ORDINANCE NUMBER 2024-13

Hickory Junction PUD District

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, BOONE COUNTY, INDIANA AMENDING ORDINANCE NO. 2022-06, THE HICKORY JUNCTION PUD DISTRICT 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 Common Council adopted Ordinance Number 2022-06 on March 28, 2022 establishing the Hickory Junction PUD District and the associated land use, development, and design standards; and

WHEREAS, due to the needs and desires of potential users/tenants of the Hickory Junction District it has become necessary to consider amendments to the Hickory Junction PUD District Ordinance; and

WHEREAS, the City of Lebanon Advisory Plan Commission (the "Commission") considered a petition ("Docket 24-20"), filed with the Commission requesting an amendment to the Hickory Junction PUD District Ordinance (Council Ordinance No. 2022-06) with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Docket 24-20, after a public hearing held on the 19th day of August, 2024, to the Common Council with a favorable recommendation by a vote of 6-0 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 August 20, 2024;

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 Ordinance No. 2022-06 is hereby amended as follows:

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Section 1. **Applicability of Ordinance.**

1.1 The Unified Development Ordinance and Zoning Map are hereby changed to incorporate the Real Estate into the Hickory Junction 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 All references herein to the Unified Development Ordinance shall mean the Unified Development Ordinance in effect as of the date of adoption of this Hickory Junction PUD District Ordinance.

1.4 References to the Unified Development Ordinance shall exclude any amendments to the Unified Development Ordinance adopted after the date of this Hickory Junction PUD District Ordinance.

1.5 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.

1.6 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, a Primary Street shall include Interstate 65, State Road 39, and Enterprise Boulevard, as generally identified and labeled on the Concept Plan.

2.3 Street, Secondary: An Internal Street that functions as a primary vehicular way from a Primary Street into the District. For purposes of this Ordinance, Secondary Streets shall generally include those currently unnamed internal Streets identified and labeled as Secondary Streets on the Concept Plan.

2.4 Master Developer: Card Associates Athletic Facilities, LLC or its designee.

Section 3. **Concept Plan.** The "Concept Plan", attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 8.7(G)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate within the District is hereby divided into three (3) subdistricts, as depicted on the Concept Plan (individually or collectively, "Subdistrict"). Development of each Subdistrict shall be regulated as set forth in this Ordinance.

Section 4. **Underlying Zoning District(s).** The Underlying Zoning District of each Subdistrict shall be as follows (the "Underlying Zoning District"):

4.1 District I (the "Commercial & Fieldhouse Subdistrict"):

GB: General Business District

4.2 District II (the "Residential Subdistrict"):

R6: Residential District

4.3 District III (the "Mixed-Use Subdistrict"):

GB and R6: General Business and Residential District

Section 5. **Permitted Uses.** The following uses shall be permitted within each Subdistrict, as set forth below:

5.1 District I: Commercial & Fieldhouse Subdistrict:

A. All uses permitted in the GB: General Business District.

B. All uses permitted in the DT: Downtown District.

C. All uses permitted in the Institutional District.

D. Co-Working or "hub & spoke" use with light assembly.

E. Fire Station or Police Station.

F. Church or Temple.

G. College Building.

H. School, Public and Private.

I. Government Office.

J. Trade or Business School.

K. Winery.

L. Distillery.

M. Kennel.

N. Farmer's Market.

O. Street Fair.

P. Country Club, Golf Course, Driving Range.

Q. Stadium or Coliseum.

R. Nature Preserve, Center.

S. Park or Recreational Facility.

T. Recreational Development (private).

U. Outdoor Commercial Recreational Enterprise.

V. Swimming Pool, Public.

W. Water Park.

X. Shooting/Archery Range (indoor).

Y. Gas Station/Charging Station- The Hickory Junction PUD District is limited to one gas station/charging station use. A Gas Station/Charging Station use shall meet the specific Use Descriptions and Standards requirements as specified in Chapter 3. except as modified in Section 8.7 below.

5.2 District II: Residential Subdistrict:

A. All uses permitted in the R6: Residential District.

B. Home office.

C. Nature Preserve, Center.

D. Community Center.

E. Fire Station or Police Station.

5.3 District III: Mixed-Use Subdistrict:

A. All uses permitted in the Commercial & Fieldhouse and Residential Subdistricts as described in Section 5.1 and 5.2.

5.4 Prohibited Uses: The following use(s) shall be explicitly prohibited within all Districts:

A. Conditional Uses, except as otherwise permitted herein.

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. Drive-through requirements in the Thoroughfare Overlay District may be modified as described in Section 8.7 below.

6.2 Interstate Overlay District: Article 6.2 Interstate 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 each Subdistrict's Underlying Zoning District, shall apply to the development of the Real Estate, except as otherwise modified below.

7.1 Minimum Lot Size:

All Districts: No minimum

7.2 Minimum Lot Width:

All Districts: No minimum

7.3 Minimum Lot Frontage:

All Subdistricts: No minimum; however, all Lots shall have vehicular access to a Street or Alley (e.g., via a shared ingress/egress easement).

7.4 Minimum/Maximum Setback, Front:

A. Commercial & Fieldhouse Subdistrict: Subject to Life Safety and Building Codes for emergency access, maximum setback 20 feet (no minimum)

7.5 Minimum Setback, Side:

A. Commercial & Fieldhouse Subdistrict: Subject to Life Safety and Building Codes for emergency access, no minimum

7.6 Maximum Setback, Rear:

A. Commercial & Fieldhouse Subdistrict: Subject to Life Safety and Building Codes for emergency access, no minimum

7.7 District Perimeter Setback Not Abutting Street (external):

A. All Subdistricts: 10 feet

7.8 Maximum Building Height:

All Subdistricts: 80 feet

7.9 Maximum Impervious Lot Coverage:

A. Commercial & Fieldhouse Subdistrict: 90%

B. Residential Subdistrict: 80%

7.10 Minimum Total Living Area:

Commercial & Fieldhouse Subdistrict: No minimum

Residential Subdistrict: 600 ft^2

7.11 Minimum Ground Floor Living Area:

Commercial & Fieldhouse Subdistrict: No minimum

Residential Subdistrict: 600 ft^2

7.12 Maximum Number of Dwelling Units:

Commercial & Fieldhouse Subdistrict: No maximum

Residential and Mixed-Use Subdistricts: 50 units/acre

7.13 Maximum Square Footage:

All Subdistricts: No Maximum

7.14 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 5 Design and Maintenance and Chapter 6 Improvement 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 5.6 Lot Standards: The following standards shall apply to the development of the Real Estate, as set forth below for each Subdistrict.

A. All Districts:

i. Article 5.6(C)(5) Placing Structures Over Utility Easements: Driveways shall be permitted over utility easements but must maintain a minimum of three (3) feet from side yard property lines.

8.2 Article 6.3 Parking and Loading Standards: Shall apply, except as otherwise provided below.

A. Residential Subdistrict.

i. Parking exclusive to the residential use shall be established on a graduated basis based upon bedroom count. A minimum parking ratio for residential units and the common areas in service exclusively to the residents shall be:

- Efficiency 1.0/dwelling
- One bedroom 1.5/dwelling
- Two bedroom 1.75/dwelling
- Three bedroom 2.0/dwelling.

ii. Parking spaces shall be at least 9'x20' with a 24' wide two-way drive lane. When elective garages are included for resident use, the garages shall maintain a minimum 5' apron from garage door to drive lane for safety. When aprons are extended more than 18' from the garage door to the drive lane, that area may be used (and counted) as a tandem parking space when assigned with the garage it serves to a single rental occupancy.

iii. Federal guidelines (e.g., ADA and UFAS) for accessible parking together with Indiana law shall govern the placement, number, and size of accessible parking spaces. Accessible parking spaces shall be part of the parking ratio as proposed.

iv. EV (electric vehicle) parking spaces shall be per local or State requirements.

v. Golf cart parking is permitted, and each space constructed shall count toward the Require Spaces up to a maximum of 30% of the Required Spaces.

vi. When on the common side of the parking lane with the use to be served, parking areas shall provide pedestrian circulation to the use.

B. Gas Station/Charging Station. Parking and Loading shall be provided as described in Section 8.7 below.

8.3 Article 6.4 Sign Regulations: All signage in the Hickory Junction PUD shall be governed by Section 6.4 of the Unified Development Ordinance as it exists as of the date of adoption of this Hickory Junction PUD District Ordinance.

8.4 Article 6.1 Landscaping: Shall apply, except as otherwise modified or enhanced below.

A. Master Developer for PUD may work with City staff to secure administrative waivers deviating up to 30% from published landscape standards while maintaining the intent of those standards and the character of the Subdistricts.

B. Lots within the Thoroughfare Overlay District abutting State Road 39 shall provide a minimum twenty (20) foot width landscape buffer on the property line adjacent to said thoroughfare per Section 2.11(J)(1) of the Unified Development Ordinance.

C. Where parking lots are adjacent to a required landscape buffer, the parking lot perimeter landscaping requirement of UDO Section 6.1 shall not apply.

8.5 Article 5.1 Accessory Uses and Structures: Shall apply to all subdistricts, except as follows:

A. Any detached Accessory Structure or Use that is to support the Fieldhouse or Development Amenities shall be encouraged to have similar architectural features and aesthetic look as the primary buildings; however, architectural features or materials are not required when they are not necessary for the structure's use (e.g., no windows on an irrigation pump house will help insulate, open covered, heated hitting stalls, no wooden materials for chemical storage in agronomy building, etc.).

B. Dumpsters, recycling containers, and trash compactors may be located closer than the primary structure to the right-of-way where adjacent to internal streets (not State Road 39 or Enterprise Drive extended). All such facilities shall be properly enclosed and screened per UDO Section 6.1.

C. 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.

8.6 Article 3.4 Temporary Uses: Shall apply to all subdistricts, except as follows:

A. Temporary Use and Event Permits, issued by the City of Lebanon Planning and Zoning Department, shall not be required for recurring events which do not utilize tents or other temporary structures.

B. The standards of this section do not exempt the owner from any permits or inspections required by other departments.

C. The decibel level shall not exceed seventy-five (75) decibels when

measured from a point six (6) feet outside the property line.

8.7 Article 3.3 Use Descriptions and Standards – Gas Station/Charging Station: Shall apply except as follows:

A. Fuel sales cannot exceed 8 vehicle fueling dispensers (16 fueling positions) and 12 charging stations.

B. The fuel station canopy may be up to a maximum of 50 feet wide on the State Road 39 frontage as necessary to cover the 8 permitted fueling dispensers (16 fueling positions). The maximum canopy width does not apply on the internal street frontage.

C. The Gas Station/Charging Station may have, as an accessory use, one exterior pick-up window accessed by a single drive-through lane. No on-site ordering shall be permitted; all pick-up orders will be for customers who placed advance orders online or from a mobile app.

D. The maximum number of parking spaces on the site shall be 73.

E. A loading berth has been provided in accordance with Section 6.3(C) and is located on the frontage facing SR 39 to minimize conflicts with pedestrian and auto traffic on-site. The loading berth will be screened along the State Road 39 frontage by the required Thoroughfare Overlay District landscape buffer.

Section 9. **Design Standards.** The standards of Chapter 7.18 Residential Architectural Standards and 7.19 Business and Mixed-Use Architectural 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 Character Imagery Exhibit: The "Character Imagery", attached hereto as **Exhibit C**, is hereby incorporated. Although the Character Imagery Exhibit does not represent the final design, it does hereby establish a benchmark for the quality and appearance of Buildings within each Subdistrict, and it provides examples of specific design elements and development patterns that comply with this Ordinance and contribute to the intent and vision for the Real Estate.

9.2 Article 7.18(C)(1-4) Facades: Shall apply, except as follows:

A. Masonry requirements shall not be applicable on any façade that is 100% fiber cement, including a minimum of two (2) siding styles (i.e. lap, shingle, vertical).

9.3 Article 7.18(C)(6) Roof Design: Shall apply, except as follows:

A. Three-tab shingles shall be prohibited.

B. Flat roofs shall contain a cornice or molding, and vary in height, horizontal placement, or shape every fifty (50) feet.

9.4 Reserved.

9.5 Article 7.19: Shall apply except as follows:

A. Reserved.

B. Reserved.

C. Architectural Requirements for Commercial, Institutional buildings with a footprint under 100,000 square feet:

i. Exterior Materials: 75% of building façades (exclusive of windows and doors) shall be constructed from stone, masonry, aluminum composite materials, or other materials that provide the same desired quality. The remaining areas may use EIFS, cement paneling, or textured concrete/CMU. No steel siding, lap siding, or similar low quality siding materials are permitted. Products other than these listed must be approved by the Planning and Zoning Administrator.

ii. Building Facades, which are ninety (90) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Offsets shall extend the entire vertical plane of the Building Facade and shall be a minimum depth of two feet and eight inches (2' 8") and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Facade. The offset may be met with setbacks of the Building Facade and/or with architectural elements (i.e. arcades, columns, ribs, piers, and pilasters), if such architectural elements meet the minimum offset requirements of this requirement.

iii. All Building Facades: If materials other than Stone or Masonry Materials are utilized on any Building Facade, then the Building Facade shall be supplemented with: (i) the use of multiple colors and textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements.

iv. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.

v. Entryway features are required at the primary entrance to the structure and shall include, but not be limited to, elements such as cover entries, integral planters, awnings, or architectural details that are integrated into the building structure and design.

D. Architectural Requirements for Commercial, Institutional buildings with a footprint over 100,000 square feet:

i. Exterior Materials: Building facades may be constructed from stone, masonry, E.I.F.S., split-face, textured concrete, insulated metal panels, pre-cast concrete, or other materials that provide the same desired quality. Products other than these listed must be approved by the Planning and Zoning Administrator.

ii. The architectural style, materials, color and design on the front elevation shall be applied to all elevations of the structure adjacent to a public street, primary internal drive or residential zoning district.

iii. Entryway features are required at the primary entrance to the structure and shall include, but not be limited to, elements such as cover entries, integral planters, awnings or architectural details that are integrated into the building structure and design.

Section 10. **Article 7.26: Pedestrian Network Standards.** The standards of Chapter 7.26 Pedestrian Network Standards, as applicable, shall apply to the development of the Real Estate unless otherwise modified by this Ordinance.

10.1 Article 7.26(C): Internal Pedestrian Network Standards: Shall apply, except as follows:

A. Residential Subdistrict: All community sidewalks adjoining parking lanes or serving as community pathways shall be a minimum of five (5) feet in width. Communal sidewalks serving up to four (4) dwellings shall be a minimum of four (4) feet in width. Private sidewalks to individual dwelling entries shall be a minimum of three (3) feet in width.

Section 11. **Permitting and Procedures.** The standards of Chapter 8 Process and Permits, 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 public hearings for Primary Plat (PP) or Development Plan (DP) approval by the Plan Commission shall be required with respect to either Subdistrict, Development Amenities and their associated Accessory Structures, landscaping, lighting and signage, but all other buildings and associated parking, landscaping, lighting and signage. 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.

Section 12. **Vacation of Rights of Way.** Public Rights-of-Way located within the Real Estate that may be the subject of a secondary plat approval shall be vacated pending review and approval by the Department of Engineering or any other local department or agency in accordance with all local and state laws.

ALL OF WHICH IS ADOPTED this ____ day of _____, 2024 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
Robert Hawkins	Robert Hawkins	Robert Hawkins
Sandra Jasionowski	Sandra Jasionowski	Sandra Jasionowski
Mike Kincaid	Mike Kincaid	Mike Kincaid
Sierra Messenger	Sierra Messenger	Sierra Messenger
Dick Robertson	Dick Robertson	Dick Robertson

ATTEST:

_____
Tonya Thayer, Clerk Treasurer

I hereby certify that **ORDINANCE 2024-13** was delivered to the Mayor of Lebanon

on the _____ day of _____, 2024, at _____ ____ m.

_____
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 2024-13**

this _____ day of _____, 2024.

_____
Matthew T. Gentry, Mayor

I hereby VETO **ORDINANCE 2024-13**

this _____ day of _____, 2024.

_____
Matthew T. Gentry, Mayor

This document prepared by: Alex C. Intermill
Bose McKinney & Evans LLP
111 Monument Circle – Suite 2700
Indianapolis, IN 46204

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: Alex C. Intermill

EXHIBIT A

Parcel# 015-23680-01: PT E ½ NE 01-18-lW .88 RIGHT-OF-WAY & DITCH

Parcel# 015-08341-00: PT SE 01-18-1W 50.04A Lebanon Fieldhouse

Parcel# 015-08341-01 : PT SE 01-18-1W 6.24A

Parcel# 015-08341-02 : PT SE 01-18-1W 26.16A Multi-Family Development

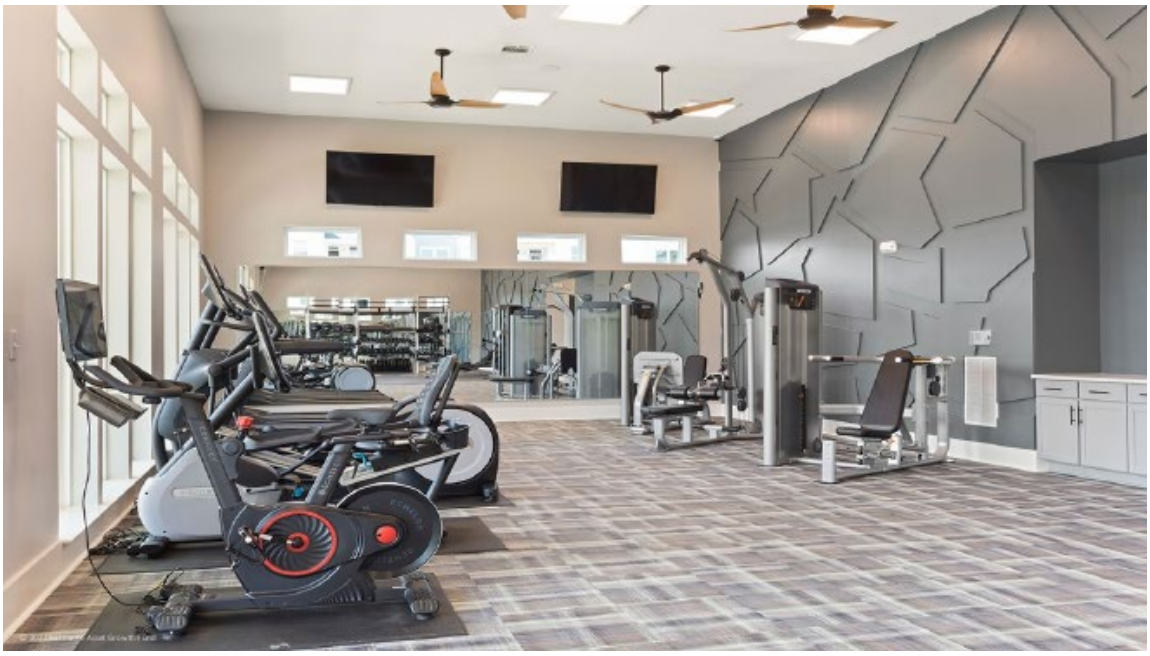
Parcel# 015-08341-03: PT SE 01-18-1W 13.53A Lebanon Sports Fieldhouse

EXHIBIT B

INTERSTATE 65
S STATE ROAD 39
REMOVE EXISTING ACCESS
RIGHT OUT
FULL ACCESS CURB CUT
RIGHT IN/ RIGHT OUT
RIGHT IN/ RIGHT OUT
RPRISE BLVD

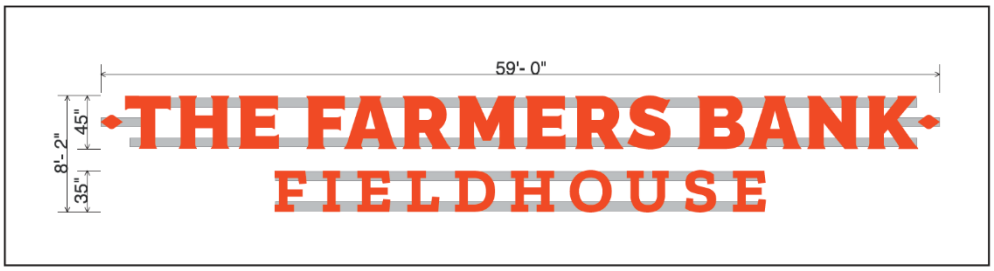
EXHIBIT C

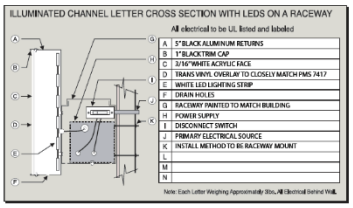
Residential Subdistrict (Concept Only):



Commercial & Fieldhouse Subdistrict (Concept Only):

LEBANON
FIELDHOUSE
TENANT A





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X_____ DATE_____

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FRONT ELEVATIONS - BLDG 18 & 19 1

TYPICAL BAY ELEVATION 6

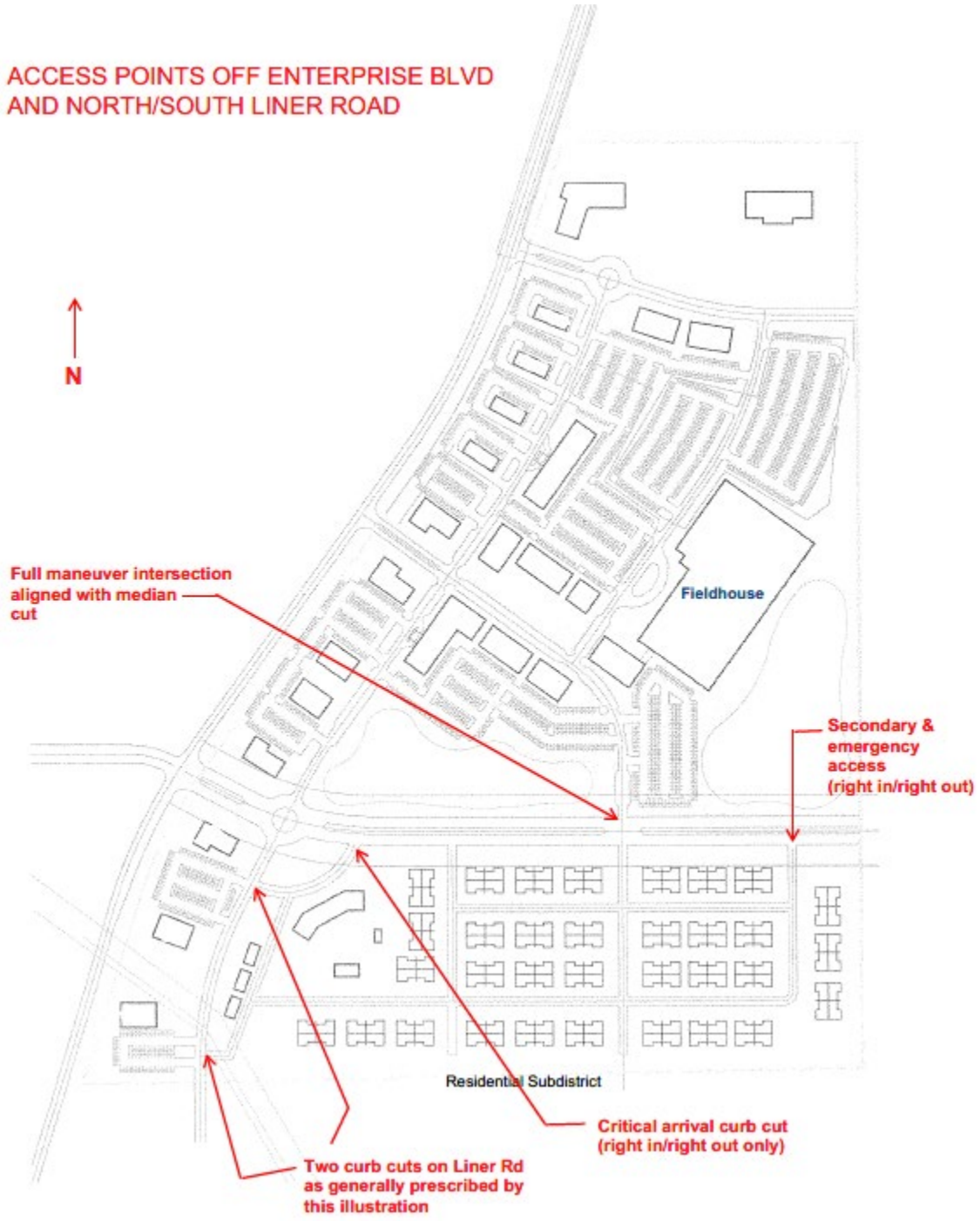
FRONT VIEW - BLDG 19 4

FRONT VIEW - BLDG 18 2

BACK ELEVATIONS - BLDG 18 & 19 5

PUBLIC PLAZA (BETWEEN BLDGS) 3

EXHIBIT D


ACCESS POINTS OFF ENTERPRISE BLVD
AND NORTH/SOUTH LINER ROAD
N
Full maneuver intersection aligned with median cut
Fieldhouse
Secondary & emergency access (right in/right out)
Residential Subdistrict
Critical arrival curb cut (right in/right out only)
Two curb cuts on Liner Rd as generally prescribed by this illustration