

ORDINANCE NO. 2022-05

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,
BOONE COUNTY, INDIANA 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 22nd day of February, 2022 by a 5-0 vote and thereafter certified its recommendation to this legislative body, the Common Council of the City of Lebanon, Indiana, on the 23rd day of February, 2022; 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 amendment, along with the recommendation of the City of Lebanon Plan Commission, and now adopts the amendment and approves this ordinance amending the text of the Unified Development Ordinance, all as hereafter set out.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Lebanon, Boone County, Indiana, meeting in regular session, as follows:

Section 1. Amend the Text of the Unified Development Ordinance, specifically Section 6.1.H – Prohibited Uses – Thoroughfare Overlay District, more particularly described in Exhibit A.

Section 2. This Ordinance shall be in full force and effect upon its passage by the Common Council. All ordinances or parts thereof in conflict herewith are hereby repealed. Any portion of the Ordinance later to be found void or invalid shall not affect the remaining portions of this Ordinance.

PASSED AND ADOPTED THIS _____ day of _____, 2022.

LEBANON COMMON COUNCIL

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 2022-05 was delivered to the Mayor of Lebanon on the _____ day of _____, 2022, at _____ m.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-05
this ___ day of _____, 2022.

I hereby VETO ORDINANCE 2022-05
this ___ day of _____, 2022.

Matthew T. Gentry, Mayor

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Chapter 6: Overlay Districts

6

CONTENTS

6.1 Thoroughfare Overlay District	98
6.2 Interstate Overlay District	106
6.3 Downtown Overlay District	107

6 6.1 Thoroughfare Overlay District

See Also:

Center Township
Thoroughfare Plan,
available at the
Lebanon Planning
and Building
Department

6.1 THOROUGHFARE OVERLAY DISTRICT

A. INTENT OF THE DISTRICT. The purpose of the Thoroughfare Overlay District is:

1. to promote coordinated, quality development for all development sites, buildings, structures abutting designated major thoroughfares within the City of Lebanon
2. to establish basic standards which promote high quality, innovative site design and at the same time encourage efficient land use; and
3. to encourage capital investments for the development of adjacent properties.

Any change in land use permitted by Section 4 of this Ordinance on existing lots located within the Boundaries of the Thoroughfare Overlay District as defined above is subject to the provisions herein.

Amended: 05/26/2015

B. DISTRICT BOUNDARIES. The boundaries of the Thoroughfare Overlay District are hereby established as shown on the Official Zoning Map for the City of Lebanon. The boundaries extend four hundred (400) feet from the centerline of the designated thoroughfare. Designated thoroughfares include State Road 32, State Road 39, Indianapolis Avenue, and Lafayette Avenue.

C. APPLICABILITY. All new development and any existing lots, structures or buildings proposing an expansion of the lot, structure, or building by thirty (30) percent or more of the existing.

D. INTERPRETATION. The Thoroughfare Overlay District regulations apply in addition to the underlying zoning district regulations. In the case that this overlay district overlaps other overlay districts, or where conflicting regulations occur, the following shall apply.

1. The regulations of the Downtown Overlay District shall supercede the regulations of the Thoroughfare Overlay District. The Thoroughfare Overlay District shall supercede the regulations of the Interstate Overlay District. Where no special regulations are included within a specific overlay district, the regulations of the underlying overlay district shall apply, or in the case of no underlying overlay district, the regulations of the underlying zoning district shall apply.
2. In the case of conflicting regulations between the Thoroughfare Overlay District regulations of this section and other regulations in

6.1 Thoroughfare Overlay District 6

this ordinance, the hierarchy detailed in [Subsection 6.1\(D\)\(1\)](#) above shall determine which regulations control.

See Also:

Lebanon Plan
Commission Rules
of Procedure

E. PLAN COMMISSION APPROVAL

1. A Development Plan is required for all proposed development in the Thoroughfare Overlay District per [Section 9.17 Development Plan](#). Individual single- or two-family lots are not subject to the requirements of the overlay district and only require Development Plan approval by the Plan Commission when they are part of a major subdivision.
2. If any portion of the parcel/tract/lot lies in the Overlay District, the entire parcel/tract/lot is considered to be in the Overlay District.

F. PERMITTED USES. All uses which are permitted in a given site's underlying zoning district except those expressly excluded in [Subsection 6.1\(H\)](#) below, are permitted in the Thoroughfare Overlay District.

G. PERMITTED CONDITIONAL USES. All conditional uses which are permitted (upon obtaining a conditional use approval from the Board of Zoning Appeals) in the underlying zoning district(s), except the uses expressly excluded in [Subsection 6.1\(H\)](#) below, are permitted in the Thoroughfare Overlay District.

H. PROHIBITED USES

1. Used Motor Vehicle Sales
2. Drive Through Establishments (Drive-through windows may be permitted as accessory uses, subject to the provisions of this section)
3. Farm Equipment Sales & Service (not fully enclosed)
4. Airport
5. Heliport
6. Highway Maintenance Garage
7. Radio or Television Transmission Tower
8. Boat or Marine Equipment Sales & Service
9. Penal or Correctional Institution
10. Sanitary Fill
11. Sewage Treatment or Disposal Plant
12. Wholesale/Warehousing/Industrial Services not contained entirely within buildings

6 6.1 Thoroughfare Overlay District

13. Used Motor Vehicle and Motorcycle Sales

Amended: 03/21/2014

14. Junk Yard, Salvage yard Operation

15. Raising of Non-Farm Fowl and Animals, Commercially (except kennel)

16. Outdoor Storage

17. Mini Warehouses/Self Storage

18. Signs greater than one hundred (100) square feet in sign area, except as noted elsewhere in this ordinance

19. Car Washes (self-service only)

20. Auto Repair

21. Adult Uses

22. Automobile Filling Station

See Also:

Section 7.10
Accessory Uses

- I. **VEHICULAR ACCESS.** Refer to [Section 7.18 Design Standards](#) for vehicular access requirements.
- J. **ACCESSORY BUILDINGS AND USES.** All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory building shall be architecturally compatible with the principal building(s) with which it is associated.
- K. **SITE LAYOUT.** Development plans shall address the entire parcel. Ownership patterns may limit the degree to which this can be shown. Plans should indicate phasing and be prepared in accordance with the requirements of [Section 9.17 Development Plan](#). See also standards for nonresidential subdivisions in [Subsection 8.1\(D\) Nonresidential And Multifamily Subdivision \(Commercial, Industrial\)](#).
 - 1. Site layout shall consider the relationship between all buildings on site. Building entries shall generally be oriented towards the adjacent streets.
 - 2. Pedestrian access on all public and private streets shall be provided at the time of initial development.
 - 3. Pedestrian connectivity between uses shall be included.