

# Chapter 1: General Provisions

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## 1.1 Title

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### **1.1 TITLE**

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These regulations shall hereafter be referred to as the "City of Lebanon Indiana Unified Development Ordinance," and it may be cited and referred to as the "Zoning Ordinance", "Subdivision Control Ordinance", "Unified Development Ordinance", "UDO" or "Ordinance". Combining the Zoning Ordinance and the Subdivision Control Ordinance into this Unified Development Ordinance reduces redundancy and increases efficiency in the application of laws applied to land development in the City of Lebanon (City).

### **1.2 INTENT AND PURPOSE**

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The purpose of this Unified Development Ordinance is to regulate the use and development of land within the jurisdiction of the City of Lebanon. It is intended to promote the public health, safety and general welfare, and more specifically to:

- A. Guide future growth and development in accordance with the Lebanon Comprehensive Plan and Center Township Thoroughfare Plan;
- B. Divide its jurisdictional area into districts of such kind, character, number, shape, and area as may be considered necessary;
- C. Limit the height, area, bulk and use of structures erected;
- D. Determine the use and intensity of use of land and lot areas;
- E. Determine the area of front, rear and side yards, courts and other open spaces about those buildings;
- F. Provide adequate light and air;
- G. Prevent the overcrowding of land and avoid undue concentration of population;
- H. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- I. Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for the supply of community services;
- J. Protect the historic and architectural heritage of the City's central business district (downtown);
- K. Provide for performance standards for the emission of pollutants into the air, water, and ground; and
- L. Protect the natural resources of the City of Lebanon.

## **1.3 INTERPRETATION**

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In their interpretation and application the provisions of this ordinance shall be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare.

- A. **Conflicting Requirements.** If two or more provisions within this ordinance are in conflict or are inconsistent with one another, the provision which is most restrictive shall control.
- B. **Overlapping Regulations.** When this ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this ordinance be interpreted as altering or negating any other applicable regulations.

## **1.4 APPLICABILITY AND COMPLIANCE**

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- A. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations, remodels, renovations, changes in required exterior material, changes in site or site flow, and relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing conforming uses exceeding thirty percent (30%) of the existing site or structure occurring hereafter as determined by the Administrator shall be subject to all the regulations of this Unified Development Ordinance as they apply to the zoning districts in which such buildings or uses of land shall be located. Interior alterations or remodeling is exempt from this ordinance, but is subject to the standards of the Lebanon Building Code.
- B. This ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the City of Lebanon under any section or provision existing at the time of the effective date of this ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City of Lebanon, except as shall be expressly provided for in this ordinance.

## **1.5 TRANSITION RULES**

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- A. Any application that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this Unified Development Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However,

# 1 1.5 Transition Rules

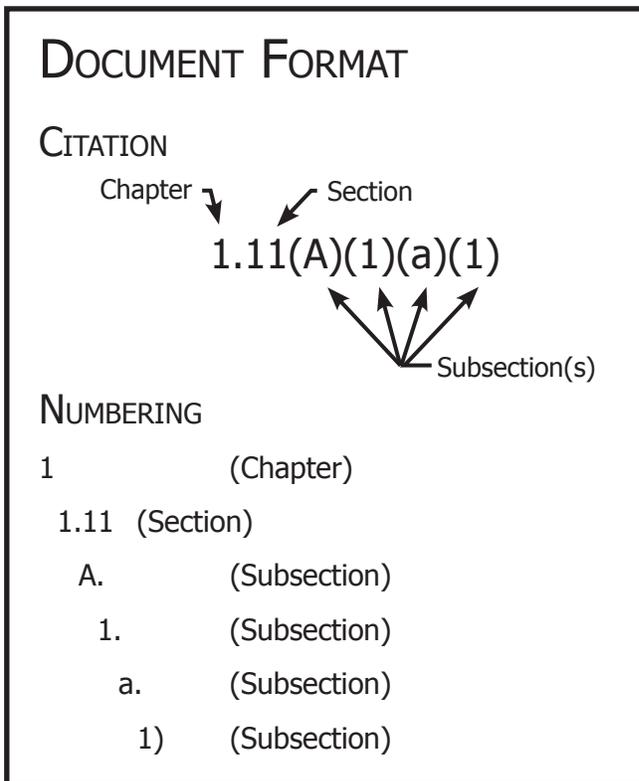
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all administrative procedures and fees shall follow those set forth by this Unified Development Ordinance and any Fee Ordinance, as amended.

## **1.6 HOW TO USE THIS DOCUMENT**

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**A. STRUCTURE.** The structure of the text of this ordinance is as follows: Chapter (indicated by 1, etc.), Section (indicated by 1.1, etc.), and subsequent Subsections (indicated by A, 1, a, etc.). Below is an example of this format:

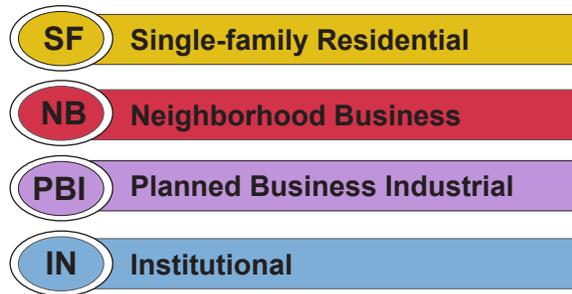


See Also:

[Chapter 4: Zoning Districts](#)

**B. APPLICABLE DISTRICTS.** Zoning district designations are located in various places throughout the document. If one of these identifiers appears within a section, then that section will apply to the corresponding zoning district. A complete list of the identifiers can be found at the beginning of [Chapter 4: Zoning Districts](#). Examples of district identifiers follow:

# 1.6 How to Use This Document 1



**C. DEFINED WORDS.** Words used in a special sense in this Unified Development Ordinance are defined in [Chapter 11: Definitions](#). All other words shall have the meaning inferred from their context in this ordinance or their ordinarily accepted definitions.

See Also:

[Chapter 11: Definitions](#)

**D. MEANINGS.** The following rules of construction shall apply to the text of this ordinance:

1. The particular and specific provisions of this ordinance shall supersede any general requirements that are established by it.
2. The words "shall" "must" and "will" are always mandatory and not discretionary. The words "may" and "should" are permissive.
3. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
4. The phrase "used for" includes "arranged for, designed for, intended for, maintained for, or occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
6. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either . . . or," the use of the conjunction is defined as follows:
  - a. "And" means that all the connected items, conditions, provisions, and events apply together and not separately.
  - b. "Or" means that the connected items, conditions, provisions, or events apply separately or in any combination.
  - c. "Either . . . or" means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

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## 1.6 How to Use This Document

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

### 1.7 ZONING MAP

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- A. AS PART OF THE UNIFIED DEVELOPMENT ORDINANCE.** The boundaries of the zoning districts are hereby established on a map entitled: "Official Zoning Map: Lebanon, Indiana" adopted December 10, 2007, which accompanies and is hereby incorporated in and made a part of this ordinance. **This map was amended on January 15, 2010 and December 14, 2015.** Notations, references, indications and other matters shown on the Zoning Map are as much a part of this ordinance as if they were fully described herein.

The Official Zoning Map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Administrator shall be the custodian of the official zoning map.

- B. VERIFICATION.** The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk -Treasurer, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Lebanon Unified Development Ordinance".
- C. FUTURE MAP ENTRIES.** If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on said map promptly after the amendment has been approved by the Council, with an entry on the Official Zoning Map as follows: "On (date) by official action of the Council, the following changes were made in the Official Zoning Map: (brief description of the nature of the changes)," No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.
- D. CHANGES.** No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Chapter 10: Enforcement and Penalties of this ordinance.

- E. LOCATION OF ZONING MAP.** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Planning and Building Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.
- F. DAMAGED/ LOST OR DESTROYED MAP.** In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may direct the Plan Commission to prepare a new Official Zoning Map which shall supersede the prior map upon approval by the Common Council. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk-Treasurer and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces on this day (date) the Official Zoning Map adopted December 10, 2007 as part of Ordinance 07-16 of the City of Lebanon, Indiana".
- G. MAP TO BE PRESERVED.** Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.
- H. MAP REVISIONS.** The Official Zoning Map shall be updated as required by schedule, found in the Plan Commission Rules of Procedure.
- I. INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Streets. Boundaries indicated as approximately following thoroughfares such as highways, streets, or alleys shall be construed as following the centerlines of such thoroughfares.
  2. Section Lines. Boundaries indicated as approximately following section line limits, half-section and quarter-section lines, city corporate limit lines, or platted lot lines shall be construed as following such lines.
  3. Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  4. Shore Lines And Water Ways. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the

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## 1.7 Zoning Map

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center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines. However, where streams and rivers meander from their beds as they existed on the effective date of this ordinance, the boundary shall be construed as following the original stream or riverbed.

5. Use Of Scale On Zoning Map. Boundaries indicated as parallel to or extensions of features indicated in subsections (H)(1) through (H)(4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Board May Determine. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this chapter herein, the Board of Zoning Appeals shall interpret the district boundaries.
7. Vacations And Relocations. The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries, provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.
8. Lines Splitting Lots/Divided Lots. When a zoning district boundary line divides a lot or parcel, the Administrator shall determine the applicable zoning district. The Administrator may require a rezone or replat of the site if any portion of a construction or development proposal overlaps two or more zoning districts. The petitioner shall be responsible for filing the appropriate forms and for paying the appropriate filing fees to rezone or replat the lot or parcel. If a portion of a lot or parcel is in an overlay district, the entire lot or parcel shall be deemed as being within the overlay district.

### **1.8 ANNEXATION AND INITIAL ZONING**

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- A. The Plan Commission shall be guided by the principles and directives of the Comprehensive Plan of the City of Lebanon, Indiana, as amended and this Unified Development Ordinance in making zoning district recommendations to the Common Council for newly annexed areas.
- B. All territory which may hereafter be annexed to the City of Lebanon, shall be classified into one or more of the districts set forth in Chapter 4: Zoning Districts. Before the Common Council of the City of Lebanon shall consider the Ordinance for annexation, which shall include therein a description of the said district or districts, the Lebanon Plan Commission shall conduct a public hearing in the manner prescribed in the Plan Commission Rules of Procedure, and make a recommendation on the new zoning classification

to the Common Council. Newly annexed land submitted without a development proposal or Concept Plan shall be classified into the Single-family (SF) zoning district, or at the discretion of the Plan Commission, a suitable district that is consistent with the recommendations of the Lebanon Comprehensive Plan. If a different zoning classification is desired by the property owner, the owner shall be required to submit a Concept Plan, [Section 9.19 Subdivision Control Procedures - Major Subdivisions](#), upon application for annexation.

## **1.9 REPEALER**

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The following City of Lebanon Zoning and Subdivision Control Ordinances are hereby repealed and are replaced by this Unified Development Ordinance and Official Zoning Map:

- A. The Zoning Code, of the City of Lebanon, adopted July 24, 2000, and
- B. The Subdivision Control Ordinance of the City of Lebanon, adopted July 24, 2000, and
- C. The Zoning Map adopted July 24, 2000, and amended 2004.
- D. The Zoning Map adopted December 10, 2007 and amended December 10, 2010.**

## **1.10 SEVERABILITY CLAUSE**

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Should any section or provision of this Unified Development Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the portion declared to be invalid.

## **1.11 EFFECTIVE DATE**

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This Ordinance shall be in full effect from and after January 1, 2008 as provided by law. Passed by the Common Council of the City of Lebanon, Indiana, this Monday, December 10th, 2007. **This ordinance was subsequently amended on November 10, 2015.**

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Mayor of Lebanon, Indiana

Attest: Clerk-Treasurer

City of Lebanon, Indiana

