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**FILED**

**JUL 26 2013**

*Janice D. Reddick*  
AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

**ORDINANCE NUMBER 2013-09**

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Kind: ORDINANCE  
Recorded: 07/29/2013 at 02:40:14 PM  
Fee Amt: \$19.00 Page 1 of 4  
Workflow# 0000071944-0001  
Johnson County-Recorded as Presented  
Jill L. Jackson County Recorder  
File **2013-018507**

**AN ORDINANCE APPROVING RESOLUTION NUMBER 2013-07  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
IBD (INDUSTRIAL: BUSINESS DEVELOPMENT)  
(To be known as the RSW Development Rezoning Commitment Modification 2013)**

**WHEREAS**, the City of Franklin, Indiana Plan Commission (referred to hereafter as the "Plan Commission") is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the "City"), and has, by Resolution Number 2013-07 recommended that the City's Common Council amend the Zoning Map and rezone the property described in "Exhibit A" attached hereto, to Industrial: Business Development (IBD) subject to the written commitments as stated below.

**WHEREAS**, pursuant to Indiana Code § 36-7-4-602, Resolution 2013-07 has been certified to the City's Common Council; and

**WHEREAS**, the recommendation of the Plan Commission should be adopted, and the rezoning of the property described in "Exhibit A" should be approved.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA,  
ORDAINS AND ENACTS THE FOLLOWING:**

1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby rezoned to Industrial: Business Development (IBD) with the development standards and written commitments and restrictions as follows:
  - a. The following uses, as defined by the Franklin City Zoning Ordinance, shall be removed from the permitted uses in the above referenced rezoning:
    - i. Telecommunications Tower
    - ii. Auto Sales
  - b. A maximum of 5.624 acres, generally located near the southwest corner of the usable property – Lots 6 & 7 (outside of the regulatory flood zone), shall be permitted to contain mini warehouse uses.
2. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
3. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
4. **Severability of Provisions.** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.


5. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-16-4.

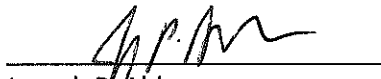
**INTRODUCED** on the 1<sup>st</sup> day of July 2013.

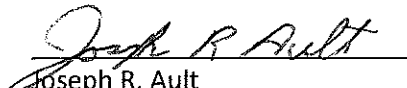
**DULY PASSED** on this 15 day of July, 2013, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

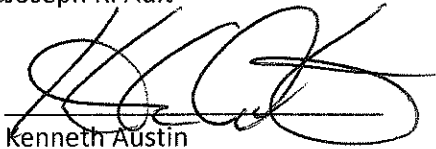
City of Franklin, Indiana, by its Common Council:


Voting Affirmative:

  
Steve Barnett, President

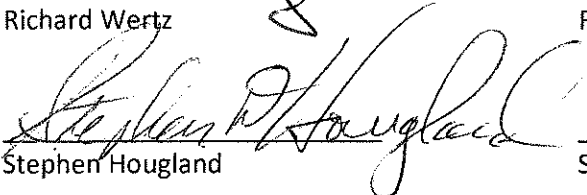
  
Joseph P. Abban

  
Joseph R. Ault

  
Kenneth Austin

  
Robert Henderson

  
Richard Wertz

  
Stephen Hougland

Voting Opposed:

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Steve Barnett, President

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Joseph P. Abban

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Joseph R. Ault

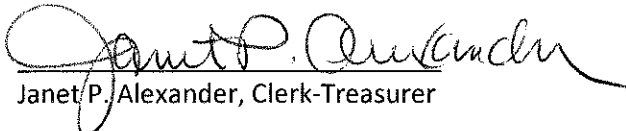
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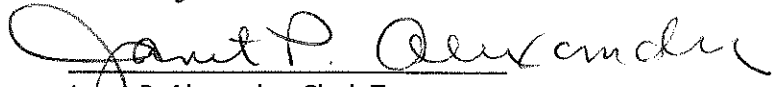
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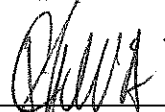
Attest:

  
Janet P. Alexander, Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this 15 day of July at 7 o'clock p.m.

  
Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2), this 15 day of July at 7:00 o'clock p.m.]

  
Joe McGuinness, Mayor

Attest:

  
Janet P. Alexander, Clerk-Treasurer

*Prepared by:*  
*Joanna Myers, Senior Planner*  
*Department of Planning & Engineering*  
*70 E. Monroe Street*  
*Franklin, IN 46131*

### **EXHIBIT "A"**

A part of the Northwest Quarter of Section 11, Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, more particularly described as follows:

Beginning at a point on the East line of the said Northwest Quarter Section that is North 00 degrees 00 minutes 00 seconds East (previous survey bearing) 1618.74 feet from the Southeast corner thereof; thence North 00 degrees 00 minutes 00 seconds East on and along said Quarter Section line a distance of 824.95 feet to the centerline of the right-of-way of Commerce Drive; thence South 89 degrees 25 minutes 20 seconds West on and along said centerline a distance of 1374.65 feet to the center of Canary Ditch; thence along the centerline of Canary Ditch South 01 degrees 50 minutes 03 seconds East 719.93 feet; thence continuing along said ditch centerline South 27 degrees 38 minutes 36 seconds West 63.82 feet; thence along said ditch centerline South 64 degrees 32 minutes 59 seconds West 56.05 feet to the East right-of-way of the Louisville and Indiana Railroad; thence along said right-of-way South 16 degrees 24 minutes 45 seconds East 26.34 feet; thence North 89 degrees 25 minutes 20 seconds East 1424.39 feet to the East line of said Quarter Section and the Point of Beginning, containing 25.8795 acres, more or less, subject to all legal rights-of-way, easements, and restrictions.