

Before the Common Council Of The
City of Charlestown, Indiana

ORDINANCE 2019-OR-20

AN ORDINANCE SUSTAINING PLAN COMMISSION RECOMMENDATION FOR AN
AMENDMENT TO THE ZONING MAPS OF CITY OF CHARLESTOWN, INDIANA FOR
THE GARDENS OF DANBURY AND THE ESTATES OF DANBURY SUBDIVISION
PLANNED UNIT DEVELOPMENT

WHEREAS, pursuant to Ind. § 36-7-4-600 et seq., the Advisory Plan Commission (the “Plan Commission”) for the City of Charlestown, Indiana (the “City”) has forwarded a recommendation for approval of a request for a zoning change to the Common Council for one parcel of real property located near **County Road 403**, identified as Parcel No.: 10-03-13-500-204.000-003, and more particularly described as follows, to wit (the “*Real Property*”):

A part of Survey #135 of the Illinois Grant, Charlestown Township, Clark County, Indiana, and more particularly described as follows:

Commencing at the South corner of said Survey #135; thence along the Southwest line of said Survey #135 North 35° 11' 20" West 1087.01 feet to the point of beginning; thence continuing along said Southwest line North 35° 11' 20" West 2185.58 feet; thence North 55° 53' 00" East 1532.83 feet; thence South 35° 19' 59" East 520.86 feet; thence South 35° 14' 48" East 194.12 feet; thence South 55° 47' 12" West 220.00 feet; thence South 35° 14' 48" East 396.00 feet; thence South 55° 46' 52" West 11.70 feet; thence South 34° 12' 49" East 188.00 feet; thence South 35° 16' 26" East 451.23 feet; thence North 55° 33' 35" East 397.79 feet; thence North 34° 12' 48" West 261.58 feet; thence North 55° 47' 12" East 50.00 feet; then South 34° 12' 48" East 311.39 feet; thence South 55° 33' 35" West 694.02 feet; thence South 34° 58' 18" East 365.36 feet; thence South 54° 53' 32" West 1051.83 feet to the point of beginning, containing 67.604 acres, more or less.

WHEREAS, the *Real Property* was annexed into the City on January 1, 2020;

WHEREAS, the recommendation of the Plan Commission is that the *Real Property*, which is currently zoned as **R1** (Residential) under the Charlestown Zoning Ordinance (Ordinance 2003-OR-14), be rezoned as a **PUD** (Planned Unit Development) by the Common Council and that the City’s zoning maps be changed in accordance therewith; and,

WHEREAS, the Plan Commission entered the following Findings of Fact in supporting its recommendation for rezoning at its meeting on December 9, 2019:

1. The approval of the request will not be injurious to the public health, safety, morals, and general welfare of the Community.
2. The use and value of the area adjacent to the property included in the zoning change will not be

affected in a substantially adverse manner.

3. The need for the zoning change arises from some condition peculiar to the property involved.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the zoning change is sought.
5. The approval of the zoning change is conducive with the comprehensive plan.

THEREFORE, IT IS HEREBY ORDAINED by the Common Council of the City of Charlestown, Indiana, that the request to the Common Council for approval of a zoning change for the *Real Property* located near County Road 403 should be, and hereby is, APPROVED and that the Zoning Maps of the City shall be changed to reflect that the *Real Property* is zoned PUD (Planned Unit Development) for 168 lots, including 164 single-family residences, to be developed in sections consisting of 20-40 lots at a time. These lots shall conform to the proposed plats and development standards of the Gardens of Danbury and the Estates of Danbury Subdivision attached hereto as "*Exhibit A*," which plat and development standards are incorporated by reference herein.

IT IS FURTHER ORDAINED that the maximum gross density is 2.48 dwelling units per acre.

ALL OF WHICH IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS ____ DAY OF _____, 2020.

**Voted
In Favor**

**Voted
Against**

Bo Bertram

Bo Bertram

J.T. Cox

J.T. Cox

Brian Hester

Brian Hester

Ruthie Jackson

Ruthie Jackson

B.J. Steele

B.J. Steele

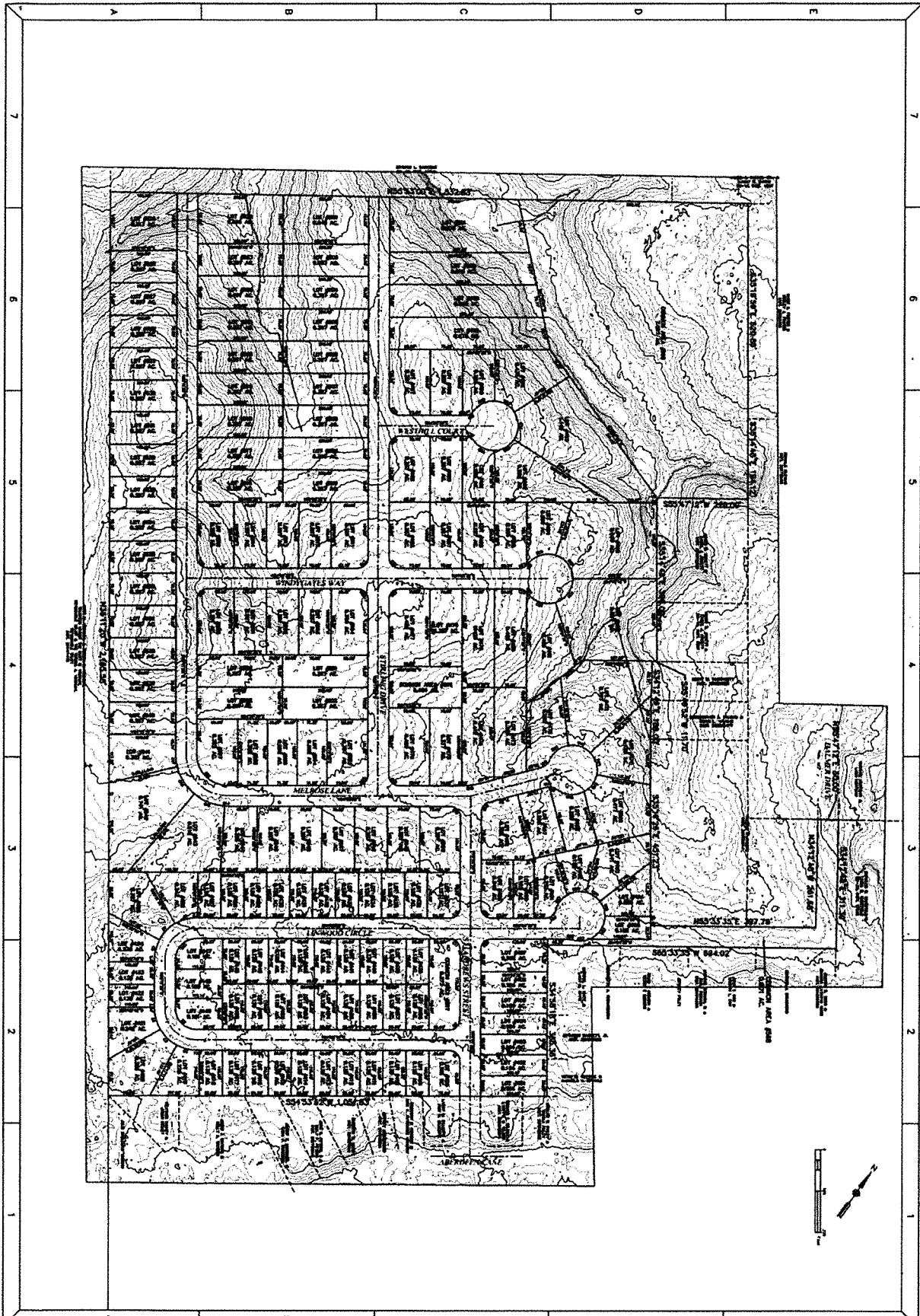
SEEN AND APPROVED BY ME THIS ____ DAY OF _____ 2020, BY:


Mayor Treva Hodges

ATTEST:

Date

Donna Coomer, City Clerk/Treasurer



<p>C-102</p>	<p>DATE: 10/27/16 DRAWN BY: JAC CHECKED BY: DMS DESIGNED BY: JAC TITLE: SUBDIVISION JOB NO.: 16-1002 DRAWING NO.:</p>	 <p>PAUL PRIMAVERA & ASSOCIATES</p>	<p>301 E. CHESTNUT STREET CORYDON, IN 47112 TEL: (812) 758-4124 FAX: (812) 758-8740</p>	<p>PUD/SUBDIVISION DANBURY OAKS, LLC ABERDEEN LANE, CHARLESTOWN, IN THE GARDENS OF DANBURY & THE ESTATES OF DANBURY</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Revision</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr><td>7:</td><td></td><td></td><td></td></tr> <tr><td>6:</td><td></td><td></td><td></td></tr> <tr><td>5:</td><td></td><td></td><td></td></tr> <tr><td>4:</td><td></td><td></td><td></td></tr> <tr><td>3:</td><td></td><td></td><td></td></tr> <tr><td>2:</td><td></td><td></td><td></td></tr> <tr><td>1:</td><td></td><td></td><td></td></tr> </tbody> </table>	Revision	Date	Description	By	7:				6:				5:				4:				3:				2:				1:			
Revision	Date	Description	By																																		
7:																																					
6:																																					
5:																																					
4:																																					
3:																																					
2:																																					
1:																																					