ORDINANCE NUMBER 2022-36

Onyx Point PUD District

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA AMENDING ORDINANCE NO. 07-16, THE UNIFIED DEVELOPMENT ORDINANCE OF 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 "Unified Development Ordinance") 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 of Lebanon Advisory Plan Commission (the "Commission") considered a petition ("Docket 22-69"), 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");

WHEREAS, the Commission forwarded Docket 22-69, after a public hearing held on the 21st day of November, 2022, 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;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on November 22, 2022;

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

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

Section 1. Applicability of Ordinance.

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to incorporate the Real Estate into the Onyx Point Planned Unit Development District (the "District").

1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) provisions of the Unified Development Ordinance as set forth herein, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

2.1 Façade, External: A Building Façade visible from and oriented toward a Primary Street or a Secondary Street.

2.2 Street, Primary: An External Street as identified on the Thoroughfare Plan as an Expressway or Arterial. For purposes of this Ordinance, the Primary Street shall be North Lebanon Street (State Road 39), as generally identified and labeled on the Concept Plan.

Section 3. Concept Plan. The "Concept Plan", attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 5.3(A)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The subject property shall develop in a substantially similar manner to the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District shall be MF Multifamily Residential (the "Underlying Zoning District").

Section 5. Permitted Uses. All uses permitted in the MF: Multi-Family Residential District shall be permitted within the District.

Section 6. Overlay Districts.

6.1 Thoroughfare Overlay District: Article 6.1 Thoroughfare Overlay District shall apply to the development of the Real Estate, as applicable.

Section 7. General Regulations. The standards of Chapter 4 Zoning Districts, as applicable to the District, shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Minimum Lot Size:

A. No minimum

7.2 Minimum Lot Width:

A. No minimum

7.3 Minimum Lot Frontage:

A. No minimum

7.4 Minimum Setback, Front:

A. Arterial: 30 feet

B. Internal Street: No mimimum

7.5 Minimum Setback, Side:

A. No minimum

7.6 Minimum Setback, Rear:

A. No minimum

7.7 District Perimeter Setback Not Abutting Street (external):

A. 15 feet

7.8 Maximum Building Height:

A. No maximum

7.9 Minimum Total Living Area:

A. 1000 square feet

7.10 Minimum Ground Floor Living Area:

A. 400 square feet

7.11 Maximum Number of Dwelling Units:

A. 70

7.12 Maximum Square Footage:

A. No Maximum

7.13 Variations: The Plan Commission may approve a fifteen percent (15%) reduction in any minimum development standard or fifteen percent (15%) increase in any maximum development standard specified in this Section.

Section 8. **Development Standards.** The standards of Chapter 7 Development Standards, as applicable to each Subdistrict's Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

8.1 Article 7.7 Sign Regulations: The following standards shall apply to the development of the Real Estate, as set forth below.

A. Article 7.7(G)(2)(b) Subdivision Entry: Shall not apply, rather the maximum sign area per entrance shall not exceed forty-eight (48) square feet per entrance.

8.2 Article 7.8 Landscaping: Shall not apply. Instead, the "Landscape Plan", attached hereto as **Exhibit C**, is hereby incorporated. Plantings substantially similar to those depicted in the Landscape Plan shall be required. A Type B Corridor Buffer shall be provided along the Lebanon Street frontage.

Section 9. **Design Standards.** The standards of Chapter 7.18 Design Standards, as applicable to each Subdistrict's Underlying Zoning District, shall apply to the development of the Real Estate unless otherwise modified by this Ordinance.

9.1 Minimum Drive Width shall be twenty-two (22) feet.

9.2 The development, having three (3) or more multi-family structures, shall be required to have a minimum of one (1) means of access.

9.3 Garages shall have a minimum width of ten (10) feet and a minimum of depth of nineteen (19) feet.

Section 10. **Street Standards.** The standards of Chapter 8 Subdivision of Land, shall apply to the development of the Real Estate unless otherwise modified by this Ordinance.

10.1 The cul-de-sac shall not exceed one thousand (1000) feet in length measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.

Section 11. **Permitting and Procedures.** The standards of Chapter 9 Permits, Certificates and Procedures, as applicable, shall apply to the development of the Real Estate unless otherwise modified by this Ordinance.

11.1 Approval or Denial of Primary Plat and Development Plans: No Primary Plat (PP) or Development Plan (DP) approval by the Plan Commission shall be required with respect to Detached Dwellings, Development Amenities and their associated Accessory Structures, landscaping, lighting and signage, but all other buildings and associated parking, landscaping, lighting and signage (not for the overall District). The addition of consistent street signage, entryway signage, street lights or crossing signage shall not require a PP nor DP filing so long as they are the same as previously approved items.

ALL OF WHICH IS ADOPTED this ____ day of _____, 2022 by the Lebanon Common Council of the City of Lebanon, Indiana.

Voting For	**Voting Against**	**Abstain**
Keith Campbell	Keith Campbell	Keith Campbell
John Copeland	John Copeland	John Copeland
Morris Jones	Morris Jones	Morris Jones
Mike Kincaid	Mike Kincaid	Mike Kincaid
Sierra Messenger	Sierra Messenger	Sierra Messenger
Dick Robertson	Dick Robertson	Dick Robertson
Brent Wheat	Brent Wheat	Brent Wheat

ATTEST:

_____
Tonya Thayer, Clerk Treasurer

I hereby certify that **ORDINANCE 2022-36** was delivered to the Mayor of Lebanon

on the _____ day of _____, 2022, at _____ ____ m.

_____

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 2022-36**

this _____ day of _____, 2022.

_____

Matthew T. Gentry, Mayor

I hereby VETO **ORDINANCE 2022-36**

this _____ day of _____, 2022.

_____

Matthew T. Gentry, Mayor

This document prepared by: Matthew S. Skelton
Church Church Hittle + Antrim
2 North 9th Street
Noblesville, IN 46060

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Matthew S. Skelton.

EXHIBIT "A"

The Real Estate

(page 1 of 2)

A part of the Southwest Quarter of the Northeast Quarter of Section 24, Township 19 North, Range 1 West of the Second Principal Meridian, situated in Center Township, Boone County, Indiana, and containing 1.00 acre, more or less, and more particularly described as follows:

Beginning at a point 26.18 chains (1727.88 feet) West and 9.063 chains (598.158 feet) North and 793.44 feet East of the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 24, Township 19 North, Range 1 West and run thence East 318 feet to the center of State Road #39 as existing prior to reconstruction in 1953-1955; thence North 10 degrees 03 minutes West 144.72 feet following the centerline of State Road #39 as existing prior to reconstruction in 1953-1955; thence West 293 feet to a point; thence South 142.50 feet to the place of beginning. Subject to all legal highways and rights of way of record.

ALSO:

A part of the Southeast Quarter of the Northwest Quarter and a part of the Southwest Quarter of the Northeast Quarter of Section 24, Township 19 North, Range 1 West of the Second Principal Meridian, situated in Center Township, Boone County, Indiana, and containing 4.99 acres, more or less, and more particularly described as follows:

Beginning at a point 26.18 chains (1727.88 feet) West and 9.063 chains (598.158 feet) North of the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 24, Township 19 North, Range 1 West and run thence North 3.63 chains (239.58 feet) along an existing fence; thence East 16.175 chains (1067.55 feet) along an existing fence to the center of State Road #39 as existed prior to reconstruction in 1953-1955; thence South 10 degrees 03 minutes East 98.82 feet following the centerline of State Road #39 as existing prior to reconstruction In 1953-1955; thence West 293 feet to a point; thence South 142.50 feet to a fence and a point on the South property line; thence West 793.44 feet following an existing fence and property line to the place of beginning.

EXCEPT (1):
A part of the Northeast Quarter of Section 24, Township 19 North, Range 1 Wes Boone County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter Section; thence North 89 degrees 19 minutes 50 seconds West (assumed bearing) 1,819.19 feet along the South line of said Quarter Section to the center line of S.R. #39; thence North 10 degrees 06 minutes 00 seconds West 607.95 feet along said center line to the prolonged South line of the owner's land; thence North 89 degrees 19 minutes 50 seconds West 23.12 feet along said prolonged South line to the Southeast corner of the owner's land and the point of beginning of this description; thence North 89 degrees 19 minutes 50 seconds West 37.96 feet along the South line of the owner's land; thence North 10 degrees 06 minutes 00 seconds West 105.00 feet; thence North 39 degrees 50 minutes 42 seconds West 40.31 feet; thence North 10 degrees 06 minutes 00 seconds West 107.39 feet to the North line of the owner's land; thence South 89 degrees 19 minutes 50 seconds East 58.53 feet along said North line to the Northeast corner of the owner's land; thence South 10 degrees 03 minutes 00 seconds East 243.54 feet along the Eastern line of the owner's land to the point of beginning and containing 0.266 acres, more or less. The portion of the above—described real estate, which is not already embraced within public rights—of—way contains 0.113 acres, more or less.

EXHIBIT "A"

The Real Estate

(page 2 of 2)

ALSO EXCEPT (2):
A part of the North Half of Section 24, Township 19 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by:

Commencing at the Southwest corner of the Northeast Quarter of said Section 24; thence North 00 degrees 06 minutes 49 seconds East, along the Quarter Section line, a distance of 834.54 feet to the Point of Beginning; thence North 89 degrees 38 minutes 29 seconds West, along an existing fence line, a distance of 33.38 feet; thence North 00 degrees 06 minutes 49 seconds East, a distance of 3.20 feet; thence South 89 degrees 38 minutes 29 seconds East, a distance of 648.48 feet; thence South 10 degrees 24 minutes 33 seconds East, along the westerly right of way line of State Road No. 39, as recorded by Deed Record 238, pages 772-773 and Deed Record 238, Pages 774-775, a distance of 3.20 feet; thence North 89 degrees 38 minutes 47 seconds West, along an existing fence line, a distance of 615.68 feet to the Point of Beginning, containing 0.0473 of an acre.

This exception is to correct a property dispute on the North line of said property and was recorded on September 29, 1993, In the Office of the Recorder of Boone County, Indiana in Deed Book 248, page 70.

EXHIBIT "B"

Concept Plan

Plot Date: Oct 04, 2022 Plot Time: 10:16am File Name: W:\Brason Properties\2022-206 Brason Properties - 2620 N SR 39 Utilities\Design\CAD\Exhibits\2022.09.26 Site Layout\22206 Site Layout (RAR).dwg, Layout: 24x36 By: rrobinson

NORTHING: 1759652.7990
EASTING: 3121770.1980

NORTHING: 1759647.4109
EASTING: 3122778.2998

NORTHING: 1759412.8460
EASTING: 3121770.8410

NORTHING: 1759409.4113
EASTING: 3122843.1842

5/8" YELLOW CAPPED REBAR
STAMPED "HWC ENGINEERING –
FIRM #0114"SET FLUSH

5/8" YELLOW CAPPED REBAR
STAMPED "HWC ENGINEERING –
FIRM #0114"SET FLUSH

MX FACILITY
300 SFT (APPROX.)

PARK
AREA

6 UNIT BUILDING
4,860 SFT (APPROX.)

4 UNIT BUILDING
3,250 SFT (APPROX.)

PRELIMINARY DETENTION
POND LOCATION

STATE RD. 39
(PUBLIC RIGHT-OF-WAY)

BRASON PROPERTY
SITE LAYOUT

LEBANON, INDIANA
OCTOBER 4, 2022

GRAPHIC SCALE
0' 50' 100' 150'
(IN FEET)

HWC ENGINEERING

EXHIBIT "C"

Landscape Plan

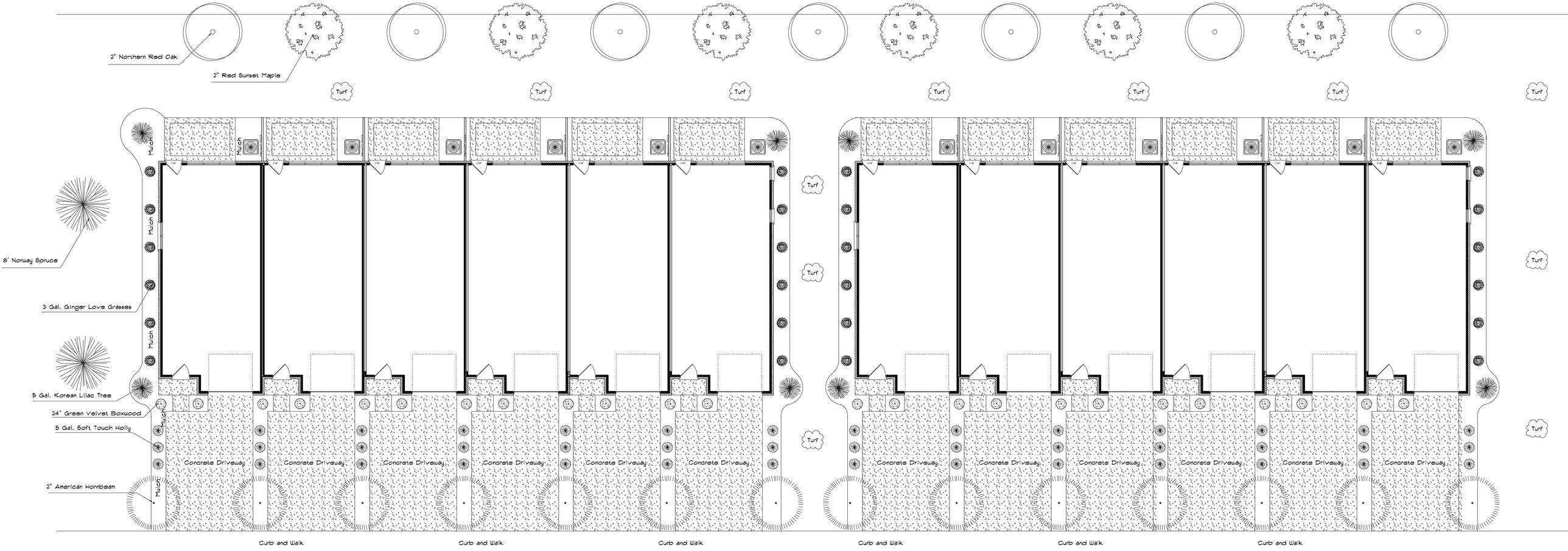
2" Northern Red Oak
2" Red Sunset Maple
Turf
8' Norway Spruce
3 Gal. Ginger Love Grasses
5 Gal. Korean Lilac Tree
24" Green Velvet Boxwood
5 Gal. Soft Touch Holly
2" American Hornbeam
Mulch
Concrete Driveway
Curb and Walk

EXHIBIT "D"

Character Imagery

(page 1 of 3)

EXHIBIT "D"

Character Imagery

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EXHIBIT "D"

Character Imagery

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