



City of Butler, Indiana Plan Commission

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Butler, IN 46721

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PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY OF BUTLER, INDIANA ZONING MAP ZMA-2021-01 DATED, MAY 10, 2021

FINDINGS | AMENDMENT

1. This proposed amendment to amend the City of Butler, Indiana Zoning Map was initiated by the City of Butler, Indiana Plan Commission as allowed by I.C. 36-7-4-602(c)(1)(A).
2. A public hearing notice regarding this petition was published Tuesday, April 23, 2021. Proof of publication and proof of payment for the notice is referenced herein and made a part of the file copy of this Amendment as “**Attachment A.**”
3. Public hearing notices have also been provided to the owners of the parcels proposed for rezoning and to the adjoining landowners by certified mail. Proof of service is referenced herein and made a part of the file copy of this Amendment as “**Attachment B.**” *(Note: will be presented at hearing)*
4. The amendment under consideration proposes that the parcels described in “**Attachment C**” be rezoned as noted. The permitted uses for both the existing and proposed zoning districts, as prescribed by “Appendix A” of the City of Butler Zoning Ordinance, are attached to, and made a part of file copy of this Amendment, as “**Attachment D.**” GIS aerial illustrations of the parcels subject to rezoning are depicted in “**Attachment E.**”

The proposed change of zoning is consistent with the most desirable use for the land involved and is in harmony with the existing conditions in the area and the existing structures and uses in the area.

5. The City of Butler Plan Commission hereby verifies that it has given reasonable regard to the following when reviewing the aforementioned petition in public hearing, per IC 36-7-4-603:
 - a. the City of Butler, Indiana Comprehensive Plan;
 - b. the current conditions and the character of current structures and uses within the parcel proposed for rezoning;
 - c. the most desirable use for the parcel proposed for rezoning;
 - d. the conservation of property values for the adjoining properties; and
 - e. responsible development and growth.

The report covering the above review items is referenced herein and made a part of the file copy of this Amendment as “**Attachment F.**”

6. The proposed zoning change preserves property values and is in the best interests of the City as a whole.

RESOLUTION OF PROPOSED AMENDMENT

Resolved, this _____ day of _____, 2021 the City of Butler, Indiana Plan Commission hereby approves a (favorable) / (unfavorable) / (no) recommendation for the following amendment to the City of Butler, Indiana Comprehensive Plan, and by reference herein, the Butler Zoning Ordinance and Map; and shall certify this recommendation to the Common Council of the City of Butler, Indiana.

The zoning designations for the following respective parcels are proposed to be changed as follows:

- A.** Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits and the Extra-territorial Jurisdiction of the City of Butler, Indiana, from “HI-Heavy Industrial” to “AG-Agriculture,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:
1. 404 South Federal Street –
 - Parcel # 23-07-11-178-001 / Pt. N, Pt. NW ¼ , Section 11, Township 34 N, Range 14 East.
 - Parcel # 15-07-11-176-002 / Pt. E ½, NW ¼, Tract 1, Section 11, Township 34 N, Range 14 East.
- B.** Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “HI-Heavy Industrial” to “SFR-Single Family Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:
1. 429 Walnut Street –
 - Parcel # 15-07-11-176-003 / Pt. E1/2. NW ¼ (Tract 3), Section 11, Township 34 N, Range 14 East.
- C.** Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “LI-Light Industrial” to “Single-Family Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:
1. 425 Walnut Street -
 - Parcel # 23-07-11-178-002 / Pt. N, Pt. NW ¼, Section 11, Township 34 N, Range 14 East.
- D.** Change the zoning designation for the following described parcel of real estate, located within the City of Butler, Indiana Extra-territorial jurisdiction, from “HI-Heavy Industrial” to “AG-Agriculture,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:
1. The portion of Parcel # 15-07-11-151-002 that is located between Parcel # 15-07-11-176-002 and Parcel # 23-07-11-177-001 in Section 11, Township 34 N, Range 14 East.
- E.** Change the zoning designation for the following described parcel of real estate, located within the City of Butler, Indiana Corporate Limits, from “LI-Light Industrial” to “SFR-Single-Family Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:
1. The portion of Parcel # 15-07-11-151-002 that is located between Parcel # 23-07-11-178-002 and Parcel # 23-07-11-177-002 in Section 11, Township 34 N, Range 14 East.
- F.** Change the zoning designation for the following described parcels of real estate, located within the

Corporate Limits of the City of Butler, Indiana, from “LI-Light Industrial” to “Agriculture,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. Parcel # 23-07-11-177-001, Pt. SE ¼, NW ¼ in Section 11, Township 34 N, Range 14 East.
2. Parcel # 23-07-11-177-003, In SW ¼, NW ¼ in Section 11, Township 34 N, Range 14 East.

G. Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “LI-Light Industrial” to “Agriculture,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. 700 South Federal Street
 - Lots 19-30, Heller’s Addition to the City of Butler, Parcel #’s 23-07-11-180-001 through 012.

H. 311 Railroad Street - Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “HI-Heavy Industry” to “LI-Light Industry” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. Lots 21 and 22, Danforth’s Addition to the City of Butler, IN, (Parcel #’s 23-07-12-107-007 & 23-07-12-107-008).
2. The West 66 feet of Lot 23, Danforth’s Addition to the City of Butler, IN (Parcel # 23-07-12-108-006).

I. Change the zoning designation for the following described parcel of real estate, located within the Corporate Limits of the City of Butler, Indiana from “OTR-Old Town Residential” to “LI-Light Industry” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. Lot 29, Danforth’s Addition to the City of Butler, Indiana, (Parcel # 23-07-12-107-005).

J. Change the zoning designation for the following described parcel of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “HI Heavy Industrial” to “Old Town Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. The mid 66 feet of Lot 23, Danforths’ Addition to the City of Butler, Indiana, (Parcel #’s 23-07-12-108-007).

K. Change the zoning designation for the following described parcel of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “HI-Heavy Industry” to “Old Town Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. The East 113 feet of Lot 23, Danforths’ Addition to the City of Butler, Indiana, (Parcel #’s 23-07-12-108-008).

L. Change the zoning designation for the following described parcel of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “MFR-Multi-Family Residential” to “SFR-Single-Family Residential,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. Lot 1, Mayerknoll Addition, Plat 3 to the City of Butler, Indiana, (Parcel #’s 23-07-02-476-001).

M. Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from “OTR-Old Town Residential” to “INS-Institutional and Office,” as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

1. Lot 1 and Lot 2, except the West 57 feet, Tomlinson's Addition to the City of Butler (Parcel #’s

23-07-02-488-008 & 009).

Further, the Commission directs that a copy of this recommendation be submitted to the City of Butler, Indiana Common Council for their consideration as provided by statute.

Following ratification by ordinance of this amendment by the Common Council of the City of Butler, Indiana, the Zoning Administrator of the City of Butler, Indiana shall record said amendment on the official zone map, and publish a notice of adoption of this amendment as provided by I.C. 36-7-4-610.

Said property shall be subject to the requirements of the Zoning Ordinance of the City of Butler, Indiana, as amended, and all other federal, state and local regulations.

(FAVORABLE) / (UNFAVORABLE) / (NO) RECOMMENDATION GRANTED THIS _____ DAY OF _____, 2021, BY THE CITY OF BUTLER, INDIANA PLAN COMMISSION BY A VOTE OF _____ () YES AND _____ () NO.

	ATTEST:
President City of Butler, Indiana Plan Commission	Secretary City of Butler, Indiana Plan Commission

**BEFORE THE PLAN COMMISSION OF THE CITY OF BUTLER, INDIANA
CERTIFICATION OF A RECOMMENDATION BY THE CITY OF BUTLER PLAN
COMMISSION FOR A PROPOSED AMENDMENT TO THE CITY OF BUTLER, INDIANA
COMPREHENSIVE PLAN, ZONING ORDINANCE AND ZONING MAP**

**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 continued public hearing at the Butler City Building, on May 10, 2021 at 6:30 P.M. on a proposed amendment to the City of Butler, Indiana Comprehensive Plan, Zoning Ordinance and Zoning Map.
4. At the conclusion of said public hearing, and on motion made and duly seconded, the Commission, by a vote of _____ () in favor and _____ () 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 recommendation.
5. This certification is made and delivered pursuant to I.C. 36-7-4-508(a), I.C. 36-7-4-605(a)(2), I.C. 36-7-4-605(a)(3) and I.C. 36-7-4-608.

**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 _____ day of _____, 2021.

Signature

Printed Name

**Notary Public
Resident of DeKalb County, IN**

My Commission Expires: _____