4" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R4" (Medium Lot, Small Home) District is intended to provide a land use category for medium lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, promote and maintain areas in Atlanta for existing and future housing growth.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 5 to 6 dwelling units per acre community-wide in the "R4" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•dwelling, two-family **</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupation #1</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, multifamily (4-unit or less)</li> <li>•bed and breakfast facility **</li> <li>•boarding house (owner-occupied, maximum 8 boarders)***</li> <li>•child care home (owner occupied home)***</li> <li>•residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>•golf course (structures***)</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station***</li> <li>•church***</li> <li>•school, public or private***</li> <li>•child care center***</li> <li>•community center***</li> <li>•government building***</li> <li>•library***</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•public well</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•home occupation #2</li> </ul>

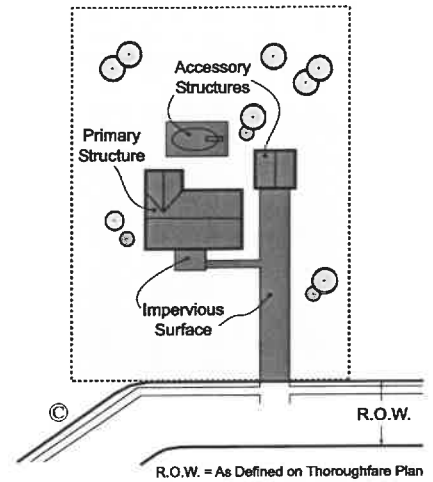
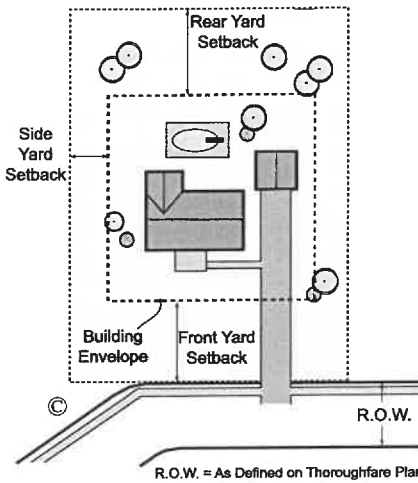
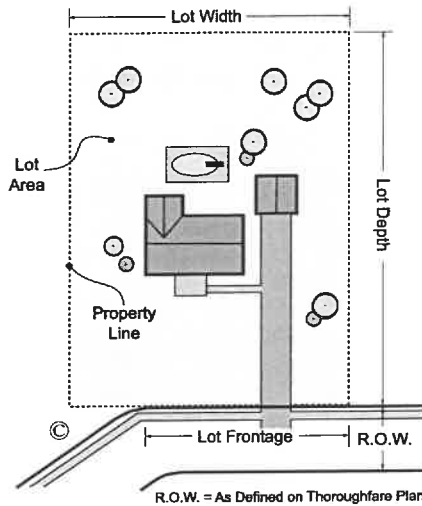
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*Minimum side yard setback of 25 feet, minimum lot width of 90 feet

\*\*\*Minimum side yard setback of 35 feet, minimum rear yard setback of 30 feet, minimum lot width of 100 feet

# "R4" District

## 3.10 "R4" District Standards



**Minimum Lot Area:**  
• 6,000 square feet

**Minimum Lot Area Per Dwelling Unit**  
• 6,000 square feet

**Minimum Lot Width:**  
• 47 feet

**Maximum Lot Depth:**  
• 200 feet

**Minimum Lot Frontage:**  
• 30 feet on a Public Street with access from said Public Street

**Sewer and Water:**  
• Requires municipal water and sewer hookup

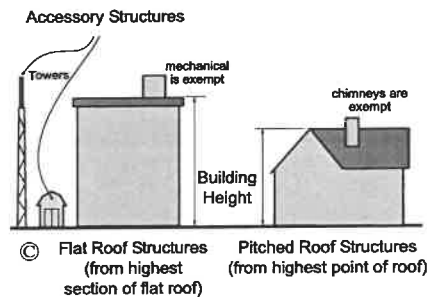
**Minimum Front Yard Setback:**  
• 40 feet when adjacent to a Primary Arterial. Driveways are not permitted off of a Primary Arterial  
• 35 feet when adjacent to a Secondary Arterial. Driveways are not permitted off of a Secondary Arterial  
• 30 feet when adjacent to a Collector  
• 25 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**  
• 5 feet

**Minimum Rear Yard Setback:**  
• 20 feet for the Primary Structure  
• 15 feet for Accessory Structures

**Maximum Lot Coverage:**  
• square feet of all primary and secondary structures, and impervious surface cannot exceed 60% of the Lot Area

**Minimum Main Floor Area:**  
• 1,200 square feet for one story Primary Structures; or  
• 900 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,200 square feet or more



**Maximum Structure Height:**  
• 35 feet for the Primary Structure  
• 15 feet for Accessory Structures

### Additional Standards that Apply

<b>Lot/Yard (LY)</b> • LY-01 ..... Page 7-2	<b>Floodplain (FP)</b> • FP-01 ..... Page 7-10	<b>Fences and Walls (FN)</b> • FN-01 ..... Page 7-25
<b>Height (HT)</b> • HT-01 ..... Page 7-2	<b>Lighting (LT)</b> • LT-01 ..... Page 7-13	<b>Miscellaneous (MS)</b> • MS-02 ..... Page 7-26 • MS-03 ..... Page 7-26 • MS-05 ..... Page 7-26 • MS-06 ..... Page 7-26 • MS-07 ..... Page 7-26
<b>Accessory Structures (AS)</b> • AS-01 ..... Page 7-3 • AS-02 ..... Page 7-3	<b>Parking (PK)</b> • PK-01 ..... Page 7-13 • PK-06 ..... Page 7-15 • PK-07 ..... Page 7-15	<b>General Signs (GS)</b> • GS-01 ..... Page 10-2
<b>Temporary Uses (TU)</b> • TU-01 ..... Page 7-5 • TU-02 ..... Page 7-5	<b>Entrances/Drives (ED)</b> • ED-01 ..... Page 7-16	<b>Temporary Signs (TS)</b> • TS-01 ..... Page 10-4
<b>Landscaping (LS)</b> • LS-01 ..... Page 7-5 • LS-02 ..... Page 7-6 • LS-03 ..... Page 7-6	<b>Vision Clearance (VC)</b> • VC-01 ..... Page 7-18	<b>Permanent Signs (PS)</b> • PS-01 ..... Page 10-5
<b>Buffer Yards (BY)</b> • BY-01 ..... Page 7-7	<b>Home Occupation (HO)</b> • HO-01 ..... Page 7-19 • HO-02 ..... Page 7-20	
<b>Performance Standards (PS)</b> • PS-01 ..... Page 7-8	<b>Telecommunication Facilities (TF)</b> • TF-01 ..... Page 7-22 • TF-02 ..... Page 7-24 • TF-03 ..... Page 7-25	
<b>Environmental (EN)</b> • EN-01 ..... Page 7-9		

# "R5" District

## 3.11 "R5" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R5" (Old Town Residential) District is intended to provide a land use category for small lots and small-sized single family detached homes. The provisions that regulate this land use district should protect, maintain and promote where possible the "old town character" in Atlanta .</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to protect this district from business encroachment, conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "R5" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single family</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> <li>•home occupation #1</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, multifamily, apartment (10-unit or less)***</li> <li>•dwelling, two-family</li> <li>•bed and breakfast facility (12 boarders or less)**</li> <li>•boarding house (owner-occupied)***</li> <li>•child care home (owner-occupied home)***</li> <li>•residential facility for developmentally disabled (large)***</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•fire station ***</li> <li>•church ***</li> <li>•school, public or private ***</li> <li>•child care center ***</li> <li>•community center ***</li> <li>•government building ***</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>•public well</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•home occupation #2</li> </ul>

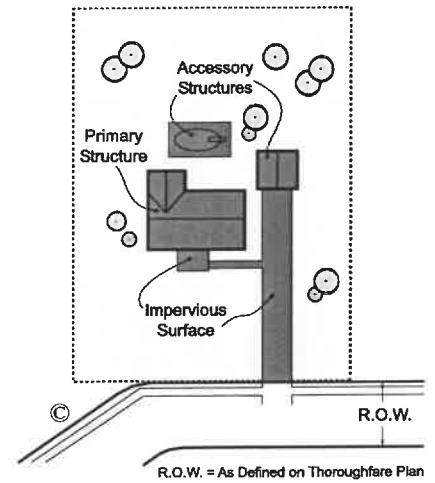
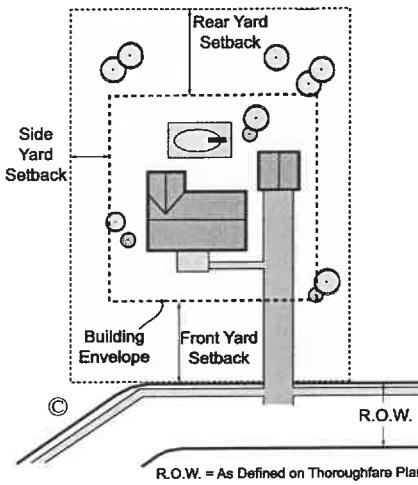
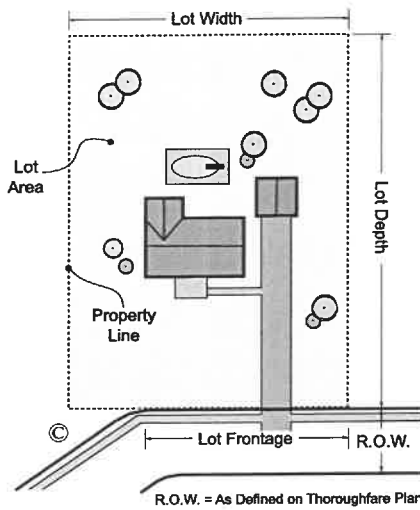
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*Minimum side yard setback of 25 feet, minimum lot width of 90 feet

\*\*\*Minimum side yard setback of 35 feet, minimum rear yard setback of 30 feet, minimum lot width of 100 feet

# "R5" District

## 3.12 "R5" District Standards



### Minimum Lot Area:

- 5,000 square feet

### Minimum Lot Area Per Dwelling Unit

- 5,000 square feet

### Minimum Lot Width:

- 28 feet

### Maximum Lot Depth:

- 5 times the Lot Width

### Minimum Lot Frontage:

- 35 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water and sewer hookup

### Minimum Front Yard Setback:

- 20 feet when adjacent to a Primary Arterial
- 20 feet when adjacent to a Secondary Arterial
- 15 feet when adjacent to a Collector
- 10 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 5 feet

### Minimum Rear Yard Setback:

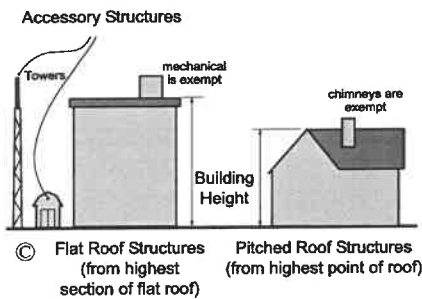
- 15 feet for the Primary Structure
- 5 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and secondary structures, and impervious surface cannot exceed 75% of the Lot Area

### Minimum Main Floor Area:

- 900 square feet for one story Primary Structures; or
- 700 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 900 square feet or more



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 15 feet for Accessory Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Floodplain (FP)</b>	<b>Fences and Walls (FN)</b>
• LY-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• FN-01 ..... Page 7-25
<b>Height (HT)</b>	<b>Lighting (LT)</b>	<b>Miscellaneous (MS)</b>
• HT-01 ..... Page 7-2	• LT-01 ..... Page 7-13	• MS-02 ..... Page 7-26
<b>Accessory Structures (AS)</b>	<b>Parking (PK)</b>	• MS-03 ..... Page 7-26
• AS-01 ..... Page 7-3	• PK-01 ..... Page 7-13	• MS-05 ..... Page 7-26
• AS-02 ..... Page 7-3	• PK-06 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Temporary Uses (TU)</b>	• PK-07 ..... Page 7-15	• MS-07 ..... Page 7-26
• TU-01 ..... Page 7-5	<b>Entrances/Drives (ED)</b>	<b>General Signs (GS)</b>
• TU-02 ..... Page 7-5	• ED-01 ..... Page 7-16	• GS-01 ..... Page 10-2
<b>Landscaping (LS)</b>	<b>Vision Clearance (VC)</b>	<b>Temporary Signs (TS)</b>
• LS-01 ..... Page 7-5	• VC-01 ..... Page 7-18	• TS-01 ..... Page 10-4
• LS-02 ..... Page 7-6	<b>Home Occupation (HO)</b>	<b>Permanent Signs (PS)</b>
• LS-03 ..... Page 7-6	• HO-01 ..... Page 7-19	• PS-01 ..... Page 10-5
<b>Buffer Yards (BY)</b>	• HO-02 ..... Page 7-20	
• BY-01 ..... Page 7-7	<b>Telecommunication Facilities (TF)</b>	
<b>Performance Standards (PS)</b>	• TF-01 ..... Page 7-22	
• PS-01 ..... Page 7-8	• TF-02 ..... Page 7-24	
<b>Environmental (EN)</b>	• TF-03 ..... Page 7-25	
• EN-01 ..... Page 7-9		

# "R6" District

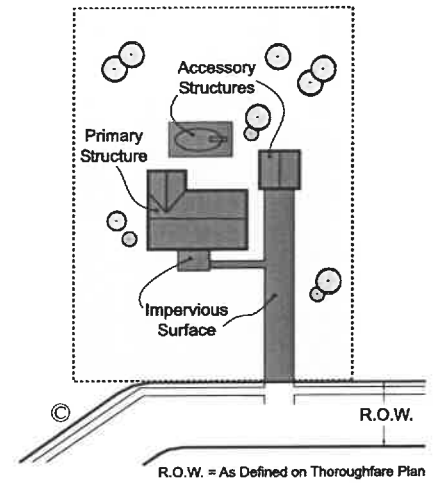
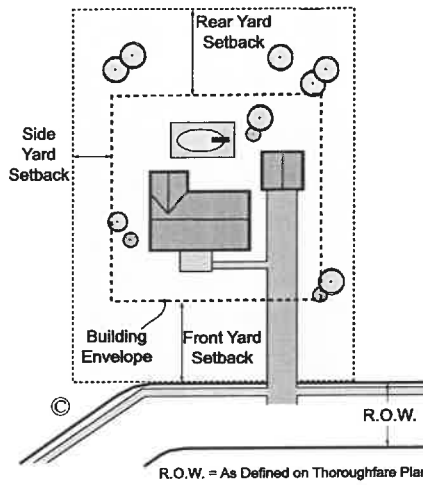
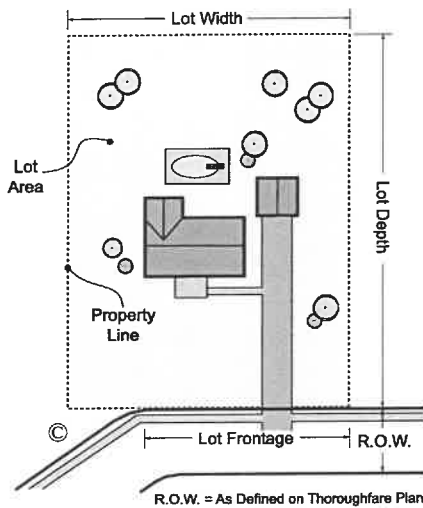
## 3.13 "R6" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R6" (Multifamily Residential) District is intended to provide a land use category for small to medium scale multifamily developments. The provisions that regulate this land use district should protect, promote and maintain areas in Atlanta for existing and future multifamily housing growth.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to sensitively integrate this district into other Residential Districts and the NC, OC, DC, C1, and C2 Commercial Districts. This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 8 to 10 dwelling units per acre community-wide in the "R6" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, multifamily</li> <li>•dwelling, multifamily, apartment</li> <li>•dwelling, two-family</li> <li>•nursing home</li> <li>•retirement community</li> <li>•residential facility for developmentally disabled (large)</li> <li>•residential facility for developmentally disabled (small) *</li> <li>•residential facility for mentally ill *</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•accessory uses</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>•dwelling, single-family</li> <li>•bed and breakfast facility</li> <li>•boarding house</li> <li>•child care home (owner occupied home)</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>•church, temple or mosque</li> <li>•community center</li> <li>•government building</li> <li>•library</li> <li>•police/fire station</li> <li>•post office</li> <li>•public park/recreation center</li> <li>•school, public/private</li> <li>•trade or business school</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>•public wells</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>•child care institution</li> <li>•home occupation #1</li> </ul>

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

# "R6" District

## 3.14 "R6" District Standards



**Minimum Lot Area:**

- 17,000 square feet

**Minimum Lot Area Per Dwelling Unit**

- 6,000 square feet

**Minimum Lot Width:**

- 90 feet

**Maximum Lot Depth:**

- 2.5 times the Lot Width

**Minimum Lot Frontage:**

- 70 feet on a Public Street with access from said Public Street

**Sewer and Water:**

- Requires municipal water and sewer hookup

**Minimum Front Yard Setback:**

- 45 feet when adjacent to a Primary Arterial. Driveways are not permitted off of a Primary Arterial
- 45 feet when adjacent to a Secondary Arterial. Driveways are not permitted off of a Primary Arterial.
- 35 feet when adjacent to a Collector
- 30 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 20 feet (plus buffer yard)

**Minimum Rear Yard Setback:**

- 20 feet for the Primary and Accessory Structures (plus buffer yard)

**Maximum Lot Coverage:**

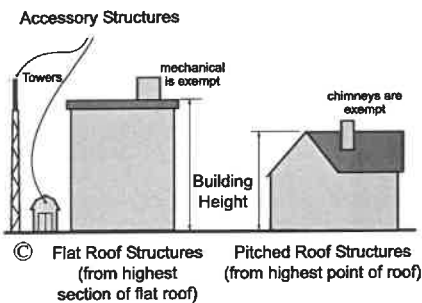
- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area

**Minimum Main Floor Area:**

- 1,100 square feet per Primary Structure for single family or multifamily uses

**Minimum Floor Area Per Unit:**

- 950 square feet average per dwelling unit in a multiple-unit Primary Structure



**Maximum Structure Height:**

- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

**Additional Standards that Apply**

<p><b>Lot/Yard (LY)</b></p> <ul style="list-style-type: none"> <li>• LY-01 ..... Page 7-2</li> </ul> <p><b>Height (HT)</b></p> <ul style="list-style-type: none"> <li>• HT-01 ..... Page 7-2</li> </ul> <p><b>Accessory Structures (AS)</b></p> <ul style="list-style-type: none"> <li>• AS-01 ..... Page 7-3</li> <li>• AS-02 ..... Page 7-3</li> </ul> <p><b>Temporary Uses (TU)</b></p> <ul style="list-style-type: none"> <li>• TU-01 ..... Page 7-5</li> <li>• TU-02 ..... Page 7-5</li> </ul> <p><b>Landscaping (LS)</b></p> <ul style="list-style-type: none"> <li>• LS-01 ..... Page 7-5</li> <li>• LS-02 ..... Page 7-6</li> <li>• LS-03 ..... Page 7-6</li> </ul> <p><b>Buffer Yards (BY)</b></p> <ul style="list-style-type: none"> <li>• BY-01 ..... Page 7-7</li> </ul> <p><b>Performance Standards (PS)</b></p> <ul style="list-style-type: none"> <li>• PS-01 ..... Page 7-8</li> </ul> <p><b>Environmental (EN)</b></p> <ul style="list-style-type: none"> <li>• EN-01 ..... Page 7-9</li> </ul>	<p><b>Floodplain (FP)</b></p> <ul style="list-style-type: none"> <li>• FP-01 ..... Page 7-10</li> </ul> <p><b>Lighting (LT)</b></p> <ul style="list-style-type: none"> <li>• LT-01 ..... Page 7-13</li> </ul> <p><b>Parking (PK)</b></p> <ul style="list-style-type: none"> <li>• PK-01 ..... Page 7-13</li> <li>• PK-06 ..... Page 7-15</li> <li>• PK-07 ..... Page 7-15</li> </ul> <p><b>Entrances/Drives (ED)</b></p> <ul style="list-style-type: none"> <li>• ED-01 ..... Page 7-16</li> </ul> <p><b>Vision Clearance (VC)</b></p> <ul style="list-style-type: none"> <li>• VC-01 ..... Page 7-18</li> </ul> <p><b>Public Improvement (PI)</b></p> <ul style="list-style-type: none"> <li>• PI-01 ..... Page 7-19</li> </ul> <p><b>Home Occupation (HO)</b></p> <ul style="list-style-type: none"> <li>• HO-01 ..... Page 7-19</li> </ul> <p><b>Telecommunication Facilities (TF)</b></p> <ul style="list-style-type: none"> <li>• TF-01 ..... Page 7-22</li> <li>• TF-02 ..... Page 7-24</li> <li>• TF-03 ..... Page 7-25</li> </ul>	<p><b>Fences and Walls (FN)</b></p> <ul style="list-style-type: none"> <li>• FN-01 ..... Page 7-25</li> </ul> <p><b>Miscellaneous (MS)</b></p> <ul style="list-style-type: none"> <li>• MS-02 ..... Page 7-26</li> <li>• MS-03 ..... Page 7-26</li> <li>• MS-05 ..... Page 7-26</li> <li>• MS-06 ..... Page 7-26</li> <li>• MS-07 ..... Page 7-26</li> </ul> <p><b>General Signs (GS)</b></p> <ul style="list-style-type: none"> <li>• GS-01 ..... Page 10-2</li> </ul> <p><b>Temporary Signs (TS)</b></p> <ul style="list-style-type: none"> <li>• TS-02 ..... Page 10-4</li> </ul> <p><b>Permanent Signs (PS)</b></p> <ul style="list-style-type: none"> <li>• PS-02 ..... Page 10-5</li> </ul>
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# "MP" District

## 3.15 "MP" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "MP" (Mobile Home Park) District is intended to provide a land use category for manufactured homes parks in the community as attractive and decent affordable housing. Mobile Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.</p> <p>This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the "MP" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• mobile home park **</li> <li>• dwelling, mobile home</li> <li>• dwelling, manufactured</li> <li>• dwelling, single-family</li> <li>• residential facility for developmentally disabled (small) *</li> <li>• residential facility for mentally ill *</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• accessory uses</li> <li>• private swimming pool</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• child care home (owner occupied home)</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• community center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• child care institution</li> <li>• home occupation #1</li> </ul>

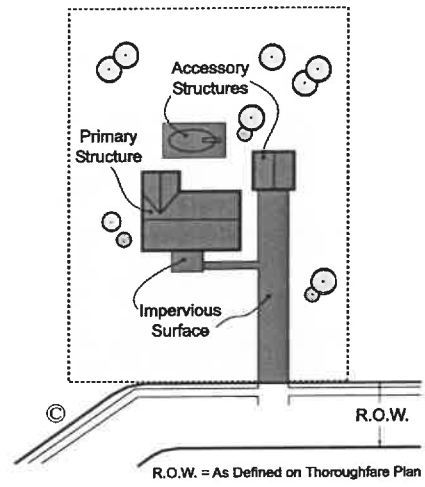
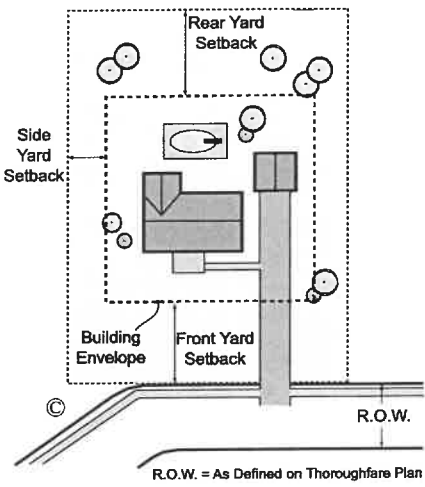
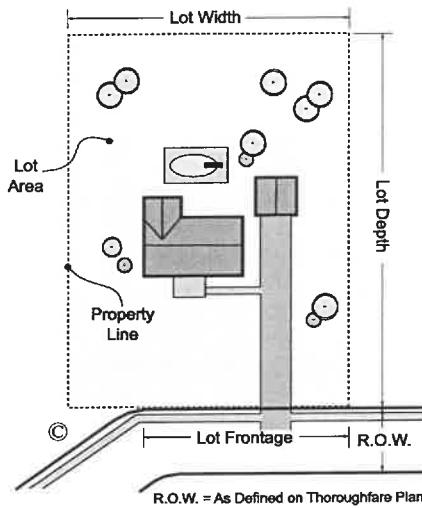
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*A development plan shall be submitted, reviewed and approved by plan commission at a public hearing



# "MP" District

## 3.16 "MP" District Standards



**Minimum Lot Size:**

- 5 acres

**Minimum Lot Width:**

- 250 ft.

**Maximum Lot Depth:**

- 3.5 times the Lot Width

**Minimum Dwelling Site Size:**

- 4,000 square feet

**Minimum Dwelling Site Width:**

- 30 feet

**Maximum Dwelling Site Depth:**

- 3.5 times the Lot Width

**Sewer and Water:**

- Requires municipal water and sewer hookup

**Minimum Lot Front Yard Setback:**

- 35 feet when adjacent to a Primary Arterial
- 30 feet when adjacent to a Secondary Arterial
- 20 feet when adjacent to a Collector
- 20 feet when adjacent to a Local Street

**Minimum Lot Side Yard Setback:**

- 20 feet (plus buffer yard)

**Minimum Lot Rear Yard Setback:**

- 20 feet for the Primary and Secondary Structures (plus buffer yard)

**Minimum Dwelling Site Front Yard Setback:**

- 10 feet from edge of pavement of interior roads

**Minimum Dwelling Site Side Yard Setback:**

- 7 feet for Primary and Secondary Structures

**Minimum Rear Yard Setback:**

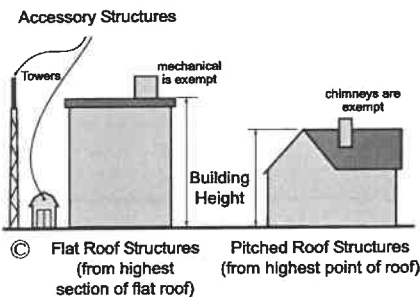
- 7 feet for the Primary and Secondary Structures

**Maximum Lot Coverage:**

- square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area

**Minimum Main Floor Area per Dwelling Unit:**

- 750 square feet per Primary Structure



**Maximum Structure Height:**

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

### Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Floodplain (FP)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Lighting (LT)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• LT-01 ..... Page 7-13	• TF-03 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Parking (PK)</b>	<b>Fences and Walls (FN)</b>
• AS-05 ..... Page 7-4	• PK-02 ..... Page 7-13	• FN-01 ..... Page 7-25
<b>Temporary Uses (TU)</b>	• PK-06 ..... Page 7-15	<b>Miscellaneous (MS)</b>
• TU-01 ..... Page 7-5	• PK-07 ..... Page 7-15	• MS-01 ..... Page 7-26
• TU-03 ..... Page 7-5	<b>Entrances/Drives (ED)</b>	• MS-02 ..... Page 7-26
<b>Landscaping (LS)</b>	• ED-01 ..... Page 7-16	• MS-03 ..... Page 7-26
• LS-01 ..... Page 7-5	• ED-02 ..... Page 7-18	• MS-05 ..... Page 7-26
• LS-02 ..... Page 7-6	<b>Vision Clearance (VC)</b>	• MS-06 ..... Page 7-26
• LS-03 ..... Page 7-6	• VC-01 ..... Page 7-18	• MS-07 ..... Page 7-26
<b>Buffer Yards (BY)</b>	<b>Public Improvement (PI)</b>	<b>General Signs (GS)</b>
• BY-01 ..... Page 7-7	• PI-01 ..... Page 7-19	• GS-01 ..... Page 10-2
<b>Performance Standards (PS)</b>	<b>Open Space (OS)</b>	<b>Temporary Signs (TS)</b>
• PS-01 ..... Page 7-8	• OS-01 ..... Page 7-19	• TS-02 ..... Page 10-4
<b>Environmental (EN)</b>	<b>Home Occupation (HO)</b>	<b>Permanent Signs (PS)</b>
• EN-01 ..... Page 7-9	• HO-01 ..... Page 7-19	• PS-02 ..... Page 10-5





**Article Four**  
**Commercial Zoning Districts**

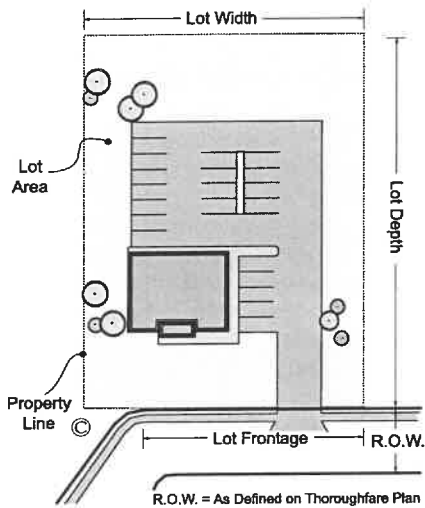
# "SC" District

## 4.1 "SC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "SC" (Special Character Commercial) District is intended to provide a land use category for commercial uses in areas of special character. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly nonconflicting with neighborhoods in Atlanta and present a positive image. This district should be used in and around the intersection of Central Avenue and SR 19.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use this district to promote the character and aesthetic goals of the community as determined in the Atlanta Comprehensive Plan. This district may also be used sparingly and appropriately as a "spot zone" in the community for areas of special character.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from the "SC" district that are not family oriented, that have an adverse effect on the existing or future adjacent neighborhoods and do not meet the character and aesthetic goals of the community .</p>	<p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• government office</li> <li>• library</li> <li>• police/fire station</li> <li>• post office</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• architecture</li> <li>• bank/credit union</li> <li>• design services</li> <li>• insurance office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• restaurant</li> <li>• bakery, retail</li> <li>• convenience store (without gas pumps)</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• drug store</li> <li>• flower shop</li> <li>• news dealer/bookstore</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• school, public/private</li> <li>• public park/recreation center</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• day care</li> <li>• dry-cleaning service</li> </ul>

# "SC" District

## 4.2 "SC" District Standards



**Maximum Lot Area:**

- 30,000 square feet

**Minimum Lot Area:**

- 7,000 square feet

**Minimum Lot Width:**

- 60 feet

**Maximum Lot Depth:**

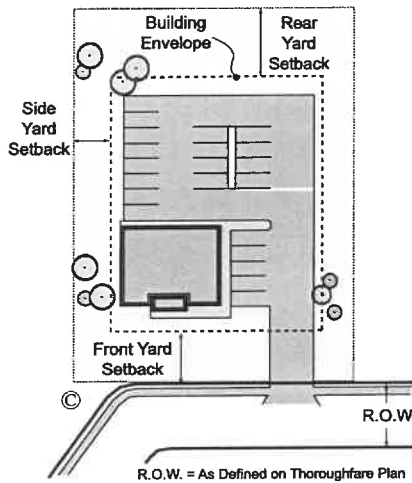
- 2 times the Lot Width

**Minimum Lot Frontage:**

- 50 feet on a Public Street with access from said Public Street

**Sewer and Water:**

- Requires municipal water or sewer hookup



**Minimum Front Yard Setback:**

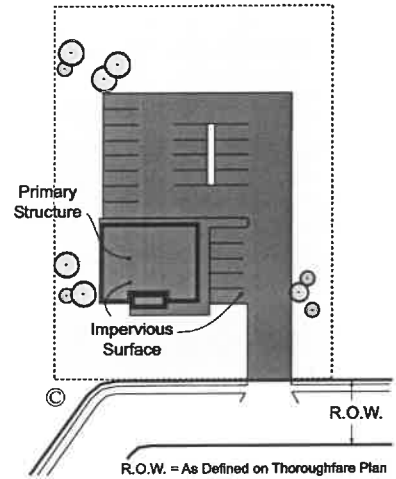
- 20 feet when adjacent to a Primary Arterial
- 20 feet when adjacent to a Secondary Arterial
- 15 feet when adjacent to a Collector
- 15 feet when adjacent to a Local Street

**Minimum Side Yard Setback:**

- 12 feet (plus buffer yard)

**Minimum Rear Yard Setback:**

- 12 feet for the Primary and Accessory Structures (plus buffer yard)



**Maximum Lot Coverage:**

- square feet of all primary and secondary structures, and impervious surface cannot exceed 60% of the Lot Area

**Minimum Floor Area:**

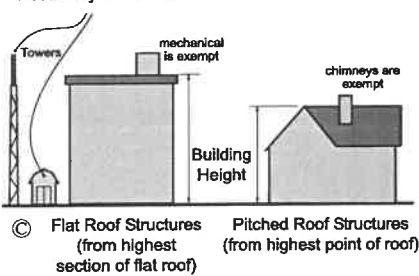
- 800 square feet for Primary Structures

**Maximum Floor Area:**

- 6,000 square feet for Primary and Accessory Structures

9c 4

**Accessory Structures**



**Maximum Structure Height:**

- 28 feet for the Primary Structure
- 15 feet for Accessory Structures

### Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Environmental (EN)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• EN-01 ..... Page 7-9	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Floodplain (FP)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-03 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Lighting (LT)</b>	<b>Fences and Walls (FN)</b>
• AS-03 ..... Page 7-4	• LT-01 ..... Page 7-13	• FN-02 ..... Page 7-25
• AS-04 ..... Page 7-4	<b>Parking (PK)</b>	<b>Miscellaneous (MS)</b>
<b>Temporary Uses (TU)</b>	• PK-03 ..... Page 7-14	• MS-03 ..... Page 7-26
• TU-01 ..... Page 7-5	• PK-04 ..... Page 7-14	• MS-05 ..... Page 7-26
• TU-03 ..... Page 7-5	• PK-05 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Landscaping (LS)</b>	<b>Loading (LD)</b>	• MS-07 ..... Page 7-26
• LS-01 ..... Page 7-5	• LD-01 ..... Page 7-16	<b>General Signs (GS)</b>
• LS-02 ..... Page 7-6	<b>Entrances/Drives (ED)</b>	• GS-01 ..... Page 10-2
• LS-03 ..... Page 7-6	• ED-01 ..... Page 7-16	<b>Temporary Signs (TS)</b>
<b>Buffer Yards (BY)</b>	<b>Vision Clearance (VC)</b>	• TS-02 ..... Page 10-4
• BY-01 ..... Page 7-7	• VC-01 ..... Page 7-18	<b>Permanent Signs (PS)</b>
<b>Performance Standards (PS)</b>	<b>Home Occupation (HO)</b>	• PS-03 ..... Page 10-6
• PS-01 ..... Page 7-8	• HO-01 ..... Page 7-19	

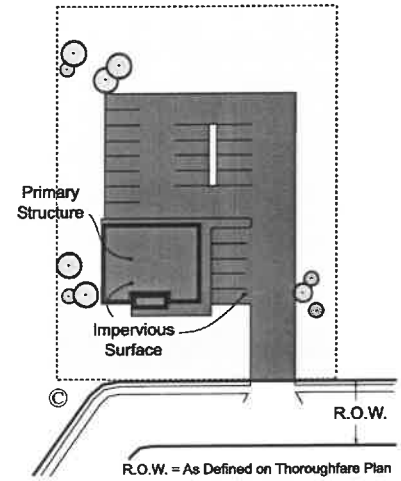
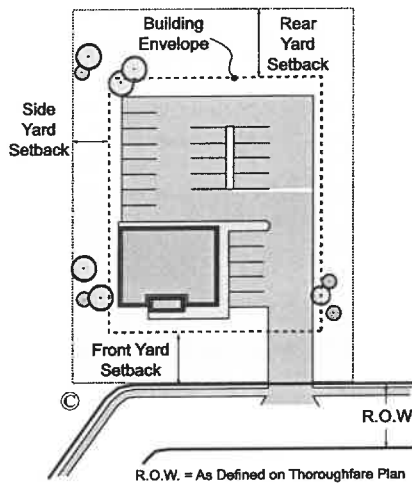
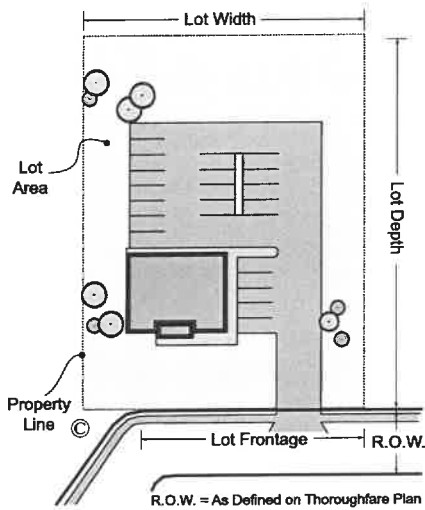
# "OC" District

## 4.3 "OC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "OC" (Office Commercial) District is intended to provide a land use category for low impact office commercial uses. The provisions that regulate this land use district should make the district compatible with all residential districts. This district can be used as a buffer between any residential district and high impact or conflicting land uses.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use this district sparingly.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, large parking lots, traffic generation, traffic conflicts, and noise generation in the "OC" District.</p>	<p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• architecture</li> <li>• bank/credit union</li> <li>• design services</li> <li>• insurance office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• clinic/medical/dental</li> <li>• print shop</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• accessory uses</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multifamily, (upper floors)</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• restaurant</li> <li>• restaurant (without alcoholic)</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• day care</li> <li>• fitness center/gym</li> <li>• health spa</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• bank machine/ATM</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• school, public/private</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> <li>• recycling collection point</li> </ul>

# "OC" District

## 4.4 "OC" District Standards



### Minimum Lot Area:

- 2500 square feet

### Minimum Lot Width:

- 50 feet

### Maximum Lot Depth:

- 3 times the Lot Width

### Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water or sewer hookup

### Minimum Front Yard Setback:

- 0 feet when adjacent to a Primary Arterial
- 0 feet when adjacent to a Secondary Arterial
- 0 feet when adjacent to a Collector
- 0 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 5 feet (plus buffer yard)

### Minimum Rear Yard Setback:

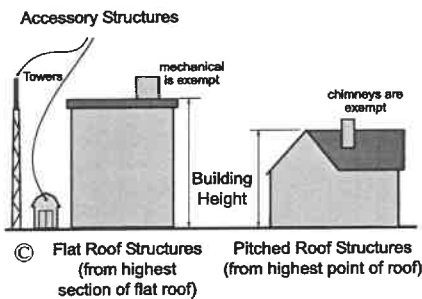
- 15 feet for the Primary and Accessory Structures (plus buffer yard)

### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area

### Minimum Floor Area:

- 1,000 square feet for Primary Structures



### Maximum Structure Height:

- 30 feet for the Primary Structure
- 15 feet for Accessory Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Environmental (EN)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• EN-01 ..... Page 7-9	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Floodplain (FP)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-04 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Lighting (LT)</b>	<b>Fences and Walls (FN)</b>
• AS-03 ..... Page 7-4	• LT-01 ..... Page 7-13	• FN-02 ..... Page 7-25
• AS-04 ..... Page 7-4	<b>Parking (PK)</b>	<b>Miscellaneous (MS)</b>
<b>Temporary Uses (TU)</b>	• PK-03 ..... Page 7-14	• MS-03 ..... Page 7-26
• TU-01 ..... Page 7-5	• PK-04 ..... Page 7-14	• MS-05 ..... Page 7-26
• TU-03 ..... Page 7-5	• PK-05 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Landscaping (LS)</b>	<b>Loading (LD)</b>	• MS-07 ..... Page 7-26
• LS-01 ..... Page 7-5	• LD-01 ..... Page 7-16	<b>General Signs (GS)</b>
• LS-02 ..... Page 7-6	<b>Entrances/Drives (ED)</b>	• GS-01 ..... Page 10-2
• LS-03 ..... Page 7-6	• ED-01 ..... Page 7-16	<b>Temporary Signs (TS)</b>
<b>Buffer Yards (BY)</b>	<b>Vision Clearance (VC)</b>	• TS-02 ..... Page 10-4
• BY-01 ..... Page 7-7	• VC-01 ..... Page 7-18	<b>Permanent Signs (PS)</b>
<b>Performance Standards (PS)</b>	<b>Home Occupation (HO)</b>	• PS-03 ..... Page 10-6
• PS-01 ..... Page 7-8	• HO-01 ..... Page 7-19	

# "DC" District

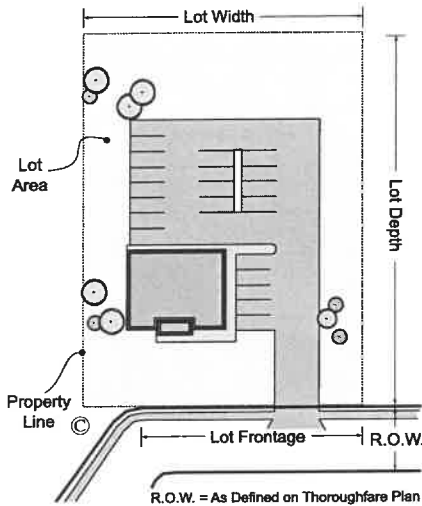
## 4.5 "DC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "DC" (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in small town downtowns. The provisions that regulate this land use district should make the district compatible with the "R5" and "R6" residential districts, and "OC" and "C1" commercial districts.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use this district only in the historic downtown area and its immediate surroundings.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multifamily, (upper floors)</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile part sales (new)</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• department store</li> <li>• drug store</li> <li>• fabric shop</li> <li>• flower shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• jewelry store</li> <li>• liquor sales</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• delicatessen</li> <li>• restaurant</li> <li>• restaurant (without alcoholic)</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• dry-cleaning service</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• architecture</li> <li>• bank/credit union</li> <li>• design services</li> <li>• insurance office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• travel agency</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• video store</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• accessory uses</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• boarding or lodging house</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• convenience store</li> <li>• farmers market</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• dance/aerobics/gymnastics studio</li> <li>• karate studio</li> <li>• lodge or private club</li> <li>• theater, indoor</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• bank machine/ATM</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• museum</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• public/private parking area</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> </ul>



# "DC" District

## 4.6 "DC" District Standards



### Minimum Lot Area:

- 2,000 square feet

### Minimum Lot Width:

- 25 feet

### Maximum Lot Depth:

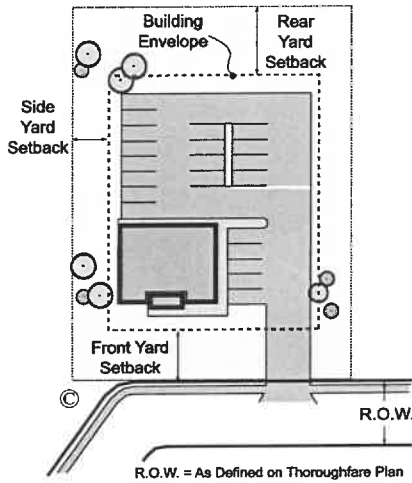
- 3 times the Lot Width

### Minimum Lot Frontage:

- 25 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water or sewer hookup



### Minimum Front Yard Setback:

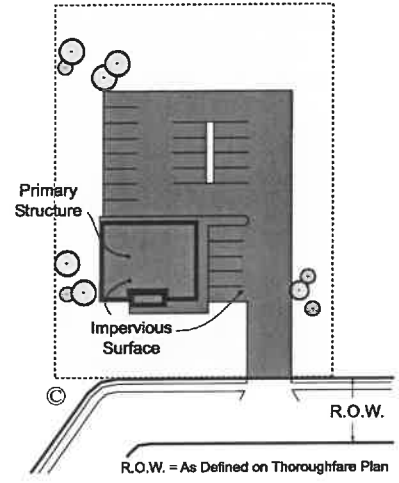
- 0 feet when adjacent to a Primary Arterial
- 0 feet when adjacent to a Secondary Arterial
- 0 feet when adjacent to a Collector
- 0 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 0 feet

### Minimum Rear Yard Setback:

- 0 feet for the Primary Structure
- 0 feet for Secondary Structures



### Minimum Lot Coverage:

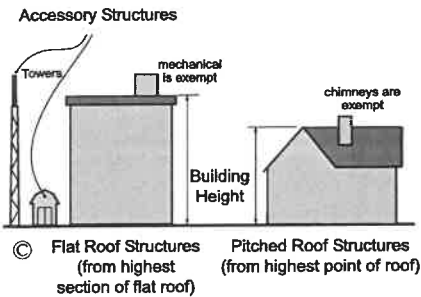
- square feet of all primary and secondary structures, cannot be below 80% of the Lot Area

### Minimum Floor Area:

- 1,500 square feet for Primary Structures

### Minimum Living Area per Dwelling Unit:

- 900 square feet per Dwelling Unit



### Maximum Structure Height:

- 40 feet for the Primary Structure
- 15 feet for Accessory Structures

### Minimum Height:

- Two Stories for all Primary Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Environmental (EN)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• EN-01 ..... Page 7-9	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Floodplain (FP)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-04 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Lighting (LT)</b>	<b>Fences and Walls (FN)</b>
• AS-03 ..... Page 7-4	• LT-01 ..... Page 7-13	• FN-02 ..... Page 7-25
• AS-04 ..... Page 7-4	<b>Parking (PK)</b>	<b>Miscellaneous (MS)</b>
<b>Temporary Uses (TU)</b>	• PK-03 ..... Page 7-14	• MS-03 ..... Page 7-26
• TU-01 ..... Page 7-5	• PK-04 ..... Page 7-14	• MS-05 ..... Page 7-26
• TU-03 ..... Page 7-5	• PK-05 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Landscaping (LS)</b>	• PK-06 ..... Page 7-15	• MS-07 ..... Page 7-26
• LS-01 ..... Page 7-5	<b>Loading (LD)</b>	<b>General Signs (GS)</b>
• LS-02 ..... Page 7-6	• LD-01 ..... Page 7-16	• GS-01 ..... Page 10-2
• LS-03 ..... Page 7-6	<b>Entrances/Drives (ED)</b>	<b>Temporary Signs (TS)</b>
<b>Buffer Yards (BY)</b>	• ED-01 ..... Page 7-16	• TS-02 ..... Page 10-4
• BY-01 ..... Page 7-7	<b>Vision Clearance (VC)</b>	<b>Permanent Signs (PS)</b>
<b>Performance Standards (PS)</b>	• VC-01 ..... Page 7-18	• PS-03 ..... Page 10-6
• PS-01 ..... Page 7-8	<b>Home Occupation (HO)</b>	
	• HO-01 ..... Page 7-19	

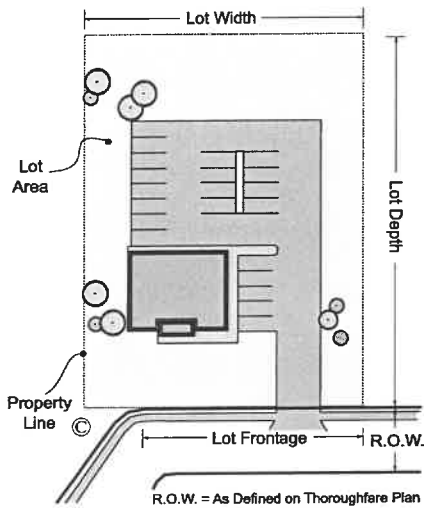
# "C1" District

## 4.7 "C1" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "C1" (General Commercial) District is intended to provide a land use category for most general business uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and the "R5" and "R6" residential districts.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use this district with the "C1" district to encourage a strong and stable area for commerce.</p> <p>The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, un-landscaped large parking lots, parking lots fronting the major streets, and traffic conflicts in the "C1" District.</p>	<p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture store</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating &amp; cooling sales/service</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor sales</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• sporting goods</li> <li>• variety store</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile part sales, new</li> <li>• auto repair, minor</li> <li>• automobile service station</li> <li>• automobile wash, automatic and self</li> <li>• oil change service</li> <li>• filling/gas station</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery</li> <li>• convenience store</li> <li>• drive-in restaurant</li> <li>• meat market</li> <li>• restaurant</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• dance/aerobics/gymnastics studio</li> <li>• theater, indoor</li> <li>• video store</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• medical/dental clinic</li> <li>• hotel/motel</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• bank/credit union</li> <li>• bank machine/ATM</li> </ul>	<p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• department store</li> <li>• lumber yard</li> <li>• satellite dish sales/service</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• drive-through restaurant</li> <li>• grocery/supermarket</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• auto repair, major</li> <li>• automobile sales</li> <li>• recreational vehicle sales</li> <li>• truck sales/service</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• drive-through bank/credit union</li> <li>• drive-through bank machine/ATM</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• bar/night club</li> <li>• theater, outdoor</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• funeral home or mortuary</li> <li>• landscape business</li> <li>• sign painting/fabrication</li> <li>• mini-storage facility</li> <li>• wholesale business</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• public wells</li> <li>• radio/TV station</li> <li>• sewage treatment plants</li> </ul>

# "C1" District

## 4.8 "C1" District Standards



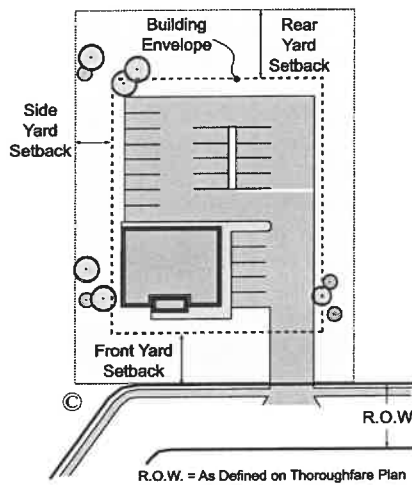
**Minimum Lot Area:**  
 • 20,000 square feet

**Minimum Lot Width:**  
 • 70 feet

**Maximum Lot Depth:**  
 • 2.5 times the Lot Width

**Minimum Lot Frontage:**  
 • 70 feet on a Public Street with access from said Public Street

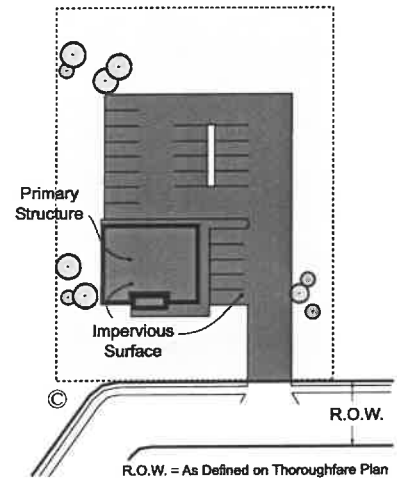
**Sewer and Water:**  
 • Requires municipal water or sewer hookup



**Minimum Front Yard Setback:**  
 • 35 feet when adjacent to a Primary Arterial  
 • 35 feet when adjacent to a Secondary Arterial  
 • 30 feet when adjacent to a Collector  
 • 25 feet when adjacent to a Local Street

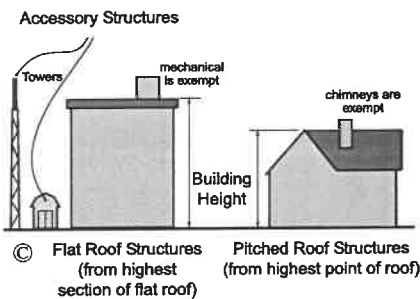
**Minimum Side Yard Setback:**  
 • 25 feet (plus buffer yard)

**Minimum Rear Yard Setback:**  
 • 25 feet for the Primary/Secondary Structure (plus buffer yard)



**Maximum Lot Coverage:**  
 • square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area

**Minimum Floor Area:**  
 • 1,000 square feet for Primary Structures



**Maximum Structure Height:**  
 • 22 feet for the Primary Structure  
 • 15 feet for Accessory Structures

### Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Environmental (EN)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• EN-01 ..... Page 7-9	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Floodplain (FP)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-04 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Lighting (LT)</b>	<b>Fences and Walls (FN)</b>
• AS-03 ..... Page 7-4	• LT-01 ..... Page 7-13	• FN-02 ..... Page 7-25
• AS-04 ..... Page 7-4	<b>Parking (PK)</b>	<b>Miscellaneous (MS)</b>
<b>Temporary Uses (TU)</b>	• PK-03 ..... Page 7-14	• MS-03 ..... Page 7-26
• TU-01 ..... Page 7-5	• PK-04 ..... Page 7-14	• MS-05 ..... Page 7-26
• TU-03 ..... Page 7-5	• PK-05 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Landscaping (LS)</b>	<b>Loading (LD)</b>	• MS-07 ..... Page 7-26
• LS-01 ..... Page 7-5	• LD-01 ..... Page 7-16	<b>General Signs (GS)</b>
• LS-02 ..... Page 7-6	<b>Entrances/Drives (ED)</b>	• GS-01 ..... Page 10-2
• LS-03 ..... Page 7-6	• ED-01 ..... Page 7-16	<b>Temporary Signs (TS)</b>
<b>Buffer Yards (BY)</b>	<b>Vision Clearance (VC)</b>	• TS-02 ..... Page 10-4
• BY-01 ..... Page 7-7	• VC-01 ..... Page 7-18	<b>Permanent Signs (PS)</b>
<b>Performance Standards (PS)</b>		• PS-04 ..... Page 10-6
• PS-01 ..... Page 7-8		

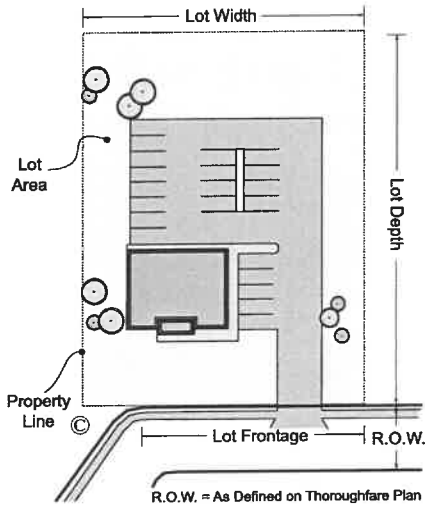
# "C2" District

## 4.9 "C2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "C2" (Business Park/Light Industrial) District is intended to provide a land use category for most low to moderate impact business park and light industrial facilities. This district can be used adjacent to all other commercial districts, agriculture districts, and the "R5" and "R6" residential districts.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use the "C2" district to develop a contiguous area, or cluster, for commerce and job creation.</p> <p>The Plan Commission and Board of Zoning Appeals should not encourage "spot zoning" with this district. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "C2" District.</p>	<p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> <li>• automobile repair, minor (enclosed)</li> <li>• automobile service station</li> <li>• recreational vehicle sales</li> <li>• oil change service (enclosed)</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• warehouse</li> <li>• welding</li> <li>• trade shops</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• radio/TV station</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• distribution center</li> <li>• flex-space</li> <li>• light manufacturing</li> <li>• office complex</li> <li>• research center</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• accessory uses</li> </ul>	<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• farm equipment sales/service</li> <li>• commercial processing agriculture products</li> <li>• commercial storage of agricultural products</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> <li>• automobile repair, major (enclosed)</li> <li>• automobile/truck storage (outdoor)</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• outside storage facility (shall be enclosed with privacy fence)</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• pipeline pumping station</li> <li>• public wells</li> <li>• utility substation</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• police/fire station</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• bottled gas storage/distribution</li> <li>• general manufacturing</li> <li>• industrial park</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• artificial lake or pond over one (1) acre in size</li> </ul>

# "C2" District

## 4.10 "C2" District Standards



### Minimum Lot Area:

- 2 acres

### Minimum Lot Width:

- 200 feet

### Maximum Lot Depth:

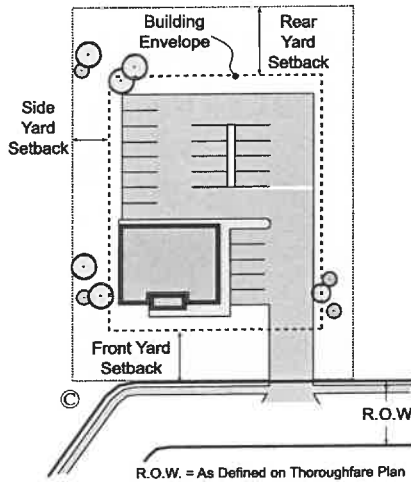
- 3 times the Lot Width

### Minimum Lot Frontage:

- 100 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water or sewer hookup



### Minimum Front Yard Setback:

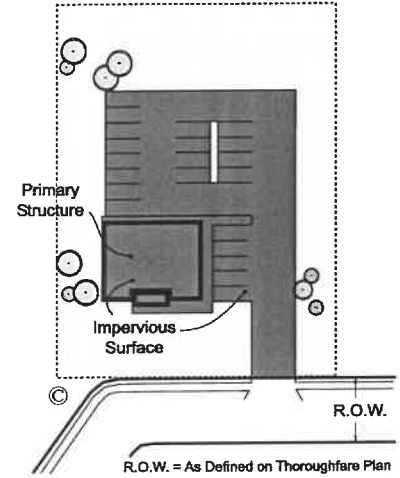
- 60 feet when adjacent to a Primary Arterial
- 50 feet when adjacent to a Secondary Arterial
- 50 feet when adjacent to a Collector
- 45 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 40 feet (plus buffer yard)

### Minimum Rear Yard Setback:

- 40 feet for the Primary/Accessory Structure (plus buffer yard)

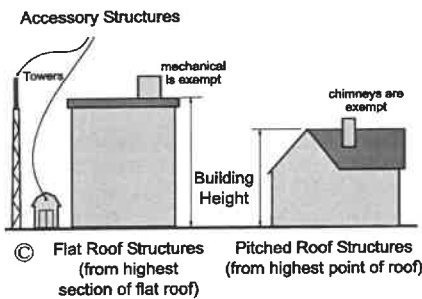


### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area

### Minimum Floor Area:

- 3,000 square feet for Primary Structures



### Maximum Structure Height:

- 45 feet for the Primary Structure
- 35 feet for Accessory Structures

## Additional Standards that Apply

<b>Lot/Yard (LY)</b>	<b>Environmental (EN)</b>	<b>Telecommunication Facilities (TF)</b>
• LY-01 ..... Page 7-2	• EN-01 ..... Page 7-9	• TF-01 ..... Page 7-22
<b>Height (HT)</b>	<b>Floodplain (FP)</b>	• TF-02 ..... Page 7-24
• HT-01 ..... Page 7-2	• FP-01 ..... Page 7-10	• TF-05 ..... Page 7-25
<b>Accessory Structures (AS)</b>	<b>Lighting (LT)</b>	<b>Fences and Walls (FN)</b>
• AS-03 ..... Page 7-4	• LT-01 ..... Page 7-13	• FN-02 ..... Page 7-25
• AS-04 ..... Page 7-4	<b>Parking (PK)</b>	<b>Miscellaneous (MS)</b>
<b>Temporary Uses (TU)</b>	• PK-03 ..... Page 7-14	• MS-03 ..... Page 7-26
• TU-01 ..... Page 7-5	• PK-04 ..... Page 7-14	• MS-05 ..... Page 7-26
• TU-03 ..... Page 7-5	• PK-05 ..... Page 7-15	• MS-06 ..... Page 7-26
<b>Landscaping (LS)</b>	<b>Loading (LD)</b>	• MS-07 ..... Page 7-26
• LS-01 ..... Page 7-5	• LD-01 ..... Page 7-16	<b>General Signs (GS)</b>
• LS-02 ..... Page 7-6	<b>Entrances/Drives (ED)</b>	• GS-01 ..... Page 10-2
• LS-03 ..... Page 7-6	• ED-01 ..... Page 7-16	<b>Temporary Signs (TS)</b>
<b>Buffer Yards (BY)</b>	<b>Vision Clearance (VC)</b>	• TS-02 ..... Page 10-4
• BY-01 ..... Page 7-7	• VC-01 ..... Page 7-18	<b>Permanent Signs (PS)</b>
<b>Performance Standards (PS)</b>		• PS-05 ..... Page 10-7
• PS-01 ..... Page 7-8		

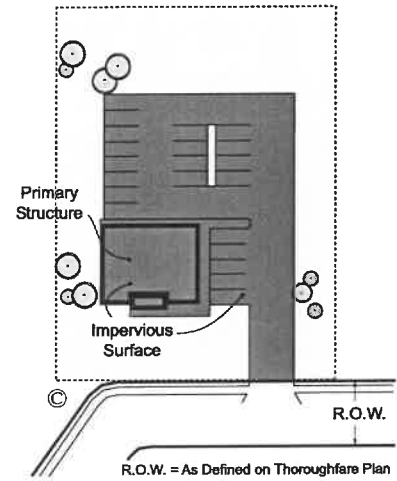
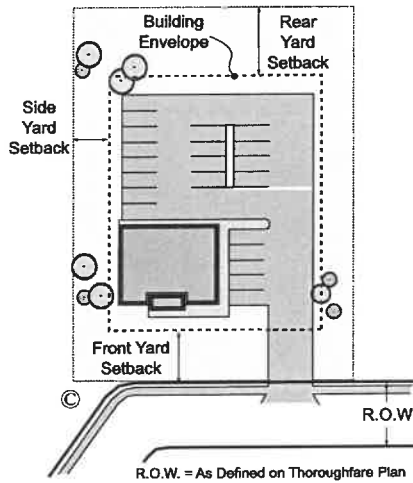
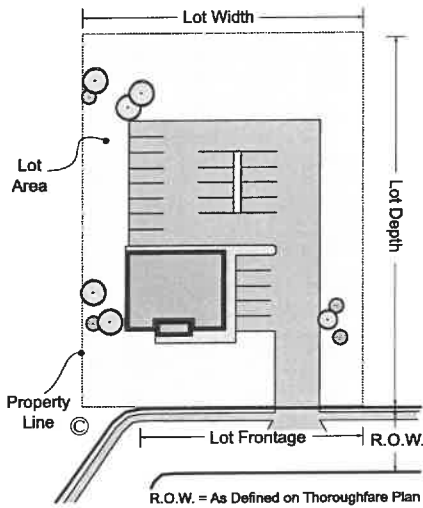
# "C3" District

## 4.11 "C3" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "C3" (Industrial Park/Heavy Industrial) District is intended to provide a land use category for most moderate to high impact industrial park and heavy industrial facilities. This district can be used adjacent to the "C1" and "C2" commercial districts, and agriculture districts where there are not negative effects on the environment.</p> <p>Atlanta's Plan Commission and Board of Zoning appeals should strive to use the "C3" district on a case-by-case basis. Vacant land should not be zoned "C3"</p> <p>The Plan Commission and Board of Zoning Appeals should be very careful in allowing this district. Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "C3" District.</p> <p>Buffer yards are mandatory and outdoor storage is not permitted.</p>	<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• farm equipment sales/service</li> <li>• storage of agricultural products</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• trade shops</li> <li>• warehouse</li> <li>• mini-storage facility</li> <li>• welding</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• radio/TV station</li> <li>• telephone exchange</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• bottled gas storage/distribution</li> <li>• distribution center</li> <li>• flex-space</li> <li>• heavy manufacturing</li> <li>• light manufacturing</li> <li>• office complex</li> <li>• research center</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• accessory uses</li> </ul>	<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• processing agriculture products</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> <li>• automobile repair, major (enclosed)</li> <li>• automobile/truck storage (outdoor)</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• storage (indoor or outdoor with screening)</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• electrical generator</li> <li>• pipeline pumping station</li> <li>• public wells</li> <li>• sewage treatment plants</li> <li>• storage tanks nonhazardous</li> <li>• utility substation</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• police/fire station</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• incinerator</li> <li>• liquid fertilizer storage/distribution</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• artificial lake-One (1) or more acres</li> </ul>

# "C3" District

## 4.12 "C3" District Standards



### Minimum Lot Area:

- 3 acres

### Minimum Lot Width:

- 250 feet

### Maximum Lot Depth:

- 3 times the Lot Width

### Minimum Lot Frontage:

- 50 feet on a Public Street with access from said Public Street

### Sewer and Water:

- Requires municipal water or sewer hookup

### Minimum Front Yard Setback:

- 60 feet when adjacent to a Primary Arterial
- 50 feet when adjacent to a Secondary Arterial
- 50 feet when adjacent to a Collector
- 50 feet when adjacent to a Local Street

### Minimum Side Yard Setback:

- 30 feet (plus buffer yard)

### Minimum Rear Yard Setback:

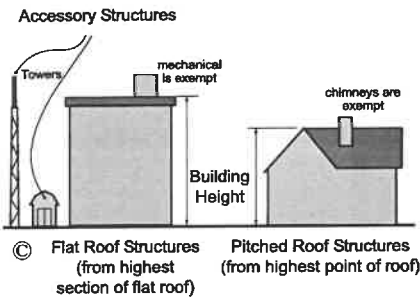
- 30 feet for the Primary/Accessory Structure (plus buffer yard)

### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area

### Minimum Floor Area:

- 5,000 square feet for Primary Structures



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

## Additional Standards that Apply

### Lot/Yard (LY)

- LY-01 ..... Page 7-2

### Height (HT)

- HT-01 ..... Page 7-2

### Accessory Structures (AS)

- AS-03 ..... Page 7-4
- AS-04 ..... Page 7-4

### Temporary Uses (TU)

- TU-01 ..... Page 7-5
- TU-03 ..... Page 7-5

### Landscaping (LS)

- LS-01 ..... Page 7-5
- LS-02 ..... Page 7-6
- LS-03 ..... Page 7-6

### Buffer Yards (BY)

- BY-01 ..... Page 7-7

### Performance Standards (PS)

- PS-01 ..... Page 7-8

### Environmental (EN)

- EN-01 ..... Page 7-9

### Floodplain (FP)

- FP-01 ..... Page 7-10

### Lighting (LT)

- LT-01 ..... Page 7-13

### Parking (PK)

- PK-03 ..... Page 7-14
- PK-04 ..... Page 7-14
- PK-05 ..... Page 7-15

### Loading (LD)

- LD-01 ..... Page 7-16

### Entrances/Drives (ED)

- ED-01 ..... Page 7-16

### Vision Clearance (VC)

- VC-01 ..... Page 7-18

### Telecommunication

#### Facilities (TF)

- TF-01 ..... Page 7-22

- TF-02 ..... Page 7-24

- TF-05 ..... Page 7-25

#### Fences and Walls (FN)

- FN-02 ..... Page 7-25

#### Miscellaneous (MS)

- MS-03 ..... Page 7-26

- MS-05 ..... Page 7-26

- MS-06 ..... Page 7-26

- MS-07 ..... Page 7-26

#### General Signs (GS)

- GS-01 ..... Page 10-2

#### Temporary Signs (TS)

- TS-02 ..... Page 10-4

#### Permanent Signs (PS)

- PS-05 ..... Page 10-7





# **Article Five**

## **Wellhead Protection Overlay District**

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## Article Five

# Wellhead Protection Overlay District

### 5.1 Purpose

This Article has been established to:

- A. Recognize the safety and potability of the community's water supply requires that lands near wellfields used to supply water for public purposes be subject to land use controls designed to prevent site development that is injurious to the public water supply; and
- B. Recognize that commercial and industrial uses, if unregulated, have an immediate probability of permitting the introduction of toxic substances into the water supply; and
- C. Recognize, local water utilities, in compliance with Indiana Department of Environmental Management mandates for community public water systems, are presently establishing wellfield protection programs as a first step towards protecting their public water supply wellfields; and
- D. Recognize, all public water supplies in Atlanta are totally dependent on groundwater as the source for public water supplies; and
- E. Recognize, future development in Atlanta is dependent on the availability of a safe and dependable supply of drinking water.

For the above mentioned reasons, the Town Council of the Town of Atlanta is establishing the Wellhead Protection Overlay District with the following regulations.

### 5.2 Jurisdictional Boundary

- A. The jurisdictional boundaries for the Wellhead Protection Overlay District (WP-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Wellhead Protection Overlay District (WP-OL).

### 5.3 Applicability

The following requirements apply to all land within the Wellhead Protection Zones, as defined in 5.4, with the exceptions of single and multifamily residential land uses connected to municipal sanitary and storm sewers.

After the effective date of this Zoning Ordinance, no building, structure, premises, or part thereof shall be constructed, erected, enlarged, extended, or relocated except in conformity with these regulations and for uses permitted by this Zoning Ordinance and until the proposed site and land use description has been filed with and approved by the Zoning Administrator.

### 5.4 Establishment of Wellhead Protection Zones

The following areas are designated as Wellfield Protection Zones:

- A. Zone 1: The area contained within a one (1) year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1; or the areas within one thousand (1,000) feet of a public water supply well.
- B. Zone 2: The area contained within a five (5) year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 IAC 8-4.1; or the areas within three thousand (3,000) feet of a public water supply well.

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## 5.5 Exemptions from Regulations

The following are not required to submit Site and development Plans:

- A. Any land use within Zone 1 that in the ordinary course of their business has or will have, less than the threshold amount of one (1) gallon of liquids in the aggregate or six (6) pounds of water soluble solids.
- B. Any land use within Zone 2 that in the ordinary course of their business has or will have, less than the threshold amount of one hundred (100) gallons of liquid in the aggregate or six hundred (600) pounds of water soluble solids in the aggregate.
- C. In determining thresholds, the following substances shall be exempted.
  - a. Reasonable quantities of substances used for routine building and yard maintenance stored inside a facility.
  - b. Liquids required for normal operation of a motor vehicle in use in that vehicle.
  - c. Substances contained within vehicles for bulk deliveries to the site.
  - d. Beverages and food at restaurants, supermarkets, convenience stores, and other retail food establishments.
  - e. Uncontaminated public water supply water, groundwater and/or surface water.
  - f. Substances, which are packaged in pre-sealed containers, sold at retail establishments.
  - g. Substances utilized for the production and treatment of public water supply.
  - h. Substances, which due to their inherent chemical or physical properties, that are scientifically determined in writing to pose no significant threat to groundwater quality.

## 5.6 Development Plans Required

Unless otherwise exempted under subsection 5.5, any proposed land use within a Wellhead Protection Overlay District must submit a Site and Development Plan, as described in subsection 5.7, 5.8, and 5.9.

## 5.7 Plan Review

Property located within Zones 1 and 2 proposed for new construction or expansion of existing facilities shall prepare and submit a description of said construction or expansion and the new or expanded use of the property. The site description shall be submitted to the Zoning Administrator for review and either approval, disapproval, or approval with conditions. The Zoning Administrator may solicit comments from the Hamilton County Health Department and the applicable water utility on the site and development plan.

In reviewing the site and land use description, the Zoning Administrator shall assess whether the site and proposed land use:

- A. Will prevent potential ground water contaminants associated with human activity from interfering with each community public water supply system's ability to produce drinking water that meets all applicable federal and State drinking water standards after undergoing conventional ground water treatment, as employed by the public water supply system. These treatment processes include, but are not limited to aeration, detention, pressure filtration, and disinfection.
- B. Will not unreasonably endanger the quality of groundwater in a designated wellhead protection area. An unreasonable risk includes, but is not limited to, the inappropriate storage, handling, use and/or production of metals, inorganic compounds, volatile organic compounds, semi-volatile organic compounds or other substances listed at 40 CFR Part 355, or defined at Chapter 4 of the Hamilton County Code, "Hazardous Material Emergencies" (10-4-4-1) within a wellhead protection area.
- C. The site complies with the standards and prohibitions listed in Section 5.9.

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## 5.8 Plan Documentation and Supporting Information

Site and Development Plans shall include the following:

- A. A narrative report of the proposed site, including:
  - a. Description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.).
  - b. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures.
  - c. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes.
  - d. Spill or release response measures and reporting.
  - e. Description of slopes near containment vessels and waste storage areas.
- B. A Site Plan including:
  - a. A vicinity map (USGS quadrangle preferred).
  - b. A site map (drawn to scale) depicting:
    - 1. All existing and proposed structures
    - 2. Paved and non-paved areas
    - 3. Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing)
    - 4. Floor drain locations and outlets
    - 5. Chemical/product storage locations
    - 6. Waste storage locations
    - 7. Liquid transfer areas
    - 8. Site surface water bodies (streams, rivers, ponds)
    - 9. Underground Storage Tanks (and associated piping)
    - 10. Above Ground Storage Tanks (and associated piping)
    - 11. Slope and contours of finished grade at 2-foot intervals
- C. Proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.

## 5.9 Development Standards and Prohibitions

- A. Except for single-family residences (with sewage flows under 750 gallons per day), all development shall be connected to municipal sanitary sewers or combined sewers. Floor drains, if present, must be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.
- B. No surface impoundments, pits, ponds or lagoons shall be established except for:
  - a. Storm water detention and retention ponds; and
  - b. Recreation, landscaping, or public water supply purposes.
- C. In Zone 1, detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential ground water contaminants into ground water.
- D. The following restrictions apply to new storage areas in Zone 1:
  - a. No above ground storage of liquid and/or petroleum of greater than one thousand (1000) gallons in aggregate is permitted.
  - b. No storage of water-soluble solids of more than six thousand (6000) pounds per container in any one (1) containment area is permitted.
  - c. No new underground storage tanks (USTs) are permitted.

- 
- E. All above ground storage of liquids in excess of 40 gallons for more than 24 hours within Zones 1 and 2 must provide secondary containment which meets the following requirements:
- a. Containment must be capable of containing one-hundred and ten percent (110%) of the volume of the tank or tanks;
  - b. Constructed to meet one of the following:
    1. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or
    2. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
  - c. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure; and
  - d. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- F. In Zone 1, the following requirements apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
- a. All USTs shall be double walled;
  - b. All USTs shall include the following three methods of release detection:
    1. Inventory control as defined in 40 CFR 280.43(a).
    2. Monthly 0.2 in-tank leak test as defined in 40 CFR 280.43(d).
    3. Interstitial monitoring of a double walled approved UST as defined by 40 CFR 280.43(g).
  - c. Connected piping must include the following three methods of release detection:
    1. Inventory control.
    2. Continuous detection for 3 gallon per hour line leak, as specified in 40 CFR 280.44(a) except that automatic shut off is required at 95% tank capacity.
    3. Double walled line which is continuously monitored to detect the presence of liquid in the interstitial space and provided an alarm as specified in 40 CFR 280.44c via 40 CFR 280.43g.
- G. In Zone 2, the requirements of 40 CFR Part 280 apply to all existing, registered USTs that are replaced or upgraded and USTs installed at new fuel dispensing facilities. In addition, the construction standards of 40 CFR Part 280, applicable to non-petroleum USTs, shall be applicable to the following in Zone 2:
- a. Tanks that are covered by State or federal hazardous waste regulations.
  - b. Heating oil tanks for on-site use.
- H. All Class V Injection Wells (including but not limited to dry wells, large-capacity cesspools, motor vehicle waste disposal wells, or other injection wells as defined at 40 CFR 146) shall be prohibited with the exception of the following:
- a. Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump, if non-contact.
  - b. Cooling water return flow wells used to inject water previously used for cooling, if non-contact.
  - c. Barrier recharge wells used to replenish the water in an aquifer or to improve ground water quality, provided the injected fluid does not contain potential ground water contaminants.
  - d. Wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power, if non-contact.

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- I. The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
    - a. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
    - b. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
  - J. No disposal of Solid Waste, as defined at 329 IAC 10-2-174 shall be permitted in either Zone 1 or Zone 2.
  - K. The following requirements apply to all excavation activities associated with the removal of sand and gravel materials:
    - a. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a dragline, floating dredge, or an alternative “wet” excavation method.
    - b. There shall be no de-watering of sites utilized for sand and gravel extraction.
    - c. No form of solid waste (as defined at 329 IAC 10-2-174) or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
    - d. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment, as specified in subsection 5.9E.

**Cross-reference of Development Standards and Prohibitions  
by Land Use and Zoning District**

Land Use	Protection Zone	
	Zone 1 (One Year TOT)	Zone 2 (Five Year TOT)
Sanitary land fills	Prohibited	Prohibited
On-Site Sewage Disposal (Commercial Facilities)	Prohibited	Prohibited
Sand and Gravel Mining	Allowed - Must use "wet" excavation - Excavation can be filled only with clean fill	Allowed - Must use "wet" excavation - Excavation can be filled only with clean fill
Surface Impoundments	Prohibited - Exceptions for stormwater, recreation, etc.	Prohibited - Exceptions for stormwater, recreation, etc.
Detention and Retention Basins (e.g., pits, ponds & lagoons)	Allowed - Must be lined	Allowed
New ASTs (>1,000 gallons)	Prohibited	Allowed - Must have secondary containment at 110% of volume
New ASTs (<1,000 gallons)	Allowed - Must have secondary containment at 110% of volume	Allowed - Must have secondary containment at 110% of volume
Existing ASTs	Allowed - Must have secondary containment at 110% of volume	Allowed - Must have secondary containment at 110% of volume
Storage of Water Soluble Solids	Prohibited (In Excess of 6,000 lbs)	Allowed - must prevent release to ground - be appropriately maintained
New USTs	Prohibited	Allowed - Must meet all requirements of 40 CFR Part 280
Existing USTs	Allowed - Must be double-walled - Must include leak detection (40 CFR 280.43) - Must have release detection on connection piping (40 CFR 240.44)	Allowed - Must meet all requirements of 40 CFR Part 280
Class 5 Injection Wells (e.g., dry wells)	Prohibited	Prohibited
Liquid Transfer Areas	Allowed - Must prevent release to ground - Must be appropriately maintained	Allowed - Must prevent release to ground - Must be appropriately maintained





# **Article Six**

## Zoning Map

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## Article Six

# Zoning Map

### 6.1 Official Zoning Map

The zoning map for the Town of Atlanta, officially labeled "Town of Atlanta 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.

### 6.2 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.

### 6.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Zoning Administrator.

### 6.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Zoning Map. The abbreviations for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map. Planned developments shall be shown on the map by abbreviations as noted in this ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Development.

### 6.5 Regular Revisions

The 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 omission in the prior map, but shall not have the effect of amending the Zoning Map except as adopted by the Town Council.

### 6.6 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 Town 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.

### 6.7 Official Zoning Map Standards

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

- A. District boundaries shown within the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center lines.
- B. 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.
- C. District boundaries indicated as parallel to or extensions of above features shall be construed as so.
- D. 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.

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- E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Zoning Administrator.
  - F. The vacation of streets and roads shall not affect the location of such district boundaries.
  - G. When the Zoning Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, the Administrator shall refuse action and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
  - H. Any ruling of the Zoning Administrator pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.





**Article Seven**  
Development Standards

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## Article Seven

# Development Standards

### 7.1 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the Effective Date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all development standards and regulations for the applicable Zoning District.

### 7.2 Development Standards that Apply

Under the sections below are Development Standards which are arranged by category. To determine which development standards apply to the subject Zoning District, refer to the "Additional Standards that Apply" section on the Two-Page Spread for that subject Zoning District. The four digit codes noted in the "Additional Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Standards that Apply" section apply to that Zoning District.

[As an example, on page 4-3, the four digit code "LY-01" can be found under the "Additional Standards that Apply" section in the Neighborhood Commercial (NC) District. Therefore, the Development Standards following the section below labeled "LY-01" (on page 7-2) would apply to Neighborhood Commercial (NC) Districts.]

### 7.3 Lot/Yard Standards (LY)

LY-01: Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:

- A. Front Yard Setbacks: The minimum Front Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
- B. Side Yard Setbacks: The minimum Side Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.
- C. Rear Yard Setbacks: The minimum Rear Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Articles 3 and 4.

Buildings, structures, material for sale, storage, advertising or display to attract attention or parking lots are not permitted within any setback.

### 7.4 Height Standards (HT)

HT-01: No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:

- A. Church steeples
- B. Municipal water towers

The above specified height exceptions may exceed the permitted height regulations by twofold (x2) or sixty (60) feet; whichever is less.

Additional exceptions to height standards include:

- A. Necessary mechanical appurtenances
- B. Elevator bulkheads

These above specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet, but must be shielded from view by design features of the building.

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## 7.5 Accessory Structure Standards (AS)

AS-01: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

Accessory Structures are not permitted on a lot prior to any Primary Structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes. Accessory Structures also must relate to the Primary Structure and its uses.

The following Accessory Structures are permitted, but must abide by all applicable Standards:

- Antennas or satellite dishes,
- Bath houses or saunas,
- Decks,
- Detached garages,
- Gazebos,
- Greenhouses (personal),
- Hot tubs,
- Mini barns,
- Storage building,
- Pole barn,
- Agricultural buildings,
- Sheds,
- Boat docks,
- Sport courts, and
- Swimming pools (swimming pools must abide by 675 IAC 20).

AS-02: All permissible Accessory Structures shall abide by the following standards:

A. Size of Accessory Structures

- a. R1-may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
- b. R2-may not exceed sixty-five percent (65%) of the Finished Floor Area of the Primary Structure.
- c. R3-may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure.
- d. R4-may not exceed sixty percent (60%) of the Finished Floor Area of the Primary Structure.
- e. R5-may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
- f. R6-may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
- g. MP-may not exceed fifty percent (50%) of the Finished Floor Area of the Primary Structure.
- h. AG-no size restriction.

B. No more than two (2) enclosed accessory structures are permitted on a Lot, unless the property is in the AG, Agriculture District and is used as a working farm; in that instance, there is no limit to the number of accessory structures.

C. An accessory structure shall only be located to the rear or side of the primary structure.

D. Swimming pools, hot tubs, mini barns, campers, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.

E. No mobile home or manufactured home may be used as an accessory structure in any district.

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AS-03: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.

Accessory Structures are not allowed on a lot prior to any Primary Structure being constructed. Accessory Structures also must relate to the Primary Structure and its uses.

The following Accessory Structures are permitted, but must abide by all applicable Standards:

- Antennas or satellite dishes,
- Decks,
- Gazebos,
- Storage buildings,
- Sheds, and
- Dumpsters.

AS-04: All permitted Accessory Structures shall abide by the following standards:

- A. No more than two (2) Accessory Structures are permitted on a lot.
- B. An accessory structure shall only be located to the rear or side of the primary structure.
- C. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
- D. Dumpsters shall be enclosed and screened on all four sides.

AS-05: Manufactured Home Park Accessory Structures standards are as follows:

- A. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks shall be permitted, provided that the following criteria are met:
  - a. They are subordinate to the residential component of the park and add aesthetic value to the park.
  - b. They are located, designed and intended to serve only the needs of the park.
  - c. The establishments shall present no visible evidence of their business nature to areas outside the park.
- B. Each manufactured home is entitled to one (1) accessory structure in addition to a carport or garage. Attached or detached garages, and carports are to be counted toward the total accessory building area. The total area of all accessory structures shall not exceed twenty percent (20%) of the dwelling site. Permitted accessory structures are as follows:
  - Decks,
  - Attached/detached garages,
  - Gazebos,
  - Greenhouses,
  - Hot tubs,
  - Mini barns,
  - Patios,
  - Sheds,
  - Sport courts, and
  - Boat houses.
- C. Model manufactured homes as sales units provided the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP District. One (1) unit may be used as a sales office.



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## 7.6 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary improvement location permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary uses permitted include:

- A. Garage sales (no permit necessary),
  - a. Garage sales are permitted a maximum of three (3) times per year, per property.
  - b. Maximum duration (time limit) for a sale shall be two (2) days.
- B. Children's roadside stand (no permit necessary), and
- C. Tents for a private party/event (no permit necessary).

TU-03: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Zoning Administrator with reason,
- B. Roadside sales vehicles or structures,
- C. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

## 7.7 Landscaping Standards (LS)

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat buildup, may reduce energy costs in structures and will improve the aesthetics of the community.

A detailed landscape plan including size, type, and location of plant materials shall be submitted for review and approval to the plan commission or its designees for all multifamily, commercial, industrial, or institutional new construction projects, additions, or conversion from residential to commercial. For the purposes of this section, Institutional is included but is not limited to governmental institutions, schools, churches, and hospitals. The minimum requirements are as follows:

- A. All deciduous trees planted must be one and one-half inch (1 1/2") caliper trees. All evergreen trees planted shall be a minimum of five feet (5') in height. All shrubs planted shall be a minimum of twenty-four inches (24") in height.
- B. Any trees planted to meet the landscaping standards must be replanted with a tree of like species if the tree dies or becomes diseased at any time regardless of property ownership.
- C. A minimum of sixty-five percent (65%) of all plantings, including foundation plantings, shall be located in the front yard(s).

LS-02 Minimum Plantings Required by Use:

USE	TYPE	NUM.	PER	SIZE
Single Family	Deciduous	1	1 dwelling unit	1 1/2" caliper
	Needled Evergreen	1	1 dwelling unit	5 feet tall
	Foundation Plantings	1	20' of perimeter	12" tall
Multiple Family	Deciduous	1	2 dwelling units	1 1/2" caliper
	Needled Evergreen	1	2 dwelling units	5 feet tall
	Ornamental	1	4 dwelling units	6 feet tall
	Foundation Plantings	1	10' of perimeter	12" tall
Retail Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	20' of perimeter	18" tall
Office Commercial (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Institutional (Not DC district)	Deciduous	1	1000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	1000 sq. ft. floor area	5 feet tall
	Ornamental	1	1000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	10' of perimeter	18" tall
Industrial (Not DC district)	Deciduous	1	3000 sq. ft. floor area	1 1/2" caliper
	Needled Evergreen	1	3000 sq. ft. floor area	5 feet tall
	Ornamental	1	3000 sq. ft. floor area	6 feet tall
	Foundation Plantings	1	30' of perimeter	24" tall

- A. The plantings required to meet Buffer Yard or Parking Lot standards shall not be counted toward this minimum landscaping requirement.
- B. Existing vegetation on site can be counted toward the minimum landscaping requirements.
- C. All foundation plantings must be within ten feet of the structures' foundation and should be scrubs, ornamental bushes, ornamental plants, or flowering plants.

LS-03: General Standards for Landscaping:

- A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
- B. No trees may be planted within five (5) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
- C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.

**7.8 Buffer Yard Standards (BY)**

BY-01:A. The general purpose of a buffer yard is to soften the potential conflicts between potential uses in one zoning district from the potential uses in another adjacent district by using plantings, fences, and mounds. The potential degree (or intensity) of conflict (or potential conflict) between two Zoning Districts will determine the extent of Buffer Yard required.

B. The following matrix determines the type of Buffer Yard which shall be installed by the subject development. First find the Zoning District of the Subject Property (across the top). Second, find the Zoning District of the Adjacent property (in the left column). Where the two intersect on the matrix will be a letter (A, B, or C) or a blank space. When there is a blank space no Buffer Yard is necessary. If an "A", "B", or "C" is indicated in the matrix, a Buffer Yard is mandatory.

Adjacent District	Zoning District of the Subject Property												
	R1*	R2*	R3*	R4*	R5*	MP	SC	OC	DC	C1	C2	C3	AG
R1	B	B	B	B	B	C	B	B	B	C	C	C	
R2	B	B	B	B	B	C	B	B	B	C	C	C	
R3	B	B	B	B	B	C	B	B	B	C	C	C	
R4	B	B	B	B	B	C	B	B	B	C	C	C	
R5	A	B	B	B	A	C	B	A	A	B	C	C	
MP						B	B	A	A	B	B	C	
SC						A				A	A	C	
OC						A				A	A	B	
DC	A	A	A	A		B					A	B	
C1						A					A	A	
C2						A							
C3													
AG													

A = "A" Buffer Yard    B = "B" Buffer Yard    C = "C" Buffer Yard

\*Non single family residential use

**C. General Buffer Yard Standards**

The following Buffer Yard Standards will apply to all bufferyards.

- a. The Buffer Yard Standards only apply along the property lines where the two conflicting Zoning Districts meet.
- b. The developer or owner of the subject property is responsible for installing the Buffer Yard.
- c. The adjacent property owner shall not have to participate in installing the Buffer Yard.
- d. An irregular row and spacing of trees is preferred. However, no two (2) trees shall be placed within twenty (20) feet from one another.
- e. All deciduous trees must have at least a two inch (2") caliper and all needled evergreen must be six feet (6') in height when planted.
- f. All trees must be properly maintained, and be replaced if the tree dies, is diseased, or is damaged from natural causes.

**D. Buffer Yard "A"**

- a. An additional ten (10) feet of setback shall be required in addition to the normal setback.
- b. One (1) deciduous canopy tree and one (1) needled evergreen tree must be planted for every thirty (30) feet of contiguous boundary with conflicting district.

- c. All trees must be planted within five (5) to fifteen (15) feet from the property line which is contiguous to the conflicting property.
- E. Buffer Yard "B"
  - a. An additional twenty (20) feet of setback shall be required in addition to the normal setback.
  - b. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every twenty (20) feet of contiguous boundary with conflicting district.
  - c. All trees must be planted within five (5) to fifteen (20) feet from the property line.
- F. Buffer Yard "C"
  - a. An additional thirty-five feet (35') of setback shall be required in addition to the normal setback.
  - b. A row of deciduous canopy trees must be planted (20) feet apart from one another.
  - c. Additionally, a five foot (5') tall fence, or five foot (5') tall undulating berm, or a row of needled evergreen trees twelve (12) feet apart will also need to be placed parallel to the property line and at least five feet (5') from the deciduous canopy trees.
  - d. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.

## 7.9 Performance Standards (PS)

- PS-01: All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards:
- A. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
  - B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
  - C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
  - D. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
  - E. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
  - F. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
  - G. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
  - H. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
  - I. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

## 7.10 Environmental Standards (EN)

EN-01: No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community. In addition the following standards must be met:

- A. 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. Existing natural surface drainage should be utilized. 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 pattern of surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100 year storm event shall be required unless written statement by County Surveyor that it is not necessary to prevent harm to adjoining properties. All drainage plans shall be reviewed and approved by the Building Commissioner or the Hamilton County Surveyor.
- B. Drainage: Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by Building Commissioner, Hamilton County Highway Department, the Hamilton County Drainage Board, or Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.
- C. Permanent Structures: No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any regulated tile ditch, or within seventy-five feet of the existing top edge of any regulated open ditch or tile, or platted regulated subdivision easement unless approved by the Building Commissioner, Hamilton County Drainage Board and Hamilton County Surveyor.
- D. Preservation of Natural / Historic Features: Existing natural and historic features which would add value to development of natural or man-made assets of the county such as trees, streams, vistas, Lakes, historical landmarks, and similar irreplaceable assets, when possible shall 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.
- E. Landscaping: 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. If landscaped, they shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the Development Plan and/or site plan and shall be in keeping with natural surroundings.
- F. Cut / Fill Grade: No cut or fill grade shall exceed a slope of 3/1 or 33-1/3 percent. 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 in slope.
- G. 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 thirty (30) days after the removal or destruction of said natural cover to prevent erosion.
- H. Alterations to Shoreline: No alteration of the shoreline or bed of a river or public lake shall be made until written approval is obtained from the Indiana Department of Natural Resources and Army Corp of Engineers, and the provisions of this ordinance are complied with. Alterations include, among other things, filling of a river or wetlands, dredging of a riverbed, and ditch excavation within one half mile of a water body.

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- I. 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 peak elevation. The use of "rip-rap" or any other engineered hard edges are not permitted except around inlets and outlets. However, the use of "rip-rap" or any other engineered hard edges shall not exceed five percent (5%) of lineal feet of the total edge of any retention facility, detention facility, or pond.
- J. Code Compliance / 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 applicable chapters of said Title.
- K. Code Compliance / 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 applicable chapters of said Title.
- L. Waste Disposal: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- M. Fuel Storage: No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored in bulk above ground, except 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.
- N. Debris / Refuse: Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, and rotting wood shall not accumulate on any property, in any zoning district.
- O. Treatment of Fill: Material used for fill where permitted by this ordinance and/or by the IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.
- P. View Requirements: Where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Zoning Administrator so that the fifty percent (50%) view or exposure may be maintained.
- Q. Improvement Location Permit Requirements: The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met.
- a. Normal plowing and preparing the land for farming, gardens, and yards.
  - b. Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
  - c. Earth movements related to farming and other agricultural activity.
  - d. Drain tile laying and ditch cleaning.
- R. Projects Affecting Regulated Drains: Regulated drains are under the jurisdiction of the Hamilton county Drainage Board. The Hamilton County Drainage Board or Hamilton County Surveyor shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

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## 7.11 Floodplain Standards (FP)

FP-01: Intent: The intent of floodplain standards are to protect from loss of property and maintain natural areas that help mitigate flooding downstream. Atlanta's Plan Commission and Board of Zoning appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available information. The Zoning Administrator may require a petitioner to acquire a surveyor or engineer to determine the floodplain on a parcel of land.

Statement of Purpose: Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council adopts the following floodplain management regulations in order to accomplish the following: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to protect human life and health from the hazards of flooding; to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.

All development shall be prohibited within the floodplain except as outlined below.

- A. The following uses shall be permitted, provided they are permitted by the underlying district:
  - a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
  - b. Forestry, wildlife areas and nature preserves.
  - c. Parks and recreational uses except golf course and driving range.
  - d. Public streets, bridges, and roadways.
- B. Uses permitted as a Special Exception are as follows:
  - a. Unenclosed riding stables or trails,
  - b. Telephone exchange,
  - c. Utility substation ,
  - d. Public well,
  - e. Sewage treatment plant,
  - f. Water treatment plant,
  - g. Water management use facilities such as dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities.
  - h. Public/private parking areas of any type (grass, gravel, or paved),
  - i. Golf course,
  - j. driving range, and
  - k. Artificial lake - one (1) or more acres.
- C. An Improvement Location Permit is required if any structure or use (except farming activities other than the construction of structures) is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for an Improvement Location Permit shall be accompanied by the following:
  - a. A description of the proposed development.
  - b. Location of proposed development - sufficient to accurately pinpoint the property and structure in relation to existing roads and streams.
  - c. A legal description of the property site.

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- d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
  - e. Elevation of lowest floor (including basement) of all proposed structures.
  - f. Base flood elevations. If the stream or waterway is located outside the FEMA detailed study areas base flood elevations must be approved by IDNR.
- D. If the site is in the floodway the staff shall require the applicant to forward the application, along with all pertinent plans and specifications, to IDNR and apply for a permit for construction in a floodway. Under the provisions of IC 13-2-22 a permit from IDNR is required prior to any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation such as filling, grading, clearing, and paving, etc. undertaken before the actual start of construction of the building. No action shall be taken by the staff until a permit has been granted by IDNR granting approval for construction in a floodway. The staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
- E. If the site is located in the floodway fringe, the staff may issue an Improvement Location Permit provided that the provisions contained in FP-01 of this Ordinance have been met.
- F. Facilities (nonresidential) may be constructed within the floodplain provided that the flood protection grade for all buildings shall be at least two (2) feet above the regulatory flood profile. Floodproofed nonresidential may also be constructed; provided, that the plans and necessary specifications are certified by a professional engineer or registered architect licensed to practice in the State of Indiana. A registered professional engineer or architect shall certify that below the flood protection grade the structure and attendant facilities are watertight and capable of resisting the effects of regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Also, on-site waste disposal systems may be permitted only when in accordance with the policies of the Hamilton County Health Department.
- G. The Zoning Administrator may require any or all of the following measures as conditions of approval of new construction:
- a. Retention or detention of stormwater runoff to minimize the increase in floodflows due to watershed urbanization.
  - b. Erosion and sedimentation control during construction projects to reduce siltation resulting in loss of channel carrying capacity.
  - c. Additional fill to reduce flood danger.
- H. Under no circumstance shall there be a net loss of flood water capacity. No development shall be permitted which acting alone or in combination with existing or future similar works will cause any increase in the elevation of the regulatory flood.
- I. The Atlanta Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following:
- a. The potential damage to personal property belonging to private individuals other than the property or building owner.
  - b. The increased hazard the proposed structure may cause to other structures and properties.
  - c. The potential risk to stranded individuals and rescue workers.
  - d. Whether the site is subject to more frequent flooding than the 100-year flood.
  - e. Whether there are other options for locating the structure.
  - f. The applicant shall demonstrate the necessity of the particular use or structure within the floodplain.
  - g. The applicant will demonstrate that there will be no net loss of flood storage capacity. All fill shall come from subject property in order to ensure flood water storage capacity.



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## 7.12 Lighting Standards (LT)

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.
- E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
- F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
  - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
  - b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

## 7.13 Parking Standards (PK)

PK-01 Two (2) off-street parking spaces, paved or gravel, are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

PK-02 One and one-half (1.5) paved off-street parking spaces are required per dwelling unit. In multifamily housing developments or manufactured home parks, at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine and one-half (9.5) feet wide and nineteen (19) feet long.

PK-03 All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations, and places of assembly must be paved with asphalt, concrete, or other durable material. Gravel, stone, rock, dirt, sand or grass is not permitted as a parking surface. Expansion of existing gravel, stone, rock, dirt, sand or grass lots is not permitted. In addition, these parking lots must also conform to all the following requirements:

- A. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.

- B. Be striped so as to show each parking space.
- C. Be constructed to allow proper drainage.
- D. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
- E. The interior of all parking lots shall be landscaped with one (1) deciduous shade tree per ten (10) parking spaces (or any part of ten (10) spaces).

PK-04: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

All uses.	One (1) parking space per employee that potentially can be working at any given time.
Restaurants, food services, movie theatre, auditorium, or church.	One (1) parking space per every three (3) chairs.
Furniture stores and automobile sales.	One (1) parking space per five hundred (500) sq. ft. of GFA
Hardware stores, home improvement stores, and community centers.	One (1) parking space per four hundred (400) sq. ft. of GFA
Fitness, health spa, entertainment facility, skating rink or similar facilities.	One (1) parking space per two hundred (200) sq. ft. of GF A
Convenience stores, gasoline stations, grocery stores, banks, department stores.	One (1) parking space per three hundred (300) sq. ft. of GFA
Day-care facility.	One (1) parking space per every ten (10) children enrolled
Hotel, motel, bed and breakfast, and lodging or boarding home.	(1) parking space per sleeping unit.
Golf course holes.	Twenty (20) parking spaces per nine (9)
*Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.	

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PK-05 Parking spaces shall be installed as follows:

- A. Maximum of 30% in front of the primary structure,
- B. Maximum of 70% to the side of the primary structure, and
- C. Minimum of 10% to the rear of the rear yard.
- D. Under no circumstances shall parking be permitted within any required yard setback or buffer areas.

Parking spaces prescribed in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.

Parking spaces shall be a minimum of 9' x 18'. Parking aisle widths shall be as follows:

- 90 degree angle space - 24' wide parking aisle
- 60 degree angle space - 18' wide parking aisle
- 45 degree angle space - 14' wide parking aisle

A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Zoning Administrator and/or Town Attorney. The agreement shall be recorded in the office of the Hamilton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Zoning Administrator shall approve aggregate parking lots such as mentioned above.

A church or temple or like uses may request a variance to a down-size parking requirements if adequate parking is located near the use and which is available during the times of use by the church or temple.

PK-06 Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.

No vehicle or tractor/trailer of any type may be used predominantly for the purpose of personal storage.

PK-07 The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot where there is a principal building as long as it is:

- A. Used by a resident of the premises, and
- B. Parked in an enclosed garage or accessory building, or is located in the rear yard at least ten (10) feet from the rear property line.

This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.

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**7.14 Loading Standards (LD)**

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a front of the primary structure, or on the side of the primary structure adjoining a street.
- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
- C. 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 movements. There shall be no maneuvering within the right-of-way.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base of asphalt, concrete or some comparable all-weather, dustless material.
- E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
- F. Off-Street Loading Berth Requirements:

<u>Minimum Loading Berths Required</u>	<u>Gross Floor Area</u>
1	up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.

In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the planning commission may reduce the number required or eliminate the requirement.

**7.15 Entrance/Drive Standards (ED)**

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

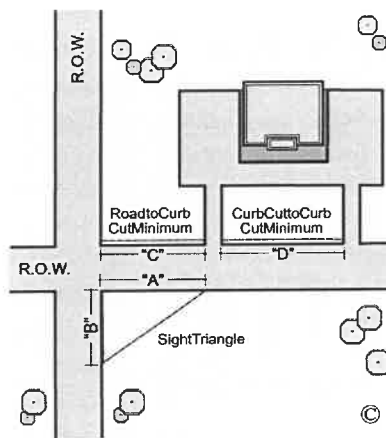
- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Atlanta Comprehensive Plan.

- B. No entrance or drive shall be permitted to begin within:
- 220 feet of any intersecting road if along a Primary Arterial (see "C" below in the illustration),
  - 175 feet of any intersecting road if along a Secondary Arterial (see "C" below in the illustration),
  - 170 feet of any intersecting road is along a Collector (see "C" below in the illustration), and
  - 150 feet of any intersecting road is along a Local Road (see "C" below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]

- C. No two entrance or drive shall be within:
- 120 feet of one another if along a Primary Arterial (see "D" below in the illustration),
  - 100 feet of one another if along a Secondary Arterial (see "D" below in the illustration),
  - 70 feet of one another if along a Collector (see "D" below in the illustration), and
  - 50 feet of one another if along a Local Street (see "D" below in the illustration).

[The distances for the above standards shall be determined by measuring from the curb or edge of pavement to the curb or edge of pavement (whichever is less) of each entrance, or drive.]



- D. No entrance or drive shall be permitted within:
- 140 feet of the apex of a curve (30 degrees or greater) and where the roads is a Primary Arterial,
  - 120 feet of the apex of a curve (30 degrees or greater) and where the roads is a Secondary Arterial,
  - 100 feet of the apex of a curve (30 degrees or greater) and where the roads is a Collector,
  - 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.

The location of drives on or near curves may be investigated individually by the Town Engineer or his designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Town Engineer or his designees be able to reduce the above stated distances by greater than fifty percent (50%).

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- E. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
- a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
  - b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
  - c. 28 feet if from a commercial Zoning District onto a Collector,
  - d. 26 feet if from a commercial Zoning District onto a Local Street,
  - e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
  - f. 28 feet if from a multifamily residential Zoning District onto a Local Street,
  - g. 28 feet if from a single-family residential Zoning District onto any type of street, or
  - h. 22 feet if from a single-family residential unit onto any type of street.

[The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.]

- F. The Planning Commission may determine if the following are necessary:
- a. an acceleration or deceleration lane, or
  - b. a passing blister at a new entrance or drive.

ED-02: In manufactured home parks with forty (40) or more manufactured homes:

- A. Two (2) access points shall be required into and out of the manufactured home park.
- B. Individual dwelling sites may only have driveways on interior roads.

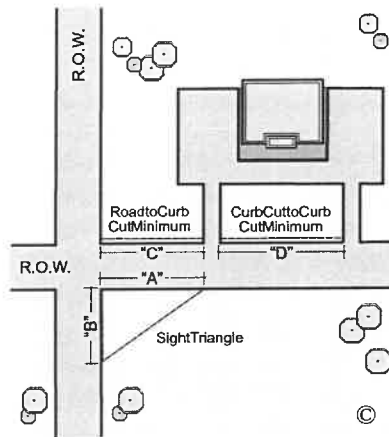
## 7.16 Vision Clearance Standards (VC)

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- A. No entrance, curb cut, or drive shall be permitted if within:
- a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, County or Town Engineer, and the speed limit is 45 MPH or greater.
  - b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, County or Town Engineer, and the speed limit is 30 MPH or greater.
  - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Zoning Administrator, County or Town Engineer, and the speed limit is under 30 MPH.

- B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.



The following triangle leg lengths will apply to the determination of a clear vision triangle.

- |                              |         |
|------------------------------|---------|
| a. along Primary Arterials   | 45 feet |
| b. along Secondary Arterials | 40 feet |
| c. along Collectors          | 35 feet |
| d. along Local Streets       | 20 feet |

#### 7.17 Public Improvement Standards (PI)

PI-01: The following public improvement standards shall apply as follows:

- A. Manufactured Home Parks and Multifamily Developments shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Any public streets which will carry the increased traffic the park or development shall be adequate to accommodate such traffic. Drainage facilities and public utilities shall have sufficient capacity to serve the development. The town engineer shall make a determination as to needed street and drainage improvements. The town engineer or his designee shall make a determination as to needed utility improvements. The decision of the town engineer or his designee may be appealed to the Board of Zoning Appeals. When public improvements are required, the developer or authorized representative shall be required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.
- B. Attachment to public or semi-public water and sanitary facilities shall be mandatory in MP, Manufactured Home Parks.
- C. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.
- D. All private streets shall be constructed to the public streets standards set forth in the Public Improvement Design Standards Ordinance.

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**7.18 Open Space Standards (OS)**

OS-01: The intent of the Open Space standards are to allow adequate open space in the MP, Manufactured Home Parks District:

- A. A minimum of 400 square feet per dwelling site shall be dedicated to open space, a portion of which shall be an active recreational area, or a quarter (1/4) acre whichever is greater. Open space shall be configured for the activity for which it is designed.
- B. The minimum lot size may be reduced provided that the amount by which the lot is reduced is devoted to common open space and the lot size is not less than 3200 square feet.

**7.19 Home Occupation Standards (HO)**

HO-01 Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply:

- A. The home occupation must not involve retail sales or manufacturing operations.
- B. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
- C. At least one (1) members residing on the premises must be the primary operator of the company.
- D. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
- E. There must not be any interior or exterior storage or display of products, equipment or materials used in connection with the home occupation.
- F. No more than ten percent (10%) of the total floor area of the primary structure shall be used for the home occupation.
- G. There shall not be any interior or exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
- H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
- I. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- J. No use of Accessory Structure including attached/detached garages, shall be allowed.
- K. No traffic generation due to the business will be permitted.
- L. No signage for the business shall be allowed on or off the property.
- M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive.
- N. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
- O. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
- P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers is not permitted.
- Q. The permitted uses in for Home Occupation #1 shall be limited to small offices or operations which have no clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the home location.
- R. Home occupation uses that meet the above described standards are deemed permitted until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Commission that the use is a nuisance.



- HO-02 Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply.
- A. The home occupation must not involve retail sales or manufacturing operations.
  - B. The home occupation must not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
  - C. At least one (1) members residing on the premises must be the primary operator of the business and be that person(s) primary work.
  - D. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
  - E. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
  - F. No more than twenty-five percent (25%) of the total floor area of any level of the primary structure shall be used for the home occupation.
  - G. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
  - H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
  - I. There shall not be an additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
  - J. Business practice in all Accessory Structure is not permitted.
  - K. Minimal traffic generation due to the business will be permitted.
  - L. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
  - M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
  - N. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
  - O. No additional parking may be added to the Lot(s) the residence is located to accommodate for the home occupation.
  - P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers is not permitted.
  - Q. The permitted uses in for Home Occupation #2 shall be limited to domestic crafts, professional service, catalog businesses, and internet businesses, including but not limited to:
    - a. dressmaking,
    - b. sewing,
    - c. weaving,
    - d. tailoring,
    - e. ironing,
    - f. washing,
    - g. computer/internet based sales,
    - h. catalog order business,
    - i. furniture repair,
    - j. hair grooming - one (1) chair,
    - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,

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- l. home office for a real estate, insurance, notary public, or manufacturer's agent,
  - m. office for clergy,
  - n. art studio, writing studio, music studio, photography studio, and
  - o. teaching art, writing, or music for one student at one time.
- R. The following types of business shall not be permitted as a Home Occupation #2:
- a. medical clinics of any kind,
  - b. retail dress shops,
  - c. funeral homes,
  - d. tourist homes,
  - e. animal hospitals,
  - f. kennels,
  - g. trailer rentals,
  - h. automobile, motor vehicles, equipment repair of any kind,
  - i. painting of automobiles, motor vehicles, or equipment of any kind,
  - j. photo developing,
  - k. television, radio or other electronics repair,
  - l. tooling, welding, or machining of any kind,
  - m. retail or manufacturing of any kind,
  - n. tool or equipment rental of any kind,
  - o. restaurant or similar establishment,
  - p. salvage operations of any kind,
  - q. freight or trucking operations of any kind
  - r. contractors business, and
  - s. landscaping/lawn care business.
- S. Permitted uses are deemed so until the Town Council, Commission or BZA rule the use to be a nuisance, or until all adjacent neighbors petition to the Town that the use is a nuisance.
- T. Uses not specifically mentioned will be interpreted by the Zoning Administrator or BZA as to whether the use is permitted or not.

## **7.20 Telecommunication Facilities Standards (TF)**

TF-01: Statement of Purpose: The purpose of this section of the ordinance is to provide for sensible and reasonable land uses to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower in order to reduce the total number of towers needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening.

All Wireless Telecommunication Facilities shall meet the following provisions:

- A. The location of the tower and equipment buildings shall comply with all local, state, and federal natural resource protection standards.
- B. The following buffer plantings shall be located around the perimeter of the outer most perimeter or security fence of a wireless telecommunications facility:
  - a. A live evergreen screen shall be planted around the entire facility including the guy wires and anchors, if used, that consist of a hedge, planted three feet on center maximum, or a row of evergreen trees planted a maximum of ten feet on center, height of plants at time of planting shall be no less than 5 feet tall.
  - b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

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- C. An antenna may be located on a building or structure that is listed on a historic registry only after obtaining all necessary and required approvals. Any antenna located in a historic district will require approval by the Board of Zoning Appeals for a Special Exception approval.
  - D. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along the existing driveways.
  - E. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
  - F. Proposed or modified towers and antennas shall meet the following design requirements:
    - a. Tower and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
    - b. Wireless telecommunication service towers less than 131 feet tall shall be of a monopole design and when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.
    - c. The entire facility must be aesthetically and architecturally compatible with its environment. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Only if the facility will be 100% screened during all seasons will other materials be approved.
    - d. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. When approved the lighting shall be oriented inward so as not to project onto surrounding residential properties.
  - G. Any request submitted to the Office of the Atlanta Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require a building permit and the contract between the applicant company and the owner of the tower.
  - H. All towers at a minimum are to be constructed to support the initial user (wireless telecommunication antenna) plus handle the anticipated loading of a second user on a monopole and third user on all other towers equal to the antenna loading of the initial user.
  - I. The size of the site of the initial tower and support facility shall be sufficient area to allow the location of one (1) additional tower and associated support facility for future monopole tower and sufficient area to allow for the location of two additional towers and associated support facilities for non-monopole towers.
  - J. A proposal for a new commercial wireless telecommunications service tower shall not be approved unless the applicant submits verification that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or buildings or other structure due to one or more of the following reasons:
    - a. The planned equipment would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost.

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- b. The planned equipment would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost.
  - c. That existing or approved towers, buildings or structure 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.
  - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower, building or structure.
  - e. Unable to enter a commonly reasonable lease term with the existing tower owner.
  - f. If agreement cannot be reached between parties both parties shall agree to binding arbitration.
  - g. Additional land area is not available.
- K. Any proposed commercial wireless telecommunication service tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicants height and at least one additional users for every 30 feet of tower above 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights. Tower sites shall be large enough to accommodate all future accessory structures needed by future antenna users.
- L. All antennas, towers, accessory structure and wiring constructed within the Atlanta Plan Commission jurisdiction, shall comply with the following requirement:
- a. All applicable provisions of this Code and the Building Code of the State of Indiana and the Federal Communications Commission when applicable.
  - b. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code and the Electronics Industry Association.
  - c. With the exception of necessary electric and telephone service and connection lines approved by the Board of Zoning Appeals no part of any antenna or tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line without appropriate approval in writing.
  - d. The tower and associated antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  - e. All towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
  - f. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
  - g. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
  - h. The tower shall be designed and constructed to all applicable standards of the American National Standards Institute manual, as amended.
  - i. An engineers certification shall be submitted to document and verify the design specifications but not limited to, the foundation for the tower, and anchors for the guy wires if used, co-location, strength requirements, for natural forces; ice, wind, earth movements, etc.

j. Towers and antenna shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate any co-location requirements.

M. The following shall apply to Existing Antennas and Towers:

- a. May continue in use for the purpose now used and, as now existing but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
- b. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining a building permit provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance
- c. Existing antennas or towers cannot be used for anything other than their originally intended use.

N. The following shall apply to the inspection of towers:

- a. All towers may be inspected at least once every one to five (1-5) years by an official of the Atlanta Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.
- b. Notice of violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the building inspector that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

O. Any tower unused or left abandoned for twelve (12) months shall be removed by the tower owner at its expense.

TF-02: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

<b>BZA Approval</b>	<b>Plan Commission</b>
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
<b>Plan Commission</b>	<b>Plan Commission</b>
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

\*\* If within 200 feet of residential property lines BZA approval required

TF-03: This section applies to residential districts, agriculture districts, and the SC district. Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential or agriculture district:

- A. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
- B. Maximum height: tower 125 feet - accessory structure 15 feet.
- C. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
- D. The tower shall be a monopole design.

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TF-04: This section applies to the OC, DC and C1 districts.

Wireless Telecommunications Facility shall require approval as Special Exception by the Board of Zoning Appeals and meet the following and all other requirements within this ordinance:

- A. Minimum side and rear property setbacks equal to 80% of the height of the tower.  
Towers are not permitted in the front yards.
- B. Maximum height: tower 180 feet - accessory structure 15 feet.
- C. Minimum number of antenna sites for a 180 foot tower is 4; if tower is less than 180' refer to TF-01K.
- D. Tower shall be placed no closer than 500 feet to any residential structure. If it is closer it will require Special Exception Approval by the Board of Zoning Appeals.

TF-05: This section applies to the C2 and C3 districts.

A Wireless Telecommunications Facility shall be permitted that meet the following and all other requirements within this ordinance:

- A. Minimum setback from the side and rear property line: equal to fifty percent (50%) of the height of the tower. Towers not allowed in the front yards.
- B. Maximum height: tower two hundred fifty (250) feet and accessory structure fifteen (15) feet
- C. Minimum number of Antenna sites for a two hundred fifty (250) feet tower is six (6); if tower is less than two hundred fifty feet (250') refer to TF-01K.
- D. Tower shall be placed no closer than five hundred (500) feet to any residential structure. If closer will require Special Exception Approval by the Board of Zoning Appeals.

## **7.21 Fences and Walls (FN)**

FN-01: All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than three (3) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

FN-02: All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than eight (8) feet in height in the side yard and rear yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.

AMENDMENT TO ARTICLE SEVEN OF TITLE XV (LAND USAGE)  
OF THE ATLANTA CODE OF ORDINANCES

07-09-01

WHEREAS, the Town Council of the Town of Atlanta, Hamilton County, Indiana on June 8, 2004, passed Ordinance No. 06-01-04 which enacted a code of Ordinances for the Town of Atlanta, and the said Code of Ordinances is also referred to as the Municipal Code "of the Town of Atlanta, Indiana;" and

WHEREAS, the Town Council finds it necessary to amend Section 7.21 of Article Seven of Title XV of the said Municipal Code of the Town of Atlanta, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Atlanta, Hamilton County, Indiana as follows:

1. Section 7.21 entitled Fences and Walls (FN) of the said Code is amended to read as follows:

a. Paragraph C of FN-01 shall read as follows: Not be greater than six (6) feet in height in the side yard and rear yard or greater than 42 inches in height in the front yard.


b. Paragraph C of FN-02 shall read as follows: Not be greater than eight (8) feet in height in the side yard and rear yard or greater than 42 inches in height in the front yard.

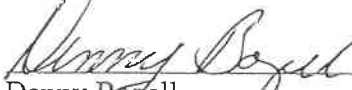
2. Except as amended hereinabove, all of the other terms, conditions, and provisions set forth in Section 7.21 of Article Seven, Title XV of the Atlanta Municipal Code of Ordinances shall remain in full force and effect.

3. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the laws of the State of Indiana.

THIS ORDINANCE IS HEREBY PASSED by the town council of the Town of Atlanta, Hamilton County, Indiana on this 14<sup>th</sup> day of July, 2009

ATLANTA TOWN COUNCIL

  
Andy Emmert, President

  
Denny Bozell

  
John Phifer

Attested to:

  
Robyn Emmert, Clerk Treasurer





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**7.22 Miscellaneous Standards (MS)**

MS-01: Each mobile home in a mobile home park must be tied down and have perimeter skirting.

MS-02: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. A recreational vehicle may be permitted to be parked for visitation for up to seven (7) consecutive days, but not to exceed fourteen (14) total days in any one calendar year.
- C. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
- D. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of the vehicle shall project beyond the front of the primary structure, side yard setback, or rear yard setback.
- E. Year-round storage of a recreational vehicle is permitted if it is either enclosed, screened with vegetation, or is not within seventy-five (75) feet of all neighboring residential structures. If either of these conditions is not met, outdoor storing or parking shall not extend more than nine (9) months of any single calendar year.
- F. A recreational vehicle shall not block a sidewalk.
- G. A recreational vehicle shall not be parked on a parcel without a primary structure.
- H. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-03: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-04 Farm animals must have a minimum fenced area per animal to be permitted within the jurisdiction of this Ordinance. The minimum lot size to be able to have any farm animal on any lot or combination of lots is three (3) acres. The zoning administrator shall have discretion to determine the minimum acreage for farm animals not listed. The following animals shall have:

Large Animal (horse, cow, buffalo, camel, donkey)	1.5 acres fenced pasture per animal
Medium Animal (llama, emu, ostrich, alpaca, sheep)	1 acre fenced pasture per animal
Small Animal (pig, turkey)	.5 acre fenced pasture per animal
Very Small Animal (chicken)	.1 acre fenced pasture per animal

MS-05: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MS-06: All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides in all zoning districts.

MS-07: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.





**Article Eight**  
Planned Developments

# "PD" District Intent and Permitted Uses

## 8.1 District Intent, Permitted Uses, and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
<p>The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance and Subdivision Control Ordinance. The use of Planned Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.</p> <p>The Planned Development regulations and procedures may apply to the development of existing developed lands, or vacant lands. Further, they generally only apply to large tracts of land.</p> <p>Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility, variety in type, design and layout of sites and buildings. Also, Planned Development projects should also encourage a more efficient use of land so that resulting economies may accrue to the benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new subdivisions.</p>	<p>All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right.</p> <p>In general the uses that will be allowed in a Planned Development are: Uses designated as Permitted Uses or Special Exceptions in the Zoning District prior to being changed to a Planned Development district. For example if the previous zoning was R2 and the proposed Planned Development district would be PD-R2, the Permitted Uses and Special Exceptions in the R2 District would generally be appropriate.</p> <p>All other land uses will be reviewed and considered carefully by the Plan Commission. Mixed uses will be considered and are encouraged when appropriate. All land uses proposed in a PD must be nonconflicting and in the spirit of the previous Zoning District and surrounding land uses and Zoning Districts.</p>	<p><b>Minimum Land Area:</b></p> <ul style="list-style-type: none"> <li>• 20 acres to qualify for any PD</li> </ul> <p><b>Minimum Overall Lot Frontage:</b></p> <ul style="list-style-type: none"> <li>• 300 feet on a single Public Street with access from said Public Street</li> </ul> <p><b>Maximum Lot Coverage:</b></p> <ul style="list-style-type: none"> <li>• square feet of all primary and secondary structures, and impervious surface cannot exceed 65% of the Lot Area.</li> </ul> <p><b>Minimum Floor Area:</b></p> <ul style="list-style-type: none"> <li>• based on Zoning District prior to rezoning to a PD District</li> </ul> <p><b>Maximum Structure Height:</b></p> <ul style="list-style-type: none"> <li>• 40 feet for the Primary Structure</li> <li>• 20 feet for Accessory Structures</li> </ul> <p><b>Minimum Open Space:</b></p> <ul style="list-style-type: none"> <li>• 30% for residential based Planned Developments</li> <li>• 15% for commercial based Planned Developments</li> </ul>

**8.2 General**

Planned Developments are a special district that can be petitioned for by a land owner or developer.

**8.3 Rezoning to a Planned Development District**

Planned Development districts can only be created from the R2, R3, R6, OC, C1 and C2 Zoning Districts. From each of these Zoning Districts (called Base Zones during the petition process) the following Planned Development Districts can be created once the Development Plans are approved by the Plan Commission. They are:

- R2 Districts can only be rezoned to PD-R2
- R3 Districts can only be rezoned to PD-R3
- R6 Districts can only be rezoned to PD-R6
- OC Districts can only be rezoned to PD-OC
- C1 Districts can only be rezoned to PD-C1
- C2 Districts can only be rezoned to PD-C2

No other Zoning District can be rezoned directly to a PD District. A petitioner may first ask that a property be rezoned to a Zoning District that allows PD Districts. Further, if a petitioner wants a PD district based on a different Base Zone a successful rezoning request to change the existing Zoning District to the preferred Base Zone must first be accomplished.

**8.4 Planned Development Uses**

Planned developments may contain mixed uses. Depending on the previous zoning (or Base Zone) the maximum overall square footage allowed by type is as follows:

Base Zone	New District	Residential	Commercial	Manufacturing
R2	PD-R2	100%	15%	0%
R3	PD-R3	100%	20%	0%
R6	PD-R6	100%	50%	0%
OC	PD-OC	50%	70%	0%
C1	PD-C1	40%	100%	0%
C2	PD-C2	0%	40%	80%

**8.5 Origination of Proposals**

Any person or group of persons may propose a Planned Development District in accordance with the procedures hereinafter established. Further, the person or group of persons making such proposal intends to act as developer or sponsor of the development. A parcel, or site proposed for a Planned Development need not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement to not develop separately, but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements and assure its completion as planned to the satisfaction of the Commission.

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## 8.6 General Procedure

The general procedure for establishing a PD is as follows:

- A. Petitioner to meet informally with a subcommittee of the Plan Commission to discuss general concepts of the development and to make sure petitioner understands the process. This step is optional but strongly encouraged.
- B. Petitioner develops the Preliminary Development Plans and Plat for all land involved in the PD.
- C. Petitioner files for rezoning to the PD classification and submits the Preliminary Development Plan and Plat to the Plan Commission.
- D. The Plan Commission will review the Preliminary Development Plan and then meet with the petitioner within thirty-five (35) days to make comments.
- E. The petitioner will revise the plans (if necessary) and submit the Final Development Plan to the Plan Commission.
- F. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the Final Development Plan. The Plan Commission will give a favorable or unfavorable recommendation to the Town Council to grant the rezoning and Final Development Plan.
- G. If the Plan Commission gives an unfavorable recommendation, the petitioner may revise the Final Development Plan and resubmit the information or continue with the process with the Town Council with the unfavorable decision of the Plan Commission.
- H. If the Plan Commission gives a favorable recommendation, the Town Council will, at their following regularly scheduled meeting, review the rezoning petition and Final Development Plan and vote to approve or disapprove.
- I. If the Town Council disapproves the rezoning and Final Development Plan, the petitioner must wait one (1) year before resubmitting another petition or Development Plan.
- J. If the Town Council approves the rezoning and Final Development Plan, the land is officially rezoned and the petitioner may move forward with the Detailed Plan approval process.
- K. The Official Zoning Map must be amended to reflect the Zoning Change, Date of approval by the Town Council, and the Town Council case number.
- L. The petitioner shall submit the Detailed Plan 30 days prior to a scheduled Plan Commission meeting for their review.
- M. When approved, the Detailed Plan will be stamped and signed by the Plan Commission President and Secretary. The petitioner may begin site development and procedures for building permits.
- N. All agreements shall be recorded as covenants with the County Recorder and be clearly stated that they are enforceable by, as a minimum, the Plan Commission.
- O. Upon 100% completion of the development the public properties shall be deeded over to the community as per agreements. Also, the Plan Commission or representative(s) will review the completed project for compliance to the agreement.

Detailed descriptions of each general step outlined above are written in more detail in the following sections.

## 8.7 Filing Procedure

The authorization of a Planned Development (PD) shall be subject to the following procedures:

- A. First a petition for rezoning to the PD classification shall be submitted. Said petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or shall have attached thereto letters of consent to change to a PD classification by all such owners prior to the filing.
- B. The petition shall include a Preliminary Development Plan and Plat for any area proposed for development as a Planned Development. The petition, Preliminary Development Plan and Plat shall be filed with the Plan Commission for review at their next available, regularly scheduled meeting.

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### **8.8 Preliminary Development Plan**

The following shall be included in the Preliminary Development Plan:

- A. Proposed layout of streets, open space and other basic elements of the plan;
- B. General description of, location of, and types of structures on the site;
- C. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
- D. A separate location map, to scale, shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- E. A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development;
- F. A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase;
- G. The land use categories within the development, including proposed densities of said uses.

The Preliminary Development Plan shall be presented to the Plan Commission for their review and comment, to a scale ratio not to exceed 100' = 1". The preliminary plan may include any additional graphics which will explain the features of the development.

Within thirty-five (35) days after filing, the Plan Commission shall consult with the petitioner regarding the petition and review all comments. After such consultation the petitioner may make modifications to the petition.

After consultation with the Plan Commission and after making any modifications to the proposed preliminary plans, the petitioner shall file the proposed "Final Development Plan."

### **8.9 Final Development Plan**

The Final Development Plan shall:

- A. Include all documents included in the Preliminary Development Plan, as updated and/or amended;
- B. Include an index identifying all documents included in the Preliminary Development Plan;
- C. Include a cover sheet indicating that it is the Final Development Plan and indicating the date and case number; and
- D. Be bound together and all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual plat(s) which must be folded to 8 1/2 x 11 inches.

### **8.10 Final Development Plan Hearing**

The petition, as modified, shall be reviewed by the Plan Commission. The Commission may recommend approval, amendment, or disapproval of the plan and may impose any reasonable condition(s) with a recommendation for approval. If approval is recommended, the Final Development Plan shall be stamped "Approved Final Development Plan" and be signed by the President and Secretary of the Plan Commission. Once recorded a copy of the recorded documents shall be permanently retained in the office of the Commission.

### **8.11 Approval of Detailed Plan**

Before development can occur, the petitioner shall present to the Plan Commission a Detailed Plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment, landscape plan, and other site development features including locations of proposed buildings. The Commission shall then approve, amend, or disapprove said Detailed Plans by motion, upon an affirmative finding that the Detailed Plan is consistent with the Approved Final Development Plan. Having so approved the Detailed Plan, the Commission shall have no further authority to review or act thereon, except as to enforcement, or the review of an amendatory ordinance, or as hereafter provided for.

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The Approved Detailed Plan shall be stamped “Approved Detailed Plan” and be signed by the President and Secretary of the Plan Commission with one copy permanently retained in the office of the Plan Commission.

Approval of the Detailed Plan shall be obtained within one (1) year of the adoption of the Approved Final Development Plan.

The Zoning Administrator may from time to time approve minor modifications of the Approved Detailed Plan in a manner consistent with the Approved Final Development Plan. Such modifications shall not include any increase in density, any reduction in aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

The Approved Final Development Plan may provide for development of the property in phases. If such phasing is included as a part of the approval of the Final Development Plan, the petitioner may submit partial Detailed Plans which correspond to the phases involved. Such partial Detailed Plans, when approved, shall be treated in the same manner as Approved Detailed Plans for an entire Planned Development.

Approval of the Detailed Plan shall expire after a period of two (2) years from the approved phasing of the Final Development Plan unless the development is seventy-five percent (75%) complete in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers or is consistent with the approved phasing schedule. Determination of the amount of completion shall be made by the Zoning Administrator.

#### **8.12 Covenants and Maintenance**

Covenants, when required by the Commission, shall be set forth in detail. Furthermore, covenants shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signatures of the Commission President and Secretary upon authorization by the Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission Office.

The Commission shall require the recording of covenants by the Hamilton County Recorder for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes, as part of the platting process or via an other suitable legal instrument.

The Commission may require the recording of covenants based upon the Approved Detailed Plan for any other reasonable purpose, including but not limited to, imposing Development Standards. Such Development Standards may include, but are not limited to, requirements as to the following:

- A. Lot area,
- B. Floor area,
- C. Ratios of floor space to land space,
- D. Area in which structures may be built (“Buildable area”),
- E. Open space,
- F. Setback lines and minimum rear yards,
- G. Building separations,
- H. Height of structures,
- I. Signs,
- J. Off-street parking and loading space,
- K. Design standards, and
- L. Phasing of development.



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The petitioner shall be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Zoning Ordinance.

Adequate provision shall be made for a private organization (i.e., Homeowners Associations) with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

#### **8.13 Recording**

All approved Detailed Plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Hamilton County Records Office within sixty (60) days after approval.

Whereupon completion of all development, the exact measurements, as to the location of buildings, roads, infrastructure, and structures erected during the development, are deemed desirable for public record by recording, the developer will submit a copy of the "Approved Detailed Plan" with the exact measurements. Once verified by the Plan Commission that the exact measurements are substantially the same as indicated on the original Approved Detailed Plan, the Plan Commission shall reapprove, date and sign said amended approved Detailed Plan, which the developer may then record.

#### **8.14 Permits**

An Improvement Location Permit shall be issued for all improvements proposed by the Planned Development with full compliance to the approved Detailed Plan once the plans have been recorded and two (2) copies have been provided to the Plan Commission.

#### **8.15 Construction**

No construction or installation work shall commence on any public improvements until satisfactory plans and specifications have been submitted to the Plan Commission and until the petitioner provides, at least forty-eight (48) hours in advance, notice to the Town Engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.

All development shall be in conformity with the approved Detailed Plan and any material deviations from the approved Detailed Plan shall be subject to appropriate enforcement action.

#### **8.16 Extension, Abandonment, Expiration**

An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within this Article may be granted by the Plan Commission for good cause shown.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no or minimal improvements have been made pursuant to the Approved Detailed Plan for nine (9) consecutive months), or upon the expiration of three (3) years from the approval of the Detailed Plan for a development which has not been completed, the land will revert to the Base Zoning District. The Plan Commission may grant up to a twelve (12) month extension. If an extension for expiration is granted such extension shall be recorded.

#### **8.17 Rules of Procedure**

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not described otherwise herein.

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**8.18 Limitation of Rezoning**

Any initiative of the Plan Commission to amend the Zoning Ordinance or Subdivision Control Ordinance, and that would affect an approved Planned Development before its completion, shall not be enforced on the Planned Development. Only in the case that the Planned Development is no longer in conformity with the Approved Detailed Plan or is not proceeding in accordance with the time requirements imposed herein or by agreement, will the new amendments of the Zoning Ordinance or Subdivision Control Ordinance apply.



**Article Nine**  
Development Plans

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Article Nine

## **Development Plans**

[RESERVED FOR FUTURE USE]



**Article Ten**  
Sign Regulations

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## Article Ten

# Sign Regulations

### 10.1 Intent

The intent of this Article is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage simplicity and readability of signs; encourage signs to be compatible with the scale of buildings and the surrounding area; to maintain and enhance the aesthetic environment of the town; eliminate potential hazards to motorists and pedestrians resulting from signs; and, promote the health, safety, and welfare of the Town of Atlanta.

### 10.2 Sign Regulations that Apply

Under the sections below are Sign regulations which are arranged by Type. To determine which sign types apply to the subject Zoning District, refer to the "Additional Standards that Apply" section on the Two-Page Layout for that subject Zoning District. The four digit codes noted in the "Additional Standards that Apply" sections for each Zoning district can be found in the sections below. Only the four digit codes noted in the "Additional Standards that Apply" section apply to that Zoning District.

[As an example, on page 4-7, the four digit code "PS-04" can be found under the "Additional Standards that Apply" section in the Downtown Commercial (DC) District. Therefore, the Sign Standards following the section below labeled "PS-04" (on page 10-6) would apply to Downtown Commercial (DC) Districts.]

### 10.3 General Sign Standards (GS)

GS-01: Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Atlanta Plan Commission, or cause the same to be done without first obtaining a sign permit from the Plan Commission.

- A. Inspection: Signs for which a permit is required may be inspected periodically by the Plan Commission or Zoning Administrator for compliance with this ordinance and other codes of the Town.
- B. Removal of Sign: The Plan Commission or Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article. A thirty (30) days written notice shall be given to the owner or business operator describing the violation and to remove the sign or bring it into compliance. A three (3) day notice shall be given for temporary or portable signs. The Plan Commission or Zoning Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.  
Any cost associated with signs removed by the Plan Commission and/or his agent, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within sixty (60) days of its removal, it may be disposed of in any manner deemed appropriate by the Town.
- C. Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Plan Commission or Zoning Administrator, a written notice will be given to the owner, business operator or lessee of the property. Thirty (30) days shall be given to the owner, business operator, or lessee of the property to comply to the regulations. After thirty (30) days if the owner/business operator fails to comply penalties shall be imposed according to Article 15.

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- D. Abandoned Signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Zoning Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Zoning Administrator may remove the sign at cost to the property owner or lessee.
- E. Illuminated Signs: All illuminated signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards.
- a. No sign shall have blinking, flashing, or fluttering lights, nor shall any device be utilized which has a changing light intensity, brightness or color, or give such illusion.
  - b. The full number of illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.
  - c. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.
  - d. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
  - e. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto adjacent property.
- F. Exempt Signs: The following signs are exempt from all provisions of this ordinance.
- a. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags. No commercial messages or logos are permitted on such flags.
  - b. Names of building, 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. No commercial messages or logos are permitted on such integral signs.
  - c. Public signs of a noncommercial nature and in the public interest erected by or on the order of 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.
  - d. Utility signs are permitted to mark cables and lines for public and private utilities except if determined to be a hazard by the Plan Commission.
  - e. Seasonal or holiday signs, including lighting erected in connection with the observance of holidays, provided that such Signs shall be removed no later than thirty (30) days following the holiday.

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- G. Prohibited Signs: The following types of signs are expressly prohibited in all Zoning Districts.
- a. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
  - b. Signs that emit audible sound, odor or visible matter.
  - c. Signs that purport to be or 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.
  - d. Signs that may be construed as a light of an emergency or road equipment vehicle.
  - e. Signs that hide from view any traffic or roadway sign, signal or device.
  - f. Signs that interfere with the Vision Clearance Area as defined in Article 7.
  - g. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any building or structure.
  - h. Any sign that is not expressly permitted in this article.

#### 10.4 Temporary Sign Standards (TS)

TS-01: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from edge of pavement. A temporary Sign permit is required unless otherwise specified.

- A. One non-commercial freestanding sign no larger than twelve (12) square feet. Real estate or garage/yard sale signs are considered non-commercial for the purpose of this article in addition to all other non-commercial signs. No permit is required.
- B. One sign not more than twenty (20) square feet in area pertaining to the sale of agricultural products raised on the premises.
- C. One sign not over sixty-four (64) square feet in area advertising the sale of property in a subdivision under the following conditions.
  - a. Such sign shall be located on some portion of the subdivision being advertised for sale.
  - b. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold.
  - c. Permit issued shall be issued for one (1) year periods and may be renewed for additional one (1) year periods to allow time for reasonable display.

TS-02: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from edge of pavement. A temporary Sign permit is required unless otherwise specified.

- A. One non-commercial freestanding sign no larger than thirty-two (32) square feet. Real estate or signs for an event of public interest (e.g. county fair or church event) are considered non-commercial for the purpose of this article in addition to all other non-commercial signs. No permit is required.
- B. Streamers and Pennants are permitted for grand openings or special promotions. Such signs shall only be permitted under the following conditions.
  - a. Such device shall not be used for a time to exceed thirty (30) days in a six month period.



- b. Such device shall not contain any flashing lights at anytime.
- C. Portable signs and Banners are permitted for grand openings or special promotions under the following conditions.
  - a. Such sign shall not be not be used for a time to exceed thirty (30) days in a six month period.
  - b. Such sign shall not exceed thirty-two (32) square feet
  - c. One portable sign is permitted per street frontage.
  - d. Such sign shall not contain any flashing lights at anytime.
  - e. Such sign shall not exceed nine (9) feet in height.
- D. Off-site directional associated with a grand opening or special promotion not to exceed six (6) square feet or three (3) feet in height. Such signs are only permitted for the duration of the grand opening or special promotion.
- E. Construction signs are permitted only under the following conditions.
  - a. Such sign shall not exceed thirty-two (32) square feet in area.
  - b. Such sign shall be permitted for the duration of the construction period only.

**10.5 Permanent Sign Standards (PS)**

PS-01: The following signs shall be permitted. All signs require a permit unless otherwise specified. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of fifteen (15) feet from edge of pavement. No sign shall be located in the right-of-way without approval of Town Council.

- A. One (1) nameplate sign not exceeding a combined area of one (1) square foot in area is permitted on the primary structure. No permit is required. No illumination is permitted.
- B. One sign in conjunction with a legally permitted Home Occupation is permitted. Said sign must not exceed four (4) square feet and shall not be illuminated. No permit is required.
- C. Gateway signs for subdivisions in conjunction with a legally permitted subdivision. Two (2) signs are permitted per entrance. Said signs shall not exceed six (6) feet in height. Maximum size shall be fifty (50) square feet in area.
- D. The following signs shall be permitted for institutional uses and parklands. All signs require a permit unless otherwise specified. No freestanding sign shall be located within the vision clearance area. No sign shall be located in the right-of-way without approval of Town Council.
  - a. One ground sign per entrance\_in conjunction with a legal permitted use not exceeding six (6) feet in height and thirty-two (32) square feet in area. The sign shall be located a minimum of fifteen (15) feet from edge of pavement.
  - b. One wall sign in conjunction with a legal permitted use not exceeding twenty-four (24) square feet in area.
  - c. Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required.
  - d. No illuminated sign shall be permitted within fifty (50) feet of any residential district unless it is so designed that it does not shed light on to the district.

PS-02: The following signs shall be permitted. All signs require a permit unless otherwise specified. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of fifteen (15) feet from edge of pavement. No sign shall be located in the right-of-way without approval of Town Council.

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- A. One (1) nameplate sign not exceeding one (1) square foot in area is permitted per dwelling unit. No permit is required. No illumination is permitted.
  - B. One sign in conjunction with a legally permitted Home Occupation is permitted per dwelling unit. Said sign must not exceed two (2) square feet and shall not be illuminated. No permit is required.
  - C. Identity signs for multifamily projects or manufactured home parks in conjunction with a legally permitted . Two (2) signs are permitted per entrance. Said signs shall not exceed six (6) feet in height. Maximum size shall be fifty (50) square feet in area.
  - D. The following signs shall be permitted for institutional uses and parklands. All signs require a permit unless otherwise specified. No freestanding sign shall be located within the vision clearance area. No sign shall be located in the right-of-way without approval of Town Council.
    - a. One ground sign per entrance\_in conjunction with a legal permitted use not exceeding six (6) feet in height and thirty-two (32) square feet in area. The sign shall be located a minimum of fifteen (15) feet from edge of pavement.
    - b. One wall sign in conjunction with a legal permitted use not exceeding twenty-four (24) square feet in area.
    - c. Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required.
    - d. No illuminated sign shall be permitted within fifty (50) feet of any residential district unless it is so designed that it does not shed light on to the district.

PS-03: The following signs shall be permitted. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot -  $1.25 \times$  the length of building that faces the road = the amount of signage allowed per lot. For example: If a building is 100 feet wide, then 125 square feet of signage would be allowed for the lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.
  - a. Under no circumstance may a ground sign exceed eighty (80) square feet
  - b. Under no circumstance shall the total square footage of all other signs exceed one-hundred (100) square feet.
- B. Wall sign - Wall signs shall be flush to the building.
- C. Awning sign
- D. Ground sign - One ground sign per lot not to exceed 9 feet in height. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from right-of-way. No sign shall be located within the right-of-way without approval of Town Council.
- G. Window signs - Non-illuminated window signs not exceeding 25% of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area.
- H. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.
- I. Illumination - No illuminated sign shall be permitted within fifty (50) feet of any residential district unless it is so designed that it does not shed light on to the district.

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PS-04: The following signs shall be permitted. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot - 1.5 x the length of building that faces the road = the amount of signage permitted per lot. For example: If a building is 100 feet wide then 150 square feet of signage would be permitted per lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.
  - a. Under no circumstance may a freestanding sign (or ground sign) exceed one-hundred and fifty (150) square feet.
  - b. Under no circumstance shall the total square footage of all other signs exceed two-hundred (200) square feet.
- B. Wall signs - Wall signs shall be flushed to the building.
- C. Awning sign
- D. Freestanding signs - One freestanding sign per lot not to exceed twenty (20) feet in height. Sign shall be placed a minimum of ten (10) feet from the right-of-way. Sign area must be within the total sign area allowed per lot.
- E. Window signs - Non-illuminated window signs not exceeding 50% of the window area are permitted. No permit is required. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area.
- F. Bonus - If a ground sign of not more than 9 feet in height is used instead of a freestanding sign. The sign area allowed per lot may be increased to 2 x the length of the building. For example if the length of the building is 100 feet then the total area allowed per lot would be 200 square feet. The ground sign shall be placed a minimum of ten (10) feet from right-of-way.
- G. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.
- H. Illumination - No illuminated sign shall be permitted within fifty (50) feet of any residential district unless it is so designed that it does not shed light on to the district.

PS-05: The following signs shall be permitted. All signs require a permit unless otherwise specified.

- A. Total sign area allowed per lot - 2 x the length of building that faces the road = the amount of signage permitted per lot. For example: If a building is 100 feet wide then 200 square feet of signage would be permitted per lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.
  - a. Under no circumstance may a freestanding sign (or ground sign) exceed two-hundred (200) square feet.
  - b. Under no circumstance shall the total square footage of all other signs exceed two-hundred and fifty (250) square feet.
- B. Wall signs - Wall signs shall be flush to the building.
- C. Awning sign
- D. Freestanding signs - One freestanding sign per lot not to exceed twenty (20) feet in height. Sign shall be placed a minimum of ten (10) feet from the right-of-way. Sign area must be within the total sign area allowed per lot.
- E. Window signs - Non-illuminated window signs not exceeding 50% of the window area are permitted. No permit is required and they shall not be counted toward the total sign area. Illuminated window signs containing a commercial message that can be seen from the road shall be counted toward the total sign area.

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- F. Bonus - If a ground sign of not more than 9 feet in height is used instead of a freestanding sign, the sign area allowed per lot may be increased to 2.3 x the length of the building. For example if the length of the building is 100 feet then the total area allowed per lot would be 230 square feet. The ground sign shall be placed a minimum of ten (10) feet from right-of-way.
- G. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.
- H. Illumination - No illuminated sign shall be permitted within fifty (50) feet of any residential district unless it is so designed that it does not shed light on to the district.

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**Article Eleven**

**Nonconforming Structures,  
Lots, and Uses**

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## Article Eleven

# Nonconforming Structures, Lots, and Uses

### 11.1 Intent

Upon adoption of this Ordinance and Zoning Map, in which buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District that they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legal Nonconforming.

### 11.2 Distinction Between Illegal Nonconforming and Legal Nonconforming

A building, structure, or lot which was constructed or is being used without an approved Building Permit, Improvement Location Permit or approval from the BZA or Plan Commission as per this Ordinance is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable Town/township law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal nonconforming building, 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 a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the Ordinance change, the property no longer conforms to the policies and standards of the Zoning District in which the property resides. When this situation occurs, the property is deemed Legal Nonconforming or another term commonly used is "Grandfathered."

### 11.3 Nonconforming Buildings and Structures

Any continuously occupied, lawfully established structure or building prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the design standards due to the reasons listed below shall be deemed a Legal Nonconforming Building(s) or Structure(s).

Legal Nonconforming Building(s) or Structure(s) no longer meet one or more of the following development standards of this Ordinance:

- a. Front, Side and Rear Yard Setbacks,
- b. Maximum Lot Coverage,
- c. Minimum Main Floor Area,
- d. Minimum Finished Floor Area,
- e. Height,
- f. Temporary Structures,
- g. Landscaping,
- h. Parking,
- i. Accessory Structures, and
- j. Any other provision of this Ordinance that is applicable to the building or structure.

A legal nonconforming building or structure may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming building(s) or structure(s) shall not be enlarged or altered in a manner that increases its nonconformity but any building(s) or structure(s) or portion thereof may be altered to decrease its nonconformity.

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- B. Any legal nonconforming building(s) or structure(s) which is damaged or destroyed by more than seventy-five percent (75%) of its fair market value shall thereafter conform to the regulations of the district in which it is located. All primary residential structures are exempt from this (the 75%) rule.
  - C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance

#### **11.4 Nonconforming Lots of Record**

All legally established and recorded lots prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a Legal Nonconforming Lot of Record.

A Legal Nonconforming Lot of Record no longer meets one or more of the following lot standards of this Ordinance:

- a. Lot Area,
  - b. Lot Width,
  - c. Lot Depth,
  - d. Lot Frontage, and
  - e. Any other provision of this Ordinance that is applicable to Lots.
- A. 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.

#### **11.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination**

Any continuous, 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. No 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 Chapter.
- B. No building or 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. In the case of a legal nonconforming use of structure, the structure may be expanded two times only. Each of the two expansions may not exceed ten percent (10%) of the existing floor area. The expansion shall conform to all applicable development standards except for landscaping, unless a variance of developmental standards is received from the Board of Zoning Appeals. If the structure is a commercial or industrial use in a residential district, sections 7.13 PK-03, 7.13 PK-04, and 7.13 PK-05 shall be used for parking standards.
- E. If no structural alterations are made, a legal nonconforming use of structure or structure and land in combination may be changed to another legal nonconforming use, provided that the zoning administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use. With the exception that if the new use requires more parking or loading area than the previous use, such new use will comply with the requirements of Section 7.13 and Section 7.14 of this Ordinance, unless a variance from developmental standards is granted by the Board of Zoning Appeals.

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- F. If a legal nonconforming use is discontinued or abandoned for six (6) consecutive months, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance.
  - G. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the legal nonconforming use may not thereafter be resumed.
  - H. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming structure of the land. Destruction is defined as damage of more than seventy-five percent (75%) of its fair market value at the time of destruction.

#### **11.6 Nonconforming Signs**

The following applies to legal nonconforming signs.

- A. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally nonconforming until such time a major change is made to the sign. Major changes include changing the copy, changing the size, changing the height, adding lights, and/or relocation.
- B. All nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of fifty percent (50%) or more of the fair market value of the sign structure, said signs shall then be made to conform to this ordinance.
- C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance.

#### **11.7 Repairs and Maintenance**

The following applies to legal nonconforming structures or buildings, 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 or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired or rebuilt within six (6) months of the declaration. If the improvements have not been made within the six (6) months, all future improvements must conform to all standards and regulations within this ordinance.
- C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.





**Article Twelve**  
**Board of Zoning Appeals**

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## Article Twelve

# Board of Zoning Appeals

### 12.1 Membership

The Board of Zoning Appeals (BZA) shall consist of and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4-902.

### 12.2 Officers, Members, and Employees

Following their initial appointment to the BZA, each member shall be appointed for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four (4) year term; however, members of the Board of Zoning Appeals shall serve until his successor is appointed and seated.

At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a chairman and a vice-chairman for a one year term. The vice-chairman shall have the authority to act as chairman of the Board during the absence or disability of the chairman. Upon resignation or replacement of the chairman or vice-chairman as a member of the Board, the Board shall elect a successor at its next regularly scheduled meeting.

The Board shall appoint and fix the duties of a secretary, who is not required to be a member of the Board. The secretary shall be charged with such duties as required under state statutes, town ordinances, and these rules.

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. The appointing authority shall be notified in writing by the secretary when a member has been absent for three (3) consecutive meetings of the Board. Such absences may constitute cause for removal from the board by the appointing authority under IC 36-7-4-906(f).

### 12.3 Territorial Jurisdiction

The Board of Zoning Appeals shall have jurisdiction over all the land subject to the Atlanta Zoning Ordinance.

### 12.4 Powers and Duties

The Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variance from Development Standards;
- B. Variances of use (use variances);
- C. Special exceptions; and
- D. Administrative appeals.

### 12.5 Rules and Procedures

- A. 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 for and conduct of meetings, and public hearings.
- B. Facilities and Funding: Atlanta shall provide suitable facilities for the holding of Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.
- C. Filing: All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the staff of the Board of Zoning appeals and in the form prescribed by said Board.

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## 12.6 Hearings

- A. The Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within six hundred (600) feet or two (2) properties deep whichever is less of the subject site boundaries within the corporate boundary and only directly adjacent properties outside the corporate limit.
- D. The Board may, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
- E. Other persons may appear and present relevant evidence at such public hearing.
- F. 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.
- G. Special meetings may be called by the chairman or by two (2) members of the Board upon written request to the secretary. The secretary shall send to all members, at least three (3) days before the special hearing, a special notice fixing the time and place of the meeting. Written notice is not required if:
  - a. The date, time and place of the special meeting are fixed in the regular meeting;
  - b. All members of the Board are present at that regular meeting; and
  - c. The secretary complies with the notice requirement of IC 5-14-1.5.
- H. The chairman of the Board shall preside over meetings and hearings, decide questions of order, subject to appeal by Board meetings, and preserve decorum in the meeting room. The chairman may warn any person present that particular conduct is a breach of courtesy and may order a person expelled from the meeting for disruptive conduct.
- I. The Board shall use Robert's Rules of Order when conducting their meetings and hearings.
- J. The Board may set time limits on public input when deemed necessary.
- K. The secretary shall keep minutes of its proceedings and record the vote on all actions taken. The Board shall also make written findings of fact in all cases heard by it. The minutes shall be presented to the Board at the next succeeding regular meeting. When approved, the minutes shall be signed by the chairman and attested by the secretary.

## 12.7 Appearances

- A. The petitioner or the petitioner's agent must appear in person or by counsel to present petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under B.
- B. The Board's secretary or staff must be informed in writing prior to the meeting if the petitioner requests a time extension. The chairman will determine whether the petitioner's reasons warrant an extension. If the petitioner or the petitioner's agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

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## 12.8 Order of Business

- A. The order of business for a regular meeting shall be:
  - a. Executive Meeting,
  - b. Call to Order,
  - c. Roll Call and determination of quorum,
  - d. Consideration of minutes of previous meeting,
  - e. Old Business (tabled or continued items),
  - f. New Business,
  - g. Report of officers and Committees,
  - h. Communications, Bills, and Expenditures, and
  - i. Adjournment.
- B. The order of business for special meetings shall be:
  - a. Call to Order,
  - b. Roll Call and determination of quorum,
  - c. The business for which the special meeting was called, and
  - d. Adjournment.

## 12.9 Official Action

- A. A majority of the members of the Board who are qualified to vote shall constitute a quorum. Action of the Board shall not be official unless it is authorized at a regular or properly-called special meeting by a majority of the entire membership of the Board.
- B. Voting by the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.
- C. On all decisions on petitions before the Board of Zoning Appeals, the Board shall adopt written findings of fact and a written decision.
- D. Pursuant to IC 36-7-4-909, a member of the Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification.

## 12.10 Appeals

Every decision of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series. Such appeals shall be presented to a court of jurisdiction within thirty (30) business days of the Board's decision, and not thereafter.

## 12.11 Special Exceptions

To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Zoning Administrator that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.

There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the BZA. Further, no previous applications shall set a precedence for any other application before the BZA.

- A. The Board may grant a special exception for a use in a district if, after a hearing, it makes findings of facts in writing, that:
  - a. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;

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- c. granting the exception will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and
  - d. the proposed use will be consistent with the character of the district therein, the spirit and intent of this Ordinance, and the Atlanta Comprehensive Plan.
- B. When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
- a. topography and other natural site features,
  - b. zoning of the site and surrounding properties,
  - c. driveway locations, street access and vehicular and pedestrian traffic,
  - d. parking amount, location and design,
  - e. landscaping, screening and buffering,
  - f. open space and other site amenities,
  - g. noise production and hours of operation,
  - h. design, placement, architecture, and building material of the structure,
  - i. placement, design, intensity, height, and shielding of lights,
  - j. traffic generation, and
  - k. general site layout as it relates to its surroundings.
- C. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.
- D. The Board may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the Hamilton County Recorder's Office.
- E. The Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- F. A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in these rules for granting a special exception.
- G. If the Board grants the special exception, it shall direct the applicant to apply for a Building Permit and/or Improvement Location Permit within four (4) months or the special exception will be void. If such application complies with all Ordinances and rules, a Building Permit and/or Improvement Location Permit for the use authorized by special exception shall be issued.
- H. A special exception, granted for a specific use ceases to be authorized and is void if that use is not 50% established within a twelve-month period of the date the special exception was granted. A special exception, granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six month period.
- I. A special exception may be terminated by the Board of Zoning Appeals under the following conditions:
- a. Upon the filing of an application by an interested person or a member of the staff, a public hearing is held with notice to the property owner; and,
  - b. At the public hearing a finding is made by the Board that one or more of the following has not been complied with:
    - 1. The terms of this Ordinance,
    - 2. Conditions of approval, and
    - 3. Written Commitments.

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## 12.12 Development Standards Variances

- A. 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:
  - a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
  - b. 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
  - c. the strict application of the terms of this Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
- B. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the Hamilton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A developmental standards variance granted by the Board shall run with the parcel until such time as:
  - a. the use of the variance ends, or
  - b. the property conforms with this Ordinance as written.
- D. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

## 12.13 Use Variances

- A. The Board may grant a variance from use if, after a public hearing, it makes findings of facts in writing, that:
  - a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. the use and value of the adjacent areas to the subject property are not adversely affected;
  - c. the need for a variance stems from a condition unusual or peculiar to the subject property itself;
  - d. the strict application of the terms of this Ordinance will result in an unnecessary hardship if they were applied to the subject property; and
  - e. the approval of the variance does not contradict the goals and objectives of the Comprehensive Plan.
- B. The Board may permit or require the owner of a parcel of property to make written commitments and record it in the Hamilton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A use variance granted by a Board may run with the parcel or applicant until such time as:
  - a. the use of the variance ends, is vacated, or unused for three (3) months consecutively;
  - b. the property conforms with the Ordinance as written; or,
  - c. or the property is sold.
- D. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

**12.14 Exclusion**

Nothing in these rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate the power of eminent domain by the State of Indiana or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Indiana or a state agency.

As used in this section, the term "state agency" shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

**12.15 Amendments**

Amendments to these rules of procedure may be made by the Board at any regular meeting upon the affirmative vote of a majority of the members of the Board. The suspension of any rule may be ordered at any meeting by a three-fifths (3/5ths) vote of the quorum.

**12.16 Repeal**

All previous rules and regulations heretofore adopted by the Atlanta Board of Zoning Appeals are hereby expressly repealed, as of the effective date of these rules.

Rules of Procedure of the Atlanta Board of Zoning Appeals of Hamilton County, Indiana, approved by the affirmative vote of all members of said Board at the regular meeting of the Board held on the \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Secretary







**Article Thirteen**  
Administration

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## Article Thirteen

# Administration

### 13.1 Administrative Officer

The Zoning Administrator in the Town of Atlanta, Indiana will have the principal responsibility for administration and enforcing or coordinating the enforcement of this Ordinance within the Plan Commission's planning jurisdiction.

### 13.2 Effect on Annexation or Vacation on Zoning

- A. After the effective date of this Ordinance, areas annexed by the Town of Atlanta shall retain the Zoning District prior to annexation.
- B. 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 and henceforth 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. 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 Plan Commission.

### 13.3 Summary of Powers and Duties of the Town Council

The powers and duties of the Town Council are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

#### A. Town Council Duties:

- a. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
- b. 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 has been certified and submitted by the Plan Commission.
- c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
- d. Adopt, reject or amend proposals for a Planned Development District that have been certified and submitted by the Plan Commission.
- e. Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission.
- f. All duties as permitted by Indiana State Code.

#### B. Town Council Powers:

- a. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance.
- b. Initiate amendments to the Official Zoning Map.
- c. All powers as permitted by Indiana State Code.

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#### 13.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

##### A. Plan Commission Duties:

- a. Adopt and maintain a Town Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
- b. 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.
- c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
- d. Record and file bonds and contracts for development and land use functions.
- e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
- f. Adopt and maintain a permitting process and seal used to certify official or approved documents.
- g. Certify and submit recommendations to the Town Council including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.
- h. Certify and submit recommendations to the Town Council for adopting a Planned Development District.
- i. Maintain monetary and fiscal records of the Plan Commission.
- j. Prepare and submit an annual budget to the Town Council.
- k. Approve or deny plats or replats of Subdivisions.
- l. Approve or deny development plans and amendments to development plans.
- m. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
- n. Establish and maintain a Town 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.
- o. 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.
- p. All duties as permitted by Indiana State Code.

##### B. Plan Commission Powers:

- a. Delegate to a committee or person the role as Zoning Administrator
- b. Establish advisory committees as necessary made up of Town/Township officials and the general public.
- c. Establish an executive committee.
- d. Seek funding assistance through grant programs as necessary.
- e. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
- f. All powers as permitted by Indiana State Code.

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### 13.5 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

#### A. Board of Zoning Appeals Duties

- a. Review and hear appeals of decisions made under this Ordinance by the Zoning Administrator, Plan Commission Staff, Building Commissioner, Committees or Administrative Boards or other body except Plan Commission.
- b. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code.
- c. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) of this Ordinance.
- d. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.
- e. Hear and decide appeals of decisions made by the planning director, zoning administrator, and building commissioner.
- f. All duties as permitted by Indiana State Code.

#### B. Board of Zoning Appeals Powers

- a. Hire, remove, and determine job descriptions for support staff (as necessary).
- b. Determine the compensation for support staff and BZA members as provided within the annual budget of the Board of Zoning Appeals.
- c. All powers as permitted by Indiana State Code.



**Article Fourteen**  
Processes, Permits and Fees

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## Article Fourteen

# Processes, Permits, and Fees

### 14.1 Types of Petitions

The Town of Atlanta hereby requires that an application and filing fee be submitted for the following formal petitions:

- a. Variances (developmental standards or use)
- b. Special Exceptions
- c. Improvement Location Permit
- d. Certificate of Occupancy
- e. Subdivision Plats/Development Plans
- f. Planned Developments
- g. Zoning Amendments (zoning map change)
- h. Administrative Appeals
- i. Voluntary Annexations
- j. Sign Permit Review (permanent and temporary)
- k. Building Permits
- l. Change of Use Permits

All applications may be obtained through the Zoning Administrator's office. Fees shall be paid at the Zoning Administrator's office at the time of assignment of a Docket Number.

### 14.2 Processes per Type of Petition

A. Variances: The following procedure applies to Variance Petitions.

- a. Submit a Variance application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- b. Plan Commission will review the variance application and required supportive information and make a favorable or unfavorable recommendation to the Board of Zoning Appeals.
- c. BZA will then review the variance application, required supportive information, and opinion of the Plan Commission in a public meeting. The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon finding of fact that there is a hardship.
- d. The intensity of the variance may be reduced at the public hearing if approved by the BZA.

B. Special Exceptions: The following procedure applies to Special Exception Petitions.

- a. Submit a Special Exception application, required information, and application fee thirty (30) days prior to the regularly scheduled Plan Commission meeting.
- b. The Plan Commission shall review the application, required information, and testimony from the petitioner and public. The Plan Commission shall then make a favorable, or unfavorable recommendation to the BZA.
- c. The BZA shall then review the Special Exception application, required information, opinion of the Plan Commission, testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The BZA may (the Board has discretionary powers) approve, deny, or table the petition. The BZA may add conditions to an approval.

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### 14.3 Improvement Location Permits

- A. Permits Required: No building ,structure, or major infrastructure shall be erected, moved, added to, or structurally altered without an Improvement Location Permit and Building Permit issued by the Zoning Administrator. No Improvement Location Permit or Building Permit shall be issued by the Zoning Administrator unless the project is in conformity with the provision of this Ordinance. Changes of use or expansions of use also require an Improvement Location Permit and Change or Expansion of Use Permit.
- B. Application for an Improvement Location Permit: All applications for Improvement Location Permits shall be accompanied by:
- a. the common address for subject property and parcel number;
  - b. a site location map showing context around subject property (aerial or USGS maps are preferred);
  - c. plans drawn to scale showing the actual dimensions and shape of the lot to be built upon;
  - d. the exact sizes and locations on the lot of all buildings, wells, and septic systems already existing, if any;
  - e. the location and dimensions of the proposed building or alteration;
  - f. building setback distances from all property lines, and from existing and proposed road right of ways;
  - g. elevations of all sides of proposed buildings;
  - h. location of floodplain boundaries or wetlands; and
  - i. drainage outlets.

The application shall also include such other information as lawfully may be required by the Planning Commission or Zoning Administrator to determine conformance with and provide for the enforcement of this ordinance including:

- a. elevations of the existing or proposed building or alteration;
- b. detailed description of the existing or proposed uses of the building and land;
- c. the number of families, dwelling units, or rental units the building is designed to accommodate;
- d. natural, physical or hazardous conditions existing on the lot;
- e. landscape plan;
- f. lighting plan; and
- g. drainage plan.

The approved plans and application materials shall be retained by the Commission or Zoning Administrator.

- C. Expiration of Permits:
- a. Initiation of Work: If the work described in any Improvement Location Permit has not begun within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
  - b. Completion of Work: If the work described in any Improvement Location Permit has not been completed within two (2) years for a primary structure or one (1) year for accessory structures of the date of issuance thereof, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained .

The Zoning Administrator may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.

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D. 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 as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.

#### **14.4 Schedule of Improvement Location Permits**

The Town of Atlanta hereby requires that an Improvement Location Permit/Building Permit be obtained for the following:

- a. all residential dwellings,
- b. mini-barns over 120 square feet without a foundation; or any size with a foundation,
- c. other detached residential accessory buildings (with foundation or overhead structures),
- d. detached and attached garages and carports,
- e. temporary structures,
- f. signs,
- g. swimming pools (inground or above ground),
- h. alterations, modification, remodeling, or additions to all structures,
- i. tents (commercial only),
- j. demolition,
- k. all commercial, industrial, and institutional buildings,
- l. structures other than buildings (including satellite dish, towers, antennas),
- m. surface and sub-surface drainage work (including land alteration) excluding agricultural uses,
- n. street cuts,
- o. curb cuts,
- p. storm sewer hook-ups,
- q. removal of trees and plants within buffer yards and approved landscaping otherwise required by this ordinance,
- r. adding or subtracting dwelling units or leased space in multifamily or commercial structures,
- s. placement or moving of manufactured or mobile homes,
- t. parking lot construction, alteration, or removal,
- u. ponds or lakes,
- v. mineral extraction,
- w. telecommunication facilities, and
- x. any exterior construction that adds to or alters the height, or building materials of the existing structure,
- y. any change of use or expansion of use of property.

#### **14.5 Certificate of Occupancy**

It shall hereby be declared 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:

- a. legally obtaining an Improvement Location Permit/Building Permit,
- b. passing a final inspection; and
- c. receiving an Certificate of Occupancy Permit from the Zoning Administrator.



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#### 14.6 Sign Permits and Fees

- A. Application: Application for a permit shall be filed with the Plan Commission and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Town, including:
- a. Name and address of the property owner of the premises on which the sign is located or is to be located.
  - b. Name and address of the owner of the sign.
  - c. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.
  - d. All signs on the same parcel or owned by the same business must be noted.
- B. Permit Fees: The permit fee as specified by the Official Fee Schedule shall be paid to the Clerk Treasurer. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.
- C. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Article 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.
- D. Nullification: A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.
- E. Permit Exceptions: The following shall not be considered as creating a sign and therefore shall not be required to have a sign permit unless otherwise otherwise specified.
- a. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
  - b. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved, or a change in copy is involved.
  - c. Exempt Signs - exempt signs as described in Article 10, GS-01F.

#### 14.7 Temporary Sign Permits and Fees

- A. Application: Application for a permit shall be filed with the Zoning Administrator and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Town, including:
- a. Name and address of the property owner of the premises on which the sign is located or is to be located.
  - b. Name and address of the owner of the sign.
  - c. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.
- B. Permit Fees: The permit fee as specified by the Official Fee Schedule shall be paid to the Clerk Treasurer. If any sign is hereafter erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this code and penalties prescribed herein.

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**14.8 Schedule of Fees**

The Town Council shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are a part of this, the Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Clerk-Treasurer and Zoning Administrator. The Fees Schedule may be amended by a recommendation submitted to the Town Council by the Plan Commission followed by the Town Council approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who shall initiate construction of a structure or change of use of structure or property prior to obtaining an Improvement Location Permit/Building Permit or any other required permit shall pay up to two times the amount of the normal permit fee.



**Article Fifteen**  
**Enforcement and Penalties**

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## Article Fifteen

# Enforcement and Penalties

### 15.1 Authority

The Plan Commission, Board of Zoning Appeals, Atlanta Town Council, and/or Zoning Administrator are designated to enforce the provisions, regulations, and intent of this Ordinance.

### 15.2 Violations

Complaints made pertaining to the Zoning Ordinance shall be investigated by the Zoning Administrator. Also, any violations suspected by the Plan Commission, Town Council or Zoning Administrator shall be investigated by the Zoning Administrator. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the investigating person(s) and should reflect what is warranted by the violation.

### 15.3 Inspection of Property

Investigations of property may be done by the Zoning Administrator either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the investigator(s) is (are) denied entry, and providing there is evidence of violation of this Ordinance, the Plan Commission, Town Council or Zoning Administrator may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of this Ordinance or any applicable ordinances adopted under state code. 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.

The warrant issued shall order the owner, tenant, or occupant to permit entry by the Zoning Administrator for the purposes documented in the application for the warrant.

### 15.4 Responsibility of Violations

The owner, tenant, or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals, Town Council, or Zoning Administrator.

### 15.5 Liability

A structure that is constructed or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

### 15.6 Violations During the Construction/Building Process

The Plan Commission or Zoning Administrator may place a stop-work-order or violation notice on any lot improvement process. Stop-work-orders shall be issued by written letter which shall state the violation and that work or 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,

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property manager, tenant, or occupant. The Plan Commission or Zoning Administrator must meet with the person(s) served the stop-work-order notice within seven (7) days of such a request to meet. A memorandum of agreement shall be drafted stating the conditions in 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 or Plan Commission President.

Reasons for a Stop-Work-Order include:

- A. Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
- B. Not obtaining an Improvement Location Permit.
- C. Not meeting the conditions or commitments of a special exception, variance, or building permit.
- D. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
- E. Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
- F. Illegal use or expansion of use of building/ structures or building/structures and land in combination.

#### **15.7 Types of Violations**

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Town Council and/or Zoning Administrator. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement of a primary structure, secondary structure, sign, structures or any other element determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- B. The erection of a primary structure, secondary structure, sign, accessory structure, or any other element determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- C. The maintenance of a primary structure, secondary structure, sign, accessory structure, or any other element including property maintenance determined by the Plan Commission or Zoning Administrator to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- D. Failure to obtain an Improvement Location Permit or Building Permit when required.
- E. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, Building Code, or Floodplain regulations, and which have not specifically been granted.
- F. Any failure to comply with the Development Standards and/or any regulations of the Zoning Ordinance or Subdivision Control Ordinance, Sign Ordinance, Building Code, or Floodplain regulations, Improvement Location Permit, or Building Permit.
- G. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement
- H. Any failure to comply with commitments made in connection with a rezoning, approval of a Development Plan, Detailed Plan, Special Exception, Variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, Town Council, or BZA meetings.

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**15.8 Procedure for Violations**

There shall be a three step procedure for violations of this Ordinance. These steps are as follows:

- A. The Plan Commission, Zoning Administrator or designated representative of the Plan Commission or Town Council shall issue a Notice of Fines and Penalties to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines and Penalties 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 mailed date of notice or posting of notice. If the violation has been corrected within the fifteen (15) days from the date of the notice of fine and penalties, no fines or penalties will be imposed.
- B. The Plan Commission, Zoning Administrator or designated representative of the Plan Commission/ Town Council shall issue a Notice of Violation to the person(s) who have committed, in whole or in part, a violation. The Notice of Violation is a citation that states and imposes the fines and penalties for the violation. The person(s) in violation will have fifteen (15) days to pay said fees and/or comply with the penalties. The person(s) in violation must correct the violation within fifteen (15) days or face additional Notices of Violation.
- C. If the person(s) in violation refuse to pay or comply with the penalties, or correct the violation, after Notice the Plan Commission or Town Council may pursue court action through the court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

**15.9 Fines and Penalties**

The Board of Zoning Appeals by mandatory injunction in the circuit court and/or superior of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

The Board of Zoning Appeals by mandatory injunction in the circuit court and/or superior of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

In addition to any other remedies, including injunctive relief provided herein, any person, firm, partnership, corporation or other entity who or which shall violate any provision of this Zoning Ordinance shall, upon conviction thereof, be fined in any sum not less than fifty dollars (\$50.00), nor more than two thousand five hundred dollars (\$2,500), with each day constituting a separate violation of this Zoning Ordinance.

**15.10 Appeals or Trials**

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Clerk Treasurer via Certified Mail at least three (3) days prior to the date the fine is due.

Fines due will be postponed until the BZA or court of jurisdiction have made a ruling as to the violation and/or fine. The person(s) in violation shall have thirty (30) days to file for a hearing with the BZA or court of jurisdiction. Also the person(s) in violation shall have a maximum of two (2) years to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.

No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

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**15.11 Enforcement, Remedies, and Injunctive Relief**

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state law.

- A. The Plan Commission or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments this includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- B. The plan commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
  - a. All agreements between plan commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
  - b. All commitments made in accordance with IC 36-7-4 et al.
  - c. All conditions imposed in accordance with IC 36-7-4 et al.
- C. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al. which includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- D. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code.
- E. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.
- F. An action to enforce a 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. Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
  - b. Any other specially affected person who was designated in the commitment.





# **Article Sixteen**

## **Definitions**

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## Article Sixteen

# Definitions

### 16.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

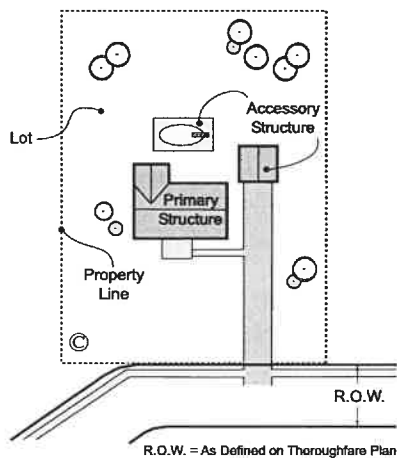
### 16.2 Defined Words:

The following terms shall have the following meanings:

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Accessory Building, or Structure:** A building or structure which:

- A. is subordinate to a principal building or structure in area, intent, and/or purpose;
- B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
- C. does not alter or change the character of the premises;
- D. is located on the same zoning lot as the principal building, structure, or use;
- E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance;
- F. may not be constructed prior to the time of construction of the principal building or structure, unless used for agricultural or personal storage or otherwise specified in this Ordinance; and
- G. is not designed for human occupancy as a dwelling or commercial use.



**Administrator:** See Zoning Administrator

**Adult Bookstore:** An establishment having as a majority of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

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**Adult Entertainment Business:** An adult bookstore, adult motion picture theater, adult cabaret, or adult live entertainment arcade, or like uses.

**Advisory Plan Commission:** A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Atlanta Plan Commission is an Advisory Plan Commission.

**Agriculture:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

"Agriculture" shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Agriculture Zoning District:** Refers to an AG District.

**Alley:** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

**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.

**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 multifamily housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multifamily use.

**Applicant:** The owner, owners, or legal representative of real estate who makes application to the Atlanta Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

**Arterial Street:** See Street, Arterial

**Assisted Living Facility:** see Nursing Home

**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 and abide by all regulations pertaining to primary buildings.

**Auto Repair, Major:** 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.

**Auto Repair, Minor:** Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under "Automobile Repair, Major".

**Automobile Service 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, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

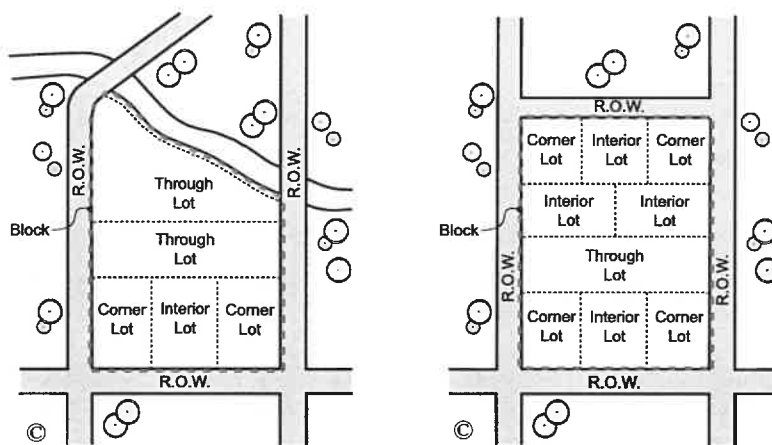
**Base Zones:** A base zone is the existing zoning district of the subject property prior to the approval of a planned development rezone.

**Bed and Breakfast Facility:** An owner occupied or owner employee occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house or motel.

**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, Outdoor Advertising”.

**Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



**Board:** See Board of Zoning Appeals

**Board of Zoning Appeals:** The Atlanta Board of Zoning Appeals or any division thereof.

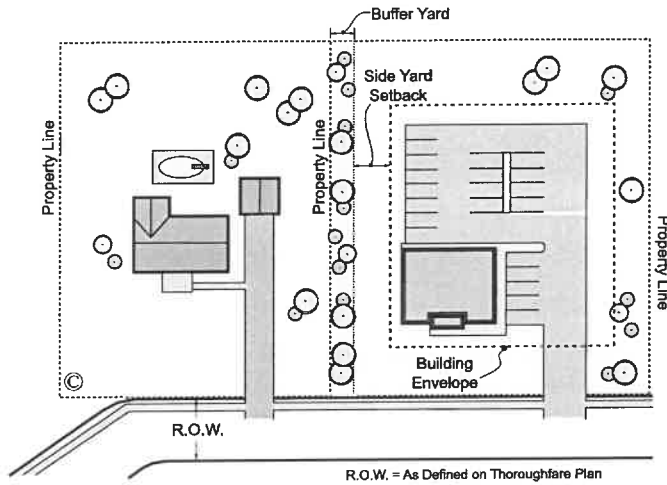
**Boarding House:** A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multifamily dwellings, hotels or motels.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

**Boulevard:** see Street, Parkway

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this 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.

**Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.



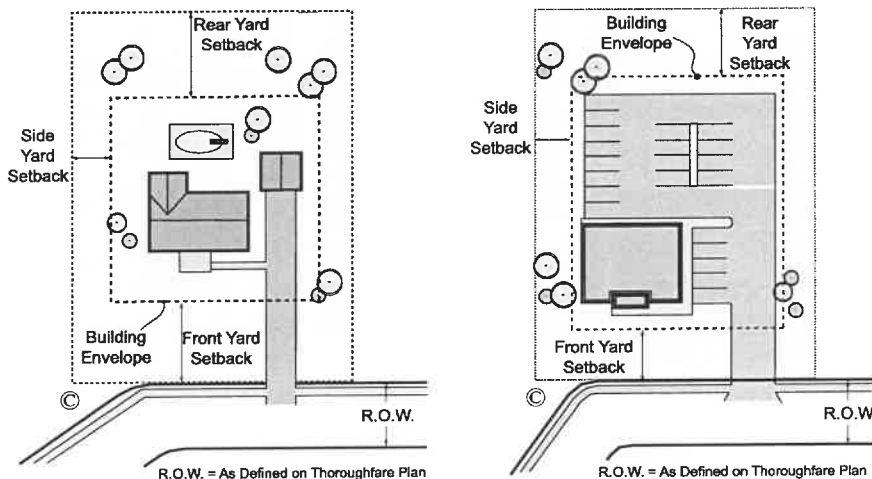
**Building:** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

**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 no more than two feet.

**Building Code:** The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Hamilton County or Atlanta Building Code.

**Building Height:** see Structure Height

**Building Envelope:** The setback lines that establishes an area on a lot in which building can occur.



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**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.

**Business District:** Refers to the NC, OC, DC, C1, and C2 Districts.

**BZA:** See Board of Zoning Appeals

**Campground:** Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

**Capital Improvement Plan:** A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

**Cemetery:** Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

**Central 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 established by the developer to serve a new subdivision or commercial/ industrial development.

**Central Sewer System:** A community sewer system including collection and treatment facilities owned and maintained by the Town of Atlanta.

**Certificate of Compliance:** A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.

**Certificate of Occupancy:** A certificate stating that the occupancy and use of a building or structure complies with the provisions of the all applicable Atlanta Code and Ordinances.

**Child Care Home:** An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use of residential. The maximum number of children allowed is eight (8) at any given time excluding the children of the property owner.

**Child Care Center:** Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

**Child Care Institution:** a) A residential facility that provides for the care, supervision and protection of children on a twenty-four (24) hour basis; or b) An institution that 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)

**Children's Home:** see Child Care Institution

**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.

**Collector Street:** See Street, Collector

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**Co-location:** A number of different telecommunication providers or different use antennas by the same provider or several providers locate their transmitting facilities on a single tower to allow the use of a number of different kinds of public and private telecommunications services including police, fire, emergency management, storm warning etc.

**Commission:** See Advisory Plan Commission

**Comprehensive Plan:** Refers to the Atlanta 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 Commission 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.

**Condition of Approval:** Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

**Condominium:** Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Construction Plan(s):** The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of the approval.

**County:** Hamilton County, Indiana.

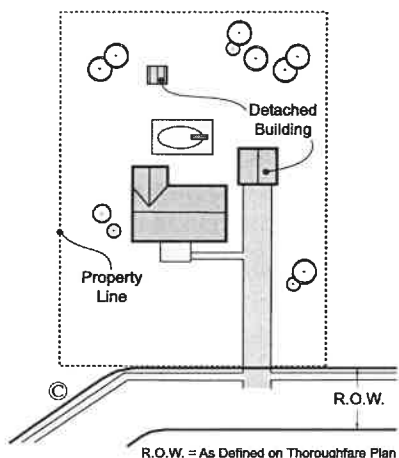
**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

**Cul-De-Sac:** A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

**Day Care Center:** see Child Care Center

**Dedication:** The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

**Detached Building:** A building that has no structural connection with the principal building or any other building or structure.



**Developer:** The owner or legal representative of land proposed to be subdivided or commercially/industrially utilized. Consent for making applications for development approval shall be required from the legal owner of the premises.

**District:** Areas within the Town of Atlanta 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 this Ordinance. Districts are drawn on the Official Zoning Map.

**Domestic Pets:** Animals commonly used as household pets, protection, companions, and for the assistance to 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, lizards, 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 Street, Private

**Duplex:** see Dwelling, Two-Family

**Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the District it is located, all Building Codes, and is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, boarding houses, and lodging houses.

**Dwelling, Manufactured Home:** A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- A. shall have been constructed after January 1, 1981, and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4(d);
- B. is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;
- C. has wheels, axles, and towing chassis removed;
- D. has a pitched roof with a minimum rise of 2/12; and
- E. consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.



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**Dwelling, Mobile Home:** A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- A. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council:  
or,
- B. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

**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. A single family dwelling shall be at least 23 feet wide for sixty percent of its length.

**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 a manufactured home and/or mobile home.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**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.

**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.

**Exempt Subdivisions:** see Subdivision

**Expressway/Freeway:** 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.

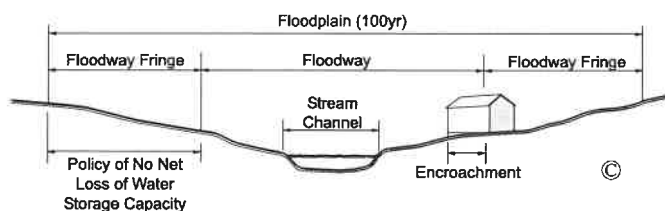
**Family:** An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than three (3) persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

**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.

**Finished Floor Area:** see Floor Area, Finished

**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. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



**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 center line(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, Main:** 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.

**Flood Protection Grade:** The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area..

**Foundation:** The supporting member of a wall or structure.

**Freeway:** See Expressway

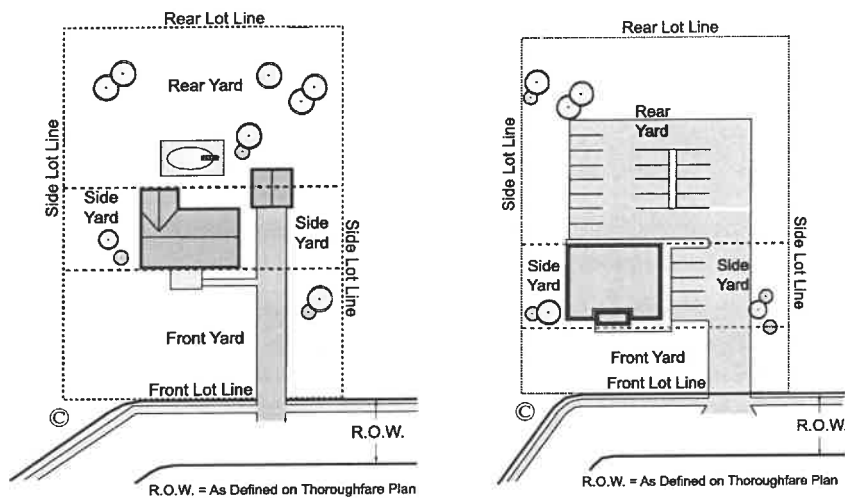
**Front Line:** With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot Line:**

- A. 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
- B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

(SEE GRAPHICS FOR "FRONT YARD")

**Front Yard:** The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave 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

**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.

**Ground Floor Area:** See Floor Area, Main

**Hardship:** A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this 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 this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

**Height:** See Structure Height

**Hobby Farming:** The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed 40% of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the principal income source for the owner, operator or household on site.

Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Home Occupation #1:** The intent of the Home Occupation #1 provisions are to allow minimal (no impact to structure or surroundings) business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in Article 7 Section 7.18 Subsection HO-01.

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**Home Occupation #2:** The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in Article 7 Section 7.18 Subsection HO-02.

**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.

**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" as used in this Ordinance 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.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

**Improvement Location Permit:** A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure 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.

**Industry, Light:** See Manufacturing, Light

**Industry, Heavy:** see Manufacturing, Heavy

**Industrial District:** Refers to the C3 District.

**Interior Lot:** See Lot, Interior

**Interstate:** See Expressway

**Jurisdiction:** See Planning Jurisdiction

**Junk:** An automobile, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could also include such a vehicle which does not comply with State, County, or Town vehicle laws or ordinances.

**Junk Yard:** A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, 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.

**Kennel (Commercial):** A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as pets. Also could include temporary care facility for compensation.

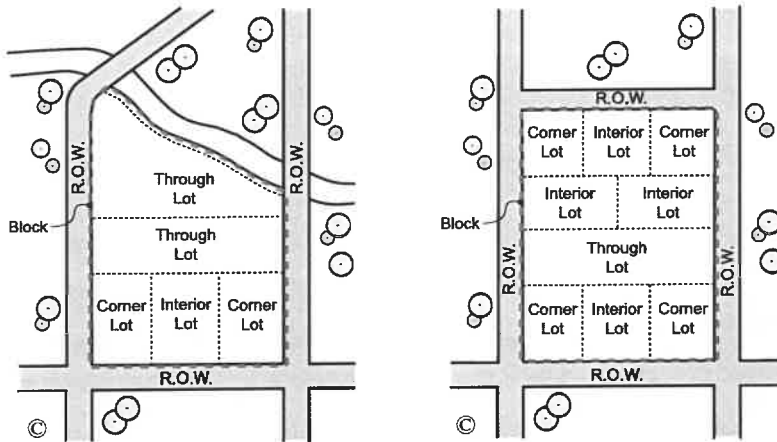
**Kennel (Private):** A place for keeping up to four (4) adult dogs, or other small animals for personal use and enjoyment which is subordinate to the principal residential use.

**Landscaping:** The improvements 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.

**Local Street:** See Street, Local.

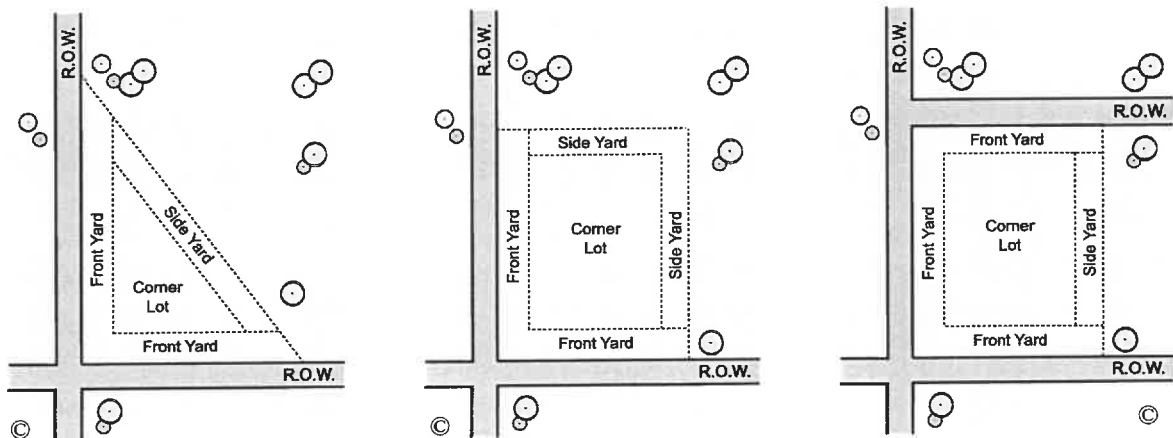
**Lodging House:** See Boarding House.

**Lot:** A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in this Ordinance: Interior Lots, Corner Lots, and Through Lots.



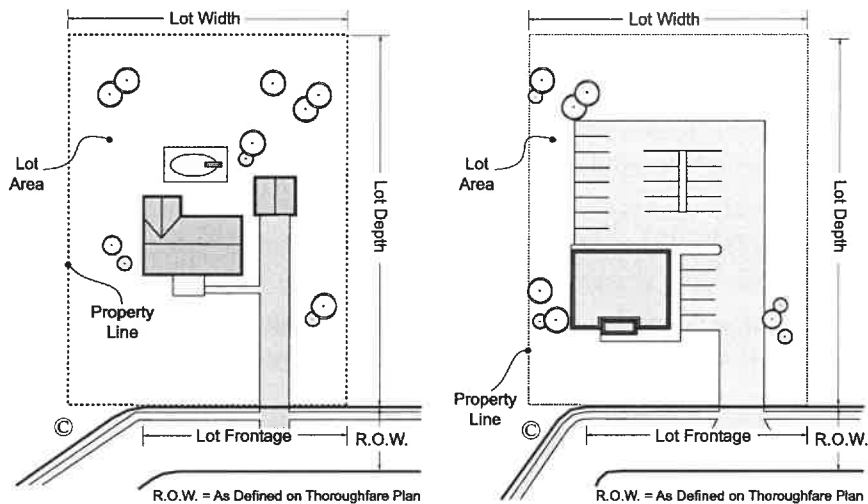
**Lot, Buildable:** See Lot, Improved

**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 Coverage:** The area of a zoning lot occupied by the principal building, any accessory structures and impervious surfaces.

**Lot Depth:** The horizontal distance between the front and rear lot lines.

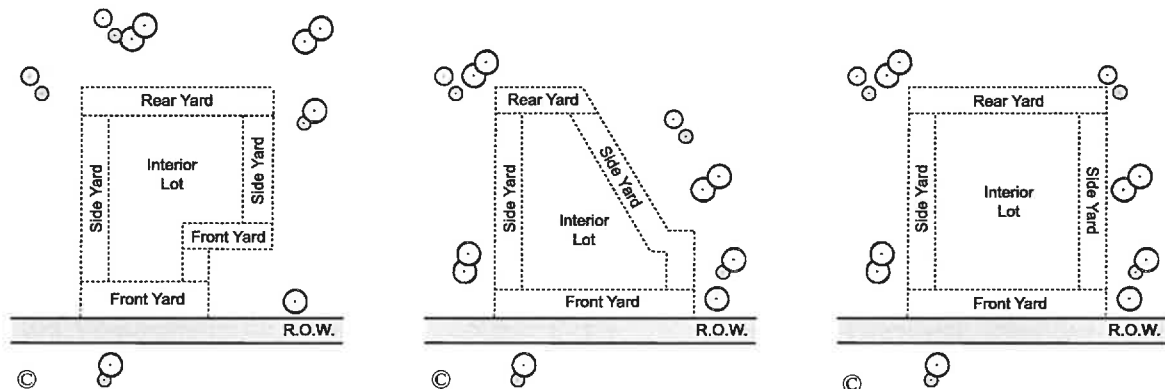


**Lot, Developed:** A lot with buildings or structures.

**Lot Frontage:** All property of a lot fronting on a street right-of-way, as measured between side lot lines.

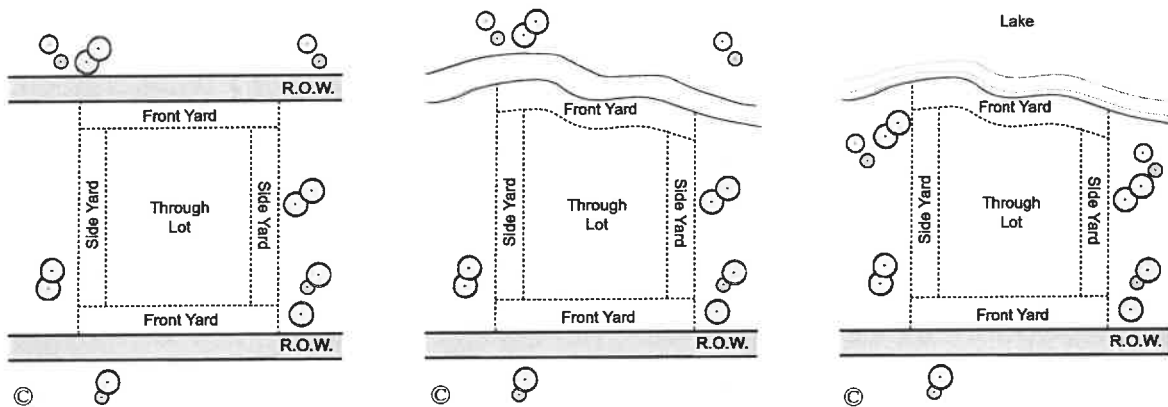
**Lot, Improved:** A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

**Lot, Interior:** A lot other than a corner lot or a through lot.

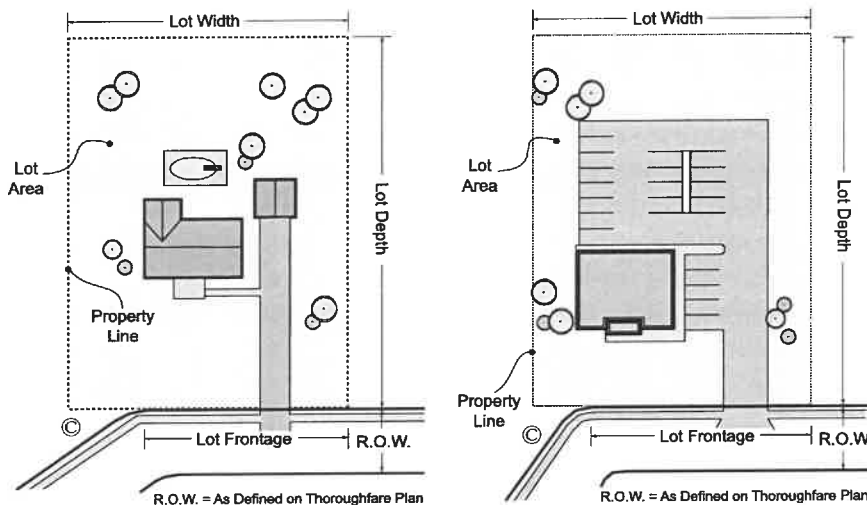


**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded. Lots recorded prior to 1990 are lots of record. All lots proposed for development shall meet all the requirements of this Ordinance.

**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. Accessory buildings are allowed in front yards facing watercourses or lakes.



**Lot Width:** The distance between the side lot lines as measured on the front lot line. Cul-de-Sac front lot widths shall be measured at the front set back line.



**Main Floor Area:** see Floor Area, Main

**Maneuvering Space:** An open space in a parking area which:

- A. is immediately adjacent to a parking space;
- B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- C. is not used for the parking of or storage of motor vehicles.

**Manufactured Home:** See Dwelling, Manufactured Home.

**Mobile Home Park:** A parcel of land containing two 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 Mobile Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

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**Manufacturing, Heavy:** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

**Manufacturing, Light:** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke fume odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

**Marker (survey):** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Master Plan:** See Comprehensive Plan.

**Mobile Home:** See Dwelling, Mobile Home.

**Mobile Home Park:** See Manufactured Home Park.

**Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.

**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.

**Non-Conforming 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 district in which it is located.

**Non-Conforming Use:** A use which does not conform with the use regulations of the 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.

**Official Zoning Map:** A map of the Town of Atlanta, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and is kept up to date by the Plan Commission and the Zoning Administrator.

**Official Zoning Map Copies:** A map of the Town of Atlanta, 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.

**Off-site Improvements:** Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.



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**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 sought to be subdivided under these regulations, or their legal representative.

**Parcel:** See Lot.

**Parent Tract:** A lot of record as recorded on the effective date of this ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.

**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.

**Performance Bond:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the Town which guarantees that the subdivider will perform all actions required by the Town regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Zoning Administrator, 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.

**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 Perimeter Enclosure:** A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

**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

**Plan Commission:** See Advisory Plan Commission.

**Planned Development:** A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

**Planning Jurisdiction:** All land within the corporate limits of the Town of Atlanta and other lands as discussed in the interlocal agreement with Hamilton County and revised in 1999.

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**Plat:** A map or chart that shows a division of land and is intended to be filed for record.

**Plat, Primary:** The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

**Plat, Secondary:** The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

**Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Practical Difficulty:** A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this 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.

**Primary Arterial:** See Street, Primary Arterial.

**Primary Plat:** See Plat, Primary.

**Prime Farmland:** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses (the land could be cropland pastureland, rangeland, forest land, or other land but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding. Examples of soils that qualify as prime farmland are Brookston silty clay loam, drained; and Alford silt loam, 0 to 2 percent slopes.

**Principal Building/Structure:** The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one primary single-family structure shall be allowed on any one lot at any time.

**Principal 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 exception.

**Private Street:** See Street, 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.

**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/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.

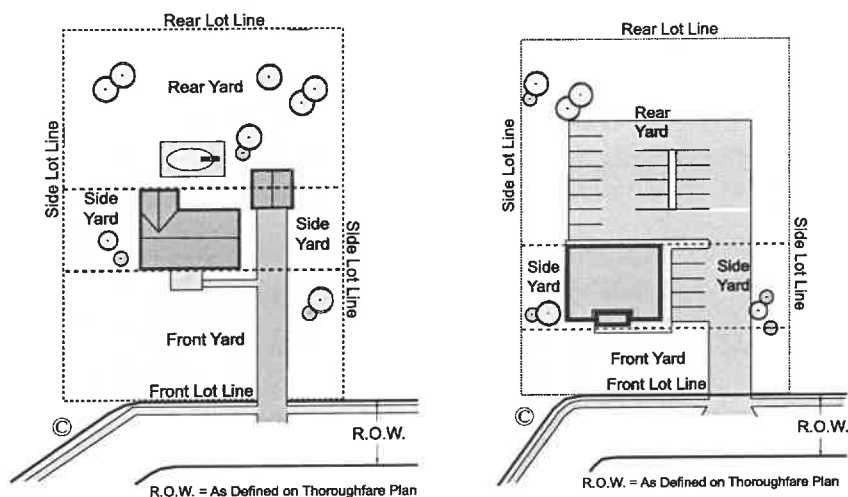
**Public Street:** See Street, Public.

**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.

**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.

(SEE GRAPHICS FOR REAR YARD)

**Rear Yard:** The horizontal space between the nearest foundation or structural appurtenance 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.



**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

**Recreational Vehicle Park:** Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

**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:** A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

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**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.

**Residential District:** Refers to the R1, R2, R3, R4, R5 and MP Districts.

**Residential Facility for the Developmentally Disabled (large):** A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in I.C. 12-28-4.

**Residential Facility for the Developmentally Disabled (small):** A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in I.C. 12-28-4.

**Residential Facility for the Mentally Ill:** A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Atlanta planning jurisdiction as stated in Indiana Code.

**Re-subdivision:** A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

**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.

**Retirement Community:** An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

**ROW:** See Right-of Way.

**Road:** See Street.

**Roof-mounted Antenna:** Any device attached to a building, or structure that is used for wireless telecommunications service.

**Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

**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. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, 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.

**Secondary Arterial:** See Street, Secondary Arterial.

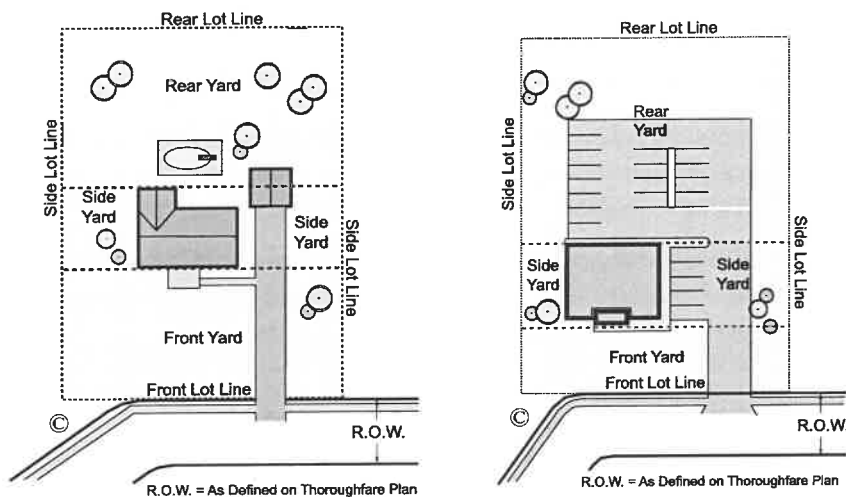
**Setback:** The minimum horizontal distance between the building line and a lot line or right-of-way.

**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.

(SEE GRAPHIC UNDER "SIDE YARD")

**Side Yard:** The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.



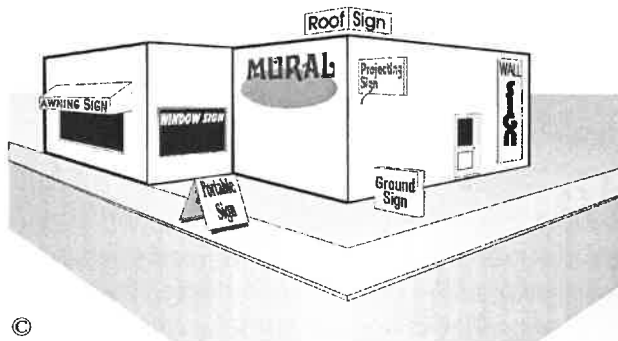
**Sign:** Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

**Sign, Outdoor Advertising:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

**Sign, Temporary:** An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

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**Signs, Types of:** The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.



**Special Exception:** The authorization of a use that is designated as such by this 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 BZA.

**Storage, Outdoor:** The outdoor accumulation of goods, junk, vehicles, equipment, products, or materials for permanent or temporary holding.

**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.

**Street:** Any vehicular 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.

**Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.

**Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Transportation Plan within the Comprehensive Plan.

**Street, Primary Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Transportation Plan within the Comprehensive Plan.

**Street, Private:** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and maintained by the owner(s).

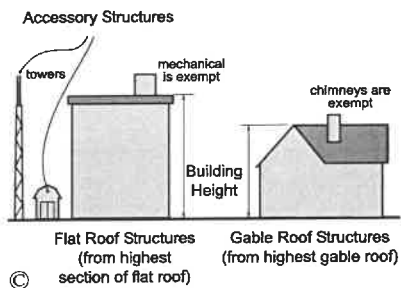
**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

**Street, Secondary Arterial:** A street that collects and distributes traffic to and from collector and primary arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.

**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:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

**Structure Height:** The vertical distance measured from the lot ground level to the highest point of the roof.



**Subdivision:** The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can do any of the following with one or more of the subdivided lots:

- A. Transfer ownership.
- B. Construct buildings or establish a use other than vacant.
- C. Create new building sites for leasehold.

**Secondary Plat:** See Plat, Secondary

**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.

**Temporary Improvement Location Permit:** A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two (2) months. One (1) extension of two (2) months may be authorized by the Zoning Administrator for reason/cause.

**Temporary Use/Structure:** A land use or structure established for a limited and fixed period of no more than two (2) four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

**Transportation Plan:** The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

**Tower:** A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus above ground for use as a wireless telecommunications facility.

**Town:** The Town of Atlanta.

**Township:** Jackson Township.

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**Two-Page Spread:** Two-Page Spread refers to the two-page layout accompanying each zoning district in chapters three (3) and four (4) of this Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zone district information.

**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.

**Variance, Use:** The approval of a use other than that prescribed by the zoning ordinance, an act granted by I.C. 36-7-4-918.3.

**Variance, Development Standards:** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

**Wireless Telecommunications Facility:** A wireless telecommunications facility consists of the equipment and structures utilized to transmit or receive telecommunication signals to and from any communications source which may also be connected to a mobile and or stationary unit with land-based facilities including but not limited to all antennas, towers, and accessory structures.

**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.

**Yard:** A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.

**Zoning Administrator:** The officer appointed by and/or delegated the responsibility for the administration of this ordinance's regulations by the Advisory Plan Commission. The Building Commissioner is hereby designated as the Administrator for the purpose of administering and enforcing this ordinance and is the Town officer referred to herein wherever the term Administrator or Zoning Administrator appears.

**Zoning District:** See District

**Zoning Map:** See Official Zoning Map





**TOWN OF ATLANTA**  
**Subdivision Control Ordinance**



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# **Article One**

## Basic Provisions

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# Article One

## Basic Provisions

### 1.1 Title

This Ordinance shall be formally know as the “Town of Atlanta Subdivision Control Ordinance,” and it may be cited and referred to as the “Subdivision Regulations” or “Subdivision Control Ordinance.”

### 1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Ten (10). Words not otherwise defined herein, but are defined in Article Sixteen (16) of the Town of Atlanta Zoning Ordinance, are hereby incorporated by reference.

### 1.3 Authority

This Subdivision Ordinance is adopted by the Town 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 code.

### 1.4 Purpose

The purposes of the Subdivision Regulations is to protect and promote public health, safety, and general welfare, and to:

- A. Provide guidance of future growth and development in accordance with the Comprehensive Plan and applicable ordinances.
- B. Provide protection of the character and the social and the economic stability of all parts of the jurisdiction.
- C. Encourage the orderly and beneficial development of all parts.
- D. Provide protection and conservation of the value of land, buildings, and other improvements to the land.
- E. Discourage conflicts between the uses of land and buildings.
- F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services.
- G. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land.
- H. Ensure proper legal descriptions, legal recording, and monumenting of subdivided land.
- I. Prevent the pollution of air, water and soil.
- J. Ensure the provision of drainage facilities, safeguarding of the water table, and the protection from flooding or causing increased risk of flooding.
- K. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land.
- L. Plan for a balance between land uses, natural resources, open spaces, recreation, and public ways that is beneficial to the community as a whole, both current and in the future.
- M. To cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent subdivision or the community as a whole.
- N. To cause the petitioner to bear all costs associated with the approval process, development process, and inspection process.

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## 1.5 Compliance

- A. No petitioner shall divide, record, transfer or sell any parcel before a plat of the proposed subdivision has been approved in accordance with the process and provisions of these regulations, and filed with the County Recorder, unless otherwise specified by this Ordinance.
- B. The division of any lot into a subdivision for the purpose of sale, transfer, gift, or lease resulting in the creation of one (1) or more new building sites shall not be permitted. All such described divisions are a subdivision and shall be subject to the requirements of this ordinance.
- C. Land to be subdivided and developed must be able to be done so without adding peril to public safety, welfare, health, flooding, or other menace.
- D. Land shall not be subdivided unless appropriate road access is demonstrated possible.
- E. Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, parks, recreation facilities, and transportation facilities adequate for serving the subdivision.
- F. No plat or re-plat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.
- G. No land shall be subdivided unless the intended use of the individual lot is in conformance with the Zoning Ordinance and Comprehensive Plan, now or hereafter adopted.
- H. In all subdivision, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, wetlands, floodways, and scenic views.
- I. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- J. Conflict with Public and Private Provisions
  - a. Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - b. Private Provisions: These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, or the determinations of the Commission in providing a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)
- K. No Improvement Location Permit, Building Permit or Certificate of Occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations; and, no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the Town and/or any other appropriate agency or governmental entity.

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- L. Any parcel surveyed, recorded, sold, leased, contracted for, or transferred prior to the effective date of this ordinance that was officially approved and met all the requirements of the subdivision ordinance, or subdivision ordinances in effect at the time the proposed building site was established, and was recorded will be a grandfathered or legal nonconforming subdivision.
- M. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations.

**1.6 Replats**

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Plan Commission by the same procedure, rules, and regulations as for a major subdivision plat.

**1.7 Severability**

If any provision or the application of any provision of this Ordinance 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.

**1.8 Interpretation**

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two (2) or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

**1.9 Jurisdiction Area**

This Ordinance shall apply to all land within the corporate limits of the Town of Atlanta and other lands as discussed in the interlocal agreement with Hamilton County and revised in 1999.

**1.10 Application**

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

**1.11 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 subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

**1.12 Repealer**

The Town of Atlanta Subdivision Control Ordinance of 1975 (1975-7) and all subsequent amendments are hereby repealed. The Town of Atlanta Subdivision Control Ordinance of 2001 shall replace the repealed ordinances.

**1.13 Transition Rules**

A. Any subdivision either fully approved or submitted and docketed for a public hearing prior to the adoption of this ordinance shall be regulated by the terms and conditions of the recorded plats (or development laws) of the Subdivision Control and Zoning Ordinance which was in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Subdivision Control Ordinance.



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- B. Any application for an Improvement Location Permit which has been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
  - C. Property Splits. All new building sites shall meet the requirements of this Ordinance unless:
    - a. A building permit is issued and is still valid,
    - b. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals prior to the effective date of this Ordinance, or
    - c. A parcel or buildable lot was recorded at the Hamilton County Records Office prior to the effective date of this ordinance and was a buildable lot at that time.

#### **1.14 Amendments**

In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance as follows:

The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

In its review of the text amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

- A. The most recently adopted Comprehensive Plan.
- B. The most recently adopted Zoning Ordinance
- C. Current conditions and character of structures and uses in each district.
- D. The most desirable use for which the land in each district is adapted.
- E. The conservation of property values throughout the jurisdiction.
- F. Responsible development and growth.
- G. The public health, safety and welfare.

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**1.15 Effective Date**

This Ordinance shall become effective on \_\_\_\_\_, 2002.

This Ordinance was passed and adopted by the Town Council of Atlanta, Indiana on \_\_\_\_\_, 2002.

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ATTEST:

\_\_\_\_\_

Town of Atlanta Clerk-Treasurer

This Ordinance approved by me and the Town Council of Atlanta, Indiana on \_\_\_\_\_, 2002.

\_\_\_\_\_

President

Town Council of Atlanta, Indiana

ATTEST:

\_\_\_\_\_

Town of Atlanta Clerk-Treasurer

**Town of Atlanta Plan Commission  
Certification of Action**

The Town of Atlanta Plan Commission, after holding the required Public Hearings, did by a vote of \_\_\_-\_\_\_, on \_\_\_\_\_, \_\_\_\_\_, 2002 in the Atlanta Town Hall at a regularly scheduled meeting of the Plan Commission, approve a new Town of Atlanta Subdivision Control Ordinance as amended. The Plan Commission Docket No. is PC \_\_\_\_\_.

The Town of Atlanta Plan Commission hereby certifies the said Town of Atlanta Subdivision Control Ordinance as amended to the Atlanta Town Council for its consideration.

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Date: \_\_\_\_\_

\_\_\_\_\_  
Attest: Secretary  
Town of Atlanta Plan Commission

Date: \_\_\_\_\_





**Article Two**  
Administration

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## Article Two

# Administration

### 2.1 Notice of Public Hearing

- A. The Planning Director, upon receipt of the proper documents, shall within thirty (30) days from the date of receipt of the proper documentation set a date for a public hearing before the Commission. The Planning Director shall prepare a Notice of Public Hearing to be published in a newspaper of general circulation as required by law, and which shall run one (1) time only. The legal notice shall appear in the newspaper ten (10) days prior to the date of the public hearing; the submission of the notice to the newspaper and the cost of the notice shall be borne by the petitioner. A proof of publication shall be retained by the Planning Director. Also the petitioner shall place a sign on the Lot provided by the office of the Planning Director which gives public notice of the hearing.
- B. A Notice of Public Hearing shall be sent by the petitioner at the petitioner's expense.
- The Notice of Public Hearing shall be sent to all properties adjacent within two (2) properties deep of the subject site boundaries within the corporate boundary and only directly adjacent properties outside the planning jurisdiction.
  - Names and addresses of these property owners shall be submitted at the time of filing for a minor or major plat.
  - The notices shall be sent at least ten (10) days before the date of the public hearing. The property owners shall be notified by Certified Mail with Return Receipts Requested.
  - Proofs of publication, receipts of mailing, or proofs of mailing shall be submitted to the Planning Director three (3) days prior to the date of the public hearing.
- C. Legal notices shall include the following:
- The general location of the proposed subdivision and a legal description of the land contained therein.
  - That the project plans are available for examination at the office of the Atlanta Plan Commission.
  - That a public hearing will be held giving the date, place, and hour of the hearing.
  - Written comments on the plat will be accepted prior to the public hearing and may be submitted to the Planning Director for the Plan Commission.
  - The street or common address of the real estate.
- D. Legal notices shall comply with I.C. 5-3-1.

### 2.2 Variances from Subdivision Regulations

- A. Where plan commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations or the purposes and intent of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations set forth in this ordinance so that substantial justice may be done and the public interest served, provided that such variances shall not have the effect of nullifying the intent and purpose of this Ordinance.
- B. Plan Commission has exclusive control over the approval of plats and replats.
- C. The Plan Commission shall not approve variances to the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case such that:
- The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property;
  - The conditions upon which the request for variance is based are unique to the property for which a variance is sought and are not applicable generally to other property;

- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out. A hardship is distinguished from a mere inconvenience;
  - d. The variance will not contradict the provisions of the Town of Atlanta Zoning Ordinance or Comprehensive Plan; and
  - e. Where the variance impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing to the Plan Commission.
- D. Procedure for Review of Variance Requests is as follows:
- a. At the time of filing a major or minor plat, the petitioner must submit a detailed written statement of all variances to the subdivision regulations of this Ordinance which shall fully state the grounds for the request and file detailed written findings of fact in support of such variance request.
  - b. Only those standards specifically described in the request for a variance may be reviewed by the plan commission.
  - c. Variances may only be granted in a Public Hearing process.

### 2.3 Inspections and Permits

- A. The petitioner shall notify the Planning Director seventy-two (72) hours prior to the planned installation of improvements within the development. The Planning Director will notify the Town Engineer who shall have the responsibility for inspecting and testing street curbs, sub-bases, pavement depth and quality, sidewalks, trails, sewer lines, water lines, utilities, drainage improvements, and any other site improvements to see that they conform to the regulations in this ordinance, to the Town of Atlanta Construction Standards Ordinance, or if applicable to the Construction Standards of Hamilton County and to accepted engineering standards, whichever is most strict.
- B. In addition to any other remedy and/or penalties which may be imposed on the petitioner by this Ordinance or by any other Ordinance of the Town of Atlanta, the Town of Atlanta shall reserve the right to withhold Improvement Location Permits for the remaining ten percent (10%) of the lots in a Secondary (Final) Plat with two (2) lots being a minimum number, if the petitioner has failed to install all of the improvements shown on the Secondary (Final) Plat and the final Improvement Plan, except for sidewalks/pedestrian paths. Sidewalks/pedestrian paths shall be installed on each lot by individual builder, lot owner, or subdivision developer prior to the final inspection of the principal structure.

A Certificate of Occupancy shall not be issued on any Lot until sidewalks/pedestrian paths are installed for said lot or a bond is posted to the Plan Commission by the petitioner in an amount equal to the value of the sidewalk/pedestrian path.

However, after three (3) years from the Secondary (Final) Plat approval, the petitioner is responsible to install all sidewalks/pedestrian paths shown on the Secondary (Final) Plat, whether fully built out or not.

The petitioner shall be responsible for installing sidewalks/pedestrian paths through park and open space areas and connect them to sidewalks in other areas of the subdivision or adjacent sidewalk/pedestrian paths, in other projects.

- C. All fees and costs of the Town Engineer in review of plats, plans and specifications, field inspection of improvements, and any other aspects of subdivision review, shall be paid to the Town of Atlanta by the petitioner. The petitioner shall sign an agreement with the Town of Atlanta for reimbursement of inspection and other plan review fees and have prepaid to the Town in an amount equal to what the Town Engineer calculated as to what the total fees will be.

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## 2.4 Administrative and Enforcement

- A. The administrator of this chapter shall be of the Town Planning Director. The Planning Director is hereby authorized and directed to enforce and carry out all provisions of this ordinance both in letter and spirit, pursuant to state statute,
- B. The Planning Director is hereby empowered to delegate the duties and the powers granted to and imposed upon him under this ordinance. As used in this section, Planning Director shall include any authorized representative(s).
- C. The Planning Director is hereby empowered to enter or inspect any building, structure, or premises in jurisdictional area of this ordinance to insure compliance with the provisions of this ordinance. Such inspections shall be carried out during business hours, unless an emergency exists. (ORD. 8-1-89, passed 8-15-89)

## 2.5. Violations and Penalties

- A. Violations. A failure to comply with any of the requirements of this ordinance, including violations of conditions and safeguards established in connection with the granting of variances, subdivisions, and planned district development plan approvals, shall constitute a violation of this ordinance.
- B. Legal Proceedings. The Plan Commission, the Zoning Board, the Planning Director, or any designated enforcement official may bring to the attention of the Planning Director and/or Town Attorney a violation of the provisions of this ordinance in order to initiate legal proceedings pursuant to statute.
- C. Mandatory Injunction. The Plan Commission, the Zoning Board, the Planning Director or any designated enforcement official may request the Town Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this ordinance pursuant to state statute.
- D. Common Nuisance. Any structure erected, raised or converted, or land or premises used in violation of any provision of this chapter or of the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
- E. Fines. Any person who violates this ordinance shall, upon conviction, be fined not less than \$25 nor more than \$2500.00 for each offense. For the purposes of this ordinance, each day of violation of terms of this chapter shall constitute a separate offense.
- F. Person in Violation. Any person who attempts, commits, participates in, assists or maintains a violation of this ordinance may be found guilty as a principal and suffer the penalties herein provided.
- G. Remedy for Failure. The remedy provided in this section for failure to comply with any of the requirements of this chapter, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty on all violations except in the case of repeated, malicious, willfully prolonged or flagrant violations.
- H. Assurance of Discontinuance. On all violations, the Planning Director may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued. (Ord. 8-1-89, passed 8-15-89)





**Article Three**  
**Administrative Plats**

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## Article Three

# Administrative Plats

### 3.1 Administrative Plats Defined

The following subdivisions of land are considered Administrative Plats and are exempt from the provisions of the Subdivision Control Ordinance. All Administrative Plats shall be entitled as such and shall be recorded at the Office of the Hamilton County Recorder.

- A. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division.
- B. A division of land for federal, state, or local government to acquire right-of-way.
- C. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division.



**Article Four**  
**Minor Subdivision Plats**

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## Article Four

# Minor Subdivision Plats

### 4.1 Intent

The intent of a minor subdivision process is to allow a simplified procedure for small subdivisions of land.

### 4.2 Minimum Conditions to Qualify for a Minor Plat

A proposed minor subdivision may be processed under this Article if it is determined that all the following conditions of a Minor Subdivision exist:

- A. The division of land will result in no more than four (4) additional lots from the parent tract. Once a total of four (4) additional lots have been split from the Parent Tract, all subdivisions shall follow the major subdivision process in order for the Town/Township to ensure that land is improved in coordination with the Comprehensive Plan in the laying out of public ways, easements, structures, utilities, etc., that regional drainage concerns are addressed, and established public policy is adhered to.
- B. Necessary and adequate utilities and drainage facilities exist.
- C. All parcels in the proposed subdivision shall have adequate ingress and egress without the construction of any new streets or substantial improvements to existing streets. Also, pertaining to ingress and egress, the following conditions apply:
  - a. All lots will have legal access to a platted and/or dedicated public street which is maintained by a public agency regularly having responsibility for such maintenance.
  - b. No opening of new public ways is necessary (i.e. streets or alleys).
  - c. Frontage on limited access streets on which driveways cannot open shall not constitute legal access.
  - d. If by reason of topography, natural or man-made features, or other conditions relating to the property requested for subdivision, better access can be provided through construction of a new street, the petition shall be considered as a major subdivision plat.
  - e. All lots will have driveway locations which are safe by providing adequate sight distance in either direction and will be properly spaced from one another according to the Town of Atlanta Construction Standards and Zoning Ordinance or Hamilton County Construction Standards if the tract is located outside of the municipal boundaries of Atlanta.
  - f. The maximum number of road cuts in a minor subdivision shall be two (2) where three (3) or more lots are adjacent to one another. The first two (2) adjacent lots must share a common driveway and shall be entitled to one (1) road cut, and the remaining lot(s) shall be entitled to one (1) road cut and shall, if there are two (2) remaining lots, share a common driveway. In the event such new lot(s) does not share a common boundary line with another lot such lot(s) shall be at least 750 feet from the boundary of any lot(s) at its closest point.
- D. Adequate ingress and egress to the remainder of the parcel and adjacent properties must be maintained, possible, planned for and provided.
- E. All lots in the subdivision will provide suitable building sites for the proposed land use.

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#### **4.3 Application Process for a Minor Plat**

The following steps are a brief overview of the Minor Subdivision process. The details of the complete Minor Plat process are outlined throughout this Article and Ordinance.

- A. The petitioner shall consult informally with the Planning Director for advice and assistance before filing the application for a minor subdivision. At this meeting, the petitioner should submit a conceptual layout of the plat for review. This conceptual layout shall be submitted to the subdivision committee of the Plan Commission for review.
- B. The petitioner shall submit copies of the minor subdivision application and plat to the Planning Director to officially begin the application process. All applicable fees must be paid at this time as well.
- C. The petitioner shall correspond with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:
  - a. Hamilton County Health Department
  - b. Hamilton County Surveyor's Office
  - c. Hamilton County Highway Department
  - d. Hamilton County Soil and Water Conservation District
- D. The Planning Director shall docket the public hearing notice for the next available Plan Commission meeting and put the petitioner on the agenda for an upcoming Technical Advisory Committee, Subdivision Committee and Plan Commission meeting.
- E. The petitioner shall attend the Technical Advisory Committee and the Subdivision Committee meeting for the application and plat to be reviewed.
- F. The petitioner shall attend the Plan Commission public hearing for the Primary Plat.
- G. If conditions were attached to the Primary Plat approval, the petitioner must meet all conditions (if any) prior to Secondary (Final) Plat approval.
- H. Secondary (Final) Plat approval is granted to the Planning Director.

#### **4.4 Application Requirements for Minor Plat**

- A. No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. The Planning Director shall have twenty-one (21) days after receipt of the application package in which to review the documents and to determine if there are any deficiencies. The deficiencies, if any, shall be communicated to the petitioner asking for corrections.
- B. Docket numbers shall not be assigned until all applicable fees have been paid for the application.
- C. The petitioner shall submit fifteen (15) copies of the proposed application and all applicable attachments to the Planning Director. All final application packages must be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.
- D. In accordance with I.C. 36-7-4-703, the Planning Director shall announce the date of a hearing before the plan commission within thirty (30) days after receipt of a final application.

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#### 4.5 Requirements of a Proposed Minor Plat

- A. The proposed Minor Plat shall be prepared and certified by a land surveyor registered by the State of Indiana.
- B. The proposed Minor Plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale exceeds one sheet. In this case, the proposed Minor Plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall be sized to show sufficient detail.
- C. The proposed Minor Plat shall include:
  - a. Name and legal description of the proposed minor plat.
  - b. A dimensioned drawing of the lot from which it is being divided.
  - c. Names and addresses of the petitioner, current property owner, land surveyor, and/or firm who prepared the plat.
  - d. Lot boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners.
  - e. Approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or municipal sanitary sewer system.
  - f. Approximate location of any existing or proposed wells and/or municipal water system.
  - g. Legend and notes, including a graphic scale, north point, and data.
  - h. Primary approval certificate (area for signatures) for all of the following agencies:
    - 1. Hamilton County Health Department
    - 2. Hamilton County Surveyor's Office/Town of Atlanta Engineer
    - 3. Hamilton County Highway Department/Indiana Department of Transportation
    - 4. Hamilton County Soil and Water Conservation District
    - 5. Township or Town Fire Chief
    - 6. Plan Commission President and Secretary
  - i. Area for signatures for the President and Secretary of the Plan Commission.
  - j. Lot numbers, location of monuments, and area for each lot. All lots shall meet the minimum requirement for area, width, and frontage of the Town of Atlanta Zoning Ordinance.
  - k. Indicate buildable areas of parcel per applicable zoning district setback requirements.
  - l. Existing and proposed easements including the location, width, and purpose of each easement.
- D. In addition to the proposed Minor Plat a separate sheet with the following information is necessary.
  - a. A dimensioned drawing noting the location(s) of any existing building(s) on the site, water courses, wetlands, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
  - b. A map noting significant physical and topographical features of the tract. For plats, containing more than two lots, a topographical map at typical intervals of two (2) feet shall be submitted. This map shall also show the direction of the flow of surface water runoff from the site.
- E. In addition to the proposed Minor Plat an area map must be submitted with the following.
  - a. Location of proposed subdivision within the Town/Township.
  - b. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision, including the names and addresses of the property owners.
  - c. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
  - d. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.

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**4.6 Subdivision Committee**

- A. Upon receipt of the application package, the Planning Director shall transmit copies to the Subdivision Committee and Plan Commission members. The Planning Director shall schedule the Minor Plat application package to be reviewed by the Subdivision Committee.
- B. The Subdivision Committee will review the proposed Minor Plat and make a recommendation to Plan Commission.

**4.7 Notice of Public Hearing**

- A. Notice of Public Hearing shall be given as in accordance with I.C. 5-3-1 prior to the Plan Commission meeting where the proposed Minor Plat is to be heard. The Notice of Public Hearing shall also be in accordance of section 2.1 in Article 2. The petitioner is responsible for notices to surrounding property owners as stated in Section 2.1 in Article 2.

**4.8 Action of Plan Commission Regarding Public Hearing**

- A. Upon receipt of the Minor Plat application, the plat, and the report of the Technical Advisory Committee and Subdivision Committee, the Plan Commission shall hold a public hearing. After the Public hearing the Plan Commission shall approve, approve with conditions, or deny the Minor Plat and shall make written findings and issue a written decision either granting primary approval, or granting primary approval with conditions, or denying primary approval and shall provide the applicant with a copy. The decision must be signed by the official designated in this Ordinance.
- B. The Director of Planning shall return one (1) copy of the Minor Plat application and plat to the petitioner with the date of approval, conditional approval, or disapproval and the reasons therefore, in writing, accompanying the application. The Planning Director shall maintain one (1) file copy of the Minor Plat application and plat.
- C. Within three (3) months after the Primary Minor Plat has been approved by the Planning Director, the Planning Director shall submit the Minor Plat and related materials for signature to the Secretary and President of Plan Commission.

**4.9 Review**

In reviewing applications for Minor Plat approval, the Plan Commission shall consider the following criteria.

- A. The degree to which the application and plat meets the criteria for plat approval set forth in the Subdivision Control Ordinance and as determined by the reports of the Planning Director and the Technical Advisory Committee and the Subdivision Committee.
- B. Consistency with the goals and objectives of the Comprehensive Plan.
- C. Consistency with the intent of the zoning district in which it is located.
- D. The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, site design and improvement standards; as evidenced by the listing of any exceptions in the Minor Plat application.
- E. The presence or absence of any protective covenant for the subdivision which would alter its impact from what would typically be permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the Minor Plat application.
- F. Restriction of access points. In order to minimize conflict points, the maximum number of road cuts (driveways) a Minor Plat can have is three (3) for the five (5) total buildable lots, or two (2) for four (4) total buildable lots which are adjacent to each other. (see 4.2f).

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**4.10 Completion of Improvements**

Dedication of road right-of way, dedication of proposed easements, and drainage improvements required and approved by Plan Commission and applicable government agencies shall be completed by the petitioner, inspected and approved (as necessary) before any building permits can be processed and approved and before construction of any structure can begin.

**4.11 Vested Rights**

- A. No vested rights shall accrue to any plat by reason of approval of the Secondary (Final) Minor Plat or issuance of earthwork permit until the actual signing of the Secondary (Final) Minor Plat by the President and Secretary of the Plan Commission.
- B. All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the Secondary (Final) Minor Plat.

**4.12 Recording of Minor Plat**

- A. It shall be the responsibility of the petitioner to file the approved and signed Secondary (Final) Minor Plat with the Hamilton County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the Secondary (Final) Minor Plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless approved by the Plan Commission.
- B. After the Secondary (Final) Minor Plat has been approved by the Plan Commission, signed by the appropriate parties for both primary and secondary approval, and recorded in the Office of the Hamilton County Recorder, the Petitioner shall submit the recorded Secondary (Final) Minor Plat to the Planning Director as follows:
  - a. One (1) copy on reproducible mylar, and
  - b. Two (2) copies on paper.





**Article Five**  
**Major Subdivision Plats**

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## Article Five

# Major Subdivision Plats

### 5.1 Intent

The intent of a major subdivision process is to allow a process for all subdivisions of land that do not fall under the Minor Subdivision or Administrative Plat regulations.

### 5.2 Sketch Plan Application Procedure

- A. Application Requirements: In order to begin the subdivision process the applicant shall file an application for review of sketch plan with the Commission and be entitled to a signed receipt for the same. This application shall:
- a. Be made on forms available at the Office of the Commission and signed by the owner and developer;
  - b. Include indication of all contiguous holdings of the owner including land in the same ownership, with an indication of the portion which is proposed to be subdivided and which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which the contract of sale was executed. If any corporations are involved, the Commission may request a complete list of all directors, officers, and a listing of stockholders if less than ten (10) in number;
  - c. Be presented to the Commission in duplicate;
  - d. Be accompanied by a minimum of fifteen (15) copies of the sketch plan;
  - e. Be accompanied by a fee in the amount of the present fee schedule after the issuance of a docket number;
  - f. Include an address and telephone number of an agent located within the territory of the commission who shall be authorized to receive all notices required by the ordinance; and
  - g. Include a listing signed by the checkpoint agencies indicating that they have received a copy of the proposed sketch plan or a certification that it has been sent.
- B. Checkpoint submission: In order to fulfill this last application requirement, a copy of the proposed plan shall be submitted to each of the agencies appropriate to the plan's location so that their comment may be made to the Commission. The checkpoint agencies appropriate to each participating jurisdiction in which a plat may be located are listed below.
- Exempt Subdivisions:
- a. Plan Commission
  - b. County Health Board
  - c. County Soil and Water Conservation
  - d. County Highway Department
- Minor and Major Subdivisions:
- a. Atlanta Town Council (only when requiring public utilities)
  - b. Plan Commission
  - c. County Board of Commissioners
  - d. County health department
  - e. County Soil and Water Conservation
  - f. County Highway Department
  - g. County Transfer Audit Department
  - h. Atlanta Police Chief (if within the corporate limits)

- i. Atlanta Fire Chief (if within the corporate limits)
- j. County Sheriff Department (if outside the corporate limits)
- k. Jackson Township Fire Chief (if outside the corporate limits)
- l. Hamilton Heights School Board
- m. Indiana Department of Transportation
- n. Town Engineer
- o. Town Utility Director
- p. All utility Companies
- q. Pipeline Companies

Written approval and/or comment letters from all checkpoint agencies are required prior to the sketch plan approval. Letters shall be delivered to the Planning Director ten (10) days prior to primary plat hearing.

The Commission shall request that all checkpoint agencies submit a written report to the Commission within twenty (20) days after receipt of the request. No response from an agency shall be interpreted as meaning "no objection".

- C. Classification of Subdivision: After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Commission shall classify the proposed subdivision as either major or minor as defined in the ordinance. The required procedures and approvals for major subdivisions are described in Section 5.5 through 5.20.

### 5.3 Major Subdivision Sketch Plan

- A. Official Submission Dates: The deadline for submittal of a sketch plan and application for certificate of approval shall be thirty (30) calendar days prior to the date of the Plan Commission meeting.
- B. Sketch Plan Review Process: In taking into consideration the requirements of this process and ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the Official Map or Thoroughfare Plan, and Master Plan as adopted by the Town of Atlanta.

### 5.4 Specifications for Sketch Plan Documents to Be Submitted

Sketch plans submitted to the Commission office, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- A. Name
  - a. Name of subdivision if property is within an existing subdivision.
  - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
  - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- B. Ownership
  - a. Name and address, including telephone number, of legal owner, the developer or agent of property, and citation of last instrument conveying titles to each parcel of property the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
  - b. Citations of any existing covenants on the property.
  - c. Name and address, including telephone, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.

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- C. Description: Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
  - D. Features to be included on sketch plans
    - a. Location of property lines, existing easements, burial grounds, railroad right-of-ways, watercourses, and existing wooded areas or trees eight (8) inches or more in diameter, measured four (4) feet above ground level; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners (from the latest assessment rolls).
    - b. Location, sizes, elevation, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
    - c. Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Commission may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
    - d. The approximate location and widths of proposed streets.
    - e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
    - f. The approximate location, dimension, and areas of all proposed existing lots.
    - g. The approximate location, dimension, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
    - h. The location of temporary stakes to enable the Commission to find and appraise features of the sketch plan in the field.
    - i. Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of not more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
    - j. A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.

#### **5.5 Application Process for Major Plat**

The following steps is a brief overview of the Major Subdivision process. However, The complete details of the Major Subdivision process are outlined throughout this Article and Ordinance.

- A. The petitioner shall consult informally with the Planning Director for advice and assistance before filing the application for a major subdivision. At this meeting, the petitioner should submit a conceptual layout of the plat for review.
- B. The petitioner shall submit copies of the Primary Major Plat application and proposed Primary Plat to the Planning Director to officially begin the application process.
- C. The petitioner shall correspond with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:
  - a. Hamilton County Health Department
  - b. Hamilton County Surveyor's Office
  - c. Hamilton County Highway Department
  - d. Hamilton County Soil and Water Conservation District
  - e. Atlanta Fire Department
  - f. Atlanta Utilities Director

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- g. Police Chief of Atlanta
  - h. Town of Atlanta Consulting Engineer
  - i. Indiana Department of Transportation
- D. The Planning Director shall put the petitioner on the agenda for an upcoming Technical Advisory Committee, Subdivision Committee and Plan Commission meeting. The petitioner is responsible for notices to surrounding property owners as stated in Section 2.1 in Article 2 and legal notice in a newspaper of general circulation in Hamilton County, and posting a sign on the property which signage must be approved by the Planning Director.
  - E. The petitioner shall attend the Technical Advisory Committee and the Subdivision Committee meeting for the application and proposed plat to be reviewed.
  - F. The petitioner shall attend the Plan Commission public hearing for approval of the Primary Major Plat.
  - G. If conditions were attached to the Primary Major Plat approval, the petitioner must meet all conditions (if any) prior to Secondary (Final) Major Plat approval.
  - H. The petitioner must meet with the Planning Director to verify that all conditions have been completed prior to the Plan Commission approving the Secondary (Final) Major Plat.
  - I. The Secondary (Final) Major Plat approval is completed by Plan Commission at a regularly scheduled meeting.

#### **5.6 Application Requirements for a Primary Major Plat**

- A. No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Planning Director. The Planning Director and/or Town Engineer shall have twenty-one (21) days after receipt of the application package in which to review the documents and to determine if there are any deficiencies. The deficiencies, if any, shall be communicated to the petitioner asking for corrections.
- B. No Docket Number shall be released until all applicable fees have been paid for the application.
- C. The petitioner shall submit fifteen (15) copies of the final application and all applicable attachments to the Planning Director. All final application packages must be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Plan Commission or it will not be heard at that meeting.
- D. In accordance with I.C. 36-7-4-703, the Planning Director shall announce the date of a hearing before the plan commission within thirty (30) days after receipt of a final and complete application.

#### **5.7 Requirements of a Proposed Primary Major Plat**

- A. The proposed Primary Major Plat shall be prepared and certified by a land surveyor registered by the State of Indiana.
- B. The proposed Primary Major Plat shall be drawn at a scale of fifty (50) feet to one (1) inch, except that when the drawing at that scale exceeds one (1) sheet. In this case, the proposed Major Plat may be drawn at a scale of one hundred (100) feet to one (1) inch. Sheets shall be sized to show sufficient detail.
- C. The proposed Major Plat shall include:
  - a. Proposed name and legal description of the proposed Major Plat.
  - b. A dimensioned drawing of the parcel of land from which it is being divided.
  - c. Names and addresses of the petitioner, land surveyor, and/or firm who prepared the plat.
  - d. Lot boundary lines showing dimensions, bearings, and references to section, township, range and lines or corners.
  - e. Approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
  - f. Approximate location of any existing or proposed wells and/or the municipal water system.
  - g. Legend and notes, including a graphic scale, north point, and data.

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- h. Primary approval certificate (area for signatures) for all of the following agencies:
    1. Hamilton County Health Department
    2. Hamilton County Surveyor's Office
    3. Hamilton County Highway Department
    4. Hamilton County Soil and Water Conservation District
    5. Atlanta Fire Department
    6. Atlanta Utilities Director
    7. Police Chief of Atlanta
    8. Town of Atlanta Consulting Engineer
    9. Indiana Department of Transportation
  - i. Secondary approval certificate (area for signatures) for the Plan Commission President and Secretary.
  - j. Lot numbers, location of monuments, and area for each lot (square footage). All lots shall meet the minimum requirement for area, width, and frontage of the Town of Atlanta Zoning Ordinance.
  - k. Indicate buildable areas of parcel per applicable zoning district setback requirements.
  - l. Existing and proposed easements including the location, width, and purpose of each easement.
  - m. Existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, bikeways, jogging paths, and other recreational ways.
  - n. Street names shall be proposed, but the final decision of the street names shall be determined by the Plan Commission based on input by the appropriate town or county agency.
  - o. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
  - p. Location, size, and invert elevation of utilities existing and proposed and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.

NOTE: All sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system.
  - q. Location(s) of any existing structure(s) or significant feature on the site.
  - r. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
  - s. Location and results of tests, as required by the Town Engineer, and/or appropriate county, state, federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
  - t. Proposed sidewalks and pedestrian trails.
  - u. Proposed decorative lighting. NOTE: For subdivisions located within the municipal boundaries of Atlanta, the proposed lighting must be approved by the Atlanta Town Council prior to submission to the Plan Commission.
  - v. The existing excess capacity available from the Atlanta Waste Water Treatment Plant; the nearest location to the building site of a trunk or connecting sewer line; and the expected demand of the development or building. The excess capacity shall be determined by the Atlanta Town Council.
  - w. Preliminary architectural drawings in sufficient detail to show building size, height, materials, types of units, and location of all buildings (existing and proposed) on the development site. This requirement may be waived by the Plan Commission until Secondary (Final) Plat approval.

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- x. Proposed preliminary landscaping, signage, entrance to the development, screening, and attempts at preserving natural terrain and open space. The Plan Commission or Planning Director may request a landscaping plan or buffering plan.
  - y. Estimated traffic count increase on adjacent streets resulting from the proposed development; description of type and condition of roads to serve such development; total number of motor vehicles expected to use or be stationed in such development; and on and off-site parking to be supplied.
  - z. Photographs of the site and any significant features.
  - aa. If the Primary Plat is to be divided into sections or phases of development, the boundaries and numbers of such sections shall be shown, and a conceptual plan for the entire subdivision shall be submitted as a "phasing schedule."
  - bb. Protective covenants shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval of the Commission. Any changes before recording shall be reviewed and approved by the full Plan Commission.
  - cc. Soil map of the site from the Natural Resource Conservation Office or a Hamilton County Soil Survey.
  - dd. Proposed development schedule.
  - ee. Whenever the preliminary plat covers only a part of an petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than one (1) inch equals two hundred (200) feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
- D. In addition to the proposed Major Plat a separate drainage/topography/natural environment sheet with the following information is necessary.
- a. Location(s) of any existing structure(s) or significant feature on the site
  - b. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, and other structures or significant features.
  - c. A map noting significant physical and topographical features of the tract. This map shall also show the direction of the flow of surface water runoff from the site.
  - d. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. Data shall be included showing that said outlet is adequate to accommodate the drainage requirements of the finished development. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
  - e. Location of any subsurface drain tile either existing or proposed for the site.
  - f. Type of drainage system(s) proposed to handle surface, underground, and runoff waters. The coefficient to be used for this determination shall be approved by the Town Engineer or Hamilton County Surveyor.
- E. In addition to the proposed Major Plat a vicinity map must be submitted with the following.
- a. Location of the proposed subdivision within the Town.
  - b. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision, including the names and addresses of the property owners.
  - c. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
  - d. Location and size of all utilities adjacent to or within 200 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, water mains, fire hydrants, cable television lines, etc.

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- e. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
  - f. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.
  - g. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
  - h. All section and municipal corporate boundaries lying within or contiguous to the tract.
  - i. The entire watershed in which the proposed subdivision is located.

F. Names and addresses of adjoining owners of all properties adjacent to the subject site boundaries within the corporate boundary and only directly adjacent properties outside the planning jurisdiction.

**5.8 Technical Advisory Committee Review**

- A. The petitioner shall transmit copies of the application and proposed Major Plat to the Technical Advisory Committee for review. The Technical Advisory Committee may report and make recommendations to the Planning Director and/or the Plan Commission for its review.
- B. Changes to the proposed Major Plat required by the Technical Advisory Committee shall be made by the petitioner.

**5.9 Town Engineer Review**

- A. The Town Engineer shall review the proposed Major Plat for drainage, infrastructure, road design and all other provision regulated in the Town of Atlanta Construction Standards.
- B. The petitioner shall pay directly to the Town of Atlanta all fees of the Town Engineer incurred in review of the proposed Major Plat and inspection of the construction of the subdivision.

**5.10 Subdivision Committee**

- A. Upon receipt of the application package, the Planning Director shall transmit copies to the Subdivision Committee and Plan Commission members. The Planning Director shall schedule the Major Plat application package to be reviewed by the Subdivision Committee.
- B. The Subdivision Committee will review the proposed Major Plat and make a recommendation to Plan Commission.

**5.11 Notice of Public Hearing**

- A. Notice of Public Hearing shall be given as in accordance with I.C. 5-3-1 prior to the Plan Commission meeting where the proposed Major Plat is to be heard. The Notice of Public Hearing shall also be in accordance of section 2.1 in Article 2.

**5.12 Action of Plan Commission Regarding Public Hearing**

- A. Upon receipt of the Major Plat application and plat, the report of the Technical Advisory Committee, Town Engineer, and Subdivision Committee, the Plan Commission shall hold a public hearing. After the Public hearing the Plan Commission shall in writing approve, approve with conditions, continue, or deny the Major Plat.
- B. The Planning Director shall return one (1) copy of the Major Plat application and plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and the reasons therefore, in writing, accompanying the application. The Planning Director shall maintain one (1) file copy of the Major Plat application and plat.
- C. Approval of a Primary Major Plat by the Commission is not final approval of the subdivision.
- D. Approval of a Primary Major Plat shall be effective for a maximum period of eighteen (18) months unless, upon application of the petitioner, the Commission grants an extension.
- E. If the application is disapproved, the petitioner may not resubmit for two (2) months from the date of disapproval. Fees on a resubmitted plat shall be the same as if it were an original submittal.



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### 5.13 Review

In reviewing applications for Primary Major Plat approval, the Plan Commission shall consider the following criteria.

- A. The degree to which the application and plat meets the criteria for plat approval set forth in the Subdivision Control Ordinance and as determined by the reports of the Planning Director, Technical Advisory Committee, and the Subdivision Committee.
- B. Consistency with the goals and objectives of the Comprehensive Plan.
- C. Consistency with the intent and standards of the zoning district in which it is located.
- D. The presence or absence of any exceptions to the development standards for the zoning district in which it is located, any general development standards, site design and improvement standards; as evidenced by the listing of any exceptions in the Major Plat application.
- E. The presence or absence of any protective covenant for the subdivision which would alter its impact from what would typically be permitted in the zoning district in which it is located; as evidenced by the inclusion of any covenants in the Minor Plat application.
- F. All proposed utility services must be underground. All sump-pumps (excluding sanitary pumps for basements) must be connected to the storm sewer system.

### 5.14 Completion of Improvements

Dedication of road right-of way, dedication of proposed easements, and drainage improvements required and approved by Plan Commission and applicable government agencies shall be completed by the petitioner, inspected and approved (as necessary) before any building permits can be processed and approved and before construction of any structure can begin.

### 5.15 Construction Plans

- A. It shall be the responsibility of the petitioner to prepare and have certified, by a land surveyor registered or licensed engineer in the State of Indiana, a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities.
- B. The final Construction Plans shall be based on the approved Primary Plat which has been approved. Also, the Construction Plans shall be prepared and submitted in conjunction with or prior to the Secondary (Final) Plat. The plans shall show the following:
  - a. General improvement plans shall be prepared for all required improvements. Plans shall be drawn on standard twenty-four (24) inch by thirty-six (36) inch sheets at a scale of no less than one (1) inch equaling fifty (50) feet, and map sheets shall be of the same size as the Secondary (Final) Plat.
  - b. Topographic contours at intervals of one (1) foot if the general slope of the tract is less than five percent (5%) or intervals of two (2) feet if the slope exceeds five percent (5%). Contours shall be referenced to USGS datum plane.
  - c. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within one hundred (100) feet of the intersection. Radii of all curves, lengths of tangents, and central angles on all streets shall be shown.
  - d. The Plan Commission may require, where steep slopes exist, the cross-sections of all proposed streets.
  - e. Plans and profiles showing the location and typical cross-section of streets including curbs, gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, water lines, gas, and fire hydrants, showing connection to any existing or proposed utility systems.

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- f. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low-water elevations of all ponds, lakes, and streams. All elevations shall be referenced to the USGS datum plane.
  - g. Upon completion of the construction, the petitioner's engineer shall provide the Plan Commission with one (1) set of "as built" plans showing the location, dimensions, and materials used to construct all improvements within the subdivision.

**5.16 Application Requirements for a Secondary (Final) Major Plat**

- A. After approval of the Primary Major Plat by the Commission and fulfillment of the requirements of this ordinance, fifteen (15) blackline or blue-line reproductions of the Secondary (Final) Major Plat of the subdivision shall be submitted to the Planning Director. All Secondary (Final) Major Plats shall be shown at a scale.
- B. The following information shall be shown on the Secondary (Final) Major Plat:
  - a. Accurate boundary lines, with dimensions and angles, which provide a legal survey per state statute.
  - b. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
  - c. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - d. Accurate metes and bounds description of the tract boundary.
  - e. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.
  - f. Name of subdivision followed by the words "Secondary (Final) Plat."
  - g. Name, address, and phone number of the petitioner.
  - h. North point, graphic scale, and date.
  - i. Street names.
  - j. Complete curve table for all curves included in the plat.
  - k. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
  - l. Lot numbers and dimensions including the square footage of each lot.
  - m. Accurate locations of easements, description of their use, and any limitations on such semi-public or community use.
  - n. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
  - o. Building lines and setback dimensions throughout the subdivision.
  - p. Location, type, material, and size of all monuments and markers.
  - q. Construction plans and specifications for the improvements required by this ordinance.
  - r. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
  - s. Certification by a registered land surveyor.
  - t. Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the Secondary (Final) Major Plat.
  - u. Certificate of approval by the Atlanta Plan Commission, if approved.
  - v. Certificate of approval by the Atlanta Town Council, if approved.

- w. A final landscape/screening plan shall be incorporated in the Secondary (Final) Plat design plans and a phasing schedule of landscaping/ screening improvements. All changes shall be reviewed and approved by Plan Commission.
- x. Any other information or data requested by the Director necessary to clarify conditions and terms of plat approval.

C. The Secondary (Final) Major Plat may include all or only a part of the land the Primary Major Plat which has received approval and shall be prepared and certified by a land surveyor registered by the State of Indiana. If the Secondary (Final) Major Plat does not contain all of the land approved on the Primary Plat, it shall be designated by a section number in a numerical order.

#### **5.17 Action of Plan Commission**

- A. Within thirty (30) days after the Planning Director reviews the final complete plat and all required supportive information, the Planning Director shall docket the Secondary (Final) Major Plat with the Plan Commission. If the Plan Commission determines that the plat complies with the standards of this ordinance, it shall make written findings and a written decision regarding secondary approval to the plat. No notices of public hearing shall be required for Secondary (Final) Plat approval.
- B. The approval of the Secondary (Final) Major Plat by the Plan Commission shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the plat original and all other relevant documents which also may require such signatures.
- C. If the Plan Commission disapproves the Secondary (Final) Major Plat, it shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be signed by the President and Secretary of the Plan Commission.

#### **5.18 Secondary (Final) Major Plat Approval**

- A. Approval of the Secondary (Final) Major Plat shall be effective for a maximum period of twelve (12) months from the date of approval unless signed and recorded as required by Section 5.20. An extension of time may be approved by the Plan Commission.
- B. The Secondary (Final) Major Plat approval shall not be signed by the Planning Director until a performance bond or other acceptable proof of surety has been submitted to the Plan Commission.
- C. No site work or earthwork shall be allowed until an Improvement Location Permit has been issued.
- D. In no case shall an Improvement Location Permit be issued by the Planning Director, or his agent until the following is done:
  - 1. Plan Commission has approved the Primary Major Plat;
  - 2. Construction Plans have been approved; and
  - 3. Required surety has been submitted and accepted.
- E. No Certificate of Occupancy shall be issued by the Planning Director, or his agent, for any structure on any subdivision lots prior to addresses being approved, installation and completion of all facilities, including grading, as shown on the approved plans and approved by the Commission; except that in the case of an asphalt road surface, the installation of the final surface coat may, subject to the report of the Town and/or County engineer and the approval of the Plan Commission, be postponed until the end of the maintenance period. The final coat of asphalt shall be installed prior to acceptance of the road for public maintenance.
- F. A Secondary (Final) Plat of a subdivision may not be filed with the Hamilton County Auditor, and the Hamilton County Recorder may not record it unless it has been granted Secondary (Final) Plat approval by the Planning Director and has been properly signed by the President and Secretary of the Commission. The filing and recording of the plat is without legal effect unless approved and signed by the Plan Commission.

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**5.19 Vested Rights**

- A. No vested rights shall accrue to any plat by reason of approval of the Primary and/or Secondary (Final) Major Plat or issuance of earthwork permit until the actual signing of the Secondary (Final) Major Plat by the Planning Director, and the President and Secretary of the Plan Commission.
- B. All requirements, conditions, or regulations adopted by the Commission applicable to the subdivision, or on all subdivisions generally, shall be deemed a condition for any subdivision prior to the time of the signing of the Secondary (Final) Plat .

**5.20 Recording of Secondary (Final) Major Plat**

- A. It shall be the responsibility of the petitioner to file the approved and signed Secondary (Final) Plat with the Hamilton County Recorder within thirty (30) days of the date of signature. Simultaneously with the filing of the Major Plat, the petitioner shall record any agreements of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's president and secretary, and the Atlanta Town Council or the Hamilton County Commissioners.
- B. When recorded in the Office of the Hamilton County Recorder, the Petitioner shall submit the recorded Secondary (Final) Plat to the Planning Director as follows:
  - a. One (1) copy on reproducible mylar, and
  - b. Two (2) copies on paper.
- C. The petitioner must also submit a copy of the recorded Secondary (Final) Plat to the following persons:
  - a. Any corporate utility company that may be affected,
  - b. Hamilton County Highway if outside of Atlanta or to the Town of Atlanta if located within Town,
  - c. Hamilton County Surveyor,
  - d. Hamilton County Sanitarian, and
  - e. Town Engineer and utility directors.

# **Article Six**

## **Surety**

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## Article Six

# Surety

### 6.1 Surety

- A. At the time when the Secondary (Final) Major Plat is approved by the Plan Commission and before the plat is signed by the officers of the Plan Commission or is recorded, the petitioner shall file a surety or irrevocable letter of credit with the Clerk-Treasurer and the Town Council and/or all appropriate county agencies. The performance bond or letter of credit shall:
- Be drawn in favor of the Town of Atlanta and/or applicable county agencies.
  - Be in an amount and time period determined by the Plan Commission and the Town Council or appropriate county agency to be sufficient to complete the improvements and installations in compliance with this ordinance. The petitioner's engineer shall supply an estimate of the cost of improvements and installation on the project to aid the Plan Commission and the Town Council or appropriate county agency in its determination of the amount of the bond. The engineer's estimate, however, shall not be binding.
  - Be with surety satisfactory to the Plan Commission and the Town Council or appropriate county agency.
  - Comply with all statutory requirements and shall be satisfactory to the Plan Commission's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
  - Extend for the period within which required improvements must be completed as specified by the Commission in the resolution approving the Secondary (Final) Major Plat.
  - Cover the installation costs of the streets, sanitary sewers, curbs, street signs, sidewalks, and other recreational amenities, surface swales, subsurface and storm drainage systems, seeding/erosion control, landscaping, and other public improvements.
- B. The representative of the Town or appropriate county agency may, upon proof of difficulty, recommend to the Town Council or appropriate county agency an extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Town Council or appropriate county agency may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the Plan Commission's Attorney. The Town Council or appropriate county agency shall have the authority to increase the bond amount to cover increased costs.
- C. All required improvements shall be made by the petitioner, at his expense, without reimbursement by the local government or any improvement district therein.
- D. The petitioner shall be required to maintain at his expense a licensed civil engineer or engineering firm on the job site to manage the construction of the subdivision improvements. The on-site engineer shall certify that the subdivision construction is in compliance with the detailed construction plans submitted to the Plan Commission during the review of the Secondary (Final) Plat. The on-site engineer shall submit weekly progress reports to the Town Engineer during construction and should notify the Town Engineer when important work has been scheduled so that an inspection can be made. A final report shall be submitted to the Director of the Plan Commission and the Town Council or appropriate county agency by the petitioner's engineer or his firm.
- E. If the Town Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

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- F. If a Secondary (Final) Plat is divided into sections, the Plan Commission may allow for performance bonds to be submitted to cover only the cost of improvements to be constructed in each section.
  - G. Exemptions from Surety may be approved if:
    - a. Construction plans have been approved by the Plan Commission, Town Council, or appropriate county agency, and
    - b. Improvements are made prior to Secondary (Final) Major Plat approval, and
    - c. The town engineer and appropriate county agencies have inspected and approved such improvements, and
    - d. Town Council or appropriate county agency has accepted said improvements, and
    - e. Posting of a maintenance bond or bonds has been accepted in the amount required by this ordinance.

#### **6.2 Release of Performance Bond**

- A. The Town Council or appropriate county agency shall not accept dedication of required improvements nor release or reduce the performance bond amount until the Town Engineer has submitted a final inspection report of the subdivision. The engineer shall certify that the layout of the public improvements has been completed, properly inspected, and is ready for acceptance into the Town's system.
- B. The Town Council, upon approval of the Town Engineer's inspection report, shall pass a resolution accepting the improvements in the subdivision and formally releasing the performance bond.
- C. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the Town of Atlanta or appropriate county agency may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

#### **6.3 Other Forms of Surety**

- A. Should the petitioner be required to extend to the subdivision site improvements such as extensions of water and sewer lines owned by the Town of Atlanta which may provide benefits to other properties in the vicinity of the proposed subdivision, then the petitioner and the Town Council may, by contract, agree that the other property owners in the vicinity of the subdivision who wish to connect to or utilize the installation provided by the petitioner shall pay the Town over a ten (10) year period a fee in an amount agreed to by the contract and that portion of said fee shall be rebated to the petitioner in annual installments.

#### **6.4 Maintenance of Public Improvements**

- A. The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the Town of Atlanta, or the Hamilton County Highway Department.
- B. The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the Town or the County.







**Article Seven**  
Principles and Standards of Design

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## Article Seven

# Principals and Standards of Design

### 7.1 General

- A. The subdivision layout shall be of such a character that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Plan Commission.
- B. Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of plat approval. Additional dedication of right-of-way shall be required per the Atlanta Comprehensive Plan/Transportation Plan Map and or the Hamilton County Thoroughfare Plan.
- C. In designing and approving subdivision streets, the following factors shall receive consideration:
  - a. accessibility for emergency vehicles and school buses;
  - b. safety for both vehicular and pedestrian traffic;
  - c. efficiency of service for all users;
  - d. livability or amenities as affected by traffic elements in the circulation system; and
  - e. economy of both construction and use of land.
- D. When there is a situation of unusual physical conditions or a controlled design environment in evidence and it can be satisfactorily demonstrated to the Commission that a private street is the only feasible solution, said private street may be permitted and shall be constructed to a depth equal to Local Roads or Streets, and adequate covenant provision are made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to the governing jurisdiction.
- E. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
  - a. All applicable statutory provisions.
  - b. The local zoning ordinance, building and housing codes, and all other applicable laws of the appropriate jurisdiction.
  - c. The Comprehensive Plan, Thoroughfare Plan, and Capital Improvement Plan of the Town of Atlanta, including all public facilities, open space, and recreation plans, as adopted.
  - d. The rules and regulations of the Indiana Department of Environmental Management, The Department of Natural Resources, Aeronautics Commission, Hamilton County Drainage Board, and other appropriate agencies.
  - e. The rules, regulations and standards of the Indiana Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
  - f. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published by the local governmental units.
  - g. The “Indiana Manual of Uniform Traffic Control Devices” for placement and installation of traffic control devices.

### 7.2 Street Standards

The street layout shall provide adequate vehicular and pedestrian access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Streets shall conform to the following principles and standards:

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A. Principles

- a. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- b. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- c. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- d. Residential street patterns shall provide reasonably direct access to the primary circulation system.

B. Standards within the Corporate Limits of the Town of Atlanta

- a. Minimum pavement widths, to be installed at the developer's expense, shall be as follows:
  1. Primary Arterials: Four (4) lanes at 12 feet each, 16 feet center turn lane, plus two (2) feet for curb and gutter.
  2. Secondary Arterials: Four (4) lanes at 12 feet each, or two (2) lanes at 12 feet each plus two (2) parking lanes at ten (10) feet, plus two (2) feet for curb and gutter.
  3. Collector or Commercial/Industrial: 38 feet back of curb to back of curb (2 feet for curb and gutter).
  4. Local Roads or Streets: 30 feet back of curb to back of curb (2 feet for curb and gutter).
  5. Private Streets: 22 feet edge of pavement to edge of pavement.
- b. Minimum pavement depths to be in accordance with the Town of Atlanta's Construction Standards and Specifications per road classification.
- c. Street Grades, Curves and Sight Distances
  1. The minimum vertical grade for all streets shall be 0.5%.
  2. The maximum vertical grade for Primary Arterials and Secondary Arterials shall be 5%.
  3. The maximum vertical grade for Collector shall be 8%.
  4. The maximum vertical grade for Local Roads or Streets shall be 8%.
  5. The first 25 feet of an intersection roadway, from the outer edge of a through roadway, shall be designed with a two percent (2%) downward grade. With a sag vertical curve situation, the two percent (2%) grade shall connect with the remaining street profile grade using a minimum vertical curve length of 50 feet. The sag vertical curve may start at the edge of the through roadway. With a crest vertical curve at the approach to an intersection, the two percent (2%) downward grade shall extend 25 feet from the edge of the through roadway and the crest vertical curve can begin at that point. The length of the crest vertical curve shall meet the requirements of the 1990 AASHTO Standards for crest vertical curves.
  6. Vertical curves shall be designed to meet or exceed 1990 AASHTO Standards for sag and crest vertical curves.
  7. Local Roads or Streets and Collectors shall have a design speed of 30 mph. Primary Arterials and Secondary Arterials shall have a minimum design speed of 50 mph.
  8. Horizontal center line curve radii shall meet or exceed 1990 AASHTO Standards. If a horizontal curve is required, Local Road or Street and Collectors shall have a 300 foot minimum center line radius. The minimum tangent distance between reverse curves shall be 100 feet.

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9. Cul-de-sac streets shall be not longer than six hundred (600) feet, unless the Plan Commission shall determine after public discussion that a greater distance better serves the interest of public health, safety, and welfare, including traffic flow considerations; such distance to be measured from the center of the turning circle to the intersection of the center line of the cul-de-sac street and the center line of a through street.
  10. A temporarily dead-ended street shall be permitted in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turnaround shall be provided for any such temporary dead-end street which extends two hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
  11. A developer may request permission from the Board of Public Works to delay the installation of the one (1) inch surface layer of asphalt, but not to exceed one (1) year. The developer shall be required to submit a separate performance bond or letter of credit to cover the cost of the installation of the one (1) inch surface layer of asphalt.

d. Intersection

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible for a minimum distance of one hundred (100) feet.
2. Not more than two (2) streets shall intersect at any one (1) point, unless specifically approved by the Plan Commission.
3. Proposed new intersection along one (1) side of an existing street shall, whenever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be permitted.
4. Street curb intersections shall be rounded by radii of at least 25 feet. A radius of 40 feet shall be used at the intersection with a Primary Arterial, Secondary Arterial or Collector street.
5. The above minimum radii shall be increased when the angle of street intersection is less than 90 degrees.
6. At the intersection of any proposed Local Road or Street with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may need to be provided in accordance with standards established by the handbook, A Policy of Geometric Design of Highways and Streets, by the American Association of State Transportation and Highway Officials. All acceleration/deceleration lane widths shall be twelve (12) feet.

e. Curbs and Gutters

1. All public streets within the corporate limits of the Town of Atlanta shall have curbs and gutters.
2. All curb and gutter sections placed on Primary Arterials, Secondary Arterials, or Collectors shall be of the barrier type. Roll-type curb and gutter sections will be required for Local Roads or Streets.

f. Right-of-Way

1. The minimum right-of-way of Local Roads or Streets shall be fifty (50) feet within the Corporate Limits of the Town of Atlanta or as stated in the Atlanta Comprehensive Plan/Transportation Plan Map.
2. Where Local Roads or Streets intersect Arterials and Collectors, there shall be a triangular area with two 30 foot sides.
3. At Local Roads or Streets, property line corners shall be rounded by an arc, the minimum radius of which shall be twenty (20) feet.
4. All cul-de-sacs on Local Roads or Streets shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet and minimum roadway diameter of eighty (80) feet. All cul-de-sacs on Commercial/Industrial streets shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet and minimum roadway diameter of one hundred (100) feet.

g. Signs

1. The developer shall fund and install all required street name signs and regulatory signs in accordance with the Town of Atlanta Construction Standards and Specifications and the Manual on Uniform Traffic Control Devices.
2. One (1) street sign shall be installed at each intersection indicating the name of each street thereas.

h. Construction Road/Entrance

1. The petitioner is required to build and maintain a construction road entrance for all subdivisions having multiple phased construction. This entrance will consist of nine (9) inches of No. 2 stone and shall be shown on the construction plans. All entrances shall have access from a Primary Arterial, Secondary Arterial, or Collector street. The purpose of this road is to eliminate heavy construction traffic on Local Roads or Streets.

**7.3 Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths**

- A. Sidewalks shall be at least five (5) feet wide adjacent to Primary Arterials, Secondary Arterials, Collectors and in Commercial/Industrial or multi-family developments. Sidewalks shall be at least four (4) feet wide at all other locations. Sidewalks are to be concrete four (4) inches thick. The back of the sidewalk shall be located one (1) foot inside the right-of-way line or as approved by the Town Engineer.
- B. Pedestrian paths may be required in lieu of sidewalks when approved by the Plan Commission and Town Council and shall be constructed to a minimum width of eight (8) feet. The developer shall install pedestrian paths along all Arterial and Collector streets that abuts the development. The paths shall be constructed of asphalt, paving stones, or other similar impervious hard surface material.
- C. The developer shall be required to install sidewalks and or paths in open space areas and public right-of-way that abuts common areas and non-building lots.
- D. Sidewalks shall be installed on each lot prior to occupancy of any dwelling unit on the lot. If all lots are not developed within three (3) years from the issuing of the first Certificate of Occupancy, the developer shall install all sidewalks on all building lots.
- E. Private streets and streets outside the Corporate Limits of the Town of Atlanta are exempt from the sidewalk/pedestrian paths requirement.

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#### 7.4 Easements

- A. Easements to permit access for maintenance and repair of surface, subsurface infrastructure, and utility installations shall be provided on the copies of the Primary Plat, Secondary (Final) Plat, and Construction Plans. Location of easements shall be reviewed by the Town Engineer and representatives of local utility companies.
- B. Easements shall be as shown below and shall provide continuity from block to block, and shall be located along rear, side, or front lot lines, one-half (½) the width of the easement shall be taken from each lot. In the case of lots extending to the boundary of the lands platted and not adjoining another plat, the full width of the easement shall be provided on such peripheral lots.

<u>Depth of Infrastructure from Finished Grade</u>	<u>Minimum Total Easement</u>
up to 15 feet	20 feet
>15 feet to 25 feet	30 feet
> than 25 feet	40 feet

- C. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, the petitioner shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and in the case of a legal drain, the Hamilton County Drainage Board.
- D. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the petitioner and shown on the Construction Plans.

#### 7.5 Storm Drainage and Culverts

- A. Down spouts shall not be discharged into any part of the enclosed storm drainage system. Storm drainage pipes or systems, subsurface drains or sump pump outlets shall not discharge into streets, roadside ditches or over curbs.
- B. Storm drainage systems shall be designed to prevent overtopping of curbs by a storm not exceeding the 10 year design storm. Inlets shall be placed at all low points in the grade of the gutter and at intersections to prevent stormwater from flowing across traffic lanes and crosswalks.
- C. Culverts for Local Roads or Streets shall be designed such that the road shall not be overtopped by a 25 year storm event. Other road Classifications shall be designed to prevent overtopping by a 100 year storm event.
- D. Surface water drainage flows shall be shown on the Primary Plat for each and every lot and block.
- E. The drainage plan shall show the effected watershed.
- F. The design criteria for side and rear yard drainage swales is:
  - a. Minimum flow line grade of ditches shall be one percent (1%). Ditches not meeting the one percent (1%) minimum grade will be required to install underdrains two feet below the proposed flow line.
  - b. Maximum flow line grade of ditches shall be seven percent (7%). Ditches greater than one percent (1%) shall be protected with an erosion control mat.
  - c. Front and back slope of ditches shall not be steeper than a 4:1 slope.

G. The design criteria for detention/retention is:

- a. Local basins are those which have a total land area contributing flow to the detention/retention basin, including on-site and off-site areas, of less than five (5) acres. Minimum hydraulic performance levels and accepted design methodologies for local basins shall conform to the following:
  1. Release, at a minimum, the peak discharge resulting from the 100-year design storm event runoff at the 10-year design storm event runoff peak discharge rate for existing watershed conditions.
  2. Release the peak discharge resulting from a 2-year design storm event runoff from the contributing watershed area at the 2-year design storm event runoff peak discharge rate for existing watershed conditions.
- b. Regional basins are those which have a total land area contributing to the basin, including on-site and off-site areas, of five (5) acres or larger. Minimum hydraulic performance levels and accepted design methodologies for regional basins shall conform to the following:
  1. Release runoff resulting from a 2-year design storm event over the entire contributing watershed for post-development conditions at a peak rate and velocity no greater than the peak rate and velocity from the 2-year design storm event runoff based on the pre-development watershed conditions.
  2. The developed site runoff during the runoff from both the 10-year and 100-year design storm events shall be designed to be released at a peak rate and velocity no greater than the peak rate and velocity from the 10-year design storm event runoff based on pre-development watershed conditions.
- c. All detention/retention designs shall use runoff hydrographs and routing techniques.
- d. The minimum accepted bottom transverse slope of dry detention basins shall be one percent (1%) and must be designed to include underdrains. Vegetated bank side-slope shall be no steeper than 3 (horizontal) to 1 (vertical).
- e. Vegetated areas of wet detention basins shall have an earthen embankment constructed with side slopes no steeper than 3 (horizontal) to 1 (vertical). Earthen embankment armored with rock rip-rap shall not be accepted.
- f. The maximum ponding depth for parking lot detention shall be ten (10) inches for the 100-year storm event runoff from the entire contributing watershed.
- e. Minimum normal depth of a wet pond, calculated at the shallowest point in the pond, shall be eight (8) feet.
- f. Emergency spillways shall be capable of handling one and one-quarter times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development conditions, draining to detention/retention facility. However, engineering judgement may dictate use of a higher design standard. Many types of emergency spillways are allowable provided adequate provision is made for the discharge of the flow through the facility and a minimum free-board of one-foot (1) is provided for larger regional ponds above the maximum anticipated flow depth through the emergency spillway.

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**7.6 Water**

- A. The developer shall install water main supply system in a manner prescribed by the Town of Atlanta's Construction Standards and Specifications. All plans shall be designed in accordance with the Town of Atlanta's Construction Standards and Specifications and the Indiana Department of Environmental Management. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Water Works as published by the Health Education Service. All plans shall be approved by the Town Engineer.
- B. In low density zoning, if a public water system is not available, individual wells shall be used in accordance with the standards and specifications of the Hamilton County Board of Health.

**7.7 Sanitary Sewer**

- A. The developer shall install sanitary sewer collection system in a manner prescribed by the Town of Atlanta's Construction Standards and Specifications. All plans shall be designed in accordance with the Town of Atlanta's Construction Standards and Specifications and the Indiana Department of Environmental Management. In addition, the design shall meet or exceed the minimum standards described in the latest edition of Recommended Standards for Sewage Works as published by the Health Education Service. All plans shall be approved by the Town Engineer.
- B. Private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, shall be laid out in accordance with the standards and specifications of the Hamilton County Board of Health.

**7.8 Lighting**

- A. The petitioner shall be required to provide and maintain street lighting within the subdivision. Street lighting shall be designed so as to provide an appropriate degree of illumination for various activities based on their location along arterial, collector, or local streets and the intensity of the surrounding land uses. This lighting shall be funded by the developer. Illumination guidelines shall be as follows:

<u>Streets</u>	<u>Commercial</u>	<u>Residential</u>
Arterials	1.2 footcandles	0.6 footcandles
Collectors	0.8 footcandles	0.4 footcandles
Local	0.6 footcandles	0.3 footcandles

- B. At a minimum, lighting shall consist of high-pressure sodium bulbs or comparable, a minimum of one hundred (100) watts each, and mounted on standards of non-corrosive metal not to exceed thirty feet in height. Lighting standards shall be mounted in an approved concrete foundation.
- C. The maintenance and operation of street lighting shall be the responsibility of the petitioner. The developer shall be required to implement restrictive covenants to cover their operation.
- D. Minor Subdivisions are exempt from the lighting requirement.

**7.9 Block Standards**

- A. Blocks should not exceed one thousand two hundred (1200) feet in length. In the design of blocks longer than eight hundred (800) feet, the Commission may specify the provision of pedestrian crosswalks near the center of the block, or wherever would be most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination. Minimum length of blocks shall be three hundred (300) feet.
- B. Blocks shall have sufficient width to provide for two (2) tier of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major transportation facilities, watercourses, and industrial and commercial areas.



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## 7.10 Lot Standards

- A. The developer shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square and forty (40) inches long with an iron rebar or pipe cast in the center, at each corner or angle of the outside boundary of each subdivision's section prior to issuing building permits.
- B. The developer shall have placed, under the supervision of a Registered Land Surveyor, five-eighths (5/8) inch diameter or larger iron or steel rebars or pipes weighing a minimum of one (1) pound per foot and being at least twenty-four (24) inches long at the corners of each lot. They shall be set prior to the issuance of any Building Permit.
- C. Lot dimensions shall comply with the minimum standards of the Zoning Ordinance.
- D. Double frontage lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- E. The lot size, width, depth, shape, grade location, and orientation shall be in proper relation to street and block design and to existing and proposed topographical conditions.
- F. All lots shall abut on a public street or an approved private street.
- G. Side lines of lots shall be at approximately right angles to straight streets and radial lines on curved streets. Some variation from this requirement is permissible, but pointed or very irregular lots should be avoided.
- H. Building setback lines shall conform to the provisions of the Atlanta Zoning Ordinance and shall be shown on the Primary and Secondary (Final) Plat.
- I. Lots abutting a watercourse, drainageway, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance from front, rear, and side yards. The minimum required lot area shall not include the water area.
- J. Lots that abut Primary and Secondary Arterials and Collector streets shall require a five (5) foot non-access easement along their perimeters. The non-access easement shall be shown on the Primary and Secondary (Final) Plat.

## 7.11 Open Space Area

- A. The developer shall be required to plat on the ratio of providing three (3) acres of open space area for every one hundred (100) dwelling units. In no case shall the total open space area be less than two (2) acres and no individual areas shall be less than one (1) acre. A dwelling unit shall be defined as a single-family home, or each dwelling unit in a condominium, or apartment/rental unit property.
- B. No more than fifty percent (50%) of the minimum required open space area shall be clubhouses, tennis courts, basketball courts, and swimming pools, excluding parking lots that produce impervious surfaces within the subdivision.
- C. The open space shall have a total frontage on one (1) or more public or private streets of at least two hundred (200) feet, and no part of the area shall be narrower or shallower than two hundred (200) feet except for stream-valley and other linear areas which shall at no point be narrower than fifty (50) feet. Easements, crosswalks, and road frontage to provide public access to the open space shall be shown on the Primary and Secondary (Final) Plat.
- D. No more than fifty percent (50%) of the minimum required open space area shall be wet detention, flood plain or wetlands. Drainage easements shall not be included or considered as meeting the open space requirements hereunder.
- E. The developer shall be required to deed all open space areas to a Homeowner's Association as required in the subdivision's restrictive covenants or deed an equal part of all open space areas to each lot within the subdivision as required in the restrictive covenants.
- F. Minor Subdivisions are exempt from the open space area requirement.

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**7.12 Parking Spaces for Clubhouse**

The developer shall provide one (1) parking space per one hundred fifty (150) square feet of finished clubhouse floor space.

**7.13 Subdivision and Street Names**

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the county. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Primary Plat approval.
- B. Street names shall not duplicate any existing name within the county except where a new street is a continuation of an existing street. Street names that may be spelled different but sound the same as existing streets shall not be used.
- C. The Plan Commission shall have final authority to approve all names of streets (in case of conflicts) at the time of Primary Plat approval.



**Article Eight**  
General Construction Standards

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## Article Eight

# General Construction Standards

### 8.1 Street Improvements

All street improvements are to be as per the Town of Atlanta Construction Standards.

### 8.2 Storm Water and Subsurface Drainage

All storm water improvements are to be as per the Town of Atlanta Construction Standards.

### 8.3 Curbs and Gutters

All curb and gutter improvements are to be as per the Town of Atlanta Construction Standards.

### 8.4 Sewers

All sewer improvements are to be as per the Town of Atlanta Construction Standards.

### 8.5 Water Supply

All water supply improvements are to be as per the Town of Atlanta Construction Standards.

### 8.6 Monuments and Markers

All monuments and markers are to be as per the Town of Atlanta Construction Standards.

### 8.7 Sidewalks

All sidewalk improvements are to be as per the Town of Atlanta Construction Standards.

### 8.8 Street Signs and Street Lighting

All street signs and street lighting improvements are to be as per the Town of Atlanta Construction Standards.

### 8.9 Utilities

All utility improvements are to be as per the Town of Atlanta Construction Standards.



**Article Nine**  
General Environmental Standards

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## Article Nine

# General Environmental Standards

### 9.1 General

- A. No changes shall be made in the contour of the land, nor shall grading or excavating, to take place until a plan for minimizing erosion and sedimentation has been reviewed by the Planning Director and Hamilton County Soil and Water Conservation District or there has been a determination by the Planning Director that such plans are not necessary.
- B. Measures used to control erosion and reduce sedimentation and to provide drainage shall, as a minimum, meet the standards and specifications of the Hamilton County Storm Drainage, Erosion, and Sediment Control Ordinance. The Planning Director shall ensure compliance with all appropriate specifications.
- C. If any statement or regulation in this Article is more or less strict than the Town of Atlanta Construction Standards Ordinance or of Hamilton County, if applicable, the more strict regulation shall supercede the less strict regulation.

### 9.2 Performance Principles

- A. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the overall development plan.
  - a. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
  - b. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
  - c. Development plans shall keep cut fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
  - d. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
  - e. The disturbed area and the duration of exposure shall be kept to a practical minimum.
  - f. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
  - g. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
  - h. Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.
  - i. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
  - j. Design and construction of the drainage facility shall be such that it will be durable and easy to maintain.

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**9.3 Grading for Drainage**

All grading and drainage are to be completed according to the Town of Atlanta Construction Standards Ordinance or, if applicable, to the Construction Standards of Hamilton County.

**9.4 Drainage and Erosion Control**

The responsibility for drainage and erosion control is to be completed according to the Town of Atlanta Construction Standards Ordinance or, if applicable, to the Construction Standards of Hamilton County.

**9.5 Compliance with Regulations and Procedures**

- A. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the standards and specifications of the Hamilton County Storm Drainage, Erosion, and Sediment Control Ordinance or of Atlanta.
- B. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development and shall become a part thereof.
- C. Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Planning Director.
- D. In the event the petitioner proceeds to clear and grade prior to the approval of the subdivision or development plan, without satisfying conditions specified herein, the Plan Commission may revoke the approval of all plans and a suit for an injunction may be instituted to halt further construction until development plans are approved.
- E. Topsoil shall not be removed from residential lots or used as spoil. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street in the subdivision.





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**Article Ten**  
**Definitions**

# Article Ten

## Definitions

### 10.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

Undefined words in this Article may also be found in the Atlanta Zoning Ordinance.

### 10.2 Defined Words:

The following terms shall have the following meanings:

**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Administrator:** See Planning Director

**Advisory Plan Commission:** A planning commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Atlanta Plan Commission is an Advisory Plan Commission.

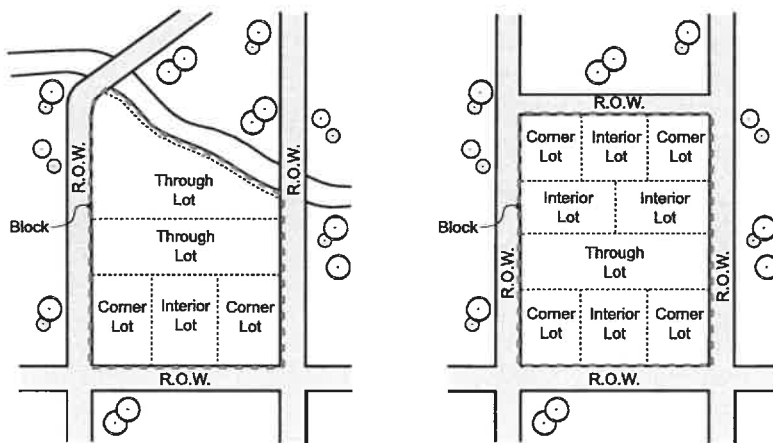
**Alley:** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of the abutting property.

**Applicant:** See Petitioner

**Arterial Street:** See Street, Arterial

**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.

**Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



**Board:** See Board of Zoning Appeals

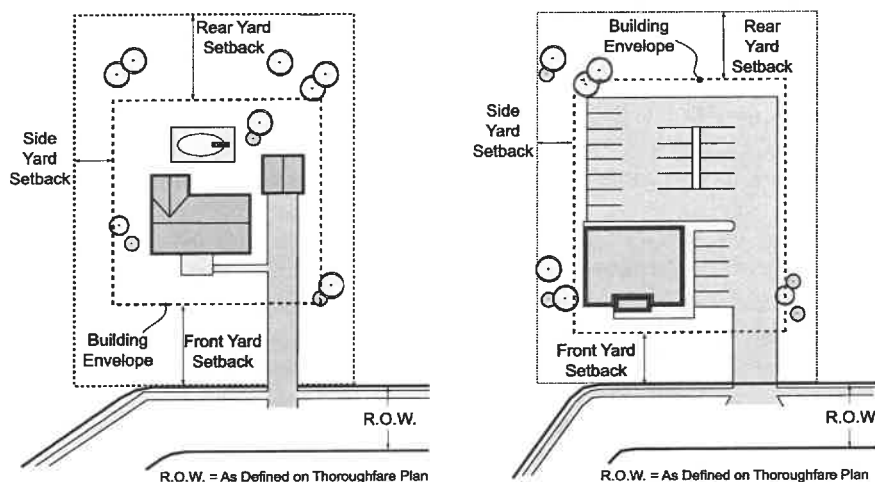
**Board of Zoning Appeals:** The Town of Atlanta Advisory Board of Zoning Appeals or any division thereof.

**Bond:** See Surety

**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, screened in porches, unenclosed porches or decks, and architectural features that project no more than two feet.

**Building Envelope:** The setback lines that establishes an area on a lot in which building can occur.



**BZA:** See Board of Zoning Appeals

**Central Sewerage System:** The community sewer system including collection and treatment facilities owned and maintained by the Town of Atlanta.

**Central 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 established by the developer to serve a new subdivision or commercial/ industrial development.

**Certificate of Compliance:** A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.

**Certificate of Occupancy:** A certificate stating that the occupancy and use of a building or structure complies with the provisions of the Indiana Building Code.

**Collector Street:** See Street, Collector

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**Commission:** See Advisory Plan Commission

**Comprehensive Plan:** Refers to the Atlanta 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 Commission 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.

**Construction Plan:** See Improvement Plan

**Construction Plan(s):** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this Ordinance as a condition of the approval of the plat.

**County:** Hamilton County, Indiana.

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

**Cul-De-Sac:** A short street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

**Dedication:** The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

**District:** Areas within the Town of Atlanta 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 this Ordinance. Districts are drawn on the Official Zoning Map.

**Drives, Private:** See Street, Private

**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.

**Final Plat:** See Plat, Secondary

**Flood Protection Grade:** The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

**Frontage:** See Lot Frontage

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground.

**Improvement Location Permit:** A permit issued under the Zoning Ordinance or Subdivision Control Ordinance prior to receiving a building permit, permitting 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.

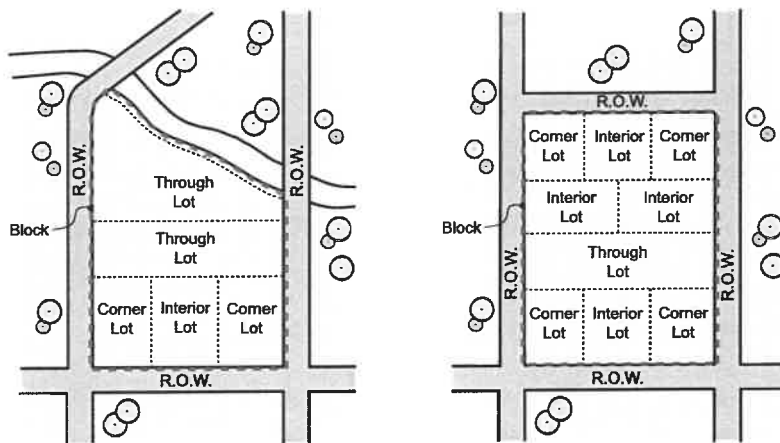
**Improvement Plan:** Refers to the Atlanta Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission 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.

**Interested Party:** Interested parties shall include, but are not limited to, all properties adjacent within two (2) properties deep of the subject site boundaries within the corporate boundary and only directly adjacent properties outside the planning jurisdiction.

**Landscaping:** The improvements 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.

**Local Street:** See Street, Local.

**Lot:** A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. Two (2) or more adjacent and contiguous lots owned by a common owner and utilized as one building site may be considered as a single lot.



**Lot, Buildable:** See Lot, Improved

**Lot, Developed:** A lot with buildings or structures.

**Lot Frontage:** All property of a lot fronting on a street right-of-way, as measured between side lot lines.

**Lot, Improved:** A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

**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.

**Major Arterial:** See Street, Major Arterial.

**Major Plat:** See Subdivision, Major

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**Major Subdivision:** See Subdivision, Major

**Marker (survey):** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Master Plan:** See Comprehensive Plan.

**Minor Arterial:** See Street, Minor Arterial.

**Minor Plat:** See Subdivision, Minor

**Minor Subdivision:** See Subdivision, Minor

**Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.

**Off-site Improvements:** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

**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.

**Parent Tract:** A Parent Tract's actual location, shape, and size is determined by the official record of the last transfer of ownership transacted prior to the adoption of the 1990 Atlanta Ordinance, or by its last conditional transfer of ownership by recorded contract transacted before the 1990 Atlanta Ordinance was enacted.

**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 sought to be subdivided under these regulations, or their legal representative. Consent of all involved property owners must be demonstrate prior to making applications for development approval.

**Plan:** See Comprehensive Plan.

**Plan Commission:** See Advisory Plan Commission.

**Planned Development:** A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

**Planning Director:** The person appointed by and/or delegated the responsibility for the administration of the Subdivision Control Ordinance regulations by the Advisory Plan Commission, or his designees.

**Plat:** A map or chart that shows a division of land and is intended to be filed for record.

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**Plat, Primary:** The Primary Plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The Primary Plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the Primary Plat was referred to as a “preliminary” plat.)

**Plat, Secondary:** The Secondary (Final) Plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A Secondary (Final) Plat shall substantially conform with the preceding Primary Plat, or section thereof. The Secondary (Final) Plat and plans are not subject to public notices and public hearings. Secondary (Final) Plat approval is an administrative function to be carried out in the manner prescribed by the written rules of the Advisory plan Commission, either in public meeting of by Planning Director.

**Primary Plat:** See Plat, Primary.

**Principal Building/Structure:** The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.

**Principal 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 exception.

**Private Street:** See Street, Private

**Property Owner of Record:** The person(s) identified as the property owner on the most recent list prepared and maintained by the Hamilton County Assessor’s Office.

**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.

**Registered Land Surveyor:** A land surveyor properly licensed and registered or through reciprocity permitted to 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:** A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

**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.

**Replat:** If any change in a map of an approved or recorded subdivision plat.

**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.

**ROW:** See Right-of Way.

**Secondary (Final) Plat:** See Plat, Secondary

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**Street:** Any vehicular way 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.

**Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Major Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Minor Arterial:** A street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from collector streets, as depicted by the Thoroughfare Plan element within the Comprehensive Plan.

**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

**Structure:** see Building

**Subdivision:** The division of a Parent Tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that either now or in the future the subdivider can do any of the following with one or more of the subdivided lots:

- A. transfer ownership,
- B. construct buildings, and/or
- C. create new building sites for leasehold.

The actual location, shape and size of a Parent Tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Atlanta Zoning Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the Atlanta Zoning Ordinance was enacted. The following kinds of divisions are not subdivisions and are exempt from the rules of the Atlanta Zoning Ordinance:

- A. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size; or
- B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division; or
- C. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property; or
- D. A division of land for federal, state or local government to acquire street right-of-way; or
- E. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site; or
- F. Property legally divided prior to adoption of this Ordinance; or
- G. A division of land for agricultural purposes or uses.

**Subdivision, Minor:** A division of land that will result in no more than four (4) additional lots from the parent tract. A minor subdivision plat will have necessary and adequate drainage, utilities, and access. Not new or upgrades to a public ways can be necessary. See Article Four for specific information on Minor Subdivision.



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**Surety:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the Town/Township which guarantees that the subdivider will perform all actions required by the Town/Township regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Planning Director, 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.

**Surety:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

**Thoroughfare Plan:** The plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

**Town:** The Town of Atlanta, Indiana.

**Township:** Jackson Township, Hamilton County, Indiana

**Zoning Map:** The official zoning map of the Town of Atlanta, Indiana, denoting zoning districts.

