

**ORDINANCE NUMBER 1662
AN ORDINANCE TO AMEND THE
CITY OF BUTLER, INDIANA,
ZONING MAP**

WHEREAS, the City of Butler Plan Commission initiated amending the City of Butler Zoning Map, per I.C. 602(c)(1)(A) and I.C. 36-7-4-608(a) and, wishing to take action under I.C. 36-7-4-608(a), gave, posted, and published notice of a public hearing held on the proposed amendment pursuant to I.C. 36-7-4-602(c)(1)(a), I.C. 36-7-4-608(a) and I.C. 5-3-1; and

WHEREAS, the Commission held a public hearing on January 8, 2018 under I.C. 36-7-4-602(c)(1)(a) and 36-7-4-608(a), pursuant to the aforementioned public notice, at the time and place stated in the notice; and, pursuant to I.C. 36-7-4-602(c)(5), I.C. 36-7-4-605(a)(3) and I.C. 36-7-4-608(a), certified to the Common Council of the City of Butler ("Council") the proposed amendment with a favorable recommendation; and

WHEREAS, the Council has received, examined, and considered the proposed amendment, and the certification of the favorable recommendation of the Commission, pursuant to I.C. 36-7-4-608(f)(1) and desires to take action on said proposed amendment and the Commission's recommendation pursuant to I.C. 36-7-4-608(f)(1);

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

SECTION 1. The City of Butler Zoning Map, as provided by I.C. 36-7-4-608(f)(2), is hereby amended, as follows:

- a. Change the zoning designation for the parcels of real estate described in the Amendment (ZMA-2018-01) that is herein attached and made a part of this Ordinance by reference as "**Attachment A.**" Said real estate shall be subject to the Zoning Ordinance of the City of Butler, Indiana, as amended, and all other applicable federal, state and local regulations.

SECTION 2. This Ordinance shall take effect pursuant to I.C. 36-7-4-608(f)(2).

SECTION 3. Following ratification of this amendment by the Council, the Zoning Administrator of the City of Butler, Indiana shall record this amendment on the official zone map, as prescribed by Article 8.13(E) of the Zoning Ordinance of the City of Butler, Indiana.

SECTION 4. Following ratification of this amendment by the Council, the Plan Commission shall publish a notice of adoption of this amendment as provided by I.C. 36-7-4-610.

SECTION 5 – EFFECTIVE DATE – This Ordinance shall be in full force and effect from and after its passage according to the laws of the State of Indiana.

Ron Walter, Mayor, City of Butler, Indiana

First Reading: 1/15/18

Yes Votes: 5 No Votes: 0

Attest: Angela M. Eck
Angela M. Eck, Clerk-Treasurer

Second Reading: 1/15/18

Yes Votes: 5 No Votes: 0

Attest: Angela M. Eck
Angela M. Eck, Clerk-Treasurer

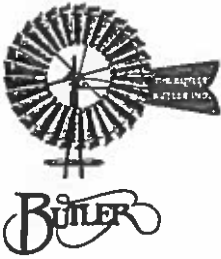
Third Reading: _____

Yes Votes: _____ No Votes: _____

Attest: _____
Angela M. Eck, Clerk-Treasurer

Approved by me this _____ day of _____, 2018.

Ron Walter, Mayor



City of Butler, Indiana Plan Commission

215 South Broadway
Butler, IN 46721

Phone: 260-868-5200
www.butler.in.us

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY OF BUTLER, INDIANA ZONING MAP ZMA-2018-01 DATED, JANUARY 8, 2018

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, December 19, 2018. 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."
4. The amendment under consideration proposes that the parcels described in "Attachment C" be rezoned from "GB-General Business" to "OTR-Old Town Residential." 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." A GIS aerial illustration of the parcel 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 8th day of JANUARY, 2018 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.

- Change the zoning designation for the following described parcels of real estate, located within the Corporate Limits of the City of Butler, Indiana, from "GB-General Business" to "OTR-Old Town Residential", as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

Legal Description of Parcels Proposed for Rezoning:

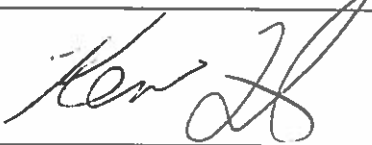
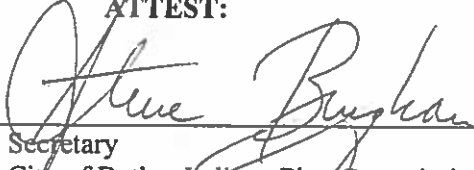
- North 88 feet, Lot 66, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-017).
- ~~Lot 65, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-018).~~
- Lot 38, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-021).
- South 55 feet, 6 inches, Lot 37, Danforths' Addition to the City of Butler (Parcel # 23-07-12-101-020).
- Lot 37, except the South 55 feet, 6 inches, Lot 37, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-019).
- South 1/3, Lot 66, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-006).

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 8th DAY OF JANUARY, 2018, BY THE CITY OF BUTLER, INDIANA PLAN COMMISSION BY A VOTE OF SEVEN (7) YES AND ZERO (0) NO.

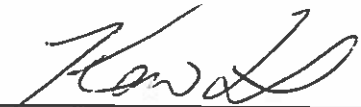
	ATTEST: 
President City of Butler, Indiana Plan Commission	Secretary City of Butler, Indiana Plan Commission

**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**

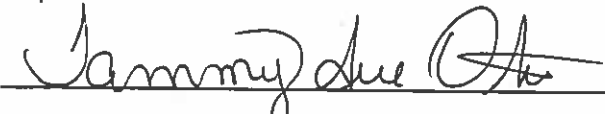
Comes now Kent Likes, the duly elected and qualified President of the City of Butler, Indiana Plan Commission, and being duly sworn upon his oath, hereby deposes, says and certifies the following:

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 January 8, 2018 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 SEVEN (7) in favor and TWO (2) 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 12th day of January, 2018.



Signature

Tammy Sue Otis

Printed Name

Notary Public
Resident of DeKalb County, IN

My Commission Expires: July 18, 2022



NOTICE OF A PUBLIC HEARING
OF THE CITY OF BUTLER,
INDIANA PLAN COMMISSION ON
A PROPOSED AMENDMENT TO
THE CITY OF BUTLER, INDIANA
ZONING MAP

This is to provide that the Butler Plan Commission will hold a public hearing, Monday, January 8, 2017, 6:30 PM, in the Butler City Hall Council Chamber, 215 South Broadway, Butler, Indiana, to consider a proposed amendment to the Butler Zoning Map.

The Commission will consider a petition to amend the map, # ZMA-2018-01, per the relevant sections of the IC 36-7-4-600 Series, as initiated by the Commission.

The zoning designation for the following parcels are proposed to be changed from "GB-General Business" to "OTR-Old Town Residential," as such terms are defined in the City of Butler, Indiana Zoning Ordinance:

- North 88 feet, Lot 66, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-017).
- Lot 65, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-018).
- Lot 38, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-021).
- South 55 feet, 6 inches, Lot 37, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-020).
- Lot 37, except the South 55 feet, 6 inches, Lot 37, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-019).
- South 1/3, Lot 66, Danforth's Addition to the City of Butler (Parcel # 23-07-12-101-006).

The proposed amendment, and a copy of the City of Butler, Indiana Zoning Ordinance, which lists the permitted uses for each zoning designation, are available for public review in the Butler Planning Department, Butler City Utilities, 215 South Broadway, (PH: 260-868-5200, Email: planner@butler.in.us) during regular business hours.

Following is the agenda for the January 8, 2017 Plan Commission meeting:

1. Call to Order.
2. Roll Call.
3. Election of Officers for the Year 2018.
4. Minutes of Previous Meeting.
5. Public Hearing Regarding a Proposed Amendment to the City of Butler, Indiana Zoning Map, ZMA-2018-01.
6. Public Hearing Regarding a Development Plan, DP-2018-01, submitted by the DeKalb Eastern School Corporation.
7. Review of the Proposed Replacement Butler Comprehensive Plan.
8. Zoning Administrator Report.
9. Commission Attorney.
10. Commission Members.
11. Audience Participation.
12. Next Meeting Date (March 12, 2018).

13. Adjourn.

The Plan Commission will receive and consider written comments regarding the proposed zoning map amendment that are filed with the Butler Planning Department before the hearing. The Commission will also hear oral comments from the public during the hearing. The Commission may continue this hearing from time to time, as it may consider necessary. The Butler City Hall is handicapped-accessible from the front (west) entrance.

Plan Commission,
City of Butler, Indiana
BB.2048399.12/19,hspaxip

Attachment B

BZM-2018-01 – Public Hearing Notices Mailed to Adjoining Property Owners by Certified Mail – 12/12/2017

Sam & Jeanie DeLong
110 East Main Street
Butler, IN 46706

*Green card received back, dated
12/13/2017.*

Robert C. & Tita Gordon
3010 South Bill Deller Road
Angola, IN 46703

Green card received back.

Elvon Lee Miller
Kenneth A. Miller
10305 County Road 46
Millersburg, IN 46543

Green card received back.

Kyle A. Makin
109 E Oak Street
Butler, IN 46721

*Green card received back, dated
12/13/2017.*

DeKalb Historical Society
201 East Main Street
Butler, IN 46721

*Returned as "Unable to
forward"*

Engineered Materials, Inc.
101 North Pearl Street
Butler, IN 46721

*Returned as "Unable to
forward"*

Quiet Knight, Inc.
1305 Hiawatha Place
Auburn, IN 46706

*Green card received back, dated
12/22/2017.*

James Frederick Diehl
Denise Kay Kurtz
201 West Oak Street
Butler, IN 46721

*Green card received back, dated
12/13/2017.*

Ron Mausteller
D/B/A R&R Fitness
1695 East 500 South
Pleasant Lake, IN 46779

Green card received back.

Malcolm Bontrager
15918 State Road 120
Bristol, IN 46507

*Green card received back, dated
12/13/2017.*

Thomas M. & Brenda S. Ford
Post Office Box 241

Hamilton, IN 46742 *Green card
received back, dated 12/14/2017.*

Daniel P. & Lisa D. Hardman
2153 Iowa Street
Frostproof, FL 33843

*No return of service as of
1/5/2018*

Jakob A. Bianski
10290 South State Road 9
Columbia City, IN 46725

*Green card received back, dated
12/14/2017.*

S Broadway Land Trust
382 NE 191st Street, Suite 28229
Miami, FL 33179

*Green card received back, dated
12/15/2017.*

Matthew L. Jacobs
William P. Jacobs
Nicholas A. Jacobs
200 East Oak Street

Butler, IN 46721 *Green card received back, dated 12/15/2017.*

John E. Katschke
203 Oak Street
Butler, IN 46721

*Green card received back, dated
12/14/2017.*

John M. & Heather L. Bonifer
103 South Pearl Street
Butler, IN 46721

*Green card received back, dated
12/13/2017.*

**CITY OF BUTLER, INDIANA PLAN COMMISSION- ZMA-2018-01
ATTACHMENT C - LOCATIONS, OWNERS AND LEGAL DESCRIPTIONS OF PARCELS PROPOSED FOR REZONING**

Property Owner of Record	Mailing Address	Parcel #'s	Street #	Street	Current Use	Current Zoning	Proposed Zoning	Reason for Proposed Zoning	Legal
Sam & Jeanie DeLong	110 East Main Street Butler, IN 46721	23-07-12-101-017	110	East Main Street	Residential	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match current and historic use of property.	North 88 feet, Lot 66, Danforth's Addition to the City of Butler.
Robert C. & Tila Gordon	3010 South Bill Deller Road Angola, IN 46703	23-07-12-101-018	116	East Main Street	Residential	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match current and historic use of property.	Lot 65, Danforth's Addition to the City of Butler.
Lee E. & Mary Lou Kallsen	217 Riverside Drive Edgerton, IN 43517	23-07-12-101-021	115	East Oak Street	Residential	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match current and historic use of property.	Lot 38, Danforth's Addition to the City of Butler.
Kyle A. Makin	109 East Oak Street Butler, IN 46721	23-07-12-101-020	109	East Oak Street	Residential	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match current and historic use of property.	South 55 feet, 6 inches of Lot 37, Danforth's Addition to the City of Butler.
Elvon Lee & Kenneth Miller c/o Broadway Efficiencies	10305 County Road 46 Millersburg, IN 46543	23-07-12-101-019	100- block	East Oak Street	Vacant lot	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match proposed zoning designation the eastern one-half of this block.	Lot 37, except the South 55 feet, 6 inches, Danforth's Addition to the City of Butler.
Elvon Lee & Kenneth Miller c/o Broadway Efficiencies	10305 County Road 46 Millersburg, IN 46543	23-07-12-101-006	100- block	East Oak Street	Vacant lot	GB-General Business	OTR-Old Town Residential	Zoning change is proposed to match proposed zoning designation the eastern one-half of this block.	South 1/3, Lot 66, Danforth's Addition to the City of Butler.

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

DATED, JANUARY 8, 2018

FINDINGS ATTACHMENT D

City of Butler, Indiana Zoning Ordinance Appendix A - Land Use Matrix		Key "P" = Permitted Use "S" = Special Exception Use "." = Not a Permitted Use	
<i>Residential Uses</i>			
	OTR	GB	
Assisted living facility	-	P	
Bed & Breakfast	S	-	
Dwelling, manufactured home	P	-	
Dwelling, mobile home	-	-	
Dwelling, multifamily	S	-	
Dwelling, single family	P	-	
Dwelling, two-family	S	-	
Dwelling unit (upper floors)	-	P	
Group home	P	-	
Lodging house	-	P	
Mobile home community	-	-	
Nursing home	-	P	
Residential facility for the developmentally disabled (large)	-	-	
Residential facility for the developmentally disabled (small)	P	-	
Residential facility for the mentally ill	P	-	
Retirement community	-	-	
<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).</p>			

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

**DATED, JANUARY 8, 2018
FINDINGS ATTACHMENT D**

<i>Institutional Uses</i>		
	OTR	GB
Cemetery	-	-
Child care institution	-	S
Church, temple or mosque	S	P
Community center	-	P
Government office	-	P
Government operation (non-office)	-	-
Hospital	-	P
Jail	-	P
Library, public	S	P
Museum	-	P
Park, public	P	S
Parking lot for business	S	P
Parking lot, public	S	P
Police, fire or rescue station	-	P
Pool, public	P	S
Post office	-	P
Recycling collection point	-	S
School (P-12)	-	S
Trade or business school	-	S
University or college	-	-
<i>Business: Auto Sales & Service Business: Auto Sales & Service</i>		
	OTR	GB
Automobile part sales	-	P
Automobile repair	-	P
Automobile sales	-	P
Automobile service station	-	P
Automobile wash	-	P
Gasoline station	-	P

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

DATED, JANUARY 8, 2018

FINDINGS ATTACHMENT D

<i>Business: Food Sales & Service Business: Food Sales & Service</i>		
	OTR	GB
Bakery	-	P
Coffee shop	-	P
Convenience store	-	P
Delicatessen	-	P
Farmers market	-	P
Grocery store	-	P
Ice cream store	-	P
Meat market	-	P
Restaurant	-	P
Restaurant drive-thru	-	P
<i>Business: General Business</i>		
	OTR	GB
Boat sales	-	P
Funeral home or mortuary	-	P
Hotel / motel	-	P
Manufactured housing sales	-	-
Printing shop / copy center	-	P
Self storage facility	-	P
Tool / equipment rental	-	P
Tool / equipment sales	-	P
<i>Business: Office / Professional Business: Office / Professional</i>		
	OTR	GB
Bank / ATM	-	P
Business / Financial services office	-	P
Construction trade office	-	P
Design services office	-	P
Emergency medical clinic	-	P
Medical / dental clinic	-	P
Photography studio	-	P
Travel agency	-	P
Veterinarian clinic / hospital	-	P

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

DATED, JANUARY 8, 2018

FINDINGS ATTACHMENT D

<i>Business: Office / Professional Business: Office / Professional</i>		
	OTR	GB
Barber / beauty shop	-	P
Day-care center, adult	-	P
Day-care center, child	-	P
Dry-cleaning service / laundry	-	P
Fitness center / health club	-	P
Tailor / alterations / seamstress	-	P
Tanning salon	-	P
Tattoo parlor / piercing parlor	-	P
<i>Business: Recreation</i>	OTR	GB
Amusement park	-	S
Banquet hall	-	P
Bar / tavern	-	P
Billard / arcade room	-	P
Bowling alley	-	P
Club or lodge	S	P
Country club	S	-
Dance / karate studio	-	P
Dance or nightclub	-	P
Driving range	-	P
Golf course	-	-
Miniature golf	-	P
Movie theater	-	P
Nature preserve	-	-
Paintball facility	-	-
Recreation center	-	P
Skating rink	-	P

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

DATED, JANUARY 8, 2018

FINDINGS ATTACHMENT D

<i>Business: Retail</i>		
	OTR	GB
Antique shop	-	P
Apparel shop	-	P
Art & craft studio	-	P
Book store	-	P
Building supply store	-	P
Car rental	-	P
Department store	-	P
Drug store	-	P
Fabric shop	-	P
Fireworks sales	-	P
Flower shop	-	P
Furniture shop	-	P
Garden shop	-	P
Gift shop	-	P
Gun sales	-	P
Hardware store	-	P
Home electronics/appliance store	-	P
Jewelry store	-	P
Liquor store	-	P
Music / media shop	-	P
News dealer	-	P
Office supply store	-	P
Party / event rental	-	P
Pawn shop	-	P
Pet grooming shop	-	P
Pet store	-	P
Plant nursery	-	P
Sporting goods store	-	P
Sexually oriented business	-	P
Super store	-	P
Video / DVD store	-	P
<i>Utility Uses</i>	OTR	GB
Generation plant	-	-
Radio / TV station	-	S
Substation	-	-
Telecommunications facility	-	S
Telephone exchange	-	P
Treatment plant	-	-

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE
CITY OF BUTLER, INDIANA ZONING MAP**

ZMA-2018-01

DATED, JANUARY 8, 2018

FINDINGS ATTACHMENT D

Industrial		
	OTR	GB
Three-Dimensional Printing (3-D Printing) **(Amended by Ord. # 1618, adopted August 3, 2015)	-	P
Temporary		
	OTR	GB
Carnival or travelling circus	-	-
Construction trailer	-	S
Model home	-	-
Religious tent meeting	-	S
Retail or wholesale activities		
Seasonal items sale		
Seasonal items of produce	-	P
Yard, garage or sidewalk sale	-	-
Accessory Uses		
	OTR	GB
Child care, home	P	-
Home occupation	P	-

City of Butler Plan Commission
ZMA-2018-01
Findings Attachment E

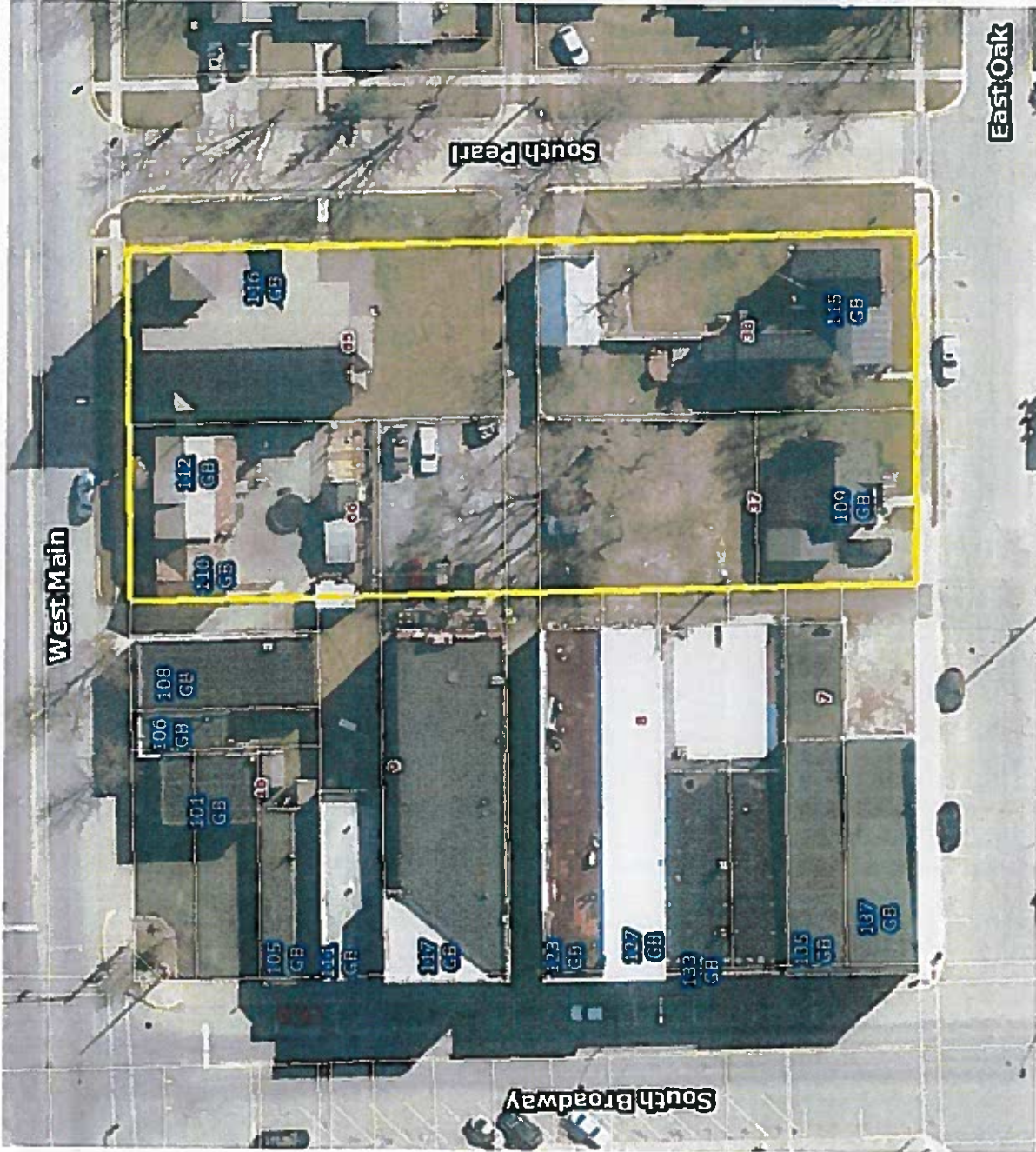
Proposed zoning change for Lots 37, 38, 65 & 66, Danforth's Addition from "GB-General Business" to "OTR-Old Town Residential."

The properties at the following addresses are affected by this proposed change:

- 109 East Oak
- 115 East Oak
- 110 East Main
- 112 East Main
- 116 East Main

The current residential uses at the above-noted addresses are currently considered to be both non-conforming uses and structures. If any of these structures were to be damaged by fire or other means and needed to be completely demolished, they could not be replaced with similar residential uses under the current "GB" zoning status.

Changing the zoning from "GB" to "OTR" would make the current residential uses permitted uses. They could then be replaced if damaged and demolished, with the understanding that, given the small sizes of the lots, variances would probably be needed for the building setbacks and lot coverages.





City of Butler, Indiana Plan Commission

215 South Broadway
Butler, IN 46721

Phone: 260-868-5200
www.butler.in.us

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CITY OF BUTLER, INDIANA ZONING MAP ZMA-2018-01 DATED, JANUARY 8, 2018

FINDINGS | AMENDMENT ATTACHMENT F

Following is a report related to "Item 5" of the Findings for ZMA-2018-01, a proposal to amend the City of Butler, Indiana Comprehensive Plan & Zoning Map, as initiated by the City of Butler, Indiana Plan Commission:

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;**
 - *The Comprehensive Plan, in Goal 1 on Page 18, states that, to maintain Butler's small town character, the City should "encourage, promote and plan for the harmonious existence of all that increase the quality of life in Butler." The dwellings subject to this proposed amendment (eastern one-half of a downtown block) provide residential opportunities near downtown Butler area.*
 - b. **The current conditions and the character of current structures and uses within the parcels proposed for rezoning;**
 - *The parcels proposed for rezoning contain four residential dwellings, including one converted former church structure. These dwellings are consistent with the older residential neighborhoods that surround downtown Butler.*
 - *The current residential uses on said parcels are currently considered to be both non-conforming uses and structures. If any of these structures were to be damaged by fire or other means and needed to be completely demolished, they could not be replaced with similar residential uses under the current "GB-General Business" zoning status.*
 - *Changing the zoning from "GB-General Business" to "OTR-Old Town Residential" would make the current residential uses permitted uses. They could then be replaced if damaged and demolished, with the understanding that, given the small sizes of the lots, variances would probably be needed for the building setbacks and lot coverages.*

c. The most desirable use for the parcels proposed for rezoning;

- *The parcels proposed for rezoning are currently being used, and have historically been used, for residential purposes, containing residential structures. Such use is the most desirable use for these parcels.*

d. The conservation of property values for the adjoining properties; and

- *Changing the zoning designation for these parcels to match their respective current and historic uses should have no negative impacts on the property values for the respective adjoining properties.*

e. Responsible development and growth.

- *Changing the zoning designation for the subject parcels to match their respective current and historic use serves to preserve the current property values in the surrounding area, and maintains the current residential character, close to the downtown area, of the eastern one-half of the subject block.*

Submitted by Steve Bingham, Butler City Planner, January 8, 2018.