

City of Butler, Indiana Zoning Ordinance

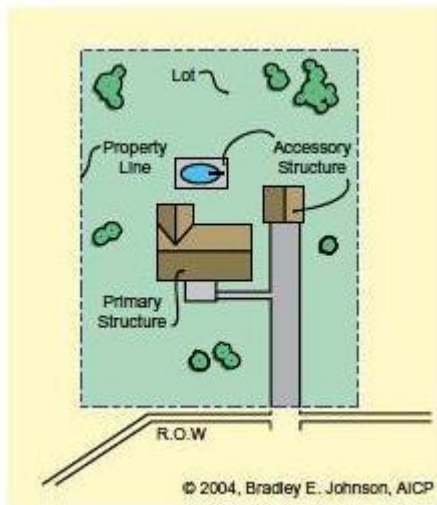
Article 10 – Definitions



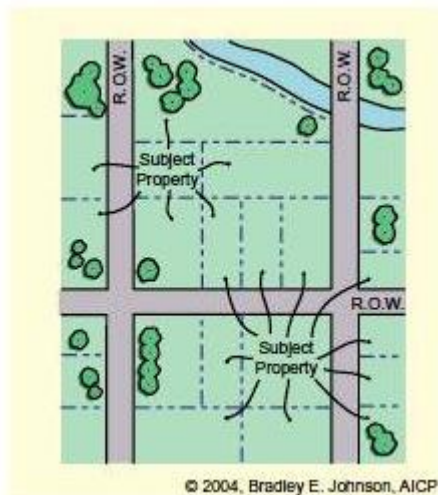
10.1 General - The definitions contained in Article Ten shall be observed and applied in the interpretation of all articles in the Zoning Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

Abandonment - The relinquishment of property or a cessation of the use of the property for 22 of the last 24 months by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Structure - A building or structure subordinate to a primary building or structure in area, intent, and/or purpose.



Adjacent Property - Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties.



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Advisory Plan Commission - A plan commission serving a single local government jurisdiction established as defined under the [Indiana Code 36-7-1-2](#) (1983) as amended. The Butler Plan Commission is an Advisory Plan Commission.

Affected Property Owners - Those that own land involved in the application or petition.

Agricultural District - Refers to the Agricultural (AG) district.

Agriculture - The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture does not include feed lots, confined feeding operations, stock yards, factory farms, or the commercial feeding of garbage or offal to swine or other animals.

Alley, Improved - A public right-of-way constructed of gravel or pavement, owned and maintained by the city, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

Alley, Unimproved - A public right-of-way that exists on the plat but is not utilized for vehicular access.

Amusement Establishment - Any establishment where the use of amusement machines is offered to the general public.

Amusement Machine - Any group of machines or devices designed or modified to be operated by a coin, coin or tokens, or for the operation of which a charge is made for the purpose of providing amusement. Amusement machines include but are not limited to pinball machines, electronic games, pool tables, and coin-operated movie booths. A machine or device used exclusively for the vending of merchandise of a tangible nature or laundry machines shall not be deemed amusement machines.

Antenna - Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

Apartment - One of the dwelling units in a building containing two or more dwelling units, other than a rooming / lodging house.

Applicant - The owner, owners, or legal representative of the owners of real estate who make application to the Butler Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby. This includes contract purchaser, option holder or perspective purchaser where appropriate.

[Arterial Street](#) - See [Street, Arterial](#).

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Assisted Living Facility - A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

ATM - see Automated Teller Machine

Automated Teller Machine (ATM) - An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

Automobile Parts Sales - Any building or premises used for the sale of automobile oriented merchandise and accessories.

Automobile Repair - The general repair, including body repair, and/or painting of motor vehicles when done wholly within a building.

Automobile Sales - Any premises where two or more vehicles are offered for sale or sold during any calendar year.

Automobile Service Station - Any building or premises used for the dispensing, sale, or offering for sale to the public, automobile fuels stored only in underground tanks, oil, and other products used in the servicing of automobiles and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or automobile washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included. The building may include as part of the service station or as an individual unit a convenience store selling retail goods.

Automobile Wash - A building, or portion thereof, containing facilities for washing one or more automobiles at any one time.

Awning - A roof-like cover which projects from the wall of a building.

Balcony - An architectural appurtenance providing usable floor area located above the first floor that is either entirely unenclosed or covered only by a roof or railing.

Basement - Any area of a building with a floor that is below ground level on all sides

Bed and Breakfast - An owner occupied or owner employee occupied residence containing no more than four guest rooms for hire, for lodging by prearrangement for periods not to exceed three consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

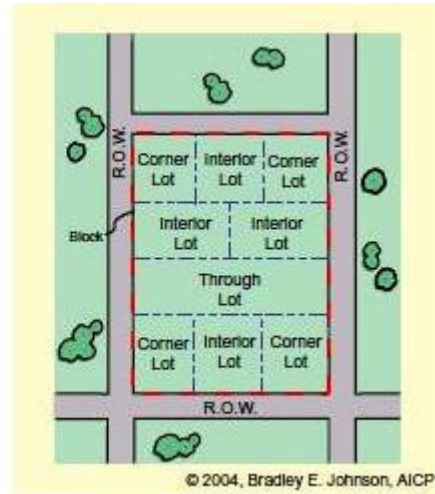
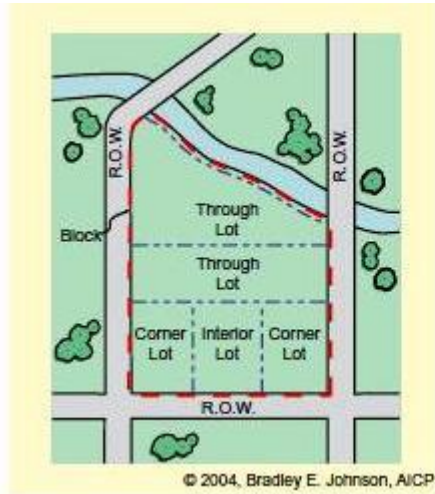
[Billboard](#) - See [Sign, Off-Premise](#).

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Block - A unit of land bounded by streets or by a combination of streets and public land, railroad rights of way, water ways or any other barrier to the continuity of development.



Board - See Board of Zoning Appeals

Board of Zoning Appeals - [The Butler Board of Zoning Appeals or any division thereof.](#)

Boardinghouse - [See Lodginghouse.](#)

Bond - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the appropriate government body. All bonds shall be approved by the appropriate government body wherever a bond is required by these regulations.

Building - A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals.

Building, Attached - A building that is structurally connected to another building by a foundation, wall, bridge, or roof line, or appears to be connected.

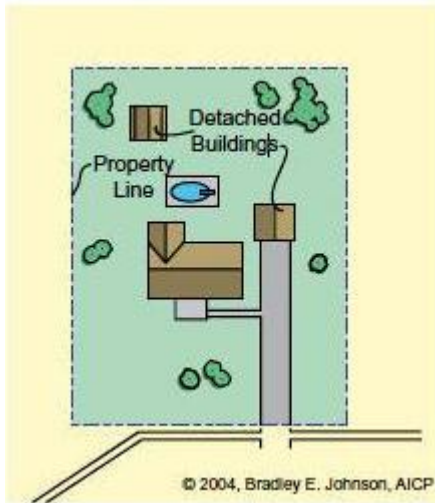
Building Code - The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Butler Building Code. See Section 152 of the Butler City Zoning Code.

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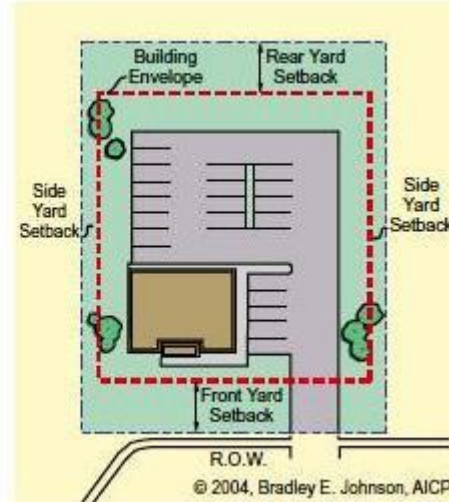


Building, Detached - A building that has no structural connection with the primary building or any other building or structure.



Building Department - [The DeKalb County Building Department.](#)

Building Envelope - The setback lines that establishes an area on a lot in which building can occur.



Building Height - See [Structure Height](#).

Business, Auto Sales/Service - Automobile part sales, automobile repair, automobile sales, automobile service station and automobile wash.

Business District - Refers to the Neighborhood Business (NB) and General Business (GB) Districts.

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Business/Financial Services Office - Accounting office, investment firm, secretarial service, service organization office, temporary service agency.

Business, Food Sales/Service - Bakery, coffee shop, convenience store, delicatessen, farmers market, grocery store, ice cream shop, meat market, restaurant and restaurant (drive-thru).

Business, General Business - Boat sales, funeral home or mortuary, hotel/motel, kennel, manufactured housing sales, print shop/copy center, self storage facility, tool/equipment rental and tool/equipment sales.

Business, Office/Professional - Bank/ATM, business/financial services office, construction trade office, design services office, emergency medical clinic, insurance office, medical/dental clinic, photographic studio, professional office, real estate office, service organization office, travel agency and veterinarian clinic/hospital.

Business, Personal Services - Barber/beauty shop, day-care center (adult), day-care center (child) drycleaning service/laundry, fitness center/health club, tailor/alterations/seamstress, tanning salon and tattoo parlor / piercing parlor.

Business, Recreation - Amusement park, banquet hall, bar/tavern, billiard/arcade room, bowling alley, club or lodge, country club, dance or nightclub, dance/karate studio, driving range, golf course, miniature golf, movie theater, nature preserve, recreation center and skating rink.

Business, Retail - antique shop, apparel shop, art and craft studio, book store, building supply store, car rental, department store, drug store, fabric shop, fireworks sales, flower shop, furniture store, garden shop, gift shop, gun sales, hardware store, home electronics/appliance store, jewelry store, liquor sales, news dealer, music/media shop, office supply store, party/event rental, pawn shop, pet grooming shop, pet store, plant nursery, sporting goods store, sexually oriented business, super store and video/dvd store.

Butler Historic District - That portion of the City of Butler's downtown commercial area that is listed on the National and State Registers of Historic Places.

[BZA](#) - See Board of Zoning Appeals.

Campground - Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Canopy - A roof-like structure supported in whole or in part by vertical supports from the ground, and serving to provide shelter from the weather.

Carport - A roofed structure designed and intended to shelter motor vehicles, with at least two of the four sides open to the weather.

Cellular Communication Equipment - Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

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Cemetery - Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Center line - The midpoint in the width of a public right-of-way. This shall be determined by recorded subdivision plats, by the historic centerline for all unplatted rights-of-way, or by the observed centerline which is the center of the pavement. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original centerline prior to such acquisition shall be considered the centerline for the purposes of this Zoning Ordinance.

Certificate of Occupancy - A certificate issued by the DeKalb County Building Department stating that the occupancy of a building or structure complies with the provisions of all applicable Building Codes.

Child Care Home - An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least (6) children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider - (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in Indiana Code 12-7-2-33.7 and Indiana Code 12-7-2-33.8.

Child Care Institution - (A) a residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or (B) a residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or (C) operates under a license issued under Indiana Code 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under Indiana Code 4-22-2 by the Division of Family and Children. A child care institution does not include a juvenile detention facility.

Church - [See Place of Worship.](#)

City - [The City of Butler.](#)

Club House - A building used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, restrooms, lounges, meeting space, restaurant, bar, banquet facilities and retail sales of golf related products.

Collocation - A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commercial District - [See Business District.](#)

Commission - [See Plan Commission.](#)

Community Center - A building available to the public for community activities, meetings, banquets, projects, gatherings, and the like. A community center may be able to be reserved by the public for private parties and events.

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Community Development Office - The office where the staff of the Plan Commission conducts its business.

Comprehensive Plan - Refers to the Butler Comprehensive Plan or Master Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Concept Plan - A preliminary presentation, on paper or other medium, of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion.

Concrete Pad - A paved space in a mobile home community for the parking of a mobile home and usually containing utility connections.

Condition of Approval - Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium - A building or groups of buildings in which dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by the owners on a proportional, undivided basis. Condominiums are subject to I.C. 32-1-6 (the Horizontal Property Law).

Construction Plan(s) - The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and the Indiana Building Code as a condition of approval.

Construction Trade Office - Electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices.

County - DeKalb County, Indiana.

Covenants - Private legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. Covenants are enforceable in civil court by interested or affected parties.

Cul-De-Sac - A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

Day-Care Center, Adult - Any building or place where adults receive care from a provider while unattended by a parent, legal guardian or custodian, for a period of less than twenty four hours per day. Where required by state law, day-care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. Day-care centers exempt from state licensing requirements shall provide proof of exemption.

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Day-Care Center, Child - Any building or place, other than a child care home, where children receive care from a provider while unattended by a parent, legal guardian or custodian, for a period of less than twenty four hours per day. The term day-care center includes but is not limited to the following - nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Indiana State Board of Education which shall be included within the definition of “school” herein. The term day-care center shall also include facilities defined as “child care centers” under state law and facilities defined as “child care homes” under state law other than those child care homes which are used as the primary residence of the provider. Where required by state law, day care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. Day care centers exempt from state licensing requirements shall provide proof of exemption.

Deck - An accessory structure that is ten square feet or greater in size which is on the ground or is elevated from ground level and is open to the sky.

Dedication - The transfer of property and/or improvements by the owner to another party.

Demolition - The complete removal or destruction of any structure.

Design Services Office - Architecture, engineering, graphic design, and urban planning services and offices.

Developer - The owner or legal representative of the owner of land that is to be subdivided or utilized for residential, business or industrial purposes.

Development Plan - A plan submitted for approval whose process is regulated by Indiana Code Section 36-7-4-1400. The process is further explained in Article Eight of this Zoning Ordinance.

Development Standard - Height, bulk, density, environmental performance standards, and other standards for development as set forth in this Zoning Ordinance, including landscaping, parking, and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

District - Areas within the City of Butler for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

Domestic Pet - Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Driveway - A vehicular access to a development site other than one which has or shall be dedicated to the public, including private streets or roads.

Dry Cleaning Service/Laundry - A facility utilizing the dry cleaning process on-site to clean fabric materials.

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[Duplex - See Dwelling, Two-Family.](#)

Dwelling - A building or portion thereof, that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and lodging houses.

Dwelling, Manufactured Home - A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications -

- Was constructed after January 1, 1981 and exceeds 950 square feet of occupiable space per Indiana Code 36-7-4(d),
- Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- Has wheels, axles, and towing chassis removed,
- Has a pitched roof with a minimum rise of 2/12, and
- Consists of two or more sections which, when joined, have a minimum dimension of 24 feet in width for at least 60% of its length.

Dwelling, Mobile Home - A transportable dwelling unit which is a minimum of eight feet in width and which is set on a concrete pad or tied down, with wheels, axles, and towing chassis remaining intact, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either -

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Multifamily - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. Limited to one family per unit.

Dwelling, Single-Family - A detached residential dwelling unit designed for and occupied by one family. A single family dwelling shall be at least 24 feet wide for 60% of its length.

Dwelling Site - A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of a manufactured home and/or mobile home.

Dwelling Size, Minimum - The minimum size of a dwelling unit excluding patios, porches, garages and basements permitted by this ordinance.

Dwelling, Two-Family - A residential building containing two dwelling units designed for occupancy by not more than two families. Limited to one family per unit.

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Dwelling Unit - Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

Easement - A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

Established Building Setback Line - The average setback distance of all structures on the side of a street

between two intersecting streets. Such line shall be redetermined as each successive vacant lot is proposed to be improved with a structure.

Extraterritorial Jurisdiction - The unincorporated areas within the planning and zoning jurisdiction of the city.

Family - A person living alone or two or more person related by blood, marriage, adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as an individual household unit.

Farm - A parcel of land of five or more contiguous acres used for growing crops, production of livestock or poultry, or forestry, including related structure thereon. A farm shall not include confined feeding operations or a factory farm.

Farmstead - A single-family dwelling unit that is located on and used in connection with a farm.

Fence - A structure partially or completely surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

Finished Floor Area - See Floor Area.

Floor Area - The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Foundation - The supporting member of a wall or structure.

Front Lot Line - [See Lot Line, Front.](#)

Front Yard - [See Yard, Front.](#)

Frontage - [See Lot Frontage.](#)

Garage - An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

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Garage Sale - A sale conducted by the immediate members of a family in a residence, private garage, porch or rear yard. See Section 6.44.

[Gasoline Station](#) - See [Automobile Service Station](#).

Geographic Information System (GIS) - A computer system that stores and links nongraphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

Gift Shop - A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

Golf Course - An area of terrain on which the game of golf is played during daylight hours. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Government Operation - The use of land or structures for government purposes.

Group Home - A facility that houses not more than ten children that are either (A) in need of service under Indiana Code 31-34-1; or (B) children who have committed a delinquent act under Indiana Code 31-37-2-2, Indiana Code 31-37-2-3, or Indiana Code 31-37-2-5. Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by Indiana Code 12-17.4-5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Hardship - A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships.

Hedge - A row of trees and/or shrubs planted to create a visual screen.

[Height](#) - See [Structure Height](#).

[Historic District](#) - See [Butler Historic District](#).

Home Occupation - An occupation carried on in a dwelling unit by the resident of the dwelling unit, provided that the use is incidental and secondary to the use of the dwelling unit for residential purposes and meets the Home Occupations standards in Article Six.

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, staff residences, emergency rooms and satellite offices.

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Hotel - A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Impervious Surface - Any material that prevents absorption of stormwater into the ground such as concrete and asphalt.

Improvement - Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land done to make the real estate more valuable or useful.

Improvement Location Permit - An official document issued by the Community Development Office which authorizes and acknowledges that such use or building complies with the provisions of the City's Zoning Ordinance. An Improvement Location Permit is a prerequisite to a building permit.

Incidental - A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

Industrial District - Refers to the Light Industrial (LI) and Heavy Industrial (HI) Districts.

Initial User - The applicant, person, organization or corporation that originally applies to the City of Butler for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Institutional District - Refers to the Institutional and Office (INS) district.

Interested Parties - All property owners sharing an edge, boundary or touch at a corner with the assumption that railroads and public rights-of-way do not exist.

[Interior Lot](#) - See [Lot, Interior](#).

Interstitial - Relating to or situated in the small, narrow spaces between tissues or surfaces.

Junk - Any automobile, truck, other motor vehicle, watercraft, large appliances, furniture, scrap, waste, reclaimable material, debris of any kind or nature or like materials collected or accumulated for resale, disposal or storage.

Junk Yard - A building, structure or parcel of land, or portion thereof, used for collecting, storage or sale of junk (as defined above). Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage.

[Jurisdiction](#) - See [Planning Jurisdiction](#).

Kennel - An commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold all for a fee or compensation.

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Land Disturbing Activity - Any man-made change of the land surface including removing vegetative cover, removal of trees, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens and landscaping modifications.

Landscaping - The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms of less than 18 inches, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Representative of the Owner of Land - An attorney for a parcel of property which includes a power of attorney.

Line of Sight - A clear line of vision at an intersection of streets, drives or driveways.

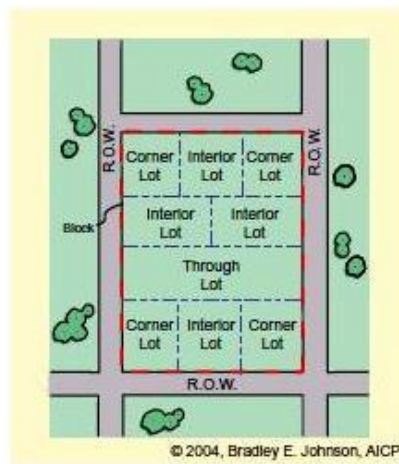
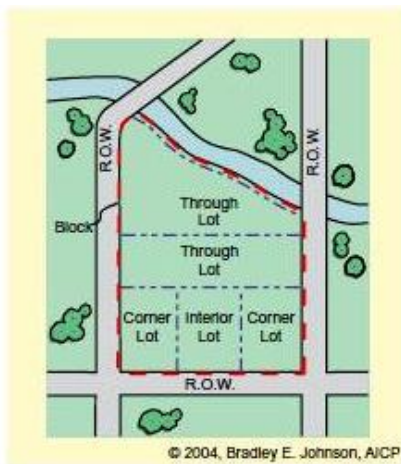
Loading Dock - A space within a building or on the premises providing for the standing, loading, unloading and together with apron space for maneuvering of vehicles, trucks and semi-tractor trailers.

Loading Space - An off-street space for the temporary loading and unloading of delivery and pickup vehicles.

Local Street - [See Street, Local.](#)

Lodginghouse - A building, other than a dwelling unit or dormitory, where lodging, with or without meals, is provided for compensation.

Lot - A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control. A "Lot" may or may not coincide with a lot of record. There are generally three types of lots identified in this Ordinance - interior lots, corner lots, and through lots.

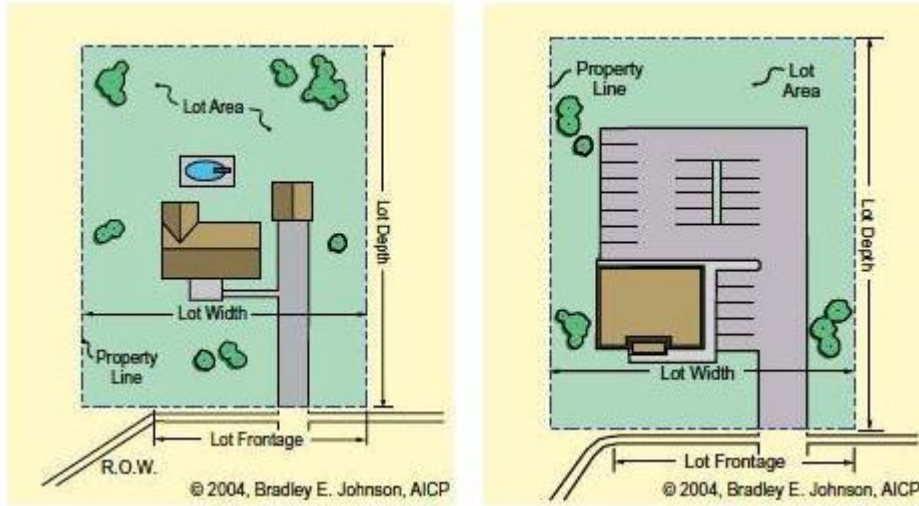


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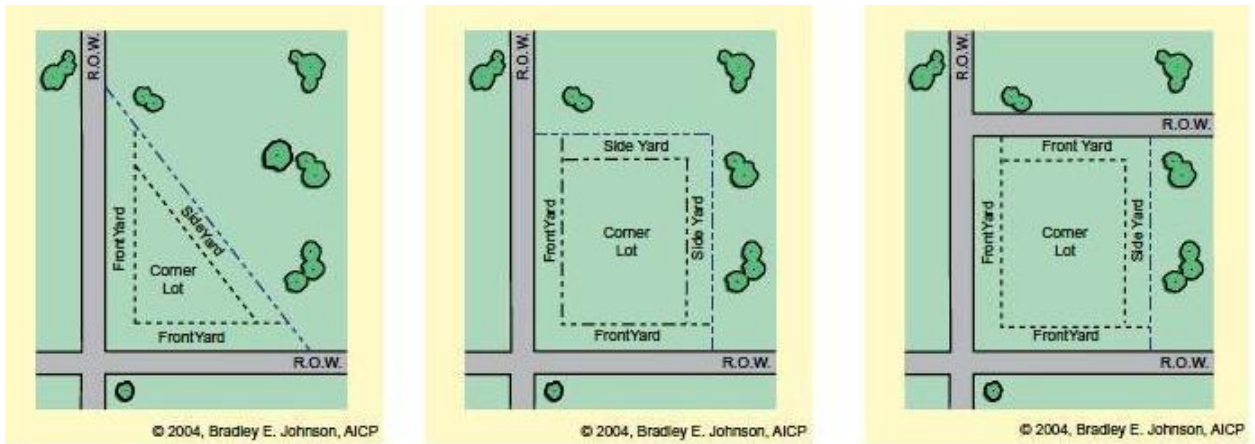


Lot Area - The lot width times the lot depth.



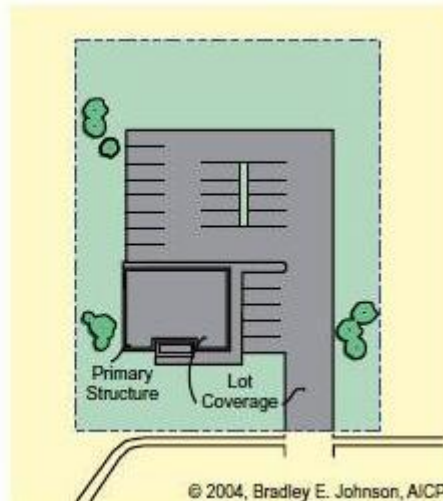
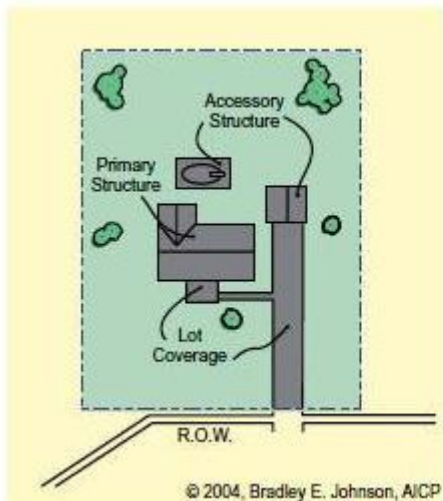
Lot, Buildable - A lot upon which a building can be constructed and occupied.

Lot, Corner - A lot situated at the intersection of two streets or which fronts a street on two or more sides forming an interior angle of less than 135 degrees.





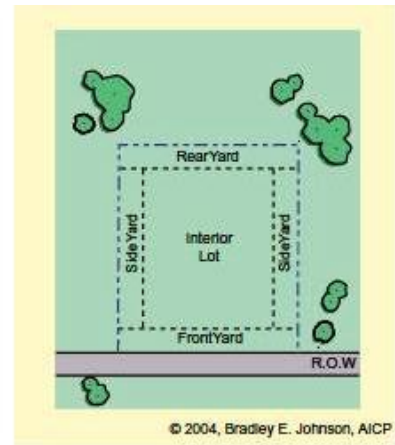
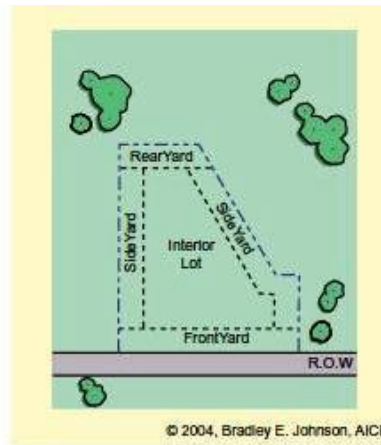
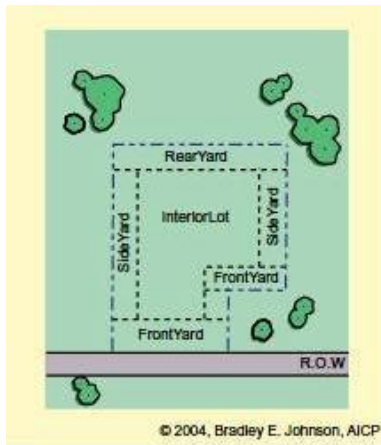
Lot Coverage - The area of a lot occupied by the primary building, any accessory structures and impervious surface.



Lot Depth - The horizontal distance between the front and rear lot lines. (See graphic for "Lot Area")

Lot Frontage - The length of the front lot line measured at the street right-of-way line. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way.

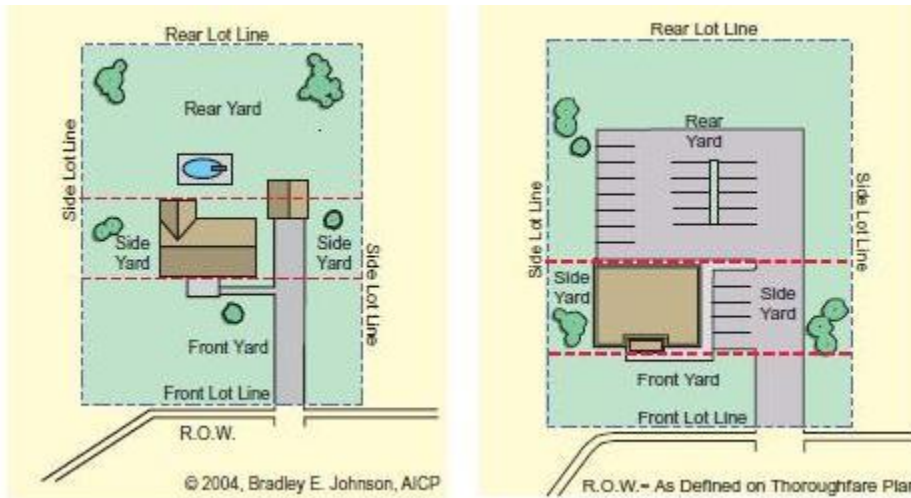
Lot, Interior - A lot other than a corner lot or a through lot.





Lot Line, Front -

- A. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse; and
- B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

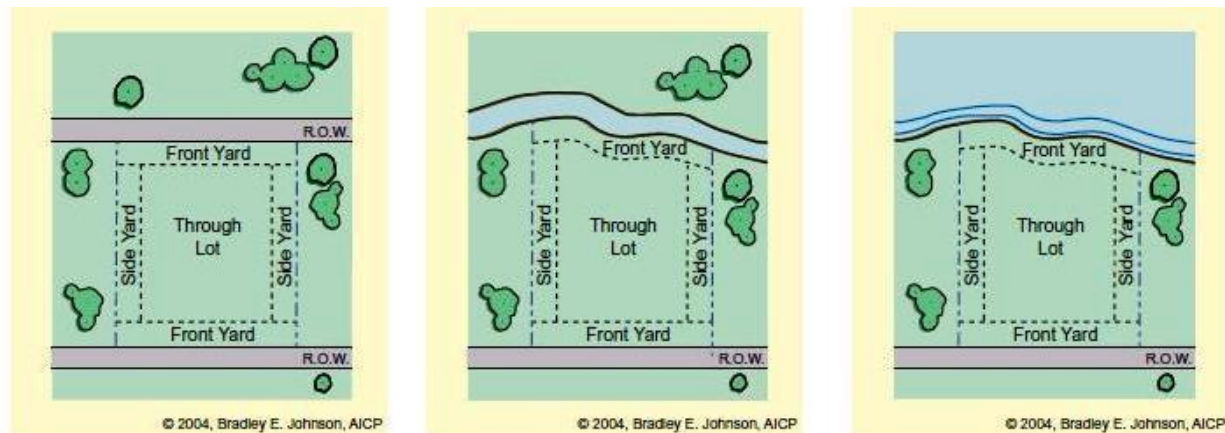


Lot Line, Rear - The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

Lot Line, Side - A lot boundary line other than a front or rear lot line.

Lot of Record - A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Lot, Through - A lot fronting on two parallel or approximately parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.



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Lot Width - The distance between the side lot lines as measured on the front lot line. Cul-de-Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See graphic for "Lot Area")

Maneuvering Space - An open space in a parking area which -

- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

[Manufactured Home](#) - See Dwelling, [Manufactured Home](#).

Manufacturing, Heavy - The assembly, fabrication, creation or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light - The assembly, fabrication, creation or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

[Master Plan](#) - See [Comprehensive Plan](#).

Medical/Dental Clinic - An establishment where patients are examined on an outpatient basis by a physician, dentist or other medical personnel.

[Mobile Home](#) - See Dwelling, [Mobile Home](#).

Mobile Home Community - A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Mobile Home Community. A Mobile Home Community may include accessory structures incidental to the operation of the community such as a laundry facility, playground, pool, park office and maintenance building. A Mobile Home Community does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Motel - An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single lot, and designed for use by transient automobile travelers.

[Motor Home](#) - See [Recreational Vehicle](#).

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Motor Vehicle - Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, alleys or ways.

Mound - A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are sometimes used to block or partially block visibility from one side to the other.

Multifamily District - Refers to the Multifamily Residential (MFR) district.

Municipal Sewer System - The public sewer system including collection and treatment facilities owned and maintained by the City of Butler.

Municipal Water System - The public water system including wells, storage towers, treatment facilities, and distribution lines owned and maintained by the City of Butler.

Mural - A painting on the side of a building, wall, or structure; or a painting on the ground or the ceiling of a building or structure. A mural that does not function as a sign is not regulated by the Zoning Ordinance. Murals that function as a sign are regulated in the Zoning Ordinance as a wall sign.

Nonconforming Building or Structure - A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Building or Structure, Legal - Any continuously occupied, lawfully established structure or building prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meets the development standards.

Nonconforming Lot of Record - A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Lot of Record, Legal - Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

Nonconforming Sign - A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign, Legal - Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance and has been registered within the allotted time period as described in Article Eight of the Zoning Ordinance.

Nonconforming Use - A use which does not conform with the use regulations of the district in which it is located.

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Nonconforming Use, Legal - Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Zoning Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

Nursing Home - A private facility for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Official Zoning Map - A map of the City of Butler, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Community Development Office.

Off-site Improvements - Improvements required to be made off-site as a result of an application for development and including, but not limited to road widening and upgrading, stormwater facilities and traffic improvements.

Opaque - Neither reflecting nor emitting light; not transparent and not translucent.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. Open space may include active recreational facilities such as swimming pools, play equipment, ball fields, court games and picnic tables.

Open Space District - Refers to the Open Space and Recreational District (REC).

Outdoor Hydronic Heaters - (also called outdoor wood boilers or outdoor wood furnaces) Free standing wood burning appliances, intended for outdoor installation or installation in structures not normally occupied by humans, designed to burn wood or other approved renewable solid fuels, that heat water which is then pumped to one or more structures to provide heat.

An outdoor hydronic heater also can be used to provide hot water or air year-round to structures and to heat swimming pools. Units are typically the size and shape of a small storage shed or mini-barn with a short smoke stack on top and are much larger and differ in design, operation, and emissions produced from the smaller indoor wood stoves, pellet stoves, fireplaces and barbecue pits.
(Amended by Ordinance # 1156, 12-19-2011).

Outdoor Storage - [See Storage, Outdoor.](#)

Overlay District - A zoning district that encompasses one or more underlying zones and modifies the basic underlying designation in some specific manner.

Owner - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest or authority to act in the land sought to be subdivided under these regulations, or their legal representative, power of attorney or attorney in fact.

Parcel - [See Lot.](#)

City of Butler, Indiana Zoning Ordinance

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Parent Tract - A lot of record as recorded on the effective date of this ordinance. Multiple lots owned by a person, partnership, or company that are contiguous shall be considered one parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land in a parent tract.

Park, Public - A parcel of land available to the public for passive and active recreation and is maintained and governed by the City of Butler.

Parking Lane - A lane usually located on the sides of streets, designed to provide on-street parking for vehicular traffic.

Parking Lot for Business - A parcel of land owned and maintained privately devoted to unenclosed parking space for automobiles.

Parking Lot, Public - A parcel of land owned and maintained by the City devoted to unenclosed parking space for automobiles for the general public.

Parking Space, Automobile - Space within a public or private parking area or in the public right-of-way for the storage of one passenger automobile or commercial vehicle under a one and a-half ton capacity.

Paved - A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond - An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the City which guarantees that the subdivider will perform all actions required by the City regarding an approved plat or in other situations as stated forth in the Zoning Ordinance and/or as deemed by the planning director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation - A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil; this includes a slab, crawl space or basement.

Permanent Perimeter Enclosure - A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

Person - A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a human being.

Places of Worship - Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural and social activities.

[Plan Commission - The Butler City Plan Commission.](#)

City of Butler, Indiana Zoning Ordinance

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Planning Jurisdiction - The boundaries of the City of Butler, Indiana and the contiguous unincorporated area over which the city exercises planning and zoning authority.

Plat - A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record after approval by the Plan Commission

Plat, Primary - The primary plat, pursuant to Indiana Code 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary - The secondary plat, pursuant to Indiana Code 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall conform to the conditions of the primary plat approval. The secondary plat and plans are not subject to public notices and public hearings.

Porch - A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty - A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Pre-Application Conference - An initial meeting between developers and municipal representatives which afford developers the opportunity to present their proposals informally and for municipal representatives to comment.

[Primary Arterial](#) - See [Street, Arterial](#).

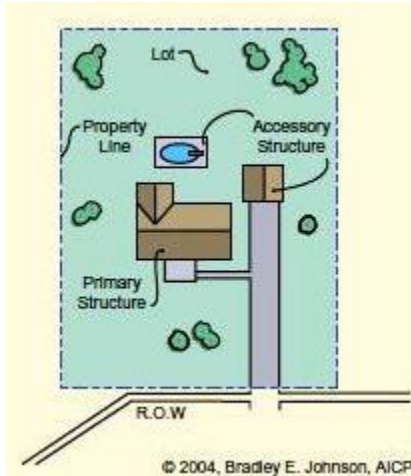
[Primary Plat](#) - See [Plat, Primary](#).

City of Butler, Indiana Zoning Ordinance

Article 10 – Definitions



Primary Structure/Building - The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling.



Principal Use - The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

Principal Use Additions - Construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Private Street - See [Street, Private](#).

Professional Office - An office used by members of a recognized profession such as dentists, lawyers, musicians, physicians, surgeons, pharmacists, Realtors, insurance agents and brokers.

Property Line - The boundaries of a lot of record, excluding any street right-of-way.

Public Improvements - Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public/Private Parking Area - A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street - See [Street, Public](#).

Public Utility - Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, cable, fiber optics, transportation, water, or sewage systems.

Rear Lot Line - See [Lot Line, Rear](#).

Rear Yard - See [Yard, Rear](#).

City of Butler, Indiana Zoning Ordinance

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Recreation Center - An establishment designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle - A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes.

Residential District - Refers to the Single Family Residential District (SFR), Multifamily Residential District (MFR), Old Town Residential District (OTR) and Mobile Home Community District (MHC).

Residential Facility for the Developmentally Disabled (large) - A residential facility which provides residential services for more than eight developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small) - A residential facility which provides residential services for eight developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill - A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4.

Re-plat - A permitted and approved change in a recorded subdivision plat that affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Restaurant - An establishment whose function or purpose is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises.

Restaurant, Drive-thru - A place of business, being operated for the sale and purchase at retail of food which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles and may also have inside seating available.

Right-of-Way - A strip of land, dedicated or non-dedicated occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public and accepted by the City of Butler and identified on the recorded plat.

Road - [See Street.](#)

Roadway - The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs which are furthest from the street pavement or where no curbs exist from the edges of the pavement.

ROW - [See Right-of Way.](#)

City of Butler, Indiana Zoning Ordinance

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[Salvage Yard - See Junkyard.](#)

Satellite Dish/Antenna - An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School - A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade or Business - An educational facility which offers instruction specific to a trade or business.

Scrap Metal Yard - A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

[Secondary Plat - See Plat, Secondary](#)

Self Storage Facility - A structure or group of structures containing individual storage units of two hundred square feet or less with access to each unit only for the storage and warehousing of personal property. Miniwarehouses do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Setback - The minimum horizontal distance between the building line and a lot line or right-of-way.

Sexually Oriented Bookstore - An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Sexually Oriented Entertainment Business - A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Sexually Oriented Retail Business - An establishment having more than 25% of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

City of Butler, Indiana Zoning Ordinance

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Sexually Oriented Retail Business, Accessory - An establishment having more than 10% but less than 25% of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Side Lot Line - See [Lot Line, Side](#).

Side Yard - See [Yard, Side](#).

Sign - Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.



Sign Area - The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

Sign, Awning - A sign attached to or written on an awning of a building.

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Sign, Commercial - A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

Sign, Construction - A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, subplot number, or other identifier of the contractor, subcontractor, and/or architect.

Sign, Directional - A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes “enter,” “exit,” and “arrow” signs.

Sign, Flashing - Any illuminated sign which exhibits changing light or color effects.

Sign, Gateway - A ground sign that identifies the entrance to a subdivision, multifamily development or mobile home community.

Sign, Ground - A sign permanently attached to the ground and whose supporting structure extends less than six feet in height from the finished grade to the bottom of the sign face.

Sign, Home Occupation - A sign that indicates a permitted home occupation.

Sign, Illuminated - A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Legal Nonconforming - See Nonconforming Sign, Legal.

Sign, Mural - A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Zoning Ordinances. Mural's without a commercial message are not regulated by the Zoning Ordinance.

Sign, Non-Commercial - Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

[Sign, Nonconforming](#) - See [Nonconforming Sign](#).

Sign, Off-Premises - A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises - A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Permanent - A sign which is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

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Sign, Pole - A sign which is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face.

Sign, Portable - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Public Information - A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, Real Estate - A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or “open house” information.

Sign, Residential - A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

Sign, Roof - A sign attached to and/or integral with the roof of a structure.

Sign, Special Event - A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Sign, Temporary - An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Sign, Wall - A sign attached to and/or integral with exterior wall of a building, the face of which is parallel to the surface and which does not project more than nine inches from the surface.

Sign, Window - A sign attached to and/or integral with the window surface of a building that is visible outside, the face of which is parallel to the surface.

Single Family District - Refers to the Single Family Residential (SFR) district.

Site Plan - A diagram showing the dimensions of existing structures and yards.

Special Exception - A use, specifically identified in this code, that is permitted in a particular zoning district concerned upon showing that such use in a specific location will comply with all the conditions and standards for the location or the operation of the use as specified in the zoning ordinance and authorized by the Board of Zoning Appeals.

Storage, Outdoor - The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

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Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Street - Any vehicular right-of-way that -

- Is an existing state, county, or municipal roadway,
- Is shown upon a plat approved pursuant to law,
- Is approved by other official action, or
- Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Arterial - A street with access control, restricted parking, and that collects and distributes traffic to and from collector streets, as depicted by the Thoroughfare Plan within the City of Butler Comprehensive Plan.

Street, Collector - A street that is designed to carry high volumes of traffic, as depicted by the Thoroughfare Plan within the City of Butler Comprehensive Plan.

Street, Local - A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan within the City of Butler Comprehensive Plan.

Street, Private - Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and that are maintained by the owner(s).

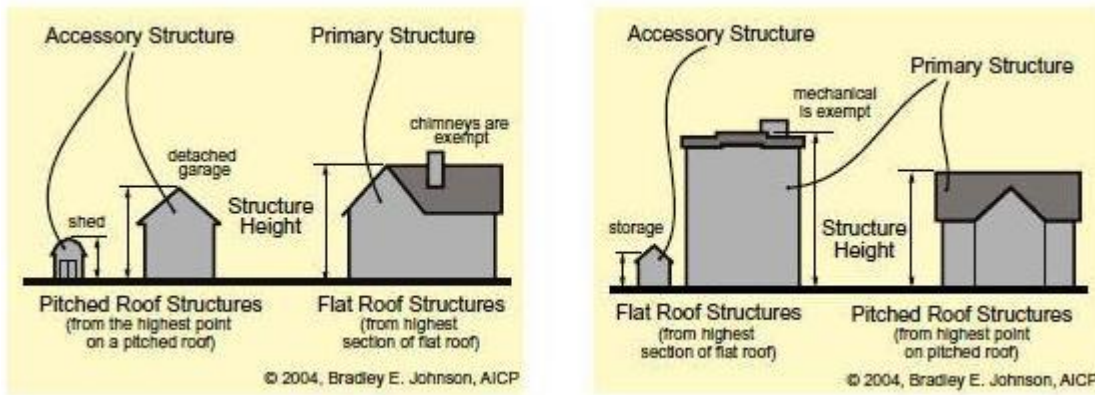
Street, Public - All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structural Alteration - Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.



Structure Height - The vertical distance measured from the lot ground level to the highest point of the roof.



Subdivision - The division of a parent tract or other piece of land into at least two smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Zoning Ordinance.

Substantial Completion - The completion of infrastructure or structural improvements which are essential to the safe and efficient development of 80% or more of the lots in a subdivision; or the safe, habitability, use, or function of a structure.

Swimming Pool - A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications Facility - A land based facility, consisting of towers, antennae, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications Tower - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes - radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Temporary Use/Structure - A land use or structure established for a limited and fixed period with the intent to discontinue such use or structure upon the expiration of the time period.

Theater - A facility for audio and visual productions and performing arts.

Thoroughfare Plan - The official plan within the City of Butler Comprehensive Plan which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

City of Butler, Indiana Zoning Ordinance

Article 10 – Definitions

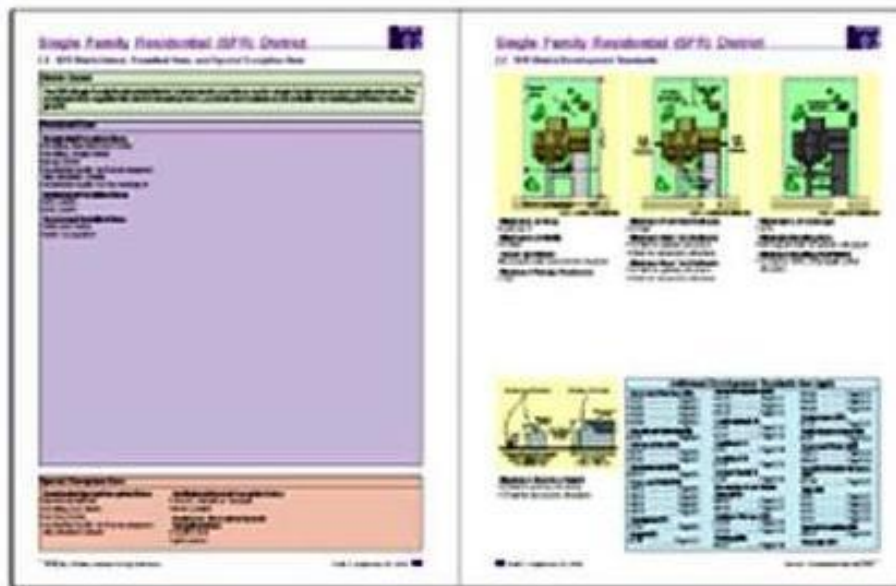


Tower - See [Telecommunications Tower](#).

Tower Setback - The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Townhouse - A building having three or more dwelling units arranged side by side, each occupying an exclusive vertical space without another dwelling unit above or below, and each of which has at least one exterior entrance.

Two-Page Layout - Two-Page Layout refers to the two-page layout accompanying each zoning district in Articles Two, Three and Four of this Ordinance. The two-page layout includes permitted uses, special exception uses, and basic zoning information.



Underlying District - The existing zoning district of the subject lot prior to the effects of an overlay district.

Use - The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Variance, Development Standards - A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use - The approval of a use other than that prescribed by the Zoning Ordinance, an act granted by Indiana Code 36-7-4-918.3.

Vehicle - See [Motor Vehicle](#)

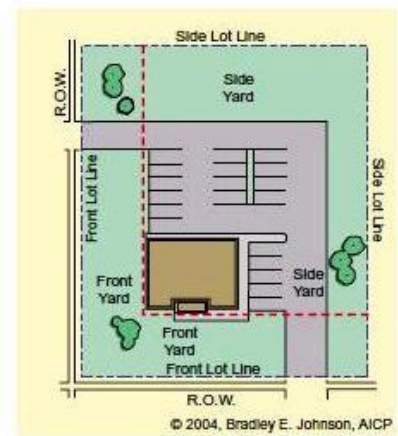
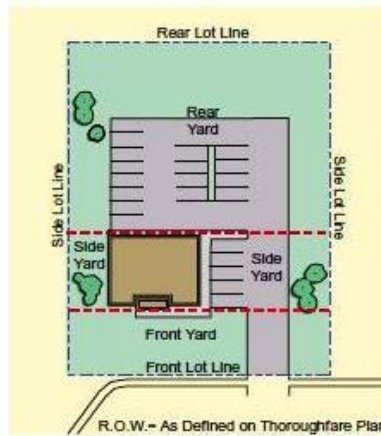
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Veterinarian clinic/hospital - A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. A kennel is not considered part of a veterinarian clinic or hospital.

Yard - A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.



Yard, Front - The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.

Yard, Rear - The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards.

Yard, Side - The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line.

[Zoning District - See District.](#)

[Zoning Map - See Official Zoning Map.](#)

Zoning Ordinance - This title of the Butler Municipal Code and its accompanying zoning map, including any amendments.