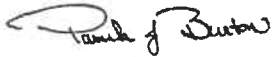


FILED

SUBJECT TO FINAL ACCEPTANCE

NOV 08 2021



AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

**ORDINANCE NUMBER 2021-18
(As Amended)**

2021-033184

RECORDED ON

11/09/2021 01:07:26 PM

TERESA K. PETRO

JOHNSON COUNTY RECORDER

REC FEE: 25.00

PAGES: 9

AN ORDINANCE APPROVING RESOLUTION NUMBER 2021-24
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY REFERRED
RS-2 (Residential: Suburban Two) and RS-3 (Residential: Suburban Three) with commitments
(To be known as Starek Rezoning)

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 2021-24 forwarded a favorable recommendation that the City's Common Council amend the Zoning Map and rezone the property described in Exhibit "A", attached hereto, to Residential: Suburban Two (RS-2) subject to the written commitments as stated in Exhibit "B" Items 1-14 and rezone the property described in Exhibit "C", attached hereto, to Residential: Suburban Three (RS-3) subject to the written commitments as stated in Exhibit "D" Items 1-15.

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2021-24 has been certified to the City's Common Council; and

WHEREAS, the Common Council amended the ordinance to include the following additional commitment to apply to the rezoning of the properties described in Exhibit "A" and Exhibit "C":

- a. Construction of the proposed amenities (pool, pool house, and associated parking lot) shall start during subdivision/home construction of Section 1 and shall be completed prior to recording the secondary plat of Section 2.

WHEREAS, the Common Council, after paying reasonable regard to: 1) City of Franklin Comprehensive Plan, 2) the current conditions and the character of current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the City of Franklin's planning jurisdiction, and 5) responsible growth and development, finds the rezoning of the property described in Exhibit "A" to Residential: Suburban Two (RS-2) subject to the written commitments as stated in Exhibit "B", as amended, and the rezoning of the property described in Exhibit "C" to Residential: Suburban Three (RS-3) subject to the written commitments as stated in Exhibit "D", as amended, 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 Residential: Suburban Two (RS-2) subject to the written commitments as stated in Exhibit "B", as amended, and the subject property described in Exhibit "C" is hereby rezoned Residential: Suburban Three (RS-3) subject to the written commitments as stated in Exhibit "D", as amended.
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.

*Sale Disclosure NOT Required
Johnson County Assessor*

25629441X1

46607081P1000



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 § 36-4-6-16.

INTRODUCED on the 16th day of August, 2021.

DULY PASSED on this 4 day of October, 2021, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 4 in Favor and 3 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Ken Austin Remote
Kenneth Austin, President

Melissa Jones
Melissa Jones

Dan Blankenship-remote
Daniel J. Blankenship

Robert D. Heuchan

Anne McGuinness

Chris Rynerson
Chris Rynerson

Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Melissa Jones

Daniel J. Blankenship

Robert D. Heuchan

Anne McGuinness

Chris Rynerson

Shawn Taylor

Attest:

Jayne Rhoades
Jayne Rhoades, City 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 and 16, this 4 day of October, 2021 at 7:12 o'clock p.m.


Jayne Rhoades, City 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 4 day of October, 2021 at 7:12 o'clock p.m.

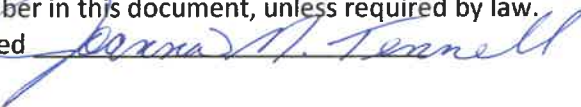

Steve Barnett, Mayor

Attest:


Jayne Rhoades, City Clerk-Treasurer

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.

Signed



Prepared by:

Joanna Tennell, Senior Planner
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131

EXHIBIT "A"
RS-2 (Residential: Two) – Legal Description

Part of the Northwest and Southwest Quarters of Section 1, Township 12 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

BEGINNING at the southwest corner of said Northwest Quarter; thence South 00 degrees 56 minutes 17 seconds East 703.51 feet along the west line of said Northwest Quarter (the basis of bearings is the Indiana Geospatial Coordinate System, Johnson Zone) to the northwest corner of the South 45 acres said Northwest Quarter; thence South 84 degrees 36 minutes 51 seconds East 2,808.93 feet along the north line of said South 45 acres to the east line of said Northwest Quarter; thence South 00 degrees 05 minutes 40 seconds West 699.82 feet along said east line to the southeast corner of said Northwest Quarter and the northeast corner of the parcel conveyed to Indiana Golf Foundation in Instrument Number 2003-037391, on file in the Office of the Recorder of Johnson County, Indiana, the following two (2) courses are along the north and west lines thereof; 1)thence North 80 degrees 45 minutes 11 seconds West 14.06 feet; 3)thence Southerly 268.77 feet along a non-tangent curve to the left having a radius of 4,497.59 feet and subtended by a long chord having a bearing of South 02 degrees 16 minutes 42 seconds West and a length of 268.73 feet; thence South 89 degrees 40 minutes 12 seconds West 265.02 feet; thence North 01 degree 32 minutes 57 seconds West 145.00 feet; thence South 88 degrees 27 minutes 03 seconds West 2,315.25 feet; thence South 01 degree 32 minutes 57 seconds East 20.00 feet; thence South 88 degrees 27 minutes 03 seconds West 171.38 feet to the west line of said Southwest Quarter; thence North 00 degrees 37 minutes 53 seconds West 470.14 feet along said west line to the POINT OF BEGINNING. Containing 66.716 acres, more or less.

EXHIBIT "B"
RS-2 (Residential: Two) – Written Commitments

1. Ponds: All ponds installed on the Real Estate in connection with any development thereof, along with a minimum 20 ft. drainage easement from the top of bank, shall be located entirely within the common area of any subdivision and not on any lot(s) on the Real Estate.
2. Monuments: If any stones or monuments of record are found while the survey of the Real Estate is prepared, Owner will use its best efforts to protect them from damage.
3. Legal Drain: The Real Estate is located within the Hurricane Creek Legal Drain Watershed, and future development will require review by the Johnson County Drainage Board.
4. Hurricane Road Landscaping: At the time the area immediately adjacent to Hurricane Road is improved and prior to issuance of a final certificate of occupancy for a structure, a row of broad-leaf deciduous canopy trees shall be planted parallel to the property line and be placed within a common area adjacent to Hurricane Road with 1 tree placed every 40 feet along the boundary; provided, however, that such canopy trees required within the area comprising the 150 feet Electric Line Easement as recorded in Deed Record 137 Page 533 shall be small trees (30 ft. or less). The developer shall have a good faith obligation in obtaining approval from the easement Grantee. If approval is not obtained, the necessary plantings shall be planted outside the 150 feet easement but within the required common area adjacent to Hurricane Road.

At the time the area immediately adjacent to Hurricane Road is improved and prior to issuance of a final certificate of occupancy for a structure, a 3 to 5-foot tall undulating mound shall be provided parallel to the property line and placed within a common area adjacent to Hurricane Road, with the slope of said mounds not to exceed 3:1, and improved with shrubs and/or evergreen trees at a rate of one shrub for every 20 feet of continuous boundary or one evergreen for every 35 feet of continuous boundary or a combination thereof; provided, however, that shrubs and not evergreens shall be provided at the ratio above in the area comprising the 150 feet Electric Line Easement as recorded in Deed Record 137 Page 533. The developer shall have a good faith obligation in obtaining approval from the easement Grantee for the plantings and mounding. If approval is not obtained, the necessary plantings shall be planted outside the 150 feet easement but within the required common area adjacent to Hurricane Road and the mounding only within the 150 feet easement shall be waived.

- a. All shrubs required pursuant to the terms above shall be 18 inches tall, measured from grade, at the time of planting, and all evergreen trees required pursuant to the terms above shall be 5 feet in height, measured from the top of the root ball, at the time of planting and be planted 2 feet laterally from the peak of the mound.
5. Trail System: An asphalt trail meeting the City Engineer and Department of Parks and Recreation requirements shall be provided along Hurricane Road as an extension of the Franklin Greenways Trail and shall be connected to the internal sidewalk system.
6. Minimum Ground Floor Living Area: The minimum Ground Floor Living Area (as defined in the City of Franklin Zoning Ordinance) shall be 950 square feet.

7. Windows: For all Dwelling Units which are adjacent to a common area depicted on any plat, at least one (1) window, with a minimum area of 8 square feet, shall be incorporated on the sides which are adjacent to the common areas; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.

Those Dwelling Units built on corner lots within the Real Estate shall include at least one (1) window per story, with a minimum area of 8 square feet, on the sides of the dwelling facing the streets; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.

8. Exterior Materials: The front elevations of all Dwelling Units shall incorporate at least two (2) exterior building materials, profiles and/or textures and at least three (3) colors on surfaces other than stone, brick, and masonry (but including trim, shutters or other window ornamentation, and garage doors). At least 50% of the front elevation (excluding windows, doors, garage doors, and areas above the roof line) shall be stone, brick, or masonry.
9. Roof Pitch: All Dwelling Units shall feature a minimum of 6:12 primary roof pitch; provided, however, ancillary roofs (including, but not limited to porches, garage extensions, overhangs, accent roofs, sunrooms or third car garages with a separate roof structure) shall not be considered primary roofs for purposes of this 6:12 roof pitch requirement.
10. Roof Overhang: All Dwelling Units located on the Real Estate shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
11. Garages: All Dwelling Units on the Real Estate shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
 - a. For Dwelling Units with two-car garages, a single-family dwelling façade shall comprise at least fifty-five percent (55%) of the total façade width; the garage door shall not exceed more than forty-five percent (45%) of the façade.
 - b. For Dwelling Units with three-car garages, a single-family dwelling façade shall comprise at least fifty percent (50%) of the total façade width; the total width of the garage doors combined shall not exceed more than fifty percent (50%) of the façade width.
12. Anti-Monotony: The same front dwelling elevation will not be constructed within two lots in either direction on the same side of the street or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.
13. Prohibited Structures: Above-ground pools and sheds, mini-barns, or other detached storage buildings are prohibited.
14. These Commitments shall run with the land, be binding upon the Owner of the Real Estate and subsequent owners of the Real Estate. These Commitments may only be modified or terminated by a decision of the Franklin Plan Commission.
15. (AS AMENDED BY COUNCIL) - Construction of the proposed amenities (pool, pool house, and associated parking lot) shall start during subdivision/home construction of Section 1 and shall be completed prior to recording the secondary plat of Section 2.

EXHIBIT "C"
RS-3 (Residential: Suburban Three) – Legal Description

Part of the Southwest Quarter of Section 1, Township 12 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter; thence South 00 degrees 37 minutes 53 seconds East 470.14 feet along the west line of said Southwest Quarter (the basis of bearings is the Indiana Geospatial Coordinate System, Johnson Zone) to the POINT OF BEGINNING; thence North 88 degrees 27 minutes 03 seconds East 171.38 feet; thence North 01 degree 32 minutes 57 seconds West 20.00 feet; thence North 88 degrees 27 minutes 03 seconds East 2,315.25 feet; thence South 01 degree 32 minutes 57 seconds East 145.00 feet; thence North 89 degrees 40 minutes 12 seconds East 265.02 feet to the west line of the parcel conveyed to Indiana Golf Foundation in Instrument Number 2003-037391, on file in the Office of the Recorder of Johnson County, Indiana, the following three (3) courses are along said west line; 1)thence Southerly 11.08 feet along a non-tangent curve to the left having a radius of 4,497.59 feet and subtended by a long chord having a bearing of South 00 degrees 29 minutes 45 seconds West and a length of 11.08 feet; 2)thence South 00 degrees 25 minutes 31 seconds West 820.61 feet; 3)thence South 00 degrees 08 minutes 04 seconds East 249.04 feet to the south line of the North Half of said Southwest Quarter; thence North 84 degrees 59 minutes 13 seconds West 2,749.15 feet along said south line to the southwest corner of said North Half; thence North 00 degrees 37 minutes 53 seconds West 896.73 feet to the POINT OF BEGINNING.

EXHIBIT "D"
RS-3 (Residential: Suburban Three) – Written Commitments

1. Ponds: All ponds installed on the Real Estate in connection with any development thereof, along with a minimum 20 ft. drainage easement from the top of bank, shall be located entirely within the common area of any subdivision and not on any lot(s) on the Real Estate.
2. Monuments: If any stones or monuments of record are found while the survey of the Real Estate is prepared, Owner will use its best efforts to protect them from damage.
3. Legal Drain: The Real Estate is located within the Hurricane Creek Legal Drain Watershed, and future development will require review by the Johnson County Drainage Board.
4. Hurricane Road Landscaping: At the time the area immediately adjacent to Hurricane Road is improved and prior to issuance of a final certificate of occupancy for a structure, a row of broad-leaf deciduous canopy trees shall be planted parallel to the property line and be placed within a common area adjacent to Hurricane Road with 1 tree placed every 40 feet along the boundary; provided, however, that such canopy trees required within the area comprising the 150 feet Electric Line Easement as recorded in Deed Record 137 Page 533 shall be small trees (30 ft. or less). The developer shall have a good faith obligation in obtaining approval from the easement Grantee. If approval is not obtained, the necessary plantings shall be planted outside the 150 feet easement but within the required common area adjacent to Hurricane Road.

At the time the area immediately adjacent to Hurricane Road is improved and prior to issuance of a final certificate of occupancy for a structure, a 3 to 5-foot tall undulating mound shall be provided parallel to the property line and placed within a common area adjacent to Hurricane Road, with the slope of said mounds not to exceed 3:1, and improved with shrubs and/or evergreen trees at a rate of one shrub for every 20 feet of continuous boundary or one evergreen for every 35 feet of continuous boundary or a combination thereof; provided, however, that shrubs and not evergreens shall be provided at the ratio above in the area comprising the 150 feet Electric Line Easement as recorded in Deed Record 137 Page 533. The developer shall have a good faith obligation in obtaining approval from the easement Grantee for the plantings and mounding. If approval is not obtained, the necessary plantings shall be planted outside the 150 feet easement but within the required common area adjacent to Hurricane Road and the mounding only within the 150 feet easement shall be waived.

- a. All shrubs required pursuant to the terms above shall be 18 inches tall, measured from grade, at the time of planting, and all evergreen trees required pursuant to the terms above shall be 5 feet in height, measured from the top of the root ball, at the time of planting and be planted 2 feet laterally from the peak of the mound.
5. Trail System: An asphalt trail meeting the City Engineer and Department of Parks and Recreation requirements shall be provided along Hurricane Road as an extension of the Franklin Greenways Trail and shall be connected to the internal sidewalk system.
6. Minimum Lot Width: Notwithstanding the minimum Lot Width stated in the Table in Section 3.3 and in Section 3.9 of the City of Franklin Zoning Ordinance, the minimum Lot Width (as defined in the City of Franklin Zoning Ordinance) shall be 60 feet.
7. Minimum Ground Floor Living Area: The minimum Ground Floor Living Area (as defined in the City of Franklin Zoning Ordinance) shall be 950 square feet.

8. Windows: For all Dwelling Units which are adjacent to a common area depicted on any plat, at least one (1) window, with a minimum area of 8 square feet, shall be incorporated on the side(s) which are adjacent to the common areas; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.

Those Dwelling Units built on corner lots within the Real Estate shall include at least one (1) window per story, with a minimum area of 8 square feet, on the sides of the dwelling facing the streets; provided, however, that, to the extent that additional windows are incorporated, they may be smaller.

9. Exterior Materials: The front elevations of all Dwelling Units shall incorporate at least two (2) exterior building materials, profiles and/or textures and at least three (3) colors on surfaces other than stone, brick, and masonry (but including trim, shutters or other window ornamentation, and garage doors). At least 50% of the front elevation (excluding windows, doors, garage doors, and areas above the roof line) shall be stone, brick, or masonry.
10. Roof Pitch: All Dwelling Units shall feature a minimum of 6:12 primary roof pitch; provided, however, ancillary roofs (including, but not limited to porches, garage extensions, overhangs, accent roofs, sunrooms or third car garages with a separate roof structure) shall not be considered primary roofs for purposes of this 6:12 roof pitch requirement.
11. Roof Overhang: All Dwelling Units located on the Real Estate shall have a minimum of a twelve (12) inch gable overhang on dwellings where the side consists of siding at the eave and a minimum of eight (8) inch gable overhang on dwellings where the side consists of brick at the eave.
12. Garages: All Dwelling Units on the Real Estate shall have a minimum two-car garage. Three-car garages shall have a separate door and shall be required to be recessed from other bays.
 - a. For Dwelling Units with two-car garages, a single-family dwelling façade shall comprise at least fifty-five percent (55%) of the total façade width; the garage door shall not exceed more than forty-five percent (45%) of the façade.
 - b. For Dwelling Units with three-car garages, a single-family dwelling façade shall comprise at least fifty percent (50%) of the total façade width; the total width of the garage doors combined shall not exceed more than fifty percent (50%) of the façade width.
13. Anti-Monotony: The same front dwelling elevation will not be constructed within two lots in either direction on the same side of the street or directly across the street so far as to ensure that significant architectural features will differentiate dwellings within the subdivision.
14. Prohibited Structures: Above-ground pools and sheds, mini-barns, or other detached storage buildings are prohibited.
15. These Commitments shall run with the land, be binding upon the Owner of the Real Estate and subsequent owners of the Real Estate. These Commitments may only be modified or terminated by a decision of the Franklin Plan Commission.
16. (AS AMENDED BY COUNCIL) - Construction of the proposed amenities (pool, pool house, and associated parking lot) shall start during subdivision/home construction of Section 1 and shall be completed prior to recording the secondary plat of Section 2.