

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON,  
BOONE COUNTY, INDIANA REZONING PROPERTY AND AMENDING THE  
ZONING MAP OF THE CITY OF LEBANON, INDIANA**

**WHEREAS**, the petitioner, First Stone Properties LLC, filed an Application for Rezone before the City of Lebanon Plan Commission, seeking to rezone approximately 0.53 acres, more or less, in Center Township, Boone County, Indiana, said property being located at 129 W Camp Street, Lebanon, Indiana and more particularly described in Exhibit A and B, from the Single-Family Residential (SF2) zoning classification to Planned Business Commercial (PBC) zoning classification; and,

**WHEREAS**, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Plan Commission conducted the required Public Hearing on December 20, 2021 and voted 6-0 to send a favorable recommendation of the rezoning petition of the Property and certified its favorable recommendation to the legislative body, the City of Lebanon Common Council, on December 21, 2021; and,

**WHEREAS**, pursuant to Indiana Code 36-7-4-608, the City of Lebanon Common Council, having considered the Application and the recommendation of the City of Lebanon Plan Commission now adopts the proposal and approves the requested rezoning.

**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.** That the Petitioner, First Stone Properties LLC, is the Owner of the Property.
- Section 2.** That the Petitioner seeks to have the Property, comprised of approximately 0.53 acres and located at 129 W Camp Street, Lebanon, Indiana and more particularly described in Exhibit A and B, rezoned from the Single-Family Residential (SF2) zoning classification to Planned Business Commercial (PBC) zoning classification.
- Section 3.** That the City of Lebanon Common Council has paid reasonable regard to applicable comprehensive plans; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.
- Section 4.** That from and after this date, the Official Zoning Map of the City of Lebanon, Indiana shall be changed to rezone the subject Property from the Single-Family Residential (SF2) zoning classification to the Planned Business Commercial (PBC) zoning classification. Further, the Director of

Planning of the City of Lebanon Planning Commission is hereby authorized to change the Official Zoning Map consistent with this Ordinance.

ALL OF WHICH IS ADOPTED this 24<sup>th</sup> day of JANUARY, 2022 by the Lebanon Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Dick Robertson

ABSENT

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer  
Tonya Thayer, Clerk Treasurer

I hereby certify that ORDINANCE 2022-02 was delivered to the Mayor of Lebanon on the 25<sup>th</sup> day of January 2022, at 2:15p m.

Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2022-02 this 27 day of January, 2022

Matthew T. Gentry  
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2022-02 this \_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Matthew T. Gentry, Mayor

ATTEST:  
Tonya Thayer  
Tonya Thayer, Clerk-Treasurer

**EXHIBIT A**

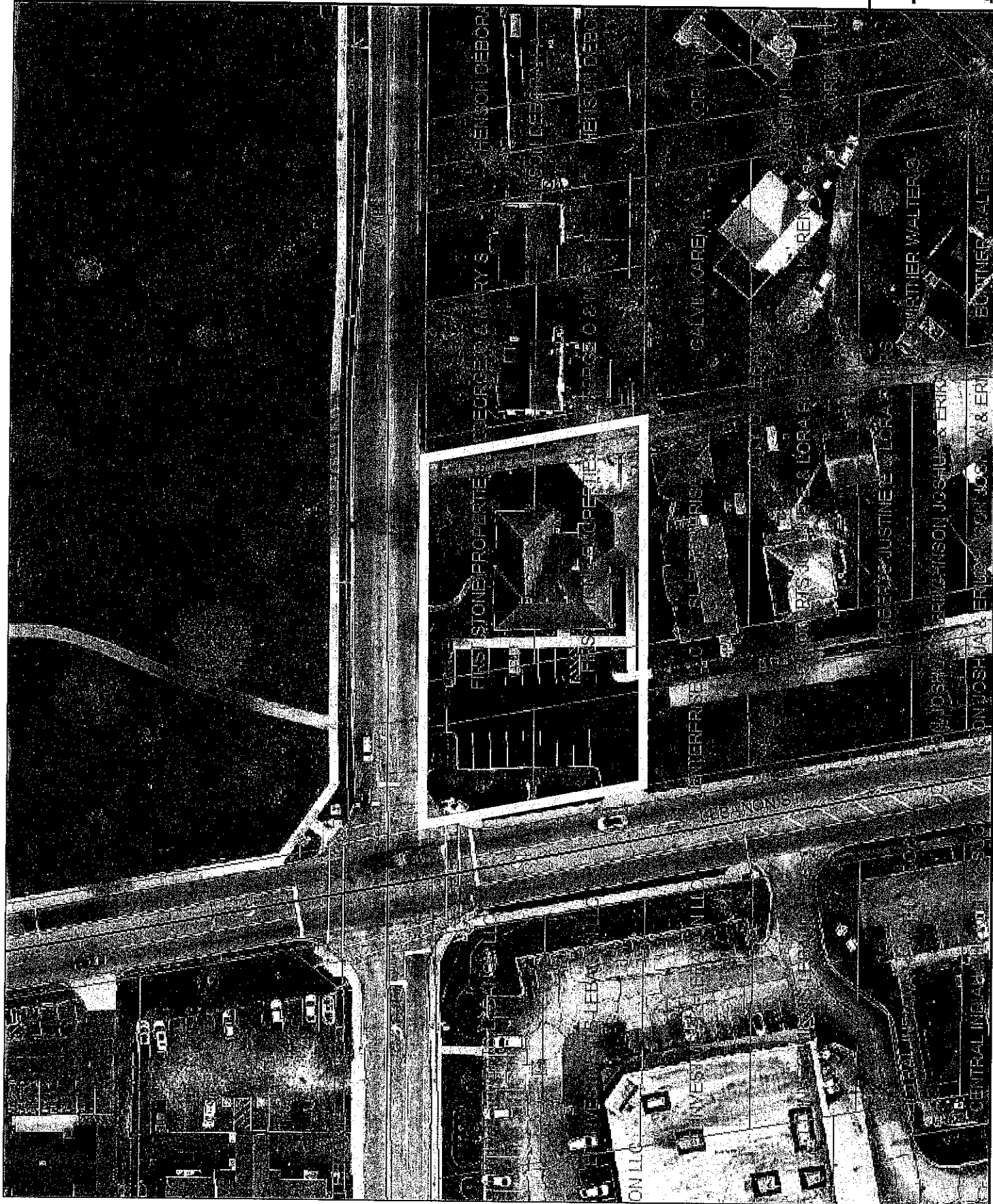
FAIRGROUND LOTS 13 & 14

Parcel Numbers 015-42800-00 and 015-42810-00

**EXHIBIT B**

- Parcels From County
- ▬ Lebanon City Limit
- ▬ Roads
- ▬ Highways

**THINK**



1" = 70ft

**CITY OF LEBANON  
PLANNING AND ZONING DEPARTMENT**

**PLAN COMMISSION REPORT  
TO COMMON COUNCIL**

**Location**

**Plan Commission Docket #21-62**  
**Rezone Request submitted by Dr. Philip Cascione for First Stone Properties LLC**

The subject property is located at 129 W. Camp St., Lebanon, Indiana 46052. The subject property contains 0.53 acres and is presently zoned Single-Family Residential (SF2). The property has been used as a dentist office for quite some time. In September 1988, a Use Variance was approved by the Lebanon Plan Commission to allow the dental practice to operate within a residential district.

**Project Overview**

Planning Staff has been approached by the property owner to add additional commercial business to the unoccupied half of the structure. Any change of use, or additional use, that is not the same as the current use must be a permitted use within the zoning district. Because the current zoning is SF2, only residential uses would be permitted. In order to facilitate the use of the site for other commercial/retail uses, Planning Staff indicated that the city would initiate a rezone of the property to Planned Business Commercial (PBC), with the owner's permission, to allow other commercial/retail uses at the site without further necessary approvals.

**Procedural Ordinance Process:**

The Official Zoning Map incorporated by reference in the Unified Development Ordinance may be amended as necessary upon receipt of a petition for rezone signed by the owner of the subject property. The Zoning Map Amendment may be adopted by the Common Council after review by the Plan Commission according to the following procedures.

The City of Lebanon Unified Development Ordinance provides review criteria established in Indiana Code 36-7-4-603 to guide the Plan Commission when deliberating a recommendation regarding a proposed rezoning.

Criteria 1 – Consistency with the goals, objectives, and policies of the Comprehensive Plan

Criteria 2 – Compatibility with adjacent uses and improvements

Criteria 3 – Desirability of the proposed land use

Criteria 4 – Impact on property values

Criteria 5 – Responsible growth and development

**Criteria 1 – Consistency with Comprehensive Plan**

The Future Land Use Map from the Lebanon Comprehensive Plan is used as a guide and represents the desired land use throughout the community. Zoning typically conforms with the land use designation, although it is not required to, and is the legal



implementation of the land use. The subject property is designated for “residential” uses on the Future Land Use Map, but in this case, we are aligning the zoning with what has historically been a commercial use and allowing the existing use to continue.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is consistent with the goals, objectives, and policies of the Lebanon Comprehensive Plan.

### Criteria 2 – Compatibility with Adjacent Uses

Location	Current Zoning	Existing Land Use
North of Subject Property	Institutional (IN)	Public Park
South of Subject Property	Single-Family Residential (SF2)	Residential Use
West of Subject Property	Planned Business Commercial (PBC)	Commercial Use
East of Subject Property	Single-Family Residential (SF2)	Residential Use

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is compatible with existing uses and zoning on adjacent properties.

### Criteria 3 – Desirability of Land Use

The rezone to Planned Business Commercial (PBC) is being proposed in order to provide additional commercial use of the property with a conforming zoning district. The proposed zoning district and use would not only be compatible with surrounding land uses but would be a desirable land use given the existing pattern of development.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) is a desirable land use within the proposed area.

### Criteria 4 – Impact on Property Values

The continuation of the commercial land use is consistent with others in the vicinity. If approved, the rezoning would ensure the existing commercial use of the property remains.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) would have no negative impact on property values in the area.

### Criteria 5 – Responsible Growth

The rezone to Planned Business Commercial (PBC) would provide the existing commercial use with a conforming status and provide for changes of use to other

commercial use without further city approval. Any physical changes to the development would still be required to undergo Staff review to confirm all standards are met. The land use is consistent with the surrounding land uses and is served by existing utilities and infrastructure.

Staff Finding: The subject rezoning to Planned Business Commercial (PBC) represents responsible growth and development.

**Plan Commission  
Action**

**Plan Commission Action**

The request to rezone the subject property to Planned Business Commercial (PBC) was forwarded by the Plan Commission to the Common Council with a **favorable recommendation**.

**LEBANON ADVISORY PLAN COMMISSION CERTIFICATION**

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The Lebanon Advisory Plan Commission (the "Commission") held a public hearing on December 20, 2021, to consider a rezone of property located at 129 W Camp Street, Lebanon, Indiana from Single-Family Residential (SF2) to Planned Business Commercial (PBC). Notice of the public hearing was advertised and noticed in accordance with Indiana law and the Commission's Rules of Procedure. Notice was shown to have been published in a newspaper of general circulation in Boone County, Indiana. The proposal is as follows:

Docket No.: 21-62

Ordinance/Resolution No.: 2022-02

Petitioner: First Stone Properties LLC

Description: Rezoning of 0.53 acres located at 129 W Camp Street from Single-Family Residential (SF2) to Planned Business Commercial (PBC)

On December 20, 2021, a motion was made and passed to send a **favorable recommendation** for the rezoning request (Vote: 6 in favor, 0 opposed) to the Lebanon City Council.

The above-mentioned proposal and the Commission's recommendation thereof are hereby certified.

  
\_\_\_\_\_  
Commission Secretary

*Benjamin Bontrager*  
\_\_\_\_\_  
Commission Secretary (Printed)

12/21/21  
\_\_\_\_\_  
Date