

FILED

SUBJECT TO FINAL ACCEPTANCE

JAN 27 2022

City of Franklin Common Council

ORDINANCE NUMBER 2021-27

2022-002137

RECORDED ON

01/28/2022 09:05:53 AM


TERESA K. PETRO

JOHNSON COUNTY RECORDER

REC FEE: 25.00

PAGES: 5

RECORDED AS PRESENTED



AUDITOR, JOHNSON COUNTY

AN ORDINANCE APPROVING RESOLUTION NUMBER 2021-36
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
IL (Industrial: Light)
(To be known as Oakleaf Farms II 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 2021-36 recommended that the City's Common Council amend the Zoning Map and rezone the property described in Exhibit "A", attached hereto, from Agriculture (A) to Industrial: Light (IL) subject to the written commitments as stated in Exhibit "B".

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

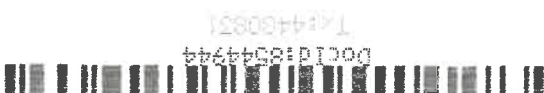
WHEREAS, the recommendation of the Plan Commission should be adopted; and

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" should be approved subject to the written commitments as stated in Exhibit "B".

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

- Zoning Map Amended:** The subject property described in Exhibit "A" is hereby rezoned Industrial: Light (IL) subject to the written commitments as stated in Exhibit "B".
- 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.
- 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.
- 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.

Sale Disclosure NOT Required
Johnson County Assessor



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 15th day of November, 2021.

DULY PASSED on this 20th day of December, 2021, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 4 in Favor and 2 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Absent

Kenneth Austin, President

Melissa Jones

Melissa Jones

Robert D. Heuchan

Anne McGuinness

Shawn Taylor

Josh Prince

Irene Nalley

Attest:

Jayne Rhoades
Jayne Rhoades, City Clerk-Treasurer

Voting Opposed:

Kenneth Austin, President

Melissa Jones

Robert D. Heuchan

Anne McGuinness

Shawn Taylor

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 20 day of December, 2021 at 6:21 o'clock p.m.

Jayne Rhoades
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 20 day of December, 2021 at 6:25 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"

Being the Northwest Quarter of the Northwest Quarter of Section 21, Township 12 North, Range 5 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, being more particularly described as follows:

BEGINNING at the Northwest corner of said Northwest Quarter Quarter Section; thence the next four (4) courses being along the North, East, South, and West lines of said Northwest Quarter Quarter Section; (1) North 86 degrees 21 minutes 55 seconds East 1362.25 feet to the Northeast corner of said Northwest Quarter Quarter Section; (2) South 01 degrees 14 minutes 13 seconds West 1361.22 feet to the Southeast corner of said Northwest Quarter Quarter Section; (3) South 86 degrees 11 minutes 26 seconds West 1355.52 feet to the Southwest corner of said Northwest Quarter Quarter section; (4) thence North 00 degrees 03 minutes 24 seconds West 1364.90 feet to the Point of Beginning, containing 42.43 acres, more or less.

EXHIBIT "B"

1. Lighting. All exterior lighting shall be of a design that directs the light downward and to the area or façade being illuminated.
2. East/South Yards. Structures, parking areas or drives shall not be located within the first one hundred feet (100') of the east and south boundary lines of the Real Estate. The 100' yard area off of the east boundary line shall be planted with a minimum of fifty (50) trees, such trees being native to Indiana and on the list of trees approved by the landscaping regulations for the City of Franklin.
3. Berm/Additional Tree Planting. Within the front yard setback area along CR 600 E and upon development of the Real Estate for industrial purposes, the Owner shall construct a berm undulating from three feet (3') to five feet (5') in height, such heights shall serve as a minimum, not a maximum. The slope of this berm shall be a minimum of four to one (4:1) and be constructed of topsoil. In addition to the number of street trees required by the ordinance, an additional tree shall be planted in the front yard as measured off of the CR 600 E right of way, as required per ordinance, for every eighty feet (80') of frontage along CR 600 E.
4. Fenceline Trees. Existing fenceline trees along the east and south boundaries of the Real Estate shall be preserved by the Owner, except where removal is necessary in order to allow installation of needed utilities or drainage ways or facilities.
5. These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described Real Estate, and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.