

New Ord.
2018-07
threw old one
away 6-8-18

ORDINANCE NO. 2018-07

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA AMENDING ORDINANCE NO. 07-16, THE UNIFIED
DEVELOPMENT ORDINANCE FOR THE CITY OF LEBANON, INDIANA**

WHEREAS, the Common Council of the City of Lebanon, Indiana (the “Common Council”), has heretofore adopted Ordinance No. 07-16 as the City of Lebanon, Indiana Unified Development Ordinance (the “UDO”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the City of Lebanon, Indiana (the “City”) is subject to the Unified Development Ordinance; and

WHEREAS, the City Advisory Plan Commission (the “Commission”) considered a petition (DOCKET 18-14), filed with the Commission requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “Real Estate”); and

WHEREAS, the Commission forwarded DOCKET 18-14, after a public hearing held on the May 21, 2018, to the Common Council with a favorable recommendation by a vote of 9-0 in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on the May 22, 2018; and

WHEREAS, the Common Council is subject to the provisions of Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action of this request.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Indiana, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

1. The UDO and Official Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District known as the “Lebanon Gateway Marketplace Planned Unit Development” (the “District”).
2. The Real Estate shall be governed entirely by (i) the provisions of this Ordinance and its exhibits, and (ii) those provisions of the UDO, as amended and applicable to the Underlying Zoning District (as defined herein) or Planned Unit Development District,

except as modified, revised, supplemented or expressly made inapplicable by this Ordinance. In the event of a conflict between this Ordinance and the UDO, the provisions of this Ordinance shall apply. Where this Ordinance does not address a specific standard, the standards of the UDO shall apply.

3. The underlying Zoning District shall be Planned Business Commercial (PBC) (the "Underlying Zoning District"). Except as modified, revised, supplemented or expressly made inapplicable by this Ordinance, the standards of the UDO applicable to the Underlying Zoning District shall apply.
4. Chapter ("Chapter") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.

Section 2. Definitions. Any capitalized term not defined herein shall have the meaning as set forth in the UDO in effect on the date of the enactment of this Ordinance.

Section 3. Concept Plan. The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Chapter 5: Planned Unit Development Districts. The Real Estate shall be developed in substantial compliance with the Concept Plan.

Section 4. Permitted Uses. The permitted uses, as defined in the UDO, for the Real Estate shall be as set forth below. All uses not listed below shall be considered prohibited.

1. Automobile Filling Station
2. Hotel
3. Medical Office or Medical/Health Clinic
4. Apparel Shop
5. Book Store
6. Flower Shop
7. Grocery Store
8. Ice Cream Shop
9. Jewelry Store
10. Office Supply Store
11. Pet Store
12. Shopping Center
13. Sporting Goods Shop
14. Supermarket
15. Electric Appliance Shop
16. Retail Bakery
17. Coffee Shop

18. Delicatessen
19. Restaurant, Fast Food
20. Meat Market
21. Microbrewery/Brew-pub
22. Barber Shop
23. Pharmacy
24. Restaurant
25. Office
26. Fitness Center
27. All permitted uses, accessory uses and temporary uses in the Underlying Zoning District shall be permitted unless otherwise prohibited in this Ordinance.

Section 5. Development Standards. The standards of Chapter 7: Development Standards in the UDO shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

A. Commercial Standards Chart

Standard	
Minimum Lot Size	1.0 Acre
Minimum Lot Size (Off-Premise Sign)	0.1 Acre
Minimum Lot Width at Front Yard Setback	100 ft
Lot Frontage at ROW	100 ft
Minimum Front Yard Building Setback*	50 ft
Minimum Front Yard Building Setback (Interstate Frontage)*	20 ft
Minimum Front Yard Building Setback (Gateway Avenue Frontage)*	30 ft
Minimum Side Yard Building Setback*	10 ft
Minimum Rear Yard Building Setback*	10 ft
Minimum Front Yard Parking Setback*	10 ft
Minimum Side/Rear Yard Parking Setback*	10 ft
Maximum Building Height	70 ft
Maximum Intensity (Floor Area Ratio)	0.6
Maximum Lot Coverage for All Impervious Surfaces	75%

*Minimum building and parking setbacks are measured from the property line. All property lines adjacent to Interstate 65 shall be considered a front yard.

B. Architectural Standards. Standards of the City of Lebanon's Unified Development Ordinance regarding Architectural Standards in Section 6.1, 6.2, and 7.18.C.5 shall apply to the District with the following modifications:

1. The primary (streetfront) façade; if over ninety (90) feet, will have offsets in wall above proposed 10' storefront height, so as to not create a hazard in the primary path of public circulation.
2. The primary (streetfront) façade shall be 75% glazing to a height of ± 10' above sidewalk line. Other building facades shall have glazing as is appropriate for the overall design.
3. The primary entry points shall be delineated in a manner compatible with surrounding materials. Such delineation shall be allowed to along the plane of the primary building surface and will not require horizontal projection of the façade.

C. Landscape Standards. Article 7.8 of the UDO shall apply to the District, except as otherwise modified or enhanced below.

1. Lots within the Interstate Overlay District abutting I-65 shall provide a minimum ten (10) foot width landscape buffer on the property line adjacent to the interstate. This landscape buffer shall be planted with Type B buffer plantings
2. Lots with frontage on State Road 32, Ransdell Road, Ping Avenue, and/or Gateway Avenue shall provide a minimum ten (10) foot width landscape buffer on each property line adjacent to these thoroughfares. This landscape buffer shall be planted with Type A buffer plantings.
3. Where parking lots are adjacent to a required landscape buffer, the parking lot perimeter landscaping requirement of UDO Section 7.8 shall not apply.

D. Gateway Avenue Standards. Gateway Avenue shall be constructed according to the Lebanon Standards except for the following:

1. Gateway Avenue shall include a right-of-way width of forty (40) feet.
2. Gateway Avenue shall be constructed with a pavement width of thirty (30) feet with two (2) foot curb and gutter on either side. A six (6) foot concrete sidewalk shall be included on one side only.

E. Accessory Uses and Dumpster Enclosures. Article 7.10 of the UDO shall apply to the District, except as otherwise modified or enhanced below:

1. Dumpsters, recycling containers, and trash compactors may be located closer than the primary structure to the right-of-way where adjacent to Gateway Avenue, Ping Avenue, and Ransdell Road. All such facilities must be properly enclosed and screened per UDO Section 7.10 and 7.8.
2. Dumpsters, recycling containers, and trash compactors, may be located within minimum front, side, and rear setbacks, but shall not be located within any required landscape buffers.

F. Lighting, Parking, Pedestrian Accessibility and Signage. Standards of the City of Lebanon's Unified Development Ordinance regarding Lighting, Parking, Pedestrian Accessibility, and

Signage applicable to the Underlying Zoning District shall be applicable to the District with the following exceptions:

1. Primary Monument Sign. The District shall be permitted one (1) multi-tenant monument sign that meets the size and height standards of UDO Section 7.7.H.2 and including, but not limited to, brick or stone and/or columns, fencing, landscaping and sign lighting. The sign will be located in front of Lot 3 as shown on the Concept Plan setback a minimum of five (5) feet from the right-of-way of State Road 32.
2. Each lot shall be permitted one (1) ground sign per street frontage. However, no individual ground signs shall be permitted on street frontages adjacent to State Road 32 or Interstate 65.
3. Off-Premise Sign. An Off-Premise digital sign shall be permitted along the I-65 corridor. Off-Premise signs shall not exceed seventy (70) feet in height and seven hundred (700) square feet in sign area.

Section 6. Subdivision of Land. The standards of Chapter 10: Subdivision of Land in the Unified Development Ordinance shall apply to the development of the Real Estate, except as otherwise modified or enhanced by this Ordinance.

PASSED AND ADOPTED THIS 11 day of June 2018

LEBANON COMMON COUNCIL

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

John Copeland

Absent

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Absent

Corey Kutz

Corey Kutz

Corey Kutz

Dick Robertson

Dick Robertson

Dick Robertson

Dick Robertson

Brent Wheat

Brent Wheat

Brent Wheat

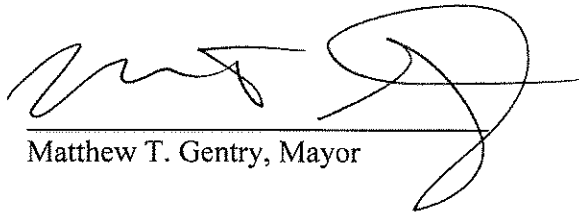
Brent Wheat

I hereby certify that ORDINANCE 2018-__ was delivered to the Mayor of Lebanon on the 11th day of June, 2018, at 7:30 p.m.

Cindy Shrine 1st Deputy Clerk Treas.
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2018-07
this 11 day of June, 2018

I hereby VETO ORDINANCE 2018-__
this ___ day of _____, 2018


Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:
Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Legal Description

TRACT I:

A part of the northwest quarter of the southwest quarter of Section 36, Township 19 North, Range 1 West of Second Principal Meridian, and being more particularly described as follows:

From the center of the aforesaid section, proceed south 89 degrees 24 minutes west along the quarter section line 1555.62 feet, said quarter section line being the center line of State Road No. 32 to a place of beginning. From said place of beginning proceed south 89 degrees 24 minutes west along the quarter section line 450.64 feet, thence south 0 degrees 14 minutes west 584.0 feet, thence north 89 degrees 24 minutes east 450.64 feet, thence north 0 degrees 14 minutes east 584.00 feet to the place of beginning. Subject to a 40 foot legal easement for State Road No. 32 along the northern boundary. Located in Lebanon, Boone County, Indiana.

(Ref, Only 6.042 acres, more or less)

ALSO, a part of the northwest quarter of the southwest quarter of Section 36, Township 19 North, Range 1 West of Second Principal Meridian, and being more particularly described as follows:

From the center of the aforesaid section, proceed south 89 degrees 24 minutes west along the quarter section line 2006.26 feet, said quarter section line being the center line of State Road no. 32 to a place of beginning. From said place of beginning proceed south 89 degrees 24 minutes west along the quarter section line 325.0 feet, thence south 0 degrees 14 minutes west 584.0 feet, thence north 89 degrees 24 minutes east 325.0 feet, thence north 0 degrees 14 minutes east 584.0 feet to the place of beginning. Subject to a 40 foot easement for State Road No. 32 along the northern boundary. Located in Lebanon, Boone County, Indiana.

(Ref. Only 4.357 acres, more or less)

EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 19 North, Range 1 West, Boone county, Indiana, and being the part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, Market EXHIBIT "B", described as follows: Commencing at the northeast corner of said quarter section; thence South 89 degrees 50 minutes 16 seconds West 474.154 meters (1,555.62 feet) along the north line of said quarter section to the northeast corner of the grantor's land; thence South 89 degrees 50 minutes 16 seconds West 236.416 meters (775.64 feet) along said north line to the northwest corner of said grantor's land; thence South 0 degrees 40 minutes 16 seconds West 10.608 meters (34.80 feet) along the west line of said grantor's land to the south boundary of S.R. 32 and the point of beginning of this description; thence North 84 degrees 30 minutes 26 seconds East 2.375 meters (7.79 feet) along said south boundary; thence North 88 degrees 21 minutes 00 seconds East 38.801 meters (127.30 feet) along said south boundary; thence along said boundary Northeasterly 146.049 meters (479.16 feet) along an arc to the right having a radius of 6,973.309 meters (22,878.26 feet) and subtended by a long cord having a bearing of North 88 degrees 57 minutes 00 seconds East and a length of 146.046 meters (479.15 feet); thence North 89 degrees 33 minutes 00 seconds East

34.046 meters (111.70 feet) along said south boundary to the west boundary of Ransdell Road; thence South 0 degrees 40 minutes 16 seconds West 32.925 meters (108.02 feet) along said west boundary to point "233" designated on said plat; thence North 13 degrees 26 minutes 37 seconds West 27.538 meters (90.35 feet) to point "232" designated on said plat; thence South 89 degrees 29 minutes 25 seconds West 66.747 meters (218.99 feet) to point "917" designated on said plat; thence Southwesterly 52.870 meters (173.46 feet) along an arc to the left having a radius of 2,482.000 meters (8,143.03 feet) and subtended by a long cord having a bearing of South 88 degrees 52 minutes 48 seconds West and a length of 52.869 meters (173.45 feet) to point "222" designated on said plat; thence South 83 degrees 06 minutes 02 seconds West 88.215 meters (289.42 feet) to point "230" on said plat; thence South 2 degrees 02 minutes 58 seconds East 10.503 meters (34.46 feet) to point "226" designated on said plat; thence South 87 degrees 57 minutes 02 seconds West 7.920 meters (25.99 feet) to the west line of said grantor's land; thence North 0 degrees 40 minutes 16 seconds East 24.857 meters (81.55 feet) along said west line to the point of beginning and containing 0.1952 hectares (0.482 acres) more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from, and across the limited access facility (to be known as S.R. 32 and as Project 088-3(002)) to and from the grantor's abutting lands along the lines described as follows: The 27.538-meter course, the 66.747-meter course, the 88.215-meter courses described above. Also the Eastern 36.985 meters (121.34 feet) and the Western 4.194 meters (13.76 feet) of the 52.870-meter course described above. These restrictions will be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

TRACT II:

A part of the Northeast Quarter of the Southeast Quarter of Section 35 and part of the Northwest Quarter of the Southwest Quarter of Section 36, Township 19 North, Range 1 West, situated in the City of Lebanon, Center Township, Boone County, Indiana, more fully described by: Commencing at the Northeast corner of the Southwest Quarter of said Section 36, thence North 00 degrees 37 minutes 19 seconds East 47.37 feet, thence South 89 degrees 24 minutes 00 seconds west along a line, being the Easterly extension of the centerline of State Road 32, directly adjacent to said subject property, 2331.36 feet; thence South 00 degrees 14 minutes 00 seconds West 121.88 feet to the point of beginning; thence along the West described line of the Daniels Business Park, LLC Property recorded as Instrument Number 031690, Boone County Recorder's Office, South 00 degrees 14 minutes 00 seconds West 462.12 feet; thence along the South described line of said Daniels Business Park, LLC Property, North 89 degrees 24 minutes 00 seconds East 773.13 feet; thence along the East right of way line of Ransdell Road (see right-of-acquisition by Cause No. 2091 and D.R. 184, Page 425) South 00 degrees 14 minutes 00 seconds West 287.89 feet; thence along the center line of the Central Indiana Railway Company (abandoned) South 65 degrees 06 minutes 47 seconds West 799.10 feet to a curve having a radius of 9291.21 feet, the radius point of which bears North 50 degrees 34 minutes 59 seconds East; thence Northwesterly along said curve which is the center line of the U.S. 52 By-Pass right-of-way (I65) 766.73 feet to a point which bears South 55 degrees 18 minutes 40 seconds West from said radius point; thence North 89 degrees 24 minutes 00 seconds East 89.87 feet; thence along the Section line, North 00 degrees 14 minutes 00 seconds East 212.46 feet; thence North 17 degrees 41 minutes 01 seconds West 69.07 feet; thence along the East described line of the State of Indiana Property recorded as Instrument Number 0310857, North 01 degrees 43 minutes

08 seconds East 182.09 feet; the following three courses are along the Southern described line of said State of Indiana Property;(1) thence North 83 degrees 43 minutes 16 seconds East 316.09 feet; (2) thence South 01 degrees 29 minutes 04 seconds East 30.01 feet; (3) thence North 88 degrees 30 minutes 56 seconds East 26.55 feet to the point of beginning, containing 14.535 acres, more or less.

EXHIBIT B

Concept Plan

**DETAILED DEVELOPMENT
STANDARDS**

**LEBANON GATEWAY
MARKETPLACE**

**Planned Unit Development
for Lebanon Gateway Marketplace in the City of
Lebanon**

DEVELOPER:

Lebanon Gateway Properties LLC.
Contact: Brent Bengé
PO Box 40243
Indianapolis, IN 46240
317-374-8594

ENGINEER:

American Structurepoint, Inc.
Contact: Michael Watts
7260 Shadeland Station
Indianapolis, IN 46256
Office: 317-547-5580 / Fax: 317-543-0270

Approved by Lebanon Planning Commission on _____

Certified by Lebanon City Council _____