

ORDINANCE NO. 2015-14

**AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF LEBANON
AMENDING THE TEXT OF
THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF LEBANON, INDIANA**

WHEREAS, the City of Lebanon Plan Commission initiated and proposed an ordinance amending the text of the Unified Development Ordinance of the City of Lebanon, Indiana; and

WHEREAS, pursuant to Indiana Code 36-7-4-602, the City of Lebanon Plan Commission conducted the required public hearing and determined its favorable recommendation on the 19th day of October, 2015 by a 7-0 vote; and thereafter certified its recommendation to this legislative body, the Common Council of the City of Lebanon, Indiana, on the 21st day of October, 2015; and

WHEREAS, pursuant to Indiana Code 36-7-4-602, the Common Council of The City of Lebanon, Indiana, has considered the proposed text change amendments, along with the recommendation of the City of Lebanon Plan Commission, now adopts the amendment and approves this ordinance amending the text of the Unified Development Ordinance, all as hereafter set out.

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

- 1. Amend the Text of the Unified Development Ordinance, specifically, Chapter 11, Definitions, Section 11.1, Subsection M, as follows:**

Strike Out/Delete –Current Definition of Manufacturing

Unified Development Ordinance-Chapter 11 Definitions, Subsection M

~~Manufacturing Facility: A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.~~

Replace with New Definitions relating to Manufacturing

Unified Development Ordinance-Chapter 11 Definitions, Subsection M

Manufacturing, Processing, Assembling: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the

new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.

Manufacturing, Light: Light Manufacturing is to provide for wholesale and warehousing uses as well as those industrial uses that include fabrication, assembly or processing of materials that are in refined form. Light Manufacturing is considered for the processing of electronics, general material products, and research and development which produces a low intensity industrial use. Such light industrial uses are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating fluid traffic and no nuisance. Conditional uses permitted in this district are primarily those not known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws.

Electronics Products Processing-The manufacture or assembly of electrical appliances, electronic instruments and cellular technologies and other various electrical devices.

General Material Products- The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stamping such as automobile fenders or bodies), shell textiles, wax, wire, wood (excluding saw and planing mills).

Research and Development-The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale. Any research and development facility proposed which produces offensive odor, dust, noise, bright lights, vibration of the storage of hazardous material or products are prohibited.

Manufacturing, Heavy: Heavy Manufacturing involves transforming refined materials which creates smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property. Heavy Manufacturing in general industrial districts are intended to provide suitable areas for manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking.

The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other

hazardous materials, fire or explosion hazards, or other undesirable conditions. Conditional uses permitted in this district are primarily those known to create a safety hazard or produce particulate matter, thus being subject to various state and/or federal environmental laws.

Heavy industrial districts are highly unsuitable adjacent to residential districts and are generally unfit for the sustained activity of humans and animals. Therefore, uses involving human activity such as dwellings, care centers, and certain commercial uses are not permitted. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the road system is built to support truck traffic.

2. Amend the Unified Development Ordinance, specifically, Chapter 4.2 Use Matrix, Subsection Warehousing/Industrial Table to amended the process for approval of Light and Heavy Manufacturing Uses.

**Strike Out Manufacturing Permitted by Right in Industrial District
Enacted Unified Development Ordinance (UDO)**

*Section 4.2 Use Matrix
Warehousing/Industrial*

OS	SF	SF1	SF2	SF3	TR	MF	MH	CB	NB	PBC	PBO	PBI	ID	IN
Manufacturing													P	

Replace Manufacturing Classification with 2 separate zoning classifications which are Light Manufacturing and Heavy Manufacturing. The Light Manufacturing Classification would be permitted by Conditional Use in the Planned Business Industrial (PBI) Zoning District. The new classification of Heavy Manufacturing would only be permitted in the Industrial District (ID) by Conditional Use.

*Section 4.2 Use Matrix
Warehousing/Industrial*

OS	SF	SF1	SF2	SF3	TR	MF	MH	CB	NB	PBC	PBO	PBI	ID	IN
Light Manufacturing												C	C	
Heavy Manufacturing													C	

3. Amend the Text of the Unified Development Ordinance, specifically, UDO Section 4.15 Planned Business Industrial (PBI) Conditional Uses as follows:

Add Electronic Product Processing and General Material Products to the Unified Development Ordinance to be permitted by Conditional Use Only in Planned Business Industrial (PBI) and Industrial District (ID).

*Section 4.2 Use Matrix
Warehousing/Industrial*

OS	SF	SF1	SF2	SF3	TR	MF	MH	CB	NB	PBC	PBO	PBI	ID	IN
General Material Product Processing												C	C	
Electronic Product Processing												C	C	

4. Amend the Text of the Unified Development Ordinance, specifically, UDO Section 7.21, Subsection E. Specific Use Standards follows:

E. Light and Heavy Manufacturing Uses

The following is a non-exclusive list of specific requirements for Conditional Uses as specified in each use district that may be used in regulating such Conditional Use.

1. Industrial Use Setbacks

A. All new structures and additions to existing structures to increase manufacturing activity areas should be located at least one hundred (200) feet from all property lines.

2. Noise Regulations

A. Loudspeakers which cause a hazard or annoyance shall not be permitted.

B. All new Industrial Uses shall not create noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.

3. Entrance Regulations

A. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of arterial street and a local or collector street.

B. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.

4. Lighting Regulations

A. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.

5. Air Pollution

A. All new Industrial Uses shall not create air pollution which exceeds the following:

B. No noxious odors, no noxious, toxic or corrosive gases or fumes.

C. No smoke of a density in excess of Level 1 on State Ringelmann Chart.

D. No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.

E. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval from Lebanon Utilities.

6. Other Conditions

Conditional Uses are subject to all other conditions recommended by the Plan Commission or imposed by the Board of Zoning Appeals.

Supplementary Conditions and Safeguards

In granting any Conditional Use, the Board of Zoning Appeals may prescribe additional conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 10 of the Unified Development Ordinance.

Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Chapter 9 of the Unified Development Ordinance, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 9, or disapprove the conditional use application as presented. If the application is approved or approved with modifications, the Board shall direct the Planning Director to issue a Conditional Use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through Boone County Circuit or Superior Courts.

Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one (1) particular Conditional use and the permit shall automatically expire if, for any reason, the use shall cease for more than one (1) year.

5. Amend the UDO, specifically, Section 9.5 B. Application for Conditional Use and 9.5.C. General Standards for Conditional Use Approval to include the following text:

Section 9.5. B. Application for Conditional Use

An application for a Conditional Use for all new Light and Heavy Manufacturing Uses shall be filed with the City of Lebanon Planning and Building Department by at least one (1) owner or agent of the owner of property for which such Conditional Use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant;
- B. Letter of authorization from owner of property if the applicant is not owner;
- C. Legal description of property;

D. Description of existing use;

E. Zoning district;

F. Description of proposed Conditional use;

G. A plan of the proposed site for the Conditional use showing the location of all buildings, parking and loading areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed Conditional Use meets the intent and requirements of this Ordinance;

H. A narrative statement evaluating the effects on adjoining property, the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;

I. Such other information as may be required by the Board of Zoning Appeals; and

J. A fee as established by Ordinance.

9.5.C. General Standards Applicable to All Conditional Uses

In addition to the special requirements for permitted Conditional uses as specified in Chapter 9, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the use at the proposed location:

A. Is in fact a permitted Conditional use as listed in each use district and appears in Chapter 4, Use Matrix for the zoning involved;

B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and Zoning Ordinance;

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;

D. Will not be hazardous or disturbing to existing or future neighboring uses;

E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;


G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

H. Will have vehicular approaches to the property, which shall be so designed as not to create an interface with traffic on surrounding public thoroughfares; and

I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

ALL OF WHICH IS ORDAINED AND ADOPTED this 10th day of NOVEMBER, 2015 by the Common Council of the City of Lebanon, Indiana.

LEBANON CITY COUNCIL



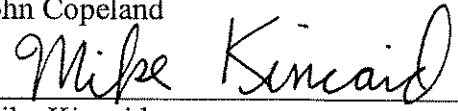
Harold "Huck" Lewis, Mayor



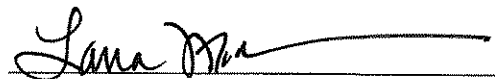
Keith Campbell

Absent

John Copeland



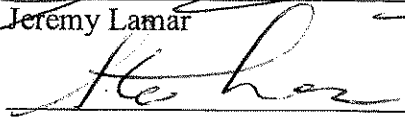
Mike Kincaid



Lana Kruse



Jeremy Lamar

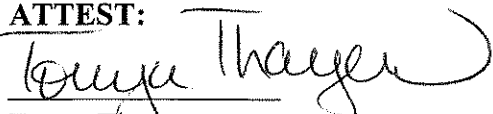


Steve Large



Preston Myers

ATTEST:



Tonya Thayer,

Clerk-Treasurer, City of Lebanon, Indiana