

ORDINANCE NUMBER 1722

**AN ORDINANCE TO AMEND
THE CITY OF BUTLER, INDIANA ZONING ORDINANCE**

WHEREAS, the City of Butler Plan Commission ("Commission") initiated a proposal under I.C. 36-7-4-607(a) to amend the City of Butler Zoning Ordinance ("Ordinance"), said amendment being attached to and made a part of this Ordinance as "Attachment A); and

WHEREAS, the Commission prepared the proposal pursuant to I.C. 36-7-4-601 and 602; and

WHEREAS, the Commission considered, weighed, and heard public comment on the factors set forth in I.C. 36-7-4-603; and

WHEREAS, the Commission gave, posted, and published notice of the public hearing held on the proposed amendment pursuant to I.C. 36-7-4-604 and 5-3-1; and

WHEREAS, the Commission gave notice of said public hearing to all interested parties; and

WHEREAS, the Commission held a public hearing under I.C. 36-7-4-604, pursuant to the aforementioned public notice, at the time and place stated in the notice; and

WHEREAS, the Commission has, pursuant to I.C. 36-7-4-605 (a)(2), certified to the Common Council of the City of Butler ("Council") the proposed amendment with a favorable recommendation, dated January 11, 2021 (attached to this Ordinance as "Attachment B"); and

WHEREAS, the Council has received, examined, and considered the proposed amendment, and the favorable recommendation of the Commission, pursuant to I.C. 36-7-4-607; and

WHEREAS, the Council desires to take action on said proposed amendment and the Commission's recommendation pursuant to I.C. 36-7-4-607; and

WHEREAS, the Council has given notice of its intention to consider and take action upon the proposed amendment and the Commission's recommendation pursuant to I.C. 36-7-4-606(d), 36-7-4-607 and 5-14-1.5-5; and

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BUTLER, INDIANA:

SECTION 1. The City of Butler Zoning Ordinance is hereby amended consistent with the proposed amendment certified to the Common Council by the City of Butler Plan Commission, which amendment is in the following words and figures, to wit:

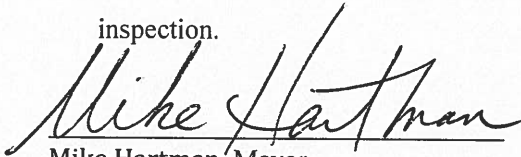
SEE EXHIBIT B, ATTACHED HERETO, AND INCORPORATED HEREIN BY REFERENCE.

SECTION 2. This Ordinance shall take effect pursuant to I.C. 36-7-4-607(f)(2).

SECTION 3. The City of Butler Plan Commission shall publish notice of adoption of this Ordinance pursuant to I.C. 36-7-4-610 and 5-3-1. The notice of adoption, prepared by the Plan Commission, shall:

1. Summarize the subject matter of the Ordinance;
2. Give the date of adoption;
3. Specify the places or areas that would be directly affected by the Ordinance (this subdivision does not require the identification of any real property by metes and bounds);
4. Specify the penalty or forfeiture prescribed for a violation of the Ordinance; and
5. Give two (2) locations opened to the public where the amended zoning Ordinance is available for

inspection.


Mike Hartman, Mayor

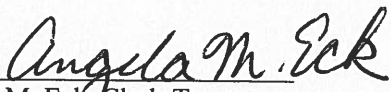
First Reading: 1/18/21

Yes Votes: 5 No Votes: 0

Attest: 
Angela M. Eck, Clerk-Treasurer

Second Reading: 2/1/21

Yes Votes: 3 No Votes: 0

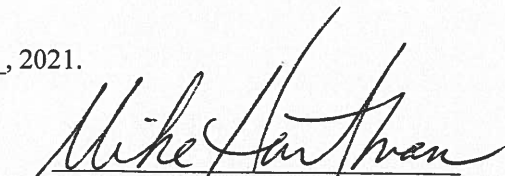
Attest: 
Angela M. Eck, Clerk-Treasurer

Third Reading: 2/1/21

Yes Votes: 3 No Votes: 0

Attest: 
Angela M. Eck, Clerk-Treasurer

Approved by me this 1st day of February, 2021.


Mike Hartman, Mayor

CITY OF BUTLER, INDIANA PLAN COMMISSION
PROPOSED AMENDMENT TO BUTLER ZONING ORDINANCE
JANUARY 11, 2021

SUMMARY / This amendment proposes to change Appendix A, “Land Use Matrix” to the Butler Zoning Ordinance by adding the notation, via a double asterisk () that Manufactured Home Dwelling Units are not permitted in any Butler zoning district on any parcel that abuts the entire length of South Broadway, North Broadway, East Main and West Main streets in Butler.**


Resolved, this 11TH day of JANUARY, 2021, the City of Butler, Indiana Plan Commission hereby provides a (favorable) (unfavorable) (no) recommendation for the following proposed amendment to the City of Butler, Indiana Zoning Ordinance, and shall certify this recommendation to the Common Council of the City of Butler, Indiana:

**AN AMENDMENT TO THE CITY OF BUTLER, INDIANA
ZONING ORDINANCE, DATED JANUARY 11, 2021.**

Appendix A – Land Use Matrix – “Residential Uses Section”

Add a notation, at the bottom of this section, via a double asterisk (**) that “Manufactured Home Dwelling Units” are not permitted in any Butler zoning district on any parcel that abuts the entire length of South Broadway, North Broadway, East Main and West Main streets in Butler, as noted below in red font:

**CITY OF BUTLER, INDIANA PLAN COMMISSION
PROPOSED AMENDMENT TO BUTLER ZONING ORDINANCE
JANUARY 11, 2021**


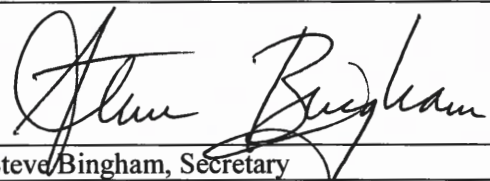
|  Residential Uses | Residential Zones | | | | Business & Industry Zones | | | | Specialty Zones | | |
|---|--------------------------|------------|------------|------------|--------------------------------------|-----------|-----------|-----------|------------------------|------------|------------|
| | MHC | MFR | OTR | SFR | GB | HI | LI | NB | AG | INS | REC |
| Assisted living facility | - | S | - | - | P | - | - | - | - | P | - |
| Bed & Breakfast | - | S | S | S | - | - | - | - | - | - | - |
| Dwelling, manufactured home ** | P | P | P | P | - | - | - | - | S | - | - |
| Dwelling, mobile home | P | - | - | - | - | - | - | - | - | - | - |
| Dwelling, multifamily | - | P / S* | S | | - | - | - | - | - | - | - |
| Dwelling, single family | - | S | P | P | - | - | - | - | S | - | - |
| Dwelling, two-family | - | P | S | S | - | - | - | - | - | - | - |
| Dwelling unit (upper floors) | - | P | - | - | P | - | - | P | - | - | - |
| Group home | - | P | P | P | - | - | - | - | - | - | - |
| Lodging house | - | - | - | - | P | - | - | - | - | - | - |
| Mobile home community | P | - | - | - | - | - | - | - | - | - | - |
| Nursing home | - | S | - | S | P | - | - | - | - | P | - |
| disabled (large) | - | S | - | S | - | - | - | - | - | S | - |
| Residential facility for the developmentally disabled (small) | - | P | P | P | - | - | - | - | - | - | - |
| Residential facility for the mentally ill | - | P | P | P | - | - | - | - | - | - | - |
| Retirement community | - | P | - | - | - | - | - | - | - | P | - |

* Special Exception requirement applies to the proposed conversion of existing single-family dwellings in MFR districts to multi-family dwellings, not newly constructed multi-family units. (Amended by Ord. # 1583, adopted August 19, 2013).

** Manufactured Home Dwelling Units not permitted in any district for the entire length of South Broadway, North Broadway, East Main and West Main streets in Butler.

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THIS AMENDMENT PROVIDED A (FAVORABLE) / (UNFAVORABLE) / (NO) RECOMMENDATION), THIS 11TH DAY OF JANUARY, 2021 BY THE CITY OF BUTLER, INDIANA PLAN COMMISSION BY A VOTE OF EIGHT (8) YES AND ZERO (0) NO.

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|---|--|
|  Kent Likes – President |  Steve Bingham, Secretary |
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CERTIFICATION OF A FAVORABLE RECOMMENDATION BY THE CITY OF BUTLER PLAN COMMISSION FOR A PROPOSED AMENDMENT TO THE CITY OF BUTLER, INDIANA ZONING ORDINANCE

**TO: THE COMMON COUNCIL OF THE CITY OF BUTLER, INDIANA
COUNTY OF DEKALB, STATE OF INDIANA**

Comes now Kent Likes, the duly elected and qualified President of the City of Butler, Indiana Plan Commission, and being duly sworn upon his oath, hereby deposes, says and certifies the following:

1. Affiant is over the age of eighteen (18) years and has personal knowledge of the facts attested to herein.
2. Affiant is the duly elected, qualified and acting President of the City of Butler, Indiana Plan Commission.
3. The Commission, conducted, pursuant to statutory notice, a public hearing at the Butler City Building, on January 11, 2021, at 6:30 P.M. on a proposed amendment to the City of Butler, Indiana Comprehensive Plan, Zoning Ordinance.
4. At the conclusion of said public hearing, and on motion made and duly seconded, the Commission, by a vote of Eight (8) in favor and Zero (0) against, resolved to certify to the Common Council of the City of Butler, Indiana the amendment as proposed, which amendment is attached to this certification as "Attachment A", with a (favorable), (unfavorable), (no) recommendation.
5. This certification is made and delivered pursuant to I.C. 36-7-4-605(a)(2) and I.C. 36-7-4-607(e).



Kent Likes
Plan Commission
City of Butler, Indiana

VERIFICATION

The undersigned verifies that the statements made in the foregoing Certification are true and correct to the best of his knowledge and information.

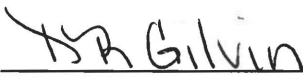


Kent Likes
Plan Commission
City of Butler, Indiana

Sworn and subscribed to before me, a Notary Public in and for said County and State, this 11 day of January, 2021.



 Signature



 Printed Name

Notary Public
Resident of Dekalb County, IN



My Commission Expires:

 11/26/2028