



CITY OF BUTLER, INDIANA ZONING ORDINANCE
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City of Butler, Indiana Zoning Map



ARTICLE ONE - BASIC PROVISIONS

1.1 - Title - This Ordinance shall be formally known as the "City of Butler Zoning Code," and it may be cited and referred as the "Zoning Ordinance," the "Zoning Code," or "the Code."

1.2 - Defined Words - Words used in a special sense in this Zoning Ordinance are defined in Article Ten.

1.3 - Authority - This Zoning Ordinance is adopted by the City of Butler pursuant to its authority under the laws of the State of Indiana and all other applicable authorities and provisions of Indiana statutory and common law.

1.4 - Purpose - This Zoning Ordinance is intended to guide the growth and development of the City and manage change within the City in accordance with the goals and objectives in the City of Butler Comprehensive Plan by:

- A. Securing adequate light, air, convenience of access, and safety from fire, flood and other danger, which may include providing adequate open spaces for light, air and outdoor uses.
- B. Providing for the safe and efficient movement of vehicles and pedestrians along public ways.
- C. Promoting the public health, safety, comfort, morals, convenience and general welfare.
- D. Planning for and promoting orderly and beneficial development of the City by regulating the density and distribution of population; by regulating the use and intensity of use of land for residential, commercial, industrial, public, and other activities; and by regulating the location, height, bulk, area and use of buildings, structures and land.
- E. Assuring the community grows only with adequate public ways, utility, health, educational and recreational facilities.
- F. Balancing and recognizing the needs of residential, industry and business in future growth.
- G. Providing healthful surroundings for families in residential areas.
- H. Promoting the efficient and economical use of public funds by proactive planning.
- I. Providing for the gradual elimination of non-conforming uses.
- J. Establishing procedures for the implementation and enforcement of this zoning ordinance.
- K. Establishing punitive recourse for violations or noncompliance regarding these provisions.

1.5 - Compliance - After the effective date of this Zoning Ordinance, no buildings, structures, or uses of land or structures existing or hereafter established, shall be altered, erected, constructed, moved, divided or maintained except in accordance with the provisions of this Zoning Ordinance except as otherwise hereinafter provided. The Zoning Ordinance shall be read in terms of and shall be interpreted to include as an integral part thereof any and all other provisions of the Butler Municipal Code which are necessary for an understanding of this title and the attainment of its purpose. As a matter of interpretation, acts not specifically permitted in an area, shall be deemed prohibited. See Section 1.18.

1.6 - Severability - If any provision or the application of any provision of this Zoning Ordinance is held unconstitutional or invalid by the courts, the remainder of the Zoning Ordinance or the application of such provision to other circumstances shall not be affected.



1.7 - Interpretation -

- A. Minimum Requirements** - The provisions of this Zoning Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large.
- B. Conflicts or Inconsistency** - If two or more provisions within this Zoning Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall apply.
- C. Text** - If there are found to be differences between the meaning or implication of any drawing, table, figure, title or section heading, the text of this Zoning Ordinance shall apply.
- D. Time Frames** - Any timeframes stated within this Ordinance shall be calculated to include weekdays, weekends, and holidays. If a timeframe ends on a Saturday, Sunday or holiday that the City offices are closed, the timeframe will be extended to the end of the next business day.
- E. Delegation of Authority** - If a provision in this Ordinance requires the department head, other City officer or office to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- F. Mandatory and Permissive Terms** - The words "shall" or "must" are always mandatory and "may" or "should" are always permissive.
- G. Words Used** - If words used in this Zoning Ordinance are not defined in Article Ten they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Zoning Ordinance shall be construed to be as defined by a current and common dictionary.
- H. Tense** - If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.
- I. Singular/Plural Form** - If words are used in singular form the plural form shall apply and vice versa, unless in context it clearly indicates the contrary.
- J. Gender** - If a feminine term is used, the masculine shall also apply and vice versa.
- K. Conjunctions** - "And" shall be construed to include all connected items in a series, conditions, and provisions. "Or" shall be construed to include one or more of stated alternatives, unless in context it clearly suggests the contrary.
- L. Formulas** - If a formula within this Zoning Ordinance results in a decimal or fraction, the number shall be rounded up to the nearest whole number. For example, if one shrub is required per 50 feet of parking lot perimeter and the parking lot has 120 feet of perimeter, the formula would require 2.4 shrubs ($120 \text{ feet} / 50 = 2.4$). The 2.4 shrubs would be rounded up to three shrubs.

1.8 - Applicability –

- A.** This Ordinance applies to all land and land development within the corporate limits of the City of Butler, Indiana. This Ordinance applies to the fringe area within Butler's extraterritorial jurisdiction illustrated on the Zoning Map.
- B.** When a structure or parcel of land is governed by this Zoning Ordinance, private covenants, agreements, and other laws, the laws of the greatest restriction shall control. The City is not responsible for enforcing private covenants.

1.9 - Annexation and Vacation –

- A.** Territory that is annexed into the City shall be assigned a City Zoning classification as part of the annexation procedure and ordinance.



- B. Whenever any street, alley, public way, railroad right-of-way or other similar area is vacated, the zoning classification of the adjacent property shall be extended to the center of the vacated right-of-way.

1.10 - Repealer - The following City ordinances are hereby repealed and are replaced by this Zoning Ordinance and Official Zoning Map:

- A. Chapter 150: Zoning Code of Title 15: Land Usage of the Butler City Code and its associated Zoning Map.
- B. Chapter 153: Mobile Home Parks; Manufactured Housing of Title 15: Land Usage of the Butler City Code.

1.11 - Transition Rules

- A. Any application for an Improvement Location Permit that has been filed with the Plan Commission or Community Development Office, and is full and complete, prior to the effective date of this Zoning Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures shall follow those terms and conditions set forth by this Zoning Ordinance.
- B. Any application for a Zone Map Amendment (rezoning) that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Zoning Ordinance, shall:
 - 1. Meet with the Community Development Office to determine if the proposed use, necessitating the rezoning is still permitted in the desired zoning district. Also, the Community Development Office will determine if the zoning district desired by the petitioner will still exist in the new zoning ordinance.
 - 2. If the land use is no longer permitted or the zoning district ceases to exist, the Community Development Office will work with the petitioner to amend the rezoning petition to the least intense zoning district that allows the desired land use.
 - 3. The process used for the rezoning petition shall be consistent with the new zoning ordinance.
- C. Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or Community Development Office, and is full and complete, prior to the effective date of this Zoning Ordinance, shall:
 - 1. Be considered by the BZA primarily based on the development standards, permitted uses, and special exception uses allowed in the old zoning ordinance.
 - 2. Be considered by the BZA secondarily based on the development standards, permitted uses, and special exception uses allowed in the new zoning ordinance.
 - 3. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Zoning Ordinance that were not required under the previous Ordinances, the application will be amended to include only those additional



approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

1.12 - Saving Provision - This Zoning Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning, subdivision, or related ordinance. This Zoning Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

ZONING DISTRICTS

1.13 - Establishment of Standard Districts - Each of the standard districts in this Zoning Ordinance stand-alone and are not a part of a hierarchy or pyramidal system of zoning. Only those land uses expressly permitted for each district apply to that zoning district. Similarly, only the development standards listed on the two-page layout and cross-referenced in the "Additional Development Standards that Apply" box apply to that zoning district. A standard district shall be labeled on the Butler Zoning Map using a two or three-digit label. The City of Butler Plan Commission jurisdiction is divided into the following zoning districts for the general uses as stated:

- **SFR-Single Family Residential (Pages 2-2 and 2-3)**
This district is established for single-family homes and neighborhoods.
- **MFR-Multifamily Residential (Pages 2-4 and 2-5)**
This district is established for multifamily developments and residential neighborhoods of mixed densities.
- **OTR-Old Town Residential (Pages 2-6 and 2-7)**
This district is established to accommodate existing single-family neighborhoods built on smaller lots with smaller setbacks and access provided by a traditional gridiron street pattern and alleys.
- **MHC-Mobile Home Community (Pages 2-8 and 2-9)**
This district is established for leased lot developments (typically mobile or manufactured home parks) which typically lease dwelling sites for single and/or double-wide manufactured homes.
- **NB-Neighborhood Business (Pages 3-2 and 3-3)**
This district is established for small businesses that serve the immediate neighborhoods.
- **GB-General Business (Pages 3-4 and 3-5)**
This district is established for general business uses, retail uses, and offices.
- **LI-Light Industrial (Pages 3-6 and 3-7)**
This district is established for small and light manufacturing facilities and warehouse facilities.
- **HI-Heavy Industrial (Pages 3-8 and 3-9)**
This district is established for all size manufacturing facilities.
- **INS-Institutional and Office (Pages 4-2 and 4-3)**
This district is established for institutional uses and low intensity office uses that are compatible with residential uses.

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- **REC-Open Space and Recreation (Pages 4-4 and 4-5)**
This district is established for open space and recreational opportunities.
- **AG-Agricultural (Pages 4-6 and 4-7)**
This district is established for land within the City's extraterritorial jurisdiction that is agricultural and has future development potential.

1.14 - Establishment of Overlay District - An overlay district has been established to add or remove land uses and/or development standards which will better help the City of Butler accomplish the goals of the Comprehensive Plan. The overlay district shall be labeled on the Butler Zoning Map using a four-digit label. For the purpose of this ordinance, the following overlay district has been established for the general uses as stated:

- **WP-OL-Wellhead Protection Overlay District (Page 5-2)**
This district is designed to add an extra layer of protection for the City's underground water source.

1.15 - Authorization to Subdivide - The subdivision of land may occur in the following zoning districts:
Zoning Districts

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

1.16 - Permitted Land Uses - Land uses may be permitted uses as listed in each standard zoning district. Land uses indicated as "permitted uses" shall be allowed in that district. Butler's permitted uses for each district are noted in the "Permitted Use" box in Article Two (Residential Districts), Article Three (Business and Industrial Districts) and Article Four (Institutional and Other Districts).

1.17 - Special Exception Uses - Land uses may be special exception uses as listed in each standard zoning district. Butler's special exception uses for each district are noted in the "Special Exception Use" box in Article Two (Residential Districts), Article Three (Business and Industrial Districts) and Article Four (Institutional and Other Districts). Special exceptions are permitted when all of the required findings of fact are made by the Butler Board of Zoning Appeals after a public hearing. The process and criteria for special exception uses is located in Section 8.11.

1.18 - Unlisted or Questionable Land Uses - Any land use not listed or that is questionable as a "Permitted Use" or "Special Exception Use" in Article Two (Residential Districts), Article Three (Business and Industrial District) and Article Four (Institutional and Other Districts) is not allowed unless the Community Development Office determines that the unlisted or questionable land use is significantly similar to another land use that is permitted by right or as a special exception. See [Section 8.14](#)

Zoning Map

1.19 - Official Zoning Map - The map labeled "Butler Zoning Map" is hereby included as part of this Zoning Ordinance and is to function as the means to identify a zoning district for each parcel in the City. The zoning map shall be formally known as the "Butler Zoning Map" and it may be cited and referred to as the "Official Zoning Map" or the "Zoning Map."

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The Official Zoning Map is located in the office of the Butler City Plan Commission. Copies of the Official Zoning Map are available to interested persons for a fee based on the fee schedule located in Title Nine of the Butler City Code.

1.20 - Jurisdiction - The City of Butler has zoning jurisdiction over property within the City limits and the remainders of Section 1, Section 2, Section 11, Section 12, the northeast quarter of Section 10, and the east half of Section 3 all in Wilmington Township.

1.21 - Zoning District Boundaries - The zoning district boundaries shall be shown on the Official Zoning Map.

1.22 - Regular Revisions - The Official Zoning Map should be formally revised as the Plan Commission determines necessary. Hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes until the formal electronic version of the Official Zoning Map can be updated and printed for public display. Revisions may be made at any time to correct drafting or clerical errors and omissions in the map, but shall not have the effect of amending the Official Zoning Map.

1.23 - Damaged, Destroyed or Lost Official Zoning Map - In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes, the City Council may, by resolution, adopt a new Butler Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

1.24 - Official Zoning Map Standards - When uncertainty exists as to the exact boundaries of any district as shown on the Butler Zoning Map, the following rules shall apply:

- A. District boundaries shown within or following roads or transportation rights-of-way shall be deemed to follow the centerline of the applicable right-of-way.
- B. District boundaries indicated as following section lines, quarter section lines, platted lot lines, or City corporation lines shall be construed as following such lines.
- C. District boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines of such features.
- D. When the Community Development Office cannot definitely determine the location of a district boundary by center lines, by previous zoning map amendment ordinances, or by scale or dimensions of the Official Zoning Map, because the boundary does not clearly coincide with a property line, the Community Development Office may refuse action and the Plan Commission may interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Zoning Ordinance and the City's Comprehensive Plan.

1.25 - Overlay District Applicability - The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. An overlay district shall be noted on the Butler Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
- B. A lot that is fully covered (bounded) by an overlay district shall be interpreted to be applicable to the overlay district standards found in Article Five.
- C. A lot that is partially covered (transected) by an overlay district shall be interpreted to be applicable to the extent the lot area is covered by the overlay district.



ADMINISTRATION

1.26 - Administrative Officer - The Community Development Office will have the primary responsibility for administration and enforcement of this Zoning Ordinance within the Plan Commission's planning jurisdiction.

1.27 - Summary of Powers and Duties of the City Council - The powers and duties of the City Council are described below and provided for by Indiana State Statutes. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. City Council Duties Pertaining to Planning and Zoning:

1. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Ordinance that has been certified and submitted by the Plan Commission.
3. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. Adopt, reject or amend a fee schedule that has been proposed or amended and submitted by the Plan Commission.
5. Along with the Plan Commission, enforce regulations of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
6. Other duties as mandated by Indiana State Statues.

B. City Council Powers Pertaining to Planning and Zoning:

1. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Ordinance by making said proposal to the Plan Commission.
2. Initiate amendments to the Official Zoning Map by making said proposal to the Plan Commission.
3. Other powers as permitted by Indiana State Statues.

1.28 - Summary of Powers and Duties of the Plan Commission - The powers and duties of the Plan Commission are described below and provided for by Indiana State Statutes ([IC 36-7-4-400](#)). Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Plan Commission Duties:

1. Adopt, maintain, follow and enforce a City Council approved Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.
3. Maintain records of all meetings, hearings, correspondences, and affairs of the Plan Commission.

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4. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
5. Adopt and maintain a permitting process.
6. Certify and submit recommendations to the City Council including new versions of any revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Official Zoning Map pursuant to the provisions of Indiana State Statutes providing for procedures to do so.
7. Maintain monetary and fiscal records of the Plan Commission.
8. Prepare and submit an annual budget to the City Council.
9. Approve or deny plats or replats of subdivisions.
10. Approve or deny request for waiver to the subdivision control regulations.
11. Approve or deny development plans and amendments to development plans.
12. Approve or deny proposed subdivision names in new developments.
13. Assign street numbers to new lots and structures, renumber lots and structures, assign names, and approve or deny proposed street names in new developments.
14. Enforce regulations and follow procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance to the extent permitted by local Resolutions, Ordinances, and Indiana State Statutes.
15. Other duties as mandated by Indiana State Statutes.

B. Plan Commission Powers:

1. Establish advisory committees as necessary made up of city officials and the general public.
2. Seek funding assistance through grant programs as necessary.
3. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance to the general public and development community.
4. Other powers as permitted by Indiana State Statutes.

1.29 - Summary of Powers and Duties of the Board of Zoning Appeals - The powers and duties of the Board of Zoning Appeals are described below and provided for by Indiana State Statutes (Indiana Code [36-7-4-900](#)). Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional.

A. Board of Zoning Appeals Duties:

1. Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official, staff member or administrative board other than the Plan Commission, in relation to the enforcement of the Zoning Ordinance.
2. Hear and determine special exceptions to the terms of the Zoning Ordinance, upon which the Board of Zoning Appeals is required to act, under the ordinance.
3. Authorize exceptions to the district regulations only in the classes of uses or in particular situations as specified in this ordinance.
4. Authorize, on appeal in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest.
5. Other duties as mandated by Indiana State Statutes.

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CERTIFICATION

1.30 - Plan Commission Certification - This Zoning Ordinance was certified for adoption on March 14, 2005 by the City of Butler Plan Commission after holding a legally announced public hearing. This Zoning Ordinance was certified and validated by the following Plan Commission members vote.

Signatures:

THE PLAN COMMISSION OF BUTLER, DEKALB COUNTY, INDIANA
AYE NAY

_____ Duard Bellamy, _____
President

_____ Tammy Davis, _____
Member

_____ Chad Depew, _____
Member

_____ Robert Haywood, _____
Member

_____ Dianna Holmes, _____
Member

_____ Sandy Lechleidner, _____
Member

_____ Mike Mayer, _____
Member

_____ Ron Walter, _____
Member

Attest:

_____ Date: _____

Catharine S. Minehart, Clerk-Treasurer, City of Butler, Indiana

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ADOPTION

1.31- Adoption / Effective Date - The Zoning Ordinance shall become effective on April 4, 2005.

Signatures:

THE CITY COUNCIL OF BUTLER, DEKALB COUNTY, INDIANA

AYE

NAY

_____ Floyd Coburn, _____
Mayor

_____ Ron Walter, _____
President

_____ Tammy Davis, _____
Member

_____ Eric Johnson, _____
Member

_____ Mike Mayer, _____
Member

_____ Ken Olin, _____
Member

Attest:

_____ Date: _____

Catharine S. Minehart, Clerk-Treasurer, City of Butler, Indiana



ARTICLE TWO – RESIDENTIAL DISTRICTS

SFR – Single Family Residential District

2.1 - SFR District Intent, Permitted Uses and Special Exception Uses -

District Intent – The SFR (Single Family Residential) District is intended to provide areas for single-family homes and neighborhoods. The provisions that regulate this district should protect, promote and maintain areas in Butler for existing and future housing growth.

Permitted Uses –

Residential Permitted Uses

- Dwelling, manufactured home.
- Dwelling, single-family.
- Group home.
- Residential facility for developmentally disabled (small)
- Residential facility for the mentally ill.

Institutional Permitted Uses

- Park, public.
- Pool, public

Accessory Permitted Uses

- Child care home.
- Home Occupation

Special Exception Uses --

Residential Special Exception Uses

- Bed & Breakfast.
- Dwelling, Two-family.
- Nursing home.
- Residential facility for the developmentally disabled (large)

Institutional Special Exception Uses

- Church, temple or mosque.
- Library, public.



Business: Recreation Special Exception Uses

- Club or lodge.
- Golf course.

2.2 - SFR Development Standards -

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Minimum Lot Area:
• 8,000 sq ft

Minimum Lot Width:
• 70 feet

Sewer and Water:
• Municipal water and sewer required

Maximum Primary Structures:
• One

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Minimum Front Yard Setback:
• 30 feet

Minimum Side Yard Setback:
• 10 feet for primary structure
• 5 feet for accessory structure

Minimum Rear Yard Setback:
• 30 feet for primary structure
• 5 feet for accessory structure

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Maximum Lot Coverage:
• 40%

Minimum Dwelling Size:
• 950 square feet for primary structure

Minimum Dwelling Unit Width:
• 24 feet for 60% of the depth of the structure

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Maximum Structure Height:
• 30 feet for primary structure
• 15 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Landscaping	Special Exceptions
Conversion of Dwelling Units	Lots & Yards	Structures
Density & Intensity	Manufactured & Mobile Homes	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Home Occupation	Signs	



MFR – Multi-Family Residential District

2.3 - MFR District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The MFR (Multi-family Residential) District is intended to provide areas for mixed density neighborhoods comprised of two-family and multifamily units. The provisions that regulate this district should protect, promote and maintain areas of Butler for existing and future housing growth.

Permitted Uses

Residential Permitted Uses

- Dwelling, manufactured home.
- Dwelling, multi-family.
- Dwelling, two-family.
- Dwelling unit (upper floors)
- Group home.
- Residential facility for developmentally disabled (small)
- Residential facility for the mentally ill.
- Retirement community.

Institutional Permitted Uses

- Community center.
- Park, public.
- Pool, public

Accessory Permitted Uses

- Child care home.
- Home Occupation

Special Exception Uses

Residential Special Exception Uses

- Assisted living facility.
- Bed & Breakfast.
- Dwelling, Single-family.
- Nursing home.
- Residential facility for the developmentally disabled (large)

City of Butler, Indiana Zoning Ordinance

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Institutional Special Exception Uses

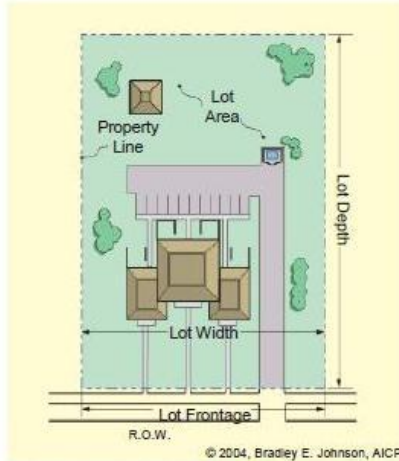
- Child care institution.
- Church, temple or mosque.
- Library, public.
- Parking lot, public.
- Parking lot for business.

Business: Recreation Special Exception Uses

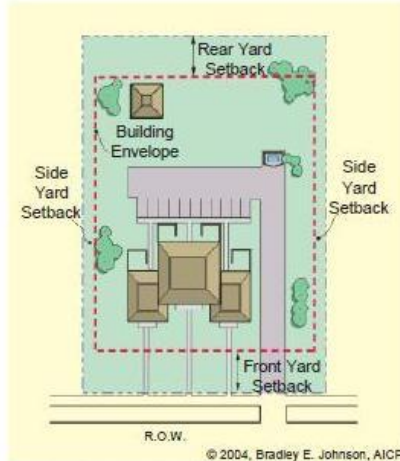
- Club or lodge.
- Country club.
- Golf course.



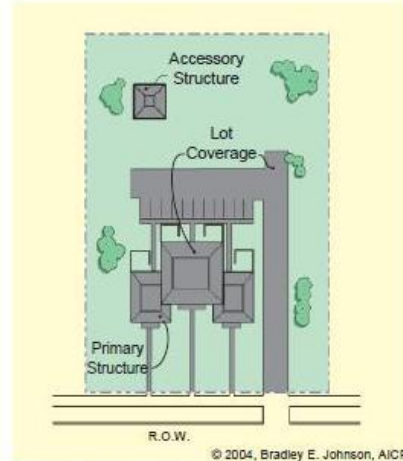
2.4 - MFR Development Standards -



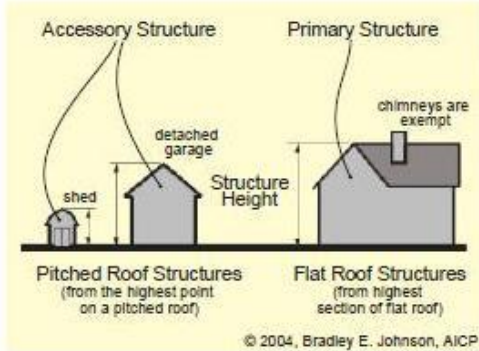
- Minimum Lot Area:**
 - 8,000 sq ft
- Minimum Lot Width:**
 - 70 feet
- Sewer and Water:**
 - Municipal water and sewer required
- Maximum Primary Structures:**
 - No limit for multifamily dwellings
 - One for all other uses



- Minimum Front Yard Setback:**
 - 30 feet
- Minimum Side Yard Setback:**
 - 10 feet for primary structure
 - 5 feet for accessory structure
- Minimum Rear Yard Setback:**
 - 30 feet for primary structure
 - 5 feet for accessory structure



- Maximum Lot Coverage:**
 - 40%
- Minimum Dwelling Size:**
 - 800 square feet per unit for multifamily dwellings and two-family dwellings
 - 950 square feet for primary structure for all other uses
- Minimum Dwelling Unit Width:**
 - 24 feet for 60% of the depth of the structure
- Maximum Density:**
 - 10 dwelling units/acre



- Maximum Structure Height:**
 - 30 feet for the primary structure
 - 15 feet for accessory structures

Additional Development Standards That Apply

Accessory Structures	Landscaping	Special Exceptions
Conversion of Dwelling Units	Lots & Yards	Structures
Density & Intensity	Manufactured & Mobile Homes	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Home Occupation	Signs	



OTR – Old Town Residential District

2.5 - OTR District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The OTR (Old Town Residential) District is reserved for existing older neighborhoods that are characterized as having smaller lots, smaller setbacks, traditional grid street patterns and access by street or alley. These provisions are designed to protect the character of these residential neighborhoods while permitting maintenance and improvement.

Permitted Uses

Residential Permitted Uses

- Dwelling, manufactured home.
- Dwelling, single-family.
- Group home.
- Residential facility for developmentally disabled (small)
- Residential facility for the mentally ill.

Institutional Permitted Uses

- Park, public.
- Pool, public

Accessory Permitted Uses

- Child care home.
- Home Occupation

Special Exception Uses

Residential Special Exception Uses

- Bed & Breakfast.
- Dwelling, Two-family.

Institutional Special Exception Uses

- Church, temple or mosque.
- Library, public.
- Parking lot, public.
- Parking lot for business.

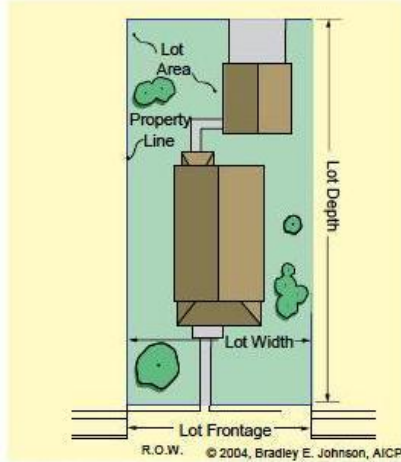
Business: Recreation Special Exception Uses

- Club or lodge.

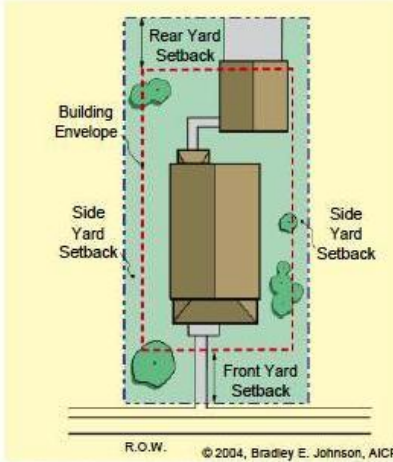


- Country club.

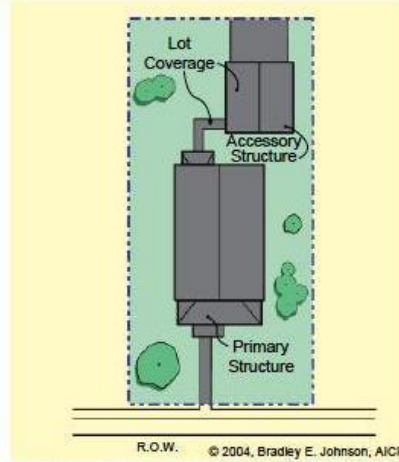
2.6 - OTR Development Standards -



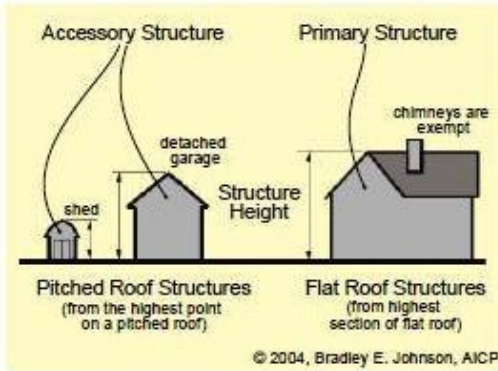
- Minimum Lot Area:**
- 7,000 sq ft
- Minimum Lot Width:**
- 60 feet
- Sewer and Water:**
- Municipal water and sewer required
- Maximum Primary Structures:**
- One



- Minimum Front Yard Setback:**
- 20 feet or the established building setback line
- Minimum Side Yard Setback:**
- 7 feet or the established building setback line for primary structure
 - 5 feet or the established building setback line for accessory structure
- Minimum Rear Yard Setback:**
- 20 feet for primary structure
 - 5 feet for accessory structure



- Maximum Lot Coverage:**
- 50%
- Minimum Dwelling Size:**
- 950 square feet for primary structures
- Minimum Dwelling Unit Width:**
- 24 feet for 60% of the depth of the structure



- Maximum Structure Height:**
- 30 feet for the primary structure
 - 15 feet for accessory structures

Additional Development Standards That Apply

Accessory Structures	Landscaping	Special Exceptions
Conversion of Dwelling Units	Lots & Yards	Structures
Density & Intensity	Manufactured & Mobile Homes	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Home Occupation	Signs	



MHC – Mobile Home Community District

2.7 MHC District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The MHC (Mobile Home Community) District is intended to promote and preserve single-family mobile home parks and communities. The MHC district shall be in accordance with Indiana Code 16-41-27-1 et. seq., Rule 410 Indiana Administrative Code 6-6 and their subsequent amendments. Additionally, all developments in this district are subject to the State Board of Health requirements and the requirements of this Ordinance.

Permitted Uses

Residential Permitted Uses

- Dwelling, manufactured home.
- Dwelling, mobile.
- Mobile home community.

Institutional Permitted Uses

- Pool, public

Accessory Permitted Uses

- Home Occupation

Special Exception Uses

- There are no special exception uses permitted for this district.



2.8 - MHC District Development Standards -



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- Minimum Lot Area:**
 - 10 acres
- Minimum Lot Width:**
 - n/a
- Minimum Front Yard Setback:**
 - 25 feet
- Minimum Side Yard Setback:**
 - 10 feet
- Minimum Rear Yard Setback:**
 - 25 feet
- Sewer and Water:**
 - Municipal water and sewer required
- Maximum Primary Structures:**
 - No maximum



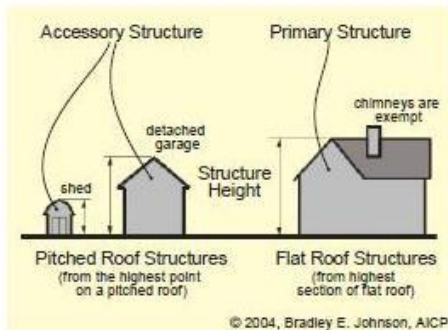
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- Minimum Dwelling Site Area:**
 - 4,000 sq ft
- Minimum Dwelling Site Width:**
 - 40 feet
- Minimum Dwelling Site Front Yard Setback:**
 - 20% of average depth of lots in block
 - Shall be a minimum of 15 feet and maximum of 40 feet
- Minimum Dwelling Site Side Yard Setback:**
 - 10% of the lot width
- Minimum Dwelling Site Rear Yard Setback:**
 - 20% of lot depth
 - Shall be a minimum of 15 feet and maximum of 25 feet
 - 5 feet for accessory structure
- Maximum Dwelling Site Coverage:**
 - 45%



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- Maximum Lot Coverage:**
 - n/a
- Minimum Dwelling Size:**
 - 800 sq ft per primary structure on a dwelling site



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- Maximum Structure Height:**
 - 30 feet for the primary structure
 - 15 feet for accessory structures

Additional Development Standards That Apply

Accessory Structures	Landscaping	Special Exceptions
Conversion of Dwelling Units	Lots & Yards	Structures
Density & Intensity	Manufactured & Mobile Homes	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Home Occupation	Signs	



ARTICLE THREE – BUSINESS & INDUSTRIAL DISTRICTS

NB – Neighborhood Business District

3.1 - NB District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The NB (Neighborhood Business) District is intended to provide a land use category that allows small business uses that serve the immediate neighborhoods. It is not intended to be a zoning classification for new developments.

Permitted Uses --

Residential Permitted Uses

- Dwelling unit, upper floors.

Institutional Permitted Uses

- Church, temple or mosque.
- Community center.
- Government office.
- Library, public.
- Museum.
- Parking lot, public.
- Parking lot for business.
- Police, fire or rescue station.
- Post Office.

Business: Auto Sales / Service Permitted Uses

- Gasoline station.

Business: Food Sales / Service Permitted Uses

- Bakery.
- Coffee shop.
- Convenience store.
- Delicatessen.
- Farmer's market.
- Grocery store.
- Ice cream shop.
- Meat market.
- Restaurant.



Business: General Business Permitted Uses

- Funeral home or mortuary.
- Hotel / motel.
- Print shop / copy center.
- Three-Dimensional Printing (3-D Printing). (*Amended by Ord. # 1618, adopted August 3, 2015*).

Business: Office / Professional Permitted Uses

- Bank / ATM.
- Business / financial services office.
- Construction trade office.
- Design services office.
- Emergency medical clinic.
- Medical / dental clinic.
- Photography studio.
- Professional office.
- Travel agency.

Business: Personal Services Permitted Uses

- Barber / Beauty shop.
- Day Care center, adult.
- Day Care center, child.
- Dry-cleaning service / laundry.
- Fitness center / health club.
- Tailor / alterations / seamstress.
- Tanning salon.
- Tattoo parlor / piercing parlor.

Business: Recreation Permitted Uses

- Bar / tavern.
- Billiard / arcade room.
- Bowling alley.
- Dance / karate studio.

Business: Retail Permitted Uses

- Antique shop.
- Apparel shop.
- Art and craft shop.
- Book store.
- Department store.
- Drug store.
- Fabric shop.



- Flower shop.
- Furniture shop.
- Gift shop.
- Hardware store.
- Home electronics / appliance store.
- Jewelry store.
- Liquor store.
- Music / Media shop.
- Office supply store.
- Pet grooming shop.
- Pet store.
- Sporting goods store.
- Video / DVD store.

Special Exception Uses

Institutional Special Exception Uses

- Child care institution.
- Park, public.
- School (P-12).
- Trade or Business school.

Business: Recreation Special Exception Uses

- Recreation center.

Utility Special Exception Uses

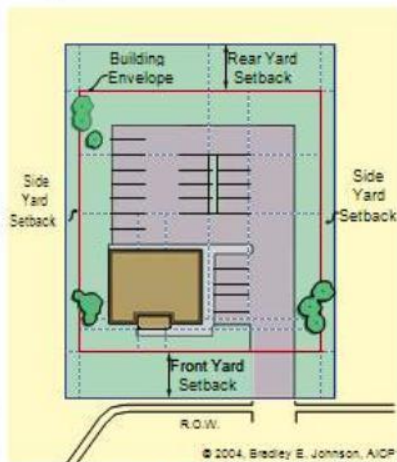
- Telephone exchange



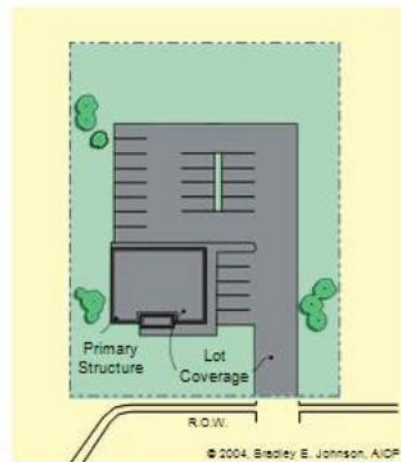
3.2 - NB – Neighborhood Business District Development Standards -



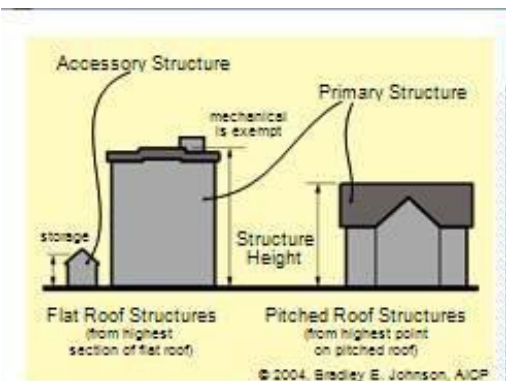
- Minimum Lot Area:**
- 7,000 sq ft
- Minimum Lot Width:**
- 60 feet
- Sewer and Water:**
- Municipal water or sewer required
- Maximum Primary Structures:**
- One



- Minimum Front Yard Setback:**
- 20 feet or the established building setback line
- Minimum Side Yard Setback:**
- 7 feet or the established building setback line for primary structure
 - 5 feet or the established building setback line for accessory structure
- Minimum Rear Yard Setback:**
- 20 feet for primary structure
 - 5 feet for accessory structure



- Maximum Lot Coverage:**
- 70%



- Maximum Structure Height:**
- 45 feet for primary structure
 - 15 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



GB – General Business District

3.3 - GB – General Business District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The GB (General Business) District is intended to provide a land use category for general business uses, retail uses and offices.

Permitted Uses

Residential Permitted Uses

- Assisted living facility.
- Dwelling unit, upper floors.
- Lodging house.
- Nursing home.

Institutional Permitted Uses

- Church, temple or mosque.
- Community center.
- Government office.
- Hospital.
- Jail.
- Library, public.
- Museum.
- Parking lot, public.
- Parking lot for business.
- Police, fire or rescue station.
- Post Office.

Business: Auto Sales / Service Permitted Uses

- Automobile part sales.
- Automobile repair.
- Automobile sales.
- Automobile service station.
- Automobile wash.
- Gasoline station.

Business: Food Sales / Service Permitted Uses

- Bakery.
- Coffee shop.
- Convenience store.
- Delicatessen.
- Farmer's market.



- Grocery store.
- Ice cream shop.
- Meat market.
- Restaurant.
- Restaurant, drive-thru.

Business: General Business Permitted Uses

- Boat sales.
- Funeral home or mortuary.
- Hotel / motel.
- Print shop / copy center.
- Self-storage facility.
- Three-Dimensional Printing (3-D Printing). (*Amended by Ord. # 1618, adopted August 3, 2015*).
- Tool / equipment rental.
- Tool / equipment sales.

Business: Office / Professional Permitted Uses

- Bank / ATM.
- Business / financial services office.
- Construction trade office.
- Design services office.
- Emergency medical clinic.
- Medical / dental clinic.
- Photography studio.
- Professional office.
- Travel agency.
- Veterinarian clinic / hospital with kennel.

Business: Personal Services Permitted Uses

- Barber / Beauty shop.
- Day Care center, adult.
- Day Care center, child.
- Dry-cleaning service / laundry.
- Fitness center / health club.
- Tailor / alterations / seamstress.
- Tanning salon.
- Tattoo parlor / piercing parlor.

Business: Recreation Permitted Uses

- Banquet hall.



- Bar / tavern.
- Billiard / arcade room.
- Bowling alley.
- Club or lodge.
- Dance / karate studio.
- Dance or nightclub.
- Driving range.
- Miniature golf.
- Movie theater.
- Recreation center.
- Skating rink.

Business: Retail Permitted Uses

- Antique shop.
- Apparel shop.
- Art and craft studio.
- Book store.
- Building supply store.
- Car rental.
- Department store.
- Drug store.
- Fabric shop.
- Fireworks shop.
- Flower shop.
- Furniture shop.
- Garden shop.
- Gift shop.
- Gun sales.
- Hardware store.
- Home electronics / appliance store.
- Jewelry store.
- Liquor sales.
- News dealer.
- Music / Media shop.
- Office supply store.
- Pet grooming shop.
- Pet store.
- Sporting goods store.
- Sexually oriented store.
- Super store.
- Video / DVD store.

Utility Permitted Uses

- Telephone exchange.



Special Exception Uses

Institutional Special Exception Uses

- Child care institution.
- Park, public.
- Pool, public.
- Recycling collection point.
- School (P-12).
- Trade or Business school.

Business: Recreation Special Exception Uses

- Amusement park.

Utility Special Exception Uses

- Radio / TV station.
- Telecommunications facility.



3.4 - GB-General Business District Development Standards -

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- Minimum Lot Area:**
 - 10,000 sq ft
- Minimum Lot Width:**
 - 70 feet
- Sewer and Water:**
 - Municipal water or sewer required
- Maximum Primary Structures:**
 - No maximum

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- Minimum Front Yard Setback:**
 - 30 feet
- Minimum Side Yard Setback:**
 - 10 feet for primary structure
 - 5 feet for accessory structure
- Minimum Rear Yard Setback:**
 - 30 feet for primary structure
 - 10 feet for accessory structure

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- Maximum Lot Coverage:**
 - 90%

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- Maximum Structure Height:**
 - 45 feet for primary structure
 - 20 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



LI – Light Industrial District

3.5 - LI – Light Industrial District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The LI (Light Industry) District is intended to provide a land use category for small and light manufacturing facilities and warehouse facilities.

Permitted Uses

Institutional Permitted Uses

- Government operation , non-office.
- Parking lot, public.
- Parking lot for business.
- Police, fire or rescue station.

Business: Auto Sales / Service Permitted Uses

- Automobile repair.

Business: General Business Permitted Uses

- Self-storage facility.
- Tool / equipment rental.

Business: Office / Professional Permitted Uses

- Construction trade office.
- Veterinarian clinic / hospital with kennel.

Industrial Permitted Uses

- Assembly.
- Distribution facility.
- Flex-space.
- Food production / processing.
- Light manufacturing.
- Research center.
- Sign painting / fabrication.
- Testing lab.
- Tool & dye shop.
- Warehousing.
- Welding.



Utility Permitted Uses

- Telecommunications exchange.
- Telephone exchange.

Special Exception Uses

Institutional Special Exception Uses

- Park, public.
- Post office.
- Recycling collection point.

Business: Recreation Special Exception Uses

- Amusement park.

Industrial Special Exception Uses

- Junk yard.

Utility Special Exception Uses

- Radio / TV station.
- Substation.
- Treatment plant.



3.6 - LI –Light Industrial Development Standards -

Minimum Lot Area:
• n/a

Minimum Lot Width:
• n/a

Sewer and Water:
• Municipal water and sewer required

Maximum Primary Structures:
• No maximum

Minimum Front Yard Setback:
• 30 feet

Minimum Side Yard Setback:
• 10 feet for primary structure and accessory structure
• 30 feet for primary structure if adjacent to residential zoning

Minimum Rear Yard Setback:
• 30 feet for primary structure and accessory structure

Maximum Lot Coverage:
• 90%

Maximum Structure Height:
• 60 feet for primary structure
• 20 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



HI – Heavy Industrial District

3.7 - HI – Heavy Industrial District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The HI (Heavy Industry) District is intended to provide a land use category for larger, heavier manufacturing facilities.

Permitted Uses

Institutional Permitted Uses

- Government operation , non-office.
- Parking lot, public.
- Parking lot for business.
- Police, fire or rescue station.
- Recycling collection point.

Business: Auto Sales / Service Permitted Uses

- Automobile repair.

Business: General Business Permitted Uses

- Manufactured housing sales.
- Self-storage facility.
- Tool / equipment rental.

Industrial Permitted Uses

- Assembly.
- Distribution facility.
- Flex-space.
- Food production / processing.
- Gravel / sand mining.
- Heavy manufacturing.
- Incinerator.
- Light manufacturing.
- Liquid fertilizer storage / distribution.
- Recycling processing.
- Research center.
- Scrap metal yard.
- Sign painting / fabrication.
- Storage tanks.
- Testing lab.



- Tool & dye shop.
- Warehousing.
- Welding.

Utility Permitted Uses

- Telecommunications facility.
- Telephone exchange.

Special Exception Uses

Institutional Special Exception Uses

- Park, public.
- Post office.

Business: Retail Special Exception Uses

- Sexually oriented business.

Industrial Special Exception Uses

- Junk yard.

Utility Special Exception Uses

- Generation plant.
- Substation.
- Telephone exchange



3.8 - HI – Heavy Industrial District Development Standards -

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Minimum Lot Area:
• n/a

Minimum Lot Width:
• n/a

Sewer and Water:
• Municipal water and sewer required

Maximum Primary Structures:
• No maximum

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Minimum Front Yard Setback:
• 30 feet

Minimum Side Yard Setback:
• 10 feet for primary structure and accessory structure
• 30 feet for primary structure if adjacent to residential zoning

Minimum Rear Yard Setback:
• 30 feet for primary structure and accessory structure

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Maximum Lot Coverage:
• 90%

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Maximum Structure Height:
• 60 feet for primary structure
• 20 feet for accessory structure

Additional Development Standards That Apply		
Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Vision Clearance
Environmental	Parking	
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



ARTICLE FOUR - INSTITUTIONAL, OFFICE, RECREATIONAL & AGRICULTURAL DISTRICTS

4.1 - INS District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The INS (Institutional & Office) District is intended to provide standards for institutional uses and low-intensity office uses that are compatible with residential uses. This district can be used to transition from business and industrial districts to residential districts.

Permitted Uses

Residential Permitted Uses

- Assisted living facility.
- Nursing home.
- Retirement community.

Institutional Permitted Uses

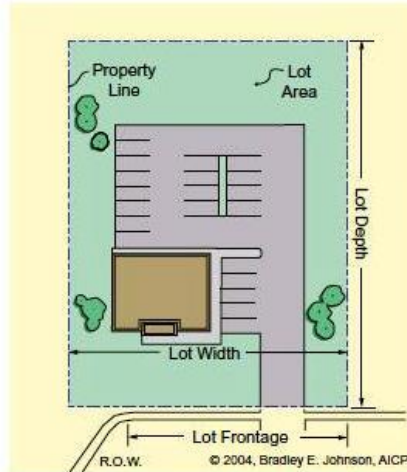
- Child care institution.
- Church, temple or mosque.
- Community center.
- Government office.
- Government operation (non-office).
- Parking lot, public.
- Parking lot for business.
- Police, fire or rescue station.
- Post Office.
- School (P-12).
- Trade or business school.
- University or college.

Business: Office / Professional Permitted Uses

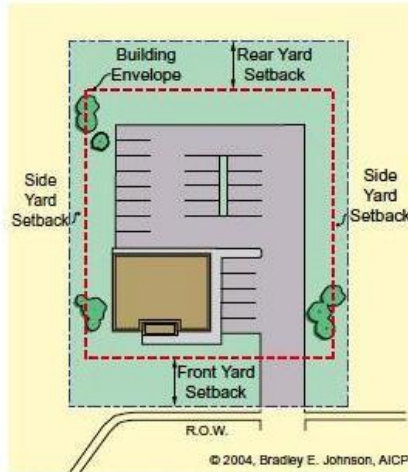
- Bank / ATM.
- Business / financial services office.
- Design services office.
- Emergency medical clinic.
- Medical / dental clinic.
- Photography office.
- Professional office.
- Travel agency.
- Veterinarian clinic / hospital – no kennel.



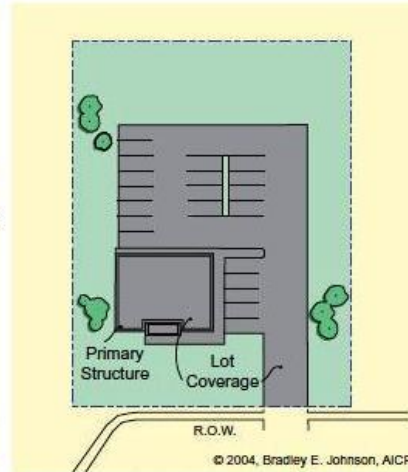
4.2 – INS – Institutional & Office District Development Standards -



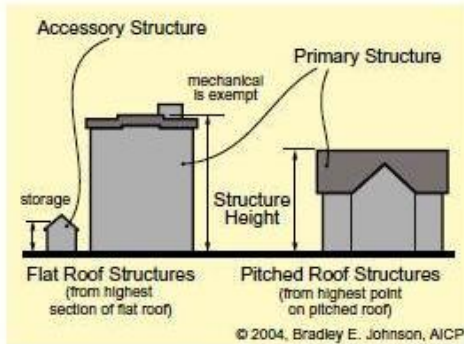
- Minimum Lot Area:**
• n/a
- Minimum Lot Width:**
• n/a
- Sewer and Water:**
• Municipal water and sewer required
- Maximum Primary Structures:**
• No maximum



- Minimum Front Yard Setback:**
• 30 feet
- Minimum Side Yard Setback:**
• 10 feet for primary structure
• 5 feet for accessory structure
- Minimum Rear Yard Setback:**
• 30 feet for primary structure
• 5 feet for accessory structure



- Maximum Lot Coverage:**
• 40%



- Maximum Structure Height:**
• 45 feet for primary structure
• 20 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Telecommunication Facility
Environmental	Parking	Vision Clearance
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



REC – Open Space & Recreational District

4.3 - GB – General Business District Intent, Permitted Uses, and Special Exception Uses -

District Intent – The REC (Open Space & Recreational) District is intended to establish and preserve open space and recreational areas, both developed and undeveloped, and to allow public and quasi-public uses in such open space.

Permitted Uses

Institutional Permitted Uses

- Cemetery.
- Community center.
- Government operation (non-office).
- Park, public
- Parking lot, public.
- Pool, public.

Business: Recreation Permitted Uses

- Golf course.
- Miniature golf.
- Nature preserve.
- Paintball facility.
- Recreation center.

Utility: Permitted Uses

- Treatment plant.

Special Exception Uses

Institutional Special Exception Uses

- Library, public.
- Museum.
- Recycling collection point.

Business: Recreation Special Exception Uses

- Amusement park.

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Business: Retail Special Exception Uses

- Plant nursery.

Utility Special Exception Uses

- Substation.



4.4 - Open Space & Recreational District (REC) - Development Standards -

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Minimum Lot Area:
• n/a

Minimum Lot Width:
• n/a

Sewer and Water:
• Municipal water and sewer required

Maximum Primary Structures:
• No maximum

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Minimum Front Yard Setback:
• 30 feet

Minimum Side Yard Setback:
• 10 feet for primary structure
• 5 feet for accessory structure

Minimum Rear Yard Setback:
• 30 feet for primary structure
• 5 feet for accessory structure

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Maximum Lot Coverage:
• 25%

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Maximum Structure Height:
• 30 feet for primary structure
• 20 feet for accessory structure

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Telecommunication Facility
Environmental	Parking	Vision Clearance
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



AG – Agricultural District

4.5 - AG District Intent, Permitted Uses, and Special Exception Uses

District Intent – The AG (Agricultural) District is established for land within the City’s extraterritorial jurisdictional that is agricultural and has future development potential. This district does not allow the subdivision of land, other than for “legacy agricultural parcels”. This district is intended for small scale farming and does not allow factory farms. (*Amended by Ord. # 1583, adopted August 19, 2013*).

Permitted Uses

Agricultural Permitted Uses

- Agricultural crop production.
- Farmstead.
- Orchard.
- Raising of farm animals.
- Stable.
- Storage of agricultural products.
- Tree farm.

Business: Retail Permitted Uses

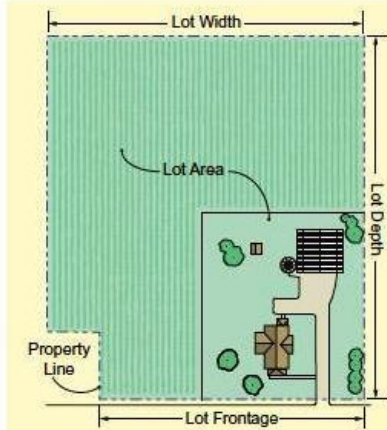
- Plant nursery.

Residential Special Exception Uses

- Dwelling, single-family.
- Dwelling, manufactured home.

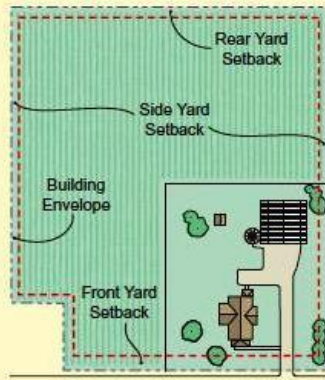


4.6 - AG - Agricultural District Development Standards -



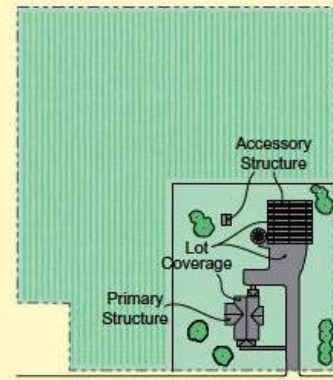
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- Minimum Lot Area:**
- 5 acres
- Minimum Lot Width:**
- 160 feet
- Sewer and Water:**
- Municipal water and sewer may not be required
- Maximum Primary Structures:**
- One



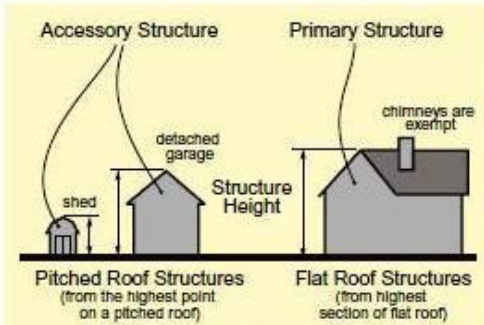
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- Minimum Front Yard Setback:**
- 90 feet
- Minimum Side Yard Setback:**
- 15% of the lot width, minimum 25 feet
- Minimum Rear Yard Setback:**
- 50 feet



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- Minimum Lot Coverage:**
- 25%
- Minimum Dwelling Size:**
- 950 sq ft
- Minimum Dwelling Unit Width:**
- 24 feet for 60% of the depth



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- Maximum Structure Height:**
- 45 feet

Additional Development Standards That Apply

Accessory Structures	Loading	Structures
Density & Intensity	Lots & Yards	Temporary Uses / Structures
Entrance / Driveway	RV's-Outdoor Storage	Telecommunication Facility
Environmental	Parking	Vision Clearance
Fence & Wall	Performance Standards	
Floodplain	Public Improvements	
Height	Sewer & Water	
Landscaping	Signs	
Lighting	Special Exceptions	



ARTICLE FIVE - WELLHEAD PROTECTION-OVERLAY DISTRICT

5.1 - WP-OL – Wellhead Protection-Overlay District Intent, Effect on Uses, and Development Standards -

District Intent – The WP-OL (Wellhead Protection Overlay District) is intended to safeguard the public health, safety and welfare of the community and its water customers by protecting the community's groundwater supply against contamination from potential contamination sources.

Effect on Uses

The permitted uses and special exception uses within the WP-OL (Wellhead Protection Overlay District) shall be those of the underlying zoning district with the elimination of the following uses:

- Dry cleaning service / laundry.
- Junk yard

Development Standards

The development standards within the WP-OL (Wellhead Protection Overlay District) shall be those of the underlying zoning district in addition to the following standards:

- Any industry is subject to periodic inspection by the Fire Marshal or City Superintendent.
- Required reporting of any spillage or containments into the soil to the City Superintendent.
- Required periodic testing at the request of the City for spillage or containments into the soil.

5.2 - Applicability - The following requirements apply to all land within the Wellhead Protection Zone, as defined in Section 5.3, with the exceptions of single and multifamily residential land uses connected to municipal sanitary and storm sewers.

5.3 - Establishment of Wellhead Protection Zone - For purposes of this ordinance, the area contained within a five year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 Indiana Administrative Code 8-4.1 is designated as a Wellhead Protection Zone.

5.4 - Criteria for Review

A. New Storage Areas - The following criteria shall be applied to the storage of sources of potential contamination within the Wellhead Protection Zone:

1. A maximum of 1,000 gallons of above ground storage of liquid and/or petroleum.
2. A maximum of 6,000 gallons of water-soluble solids per container in any one containment area.
3. No new underground storage tanks (USTs) are permitted.

B. Above Ground Storage - The following criteria shall be applied to all above ground storage of liquids in excess of 40 gallons for more than 24 hours:



1. Secondary containment capable of containing 110% of the volume of the tank or tanks.
 2. Secondary containment constructed to meet one of the following:
 - a. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or
 - b. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
 3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- C. Existing Facilities** - The following requirements shall apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
1. All USTs shall be double walled.
 2. All USTs shall include release detection suitable for the site and facility.
 3. Connected piping must include release detection suitable for the site and facility.
- D. Transfer Area** - The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
 2. The portion of the liquid transfer area intended to contain releases shall be maintained so that it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
- E. Excavation Activities** - The following requirements shall apply to all excavation activities associated with the removal of sand and gravel materials:
1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a dragline, floating dredge, or an alternative "wet" excavation method.
 2. There shall be no de-watering of sites utilized for sand and gravel extraction.
 3. No form of solid waste or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment.



ARTICLE SIX - DEVELOPMENT STANDARDS

6.1 - How to Use this Article - Article Six contains development standards which are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

- A. Refer to the two-page layouts in [Articles Two, Three and Four](#) for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific Zoning District are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that Zoning District.

(As an example, on page 2-2, the four digit code "DI-01" can be found under the "Additional Development Standards that Apply" section in the Single-Family Residential (SFR) District. Therefore, the Development Standards in the section labeled "DI-01" (on page 6-5) would apply to the Single-Family Residential (SFR) District).

- B. Refer to the icons used at the top of each development standard section in Article Six. Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (i.e. REC for the Open Space and Recreational District or MFR for the Multifamily Residential District). These district icons note that the development standard written in that section applies to that district.

[As an example, on page 6-3, the SFR icon can be found under the AS-01 development standard section. Therefore, the language in the AS-01 section would apply to the SFR district.]

Symbol	Section Name	Page #	Symbol	Section Name	Page #
AS	Accessory Structure Standards	6-2	OS	Outdoor Storage Standards	6-18
DI	Density & Intensity Standards	6-3	PK	Parking Standards	6-20
ED	Entrance / Driveway Standards	6-4	PF	Performance Standards	6-24
EN	Environmental Standards	6-6	PI	Public Improvement Standards	6-25
FW	Fence & Wall Standards	6-7	SW	Sewer & Water Standards	6-25
FP	Floodplain Standards	6-8	SO	Sexually Oriented Business Standards	6-26
HT	Height Standards	6-8	SI	Sign Standards	6-29
HO	Home Occupation Standards	6-9	SE	Special Exception Standards	6-31
LA	Landscaping Standards	6-12	ST	Structure Standards	6-32
LT	Lighting Standards	6-13	TC	Telecommunication Facility Standards	6-33
LD	Loading Standards	6-14	TU	Temporary Use / Structure Standards	6-36
LO	Lot & Yard Standards	6-16	VC	Vision Clearance Standards	6-37
MH	Manufactured & Mobile Home Standards	6-17			



6.2 – Accessory Structure Standards - AS-01 - This Accessory Structure Standards section applies to the following districts:

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MFR	OTR	SFR	GB			NB		

The following accessory structure standards apply:

A. Accessory Structures with a Roof - These structures include sheds, mini-barns, pole barn structures, lean-to structures, carports, detached garages, gazebos, and similar buildings. Accessory structures with a roof shall meet the following regulations.

1. The structures shall not be permitted prior to the erection of the principal building.
2. The structures shall relate to the primary structure and its uses; and be used in connection to the specific primary use.
3. The structures shall meet all setback and height limitations as described in each two-page layout in [Articles Two, Three and Four](#).
4. The maximum number of accessory structures with a roof on a lot is two.
5. Accessory structures are not allowed to be constructed or encroach into an easement.
6. No accessory structure shall consist of or be composed of a trailer, semi-truck trailer, former parts of vehicles truck cabs, camper shells, or anything that was designed to be part of a moving vehicle.
7. No part of an accessory structure may extend beyond the front elevation line of a primary structure. For the purposes of this sub-chapter, a front porch or deck is not considered to be part of a front elevation. *(Amended by Ord. # 1645, adopted August 7, 2017).*

B. Accessory Structures without a Roof - These structures include decks greater than 10 square feet and swimming pools. Accessory structures without a roof shall meet the following regulations.

1. The structures shall not be permitted prior to the erection of the principal building.
2. The structures shall relate to the primary structure and its uses; and be used in connection to the specific primary use.
3. The structures shall meet all setback, height and coverage limitations as described in each two-page layout in [Articles Two, Three and Four](#).
4. Accessory structures are not allowed to be constructed or encroach into an easement.
5. No part of an accessory structure may extend beyond the front elevation line of a primary structure. For the purposes of this sub-chapter, a front porch or deck is not considered to be part of a front elevation. *(Amended by Ord. # 1645, adopted August 7, 2017).*

C. Garages – Garages, whether attached or detached, may be up to 1,000 (one-thousand) square feet in size, provided that the garage structure, in combination with the primary structure, meets all setback, lot coverage and height limitations as described in each two-page layout in [Articles Two, Three and Four](#), as applicable.

1. Garages proposed for lots less than 5,000 (five-thousand) square feet in size may be no more



than 720 (seven-hundred, twenty) square feet in size.

2. If the gable / roof line of the living area of a two-story house extends over a garage, the maximum allowable height of the garage space is 15 (fifteen) feet. *(Amended by Ord. # 1645, adopted August 7, 2017).*

6.3 – Accessory Structure Standards - AS-02 - This Accessory Structure Standards section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC										

- A. **Accessory Structures** - Management offices, sales offices, maintenance garage, laundry and other structures customarily incidental to mobile home communities are permitted, provided the following regulations are met.
 1. The accessory structure is subordinate to the residential component of the park; and
 2. The accessory structure is located, designed and intended to serve only the needs of the park; and
 3. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.
 4. No accessory structure shall consist of or be composed of a trailer, semi-truck trailer, former parts of vehicles truck cabs, camper shells, or anything that was designed to be part of a moving vehicle.

- B. **Dwelling Site** - Each dwelling site with a permitted dwelling unit may install one garage or carport, one shed or mini-barn and one deck greater than 10 square feet.

6.4 – Accessory Structure Standards - AS-03 - This Accessory Structure Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
					HI	LI		AG	INS	REC

The following accessory structure standards apply:

- A. **Placement of Accessory structures:**
 1. Accessory structures shall not be permitted prior to the erection of the principal building, where such a building will exist.
 2. Accessory structures shall relate to the primary use of the land.

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3. Accessory structures shall meet all setback and height limitations as described in each two-page layout in [Articles Two, Three and Four](#).
4. There is no limit on the number of accessory structures allowed.
5. Accessory structures are not allowed to be constructed or encroach into an easement.
6. Mobile units (trailers) are permitted accessory structures provided the following requirements are met:
 - a. The units shall be used to accommodate overcrowding of people,
 - b. The units shall meet all applicable setbacks, and
 - c. The units shall be used for a maximum of two years.

6.5 – Density and Intensity Standards - DI-01 - This Density and Intensity Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following density and intensity standards apply:

- A. Maximum Density** - Shall be per each two-page layout in [Articles Two, Three and Four](#).
- B. Maximum Lot Coverage** - Shall be per each two-page layout [Articles Two, Three and Four](#).
- C. Applicability** - If one or more of the above listed density or intensity standard does not appear on the two- page layout for a zoning district, then it does not apply to that particular zoning district.

6.6 – Entrance / Driveway Standards - ED-01 - This Entrance and Driveway Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR				NB			

The following entrance and driveway standards apply:

- A. Access Points:**
 1. A lot may have one street entrance for each street frontage.
 2. A lot may have one alley entrance for each improved alley frontage.
 3. The entrance width for one-way traffic is 12 to 16 feet.
 4. The entrance width for two-way traffic is 24 to 28 feet.
 5. An additional six feet of pavement is allowed for a turning lane when there is a dedicated left or right turning lane and a minimum of 40 feet of stacking room.



6. **Entrance to structure from front of lot** - An entrance-way to a new dwelling must face, and be accessible from, the front lot line of the parcel on which the dwelling is located. A “front lot line” is as defined in Appendix 10 of this Ordinance. *(Amended by Ord. # 1583, adopted August 19, 2013).*

B. Surface Materials:

1. Driveways accessing a paved street or paved alley shall be paved with an impervious surface.
2. Driveways accessing a gravel alley may be gravel or paved with an impervious surface.
3. When a driveway is connecting a paved street and a gravel alley, the driveway shall be paved with an impervious surface.
4. Existing gravel driveways may be maintained and expanded on private property but shall not be enlarged within the city right-of-way, which includes widening the access point.
5. Existing paved driveways may be expanded on private property but shall be paved with a like material.

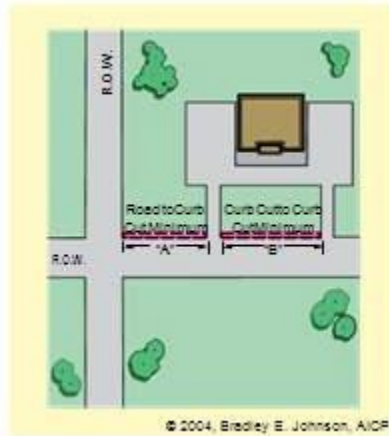
6.7 – Entrance / Driveway Standards - ED-02 - This Entrance and Driveway Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI		AG	INS	REC

The following entrance and driveway standards apply:

A. Access Points:

1. A lot may have one entrance for each 300 feet of street frontage. A maximum of two entrances are permitted per street frontage.
2. A lot may have one alley entrance for every 100 feet of improved alley frontage.
3. No entrances shall be permitted to be installed:
 - a. Within 100 feet of any intersecting street if along an arterial or collector street (see "A" in the illustration). If the property is not large enough to achieve a 100-foot separation, then the entrance shall be installed at a location farthest from the intersection.
 - b. Within 50 feet of any intersecting street if along a local street (see "A" in the illustration). If the property is not large enough to achieve a 50-foot separation, then the entrance shall be installed at a location farthest from the intersection.
 - c. Under no circumstances will an entrance be allowed within 30 feet of any intersection of a street, driveway or other entrance.
 - d. The distances for the above standards shall be determined by measuring from curb/edge of pavement to curb/edge of pavement at the right-of-way line.
4. The entrance width for one-way traffic is 12 to 18 feet.
5. The entrance width for two-way traffic is 24 to 32 feet.
6. An additional six feet of pavement is allowed for a turning lane when there is a dedicated left or right turning land and a minimum of 40 feet of stacking room.



- C. Surface Materials** - All driveways shall be paved with an impervious surface.
- D. Improvements** - The Community Development Office may determine if the following are necessary based on industry standards:
 1. An acceleration or deceleration lane, or
 2. A passing blister at a new entrance or drive.

6.8 – Environmental Standards - EN-01 - This Environmental Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following environmental standards shall apply:

- A. Excessive Slope** - Areas of land shall be deemed unsuitable for buildings when pre-development or post-development slopes are greater than 25%.
- B. Unsuitable Land Qualities** - Areas of land shall be deemed unsuitable for buildings when it:
 1. Contains adverse soil or rock formations,
 2. Is highly susceptible to erosion,
 3. Has low percolation rate,
 4. Has low weight bearing strength, or
 5. Has any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.
- C. Erosion Prevention** - All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, may be required to be graded and seeded within 30 days after the removal or destruction of said natural cover to prevent erosion. All land shall meet the minimum erosion prevention requirements of Indiana Administrative Code 327 and its amendments.



- D. Waste Disposal** - No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot.
- E. Fuel Storage** - No flammable or explosive liquids, solids, or gasses as specified by the State Fire Marshal may be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- F. Debris/Refuse** - Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood is considered a nuisance and a threat to the environment. To protect the health and safety of residents, these materials shall not accumulate on any property.

6.9 – Fence and Wall Standards - FW-01 - This Fence and Wall Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following fence and wall standards apply:

A. Placement:

1. A Fence Permit is required before a fence can be installed or constructed. See Section 8.4.
2. Fences and walls shall be no closer than two feet to the property line. Fences may be placed closer than two feet to the property line with written permission from the property owner that shares said line.
3. Fences are permitted in easements if the property owner obtains permission from all utilities utilizing the easement and signs a consent form. The consent form shall state the property owner understands the fence can be destroyed, damaged, and/or removed by a utility company to access the easement, and costs to repair or replace the fence are borne by the property owner.
4. Walls are not permitted in any easement.

B. Construction Standards:

1. Fences and walls shall not incorporate barbed wire, security wire, sharpened top spikes, electrified wires or the like that are located above the ground.
2. Fences shall not incorporate or be constructed of chicken wire or other similar wire materials except for chain link fencing.
3. Temporary construction fence may be utilized when an improvement location permit has been issued for a property without obtaining a separate fence permit. The temporary construction fence shall be removed when the construction is completed or when the improvement location permit has expired, whichever occurs first.

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- 4. Fences and walls shall present the non-structural face outward.
- 5. All fences and walls, whether for privacy or decoration, are required to be properly maintained and kept in good repair at all times.

6.10 – Fence and Wall Standards - FW-02 - This Fence and Wall Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR				NB			

The following fence and wall standards apply:

- A. **Placement** - Fences and walls are not permitted in front of the front building setback line.
- B. **Construction Standards** - Fences and walls shall not be greater than seven (7) feet in height. *(Amended by Ord. # 1583, adopted August 19, 2013).*

6.11 – Fence and Wall Standards - FW-03 - This Fence and Wall Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI	NB	AG	INS	

The following fence and wall standards apply:

- A. **Placement** - Fences and walls are not permitted in front of the front building setback line.
- B. **Construction Standards** - Fences and walls shall not be greater than eight feet in height, except fences around sport fields and courts.

6.12 – Fence and Wall Standards - FW-04 - This Fence and Wall Standards section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
										REC

The following fence and wall standards apply:

- A. **Placement** - Fences and walls may be located in the front yard if the fence or wall is a minimum of 50% opaque (For example: chain link, split rail or picket).
- B. **Construction Standards** - Fences and walls shall not be greater than eight feet in height, except fences around sport fields and courts.



6.13 – Floodplain Standards - FP-01 - This Floodplain Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following floodplain standards apply:

- A. **Standards** - See Chapter 153 of the Butler City Code.

6.14 – Height Standards - HT-01 - This Height Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following height standards apply:

- A. **Maximum Structure Height** - Shall be as per each two-page layout in [Articles Two, Three](#) and [Four](#).

- B. **Exemptions** - The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:

1. Church steeples, bell towers, and religious symbols are allowed to extend up to a total height of 60 feet.
2. Water towers, telecommunication facilities and silos are allowed up to a height of 199 feet.
3. Chimneys are allowed to extend ten feet above the roof's highest point.
4. Mechanical equipment, when mounted on a roof, is allowed to extend ten feet above the roof's highest point, but shall be:
 - a. Located such that it is not visible from adjacent private and public streets, or
 - b. Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private or public streets.
5. An elevator bulkhead is allowed to extend 15 feet above the roof's highest point, but shall be:
 - a. Located such that it is not visible from adjacent private and public streets, or
 - b. Shielded from view with a parapet or other architectural feature such that it is not visible from adjacent private and public streets, or
 - c. Be constructed with the same exterior building materials, or
 - d. Be architecturally integrated into the building's design utilizing the same exterior building materials as to not look like an elevator bulkhead.

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6.15 - Home Occupation Standards - HO-1 - This Home Occupation Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR							

Purpose - The purpose of the Home Occupation Standards is to allow minimal business practices within certain zoning districts while protecting and maintaining the district’s residential character and function.

The following home occupation standards apply:

- A. Permit Required** - All home occupations shall obtain a Home Occupation Permit, see Section 8.6 Home Occupation Permits.
- B. Residency Required** - The primary operator and all employees of the home occupation shall reside on the premises.
- C. Operation Standards:**
 - 1. The home occupation shall be carried on wholly within the primary structure or an accessory structure.
 - 2. The home occupation shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
- D. Construction Standards:**
 - 1. There shall be no visible evidence of the home occupation, including but not limited to alterations to the exterior of the residence which changes the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home occupation. Outdoor storage shall include equipment or materials used in the occupation, as well as the accumulation of used, discarded, or worn out materials or manufactured products.
 - 2. The home occupation shall not require the installation of mechanical equipment other than that which is typical for domestic or hobby purposes.
 - 3. The home occupation shall not require the installation of a utility service that is beyond what is standard for a residence, such as three-phase electrical, greater than a 1" water line, etc.
- E. Sign Standards** - One non-illuminated sign, not exceeding two square feet, will be allowed on the primary structure. Off-site signs and signs in the yard are prohibited. No variances shall be granted for home occupation signs.
- F. Exclusions** - The following uses are not permitted as home occupations under any circumstances:
 - 1. Medical clinic of any kind
 - 2. Retail dress shop
 - 3. Funeral home
 - 4. Animal hospital
 - 5. Kennel

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6. Manufacturing Facility
7. Trailer rental or sales
8. Automobile, motor vehicles, equipment repair of any kind or painting
9. Tooling, welding or machining of any kind
10. Tool or equipment rental of any kind
11. Restaurant
12. Salvage operation
13. Freight or trucking operation of any kind

6.16 - Home Occupation Standards - HO-2 - This Home Occupation Standards section applies to the following districts:

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MFR	OTR	SFR							

The following home occupation standards apply:

- A. Operation Standards** - The home occupation shall not generate traffic in greater volumes than would normally be expected in the neighborhood.
- B. Parking Standards** - The home occupation shall provide off street parking to accommodate customers. Off street parking shall be in accordance with the provisions of the zoning ordinance and be residential in character. No commercial-style parking lots will be permitted.
- C. Permitted Home Occupations** - The permitted home occupations shall be limited to domestic crafts, professional services, catalog businesses, and internet businesses. Uses not listed herein shall be approved by the Board of Zoning Appeals before a Home Occupation Permit is issued.
 1. Sewing related business
 2. Computer/internet based sales
 3. Catalog order business
 4. Furniture repair
 5. Barber or beautician - two chair limit
 6. Home office for lawyer, doctor, architect, engineer, accountant, consultant
 7. Home office for real estate, insurance, notary public
 8. Clergy office
 9. Art studio, writing studio, music studio, photography studio
 10. Teaching art, writing, or music limited to two students at a time.

6.17 - Home Occupation Standards - HO-3 - This Home Occupation Standards section applies to the following district:

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC									



The following home occupation standards apply:

- A. Operation Standards** - The home occupation shall not generate any customers to the property.
- B. Permitted Home Occupations** - The permitted home occupations shall be limited to domestic crafts, professional services, catalog businesses, and internet businesses where the customer does not travel to the home. Uses not listed herein shall be approved by the Board of Zoning Appeals before a Home Occupation Permit is issued.
 - 1. Sewing related business
 - 2. Computer/internet based sales
 - 3. Catalog order business
 - 4. Home office for lawyer, doctor, architect, engineer, accountant, consultant
 - 5. Home office for real estate, insurance
 - 6. Clergy office
 - 7. Art studio, writing studio, music studio, photography studio

6.18 – Landscaping Standards - LA-01 – (General Landscape) - This Landscaping Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

Purpose - The landscaping standards are intended to enhance Butler’s natural environment and foster aesthetically pleasing development which will protect, preserve and improve the appearance, character, health, safety and welfare of the community.

The following landscaping standards apply:

- A. Placement:**
 - 1. Landscape material shall not be planted or placed in the right-of way without permission from the City Superintendent. A tree canopy may project over a right-of-way.
 - 2. Landscape material shall not be planted or placed in an easement without written permission from the easement holder that utilizes the easement unless otherwise required by this Ordinance. A tree canopy may project over an easement.
 - 3. The scale and nature of landscaping materials shall be appropriate to the size of the structures and the available space. Materials shall be located to avoid interference with overhead or underground utilities or vehicular and pedestrian movement and visibility.
 - 4. Landscape material exceeding three feet in height shall be located outside of the vision clearance triangle. See Section 6.49 Vision Clearance Standards.



B. Construction Standards:

1. The landowner and/or tenant are jointly responsible for the regular maintenance of all landscaping elements such as trees, vegetation, irrigation systems, fences, walls and other landscape materials such that they are kept in good condition.
 - a. All plant material shall be maintained alive, healthy, and free from disease and pests.
 - b. All landscaped areas shall be free of weeds, litter, graffiti, and similar signs of deferred maintenance.
2. Grass and other vegetative ground cover shall be used for all open space. Decorative mulch planting beds are permitted around structures, shrubs and trees.

6.19 – Landscaping Standards - LA-02 [Parking Lot Landscaping] - This Landscaping Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MFR			GB	HI	LI	NB		INS	

The following landscaping standards apply:

- A. Parking Lot Standards** - Parking lots over 19 spaces shall provide perimeter landscaping as follows:
1. One tree per 80 linear feet of circumference around the parking lot.
 2. One shrub per 50 linear feet of circumference of a parking lot facing a public street.
 3. Trees and shrubs may be spaced irregularly in informal groupings.
 4. At the election of the property owner, as much as 50% of the required tree and shrub plantings may be planted in parking lot landscape islands or bump-outs.
 5. Islands or bump-outs shall be 150 square feet in area or greater and be mulched or a hardy plant ground cover used.

6.20 – Lighting Standards - LT-01 - This Lighting Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following lighting standards apply:

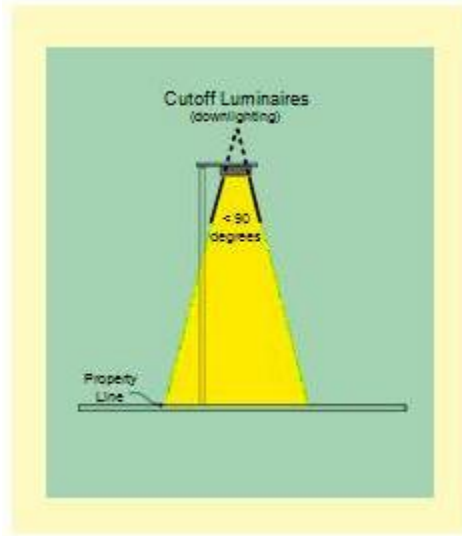


A. General Standards:

1. The maximum allowable light at a property line is 5 lux. The only exceptions to this standard is as follows:
 - a. When the subject property is zoned for business use and the adjacent property is also zoned for business or industrial use, then the allowable light at the property line is 20 lux (only on the sides of the property that are adjacent to the similar zoning district).
 - b. When the subject property is zoned for industrial use and the adjacent property is also zoned for industrial use, then the allowable light at the property line is 20 lux (only on the sides of the property that are adjacent to the similar zoning district).
2. Measurements of light readings shall be taken along any portion of a property line of the subject property with a light meter facing the center of the subject property at a height of five feet.
3. All ground lighting used to cast light on building facades, features of buildings or signs shall have shields to assure that light does not project beyond the building or sign and shall utilize the minimum amount of light necessary to light the facade, building feature or sign. The light fixture and bulb shall be shielded from view of any street, public sidewalk, or parking lot.
4. Light fixtures shall have shields installed to prevent direct lighting on streets, alleys, and adjacent properties.
5. Sport field lights shall not exceed 50 feet in height and shall be shut off by 10PM on Sunday thru Thursday and by 11PM on Friday, Saturday and holidays.

B. Parking Lot Standards -

1. All parking lots shall be illuminated with lighting fixtures and poles that are consistent in color, size, height, and design and are compatible with the architecture of the building.
2. All parking lot lights shall utilize cutoff luminaires with ninety degree or less of an angle (downlighting).
3. Parking lot lights shall not exceed 25 feet in height.



6.21 - Loading Standards (LD) - LD-01 - This Loading Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI	NB		INS	

The following loading standards apply to loading docks:

A. Placement:

1. All off-street loading docks shall be located on the same lot as the use to be served.
2. Loading docks shall not be located in a front, side or rear setback.
3. Loading docks shall not face a public street.
4. When any portion of the loading docks are visible from a public street, the loading docks shall be screened by either building walls, a solid fence, densely planted shrubbery, or any combination thereof, none of which may be less than six feet in height.
5. When loading docks are facing or oriented to a side or rear lot line of an adjoining Residential District, the loading docks shall be screened from view from such Residential District by either building walls, a solid fence, densely planted shrubbery, or a combination thereof, none of which may be less than six feet in height.
6. No portion of a vehicle using a loading dock shall project into a street or alley right-of-way.
7. Loading docks shall have adequate accessibility from an appropriate street, maneuvering apron and vertical clearance for truck deliveries. Truck maneuvering in the right-of-way shall not be permitted.

B. Construction Standards - Loading docks shall be paved with asphalt or concrete.

6.22 - Lot and Yard Standards (LY) - LO-01 - This Lot and Yard Standards section applies to the following districts:

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<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following lot and yard standards apply:

- A. **Minimum Lot Area** - Shall be per each two-page layout in [Articles Two, Three and Four](#).
- B. **Minimum Lot Width** - Shall be per each two-page layout in [Articles Two, Three and Four](#).
- C. **Minimum Front Yard Setback** - Shall be as per each two-page layout in [Articles Two, Three and Four](#).
- D. **Minimum Side Yard Setback** - Shall be as per each two-page layout in [Articles Two, Three and Four](#).
- E. **Minimum Rear Yard Setback** - Shall be as per each two-page layout in [Articles Two, Three and Four](#).
- F. **Minimum Dwelling Site Area** - Shall be per each two-page layout in [Article Two](#).
- G. **Minimum Dwelling Site Width** - Shall be per each two-page layout in [Article Two](#).
- H. **Maximum Dwelling Site Coverage** - Shall be per each two-page layout in [Article Two](#).
- I. **Minimum Dwelling Site Front Yard Setback** - Shall be as per each two-page layout in [Article Two](#).
- J. **Minimum Dwelling Site Side Yard Setback** - Shall be as per each two-page layout in [Article Two](#).
- K. **Minimum Dwelling Site Rear Yard Setback** - Shall be as per each two-page layout in [Article Two](#).
- L. **Minimum Dwelling Size** - Shall be as per each two-page layout in [Article Two](#).
- M. **Minimum Dwelling Unit Width** - Shall be per each two-page layout in [Article Two](#).
- N. **Applicability** - If one or more of the above listed lot and yard standards does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
- O. **Exemptions** - The following site features are exempt or partially exempt from the setback requirements as stated.
 - 1. Fences and walls are exempt from the setbacks in this section, but shall abide by fence and wall standards in this article.
 - 2. Landscaping is exempt from the setbacks in this section, but shall abide by landscaping standards in this article.



3. Trails in parks and recreation facilities are exempt from the setbacks in this section.
4. Sidewalks along any right-of-way and that connect buildings to the public sidewalk system are exempt from the setbacks in this section.
5. Entrances and driveways are exempt from setbacks in this section, but shall abide by the entrance and driveway standards in this article.
6. Parking lots are exempt from setbacks in this section, but shall abide by parking standards in this article.
7. Signs are exempt from setback in this section, but shall abide by sign standards in this article.
8. Handicap accessibility ramps and wheel chair lifts should be designed within the building setbacks. However, handicap accessibility ramps and wheel chair lifts may be exempt from the setbacks in this section if the device would not be able to be installed within the required setbacks. The devices shall meet all applicable buildings codes.
9. Overhangs, wing walls, steps and chimneys may project into any required yard not more than two feet.
10. An open platform or landing which does not extend above the level of the first floor of the building may extend into any required rear or side yard not more than 25% of the required yard depth.

6.23 - Lot and Yard Standards (LY) - LO-02 - This Lot and Yard Standards section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following lot and yard standards apply:

- A. Animals** - Cattle, swine, sheep, goats, poultry and rabbits may be kept on a noncommercial basis when housed and fenced on a lot that meets the following requirements:
 1. The lot shall be a minimum of 10 acres.
 2. The structure shall be a minimum of 400 feet from any property line.
- B. Private Stables** - Horses may be kept on a noncommercial basis when housed and fenced on a lot that meets the following requirements:
 1. The lot shall be a minimum of four acres. One additional horse or pony may be kept for each additional 40,000 square feet of land.
 2. The structure shall be a minimum of 200 feet from any property line.
- C. Storage** - The storage of odor or dust producing materials shall be a minimum of 100 feet from any property line or watercourse.
- D. Other Farm Buildings** - All other farm buildings shall be a minimum of 50 feet from any property line.



6.24 - Manufactured and Mobile Home Standards - MH-01 - This Manufactured and Mobile Home Standards section applies to the following districts:

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MFR	OTR	SFR						

Purpose - This section is designed to allow the placement of a manufactured home on any residentially zoned property as long as the home is installed as a permanent residence and the manufactured home meets all of the standards and requirements of the zoning law that applies to the real estate in question.

The following manufactured home standards apply:

- A. Regulations** - Manufactured homes shall be in accordance with Indiana Code 16-41-27-1 et. seq., Rule 410 Indiana Administrative Code 6-6 and their subsequent amendments, the State Board of Health requirements, and the requirements of this zoning ordinance.
- B. Construction Standards** - Manufactured homes shall meet all standards applicable to single-family dwellings, including but not limited to the following standards:
 1. Manufactured homes shall possess all necessary improvement location, building and occupancy permits and other certifications required by the zoning ordinance.
 2. Manufactured homes shall be a minimum of 24 feet in width for at least 60% of the depth.
 3. Manufactured homes shall have a minimum of 950 square feet of habitable space.
 4. Manufactured homes shall be covered with an exterior material customarily used on site-built residential dwellings.
 5. Manufactured homes shall have a roof composed of materials customarily used on site-built residential dwellings such as asbestos, fiberglass, shake, asphalt or tile which shall be installed onto a surface appropriately pitched for the materials used.
 6. Manufactured homes shall be attached and anchored to a permanent foundation, in conformance with state regulations set forth in the One and Two Family Dwelling Code and with manufacturer’s specifications.
 7. All wheels and axles shall be removed when placed on a permanent foundation.

6.25 – Mobile Homes - MH-02 - This Manufactured and Mobile Home Standards section applies to the following district:

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC									

Purpose - This section is designed to promote and preserve single-family mobile home parks and communities.

The following mobile home standards apply:



A. Placement:

1. Each dwelling site within a mobile home community shall have separate concrete pads.
2. Each dwelling site within a mobile home community shall have separate utilities and other public services as deemed necessary by the Plan Commission.
3. All dwelling sites shall have direct access onto paved streets.
4. Each mobile home or unit shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage pickup and public utilities.
5. No more than one mobile home shall be placed on a dwelling site.
6. All mobile homes shall be required to obtain an improvement location permit and a building permit as a single-family dwelling. See Article Eight.

B. Construction Standards - All mobile homes shall be tied down and have a permanent perimeter enclosure.

6.26 – Outside Storage - Recreational Vehicles - OS-01 - This Outdoor Storage section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR							

The following outdoor storage standards apply:

A. Storage or Parking - The storage or parking of recreational vehicles is subject to the following requirements:

1. No more than two recreational vehicles shall be stored or parked outdoors on a residential lot at any one time.
2. The wheels shall not be removed except for repairs.
3. The vehicle shall be stored or parked behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.
4. The vehicle shall not be parked on the street in front of any lot.
5. At no time shall parked or stored vehicles be occupied or used for living, sleeping, or housekeeping purposes.

6.27 – Outside Storage - Dumpster Enclosures - OS-02 - This Outdoor Storage section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR			GB	HI	LI	NB		INS	REC

The following outdoor storage standards apply:



A. Enclosures:

1. Dumpsters, compactors and similar containers shall be screened on all sides by a fence or wall.
2. The height of the enclosure shall be six feet tall.

6.28 – Outside Storage - Enclosed Storage - OS-03 - This Outdoor Storage section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB					INS	

The following outdoor storage standards apply:

- A. Storage** - All storage of materials, including but not limited to junk, trash or automobile parts or pieces shall be located wholly within an enclosed primary or accessory structure.

6.29 – Outside Storage - Screened Storage - OS-04 - This Outdoor Storage section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following outdoor storage standards apply:

- A. Storage** - All storage of materials, including but not limited to junk, trash or automobile parts or pieces shall be surrounded by an opaque fence a minimum of six feet in height or shall be located wholly within an enclosed primary or accessory structure.



6.30 – Residential Parking Standards - PK-01 - This Parking Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following parking standards apply.

A. Off-Street Parking Standards:

1. Off-street parking spaces may not fully or partially be in a public right-of-way or utility easement.
2. Each space shall be at least nine feet wide and 18 feet long.

B. Dwelling Unit Parking:

1. Two off-street parking spaces paved with asphalt or concrete are required per dwelling unit.
2. Required off-street parking spaces for dwelling units may include spaces within carports or garages.

C. Visitor Parking:

1. In multifamily housing developments, at least one space per two units is required for visitor parking and shall be spread evenly throughout the development.
2. Visitor parking spaces shall not include spaces in carports or garages.

6.31 – Mobile Home Community Parking Standards - PK-02 - This Parking Standards section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC										

The following parking standards apply.

A. Off-Street Parking Standards:

1. Required parking spaces shall not be located within the minimum private street width requirement.
2. Off-street parking space may not fully or partially be in a public right-of-way or utility easement.
3. Each space shall be at least nine feet wide and eighteen 18 feet long.

B. Dwelling Unit Parking:

1. Two off-street parking spaces paved with asphalt or concrete are required per dwelling site.



2. Required parking spaces may include areas within carports and garages.

C. Visitor Parking:

1. One parking space per dwelling site is required for visitor parking and shall be spread throughout the development.
2. Visitor parking spaces shall not include spaces in carports or garages.

6.32 – Business, Industrial & Institutional Parking Standards - PK-03 -This Parking Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI	NB		INS	

The following parking regulations apply:

A. Off-Street Parking Standards:

1. All parking spaces shall utilize a paved surface of either concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand or grass are not permitted for parking areas. All ingress/egress onto a driveway or into a parking area shall be paved.
2. Each space shall be a minimum of nine feet by 18 feet and be striped to show each parking space.
3. Parking spaces prescribed in this section shall be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, shall be located within 600 feet of the subject lot.
4. Parking for the disabled shall be provided as follows:
 - a. Accessible spaces shall be provided as per the specifications of the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC).
 - b. Each accessible space shall be located adjacent to an access aisle and in close proximity to the entrance(s) most accessible for the disabled.
 - c. All accessible spaces shall be striped and have vertical signs.

B. Parking Lot Standards:

1. Parking lots may project into the front yard setback by 50% of the minimum front yard setback. Parking lots may project into the side yard setback by 50% of the minimum side yard setback. Parking lots may project into the rear yard setback by 50% of the minimum rear yard setback. Entrance and exit drives may be located within the setback area.
2. Minimum parking aisle widths shall be as follows:
 - a. 90-degree angle space: 24 feet wide parking aisle for one or two-way traffic.
 - b. 60-degree angle space: 18 feet wide parking aisle for one-way traffic.

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- c. 45-degree angle space: 14 feet wide parking aisle for one-way traffic.
- 3. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
- 4. Parking areas shall be constructed to allow proper drainage.

6.33 – Number of Off-Street Parking Spaces Required by Land Use - PK-04 - This Parking Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following parking regulations apply:

A. Spaces Required:

- 1. Off-street parking shall be required for all uses. The minimum number of parking spaces is described in the right column for the land uses listed in the left column. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. If a structure combines two or more uses, the parking requirement is figured by adding the minimum number of spaces required for all uses.
- 2. If a use is not clearly noted below, the Community Development Office may determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The Community Development Office may also reference other industry parking standards to use as a guide for determining the appropriate number of parking spaces in the event a use is not listed.
- 3. Off-street parking spaces are not required for business uses in the Butler Historic District.

LAND USE (Definitions)	MINIMUM NUMBER SPACES REQUIRED
Residential	
<ul style="list-style-type: none"> ▪ Assisted living facility ▪ Group home ▪ Nursing home ▪ Residential facility for the developmentally disabled ▪ Residential facility for the mentally ill ▪ Retirement community 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift and one space four employees
<ul style="list-style-type: none"> ▪ Bed & Breakfast 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift and one space per room
<ul style="list-style-type: none"> ▪ Dwelling unit (upper floors) 	<ul style="list-style-type: none"> ▪ 1.5 spaces per unit
Institutional	
<ul style="list-style-type: none"> ▪ Child care institution/orphanage 	<ul style="list-style-type: none"> ▪ One space per 8 persons of licensed capacity
<ul style="list-style-type: none"> ▪ Church, temple or mosque 	<ul style="list-style-type: none"> ▪ Three spaces per 8 seats
<ul style="list-style-type: none"> ▪ Community center 	<ul style="list-style-type: none"> ▪ One space per 3 people at maximum occupancy
<ul style="list-style-type: none"> ▪ Government office, library(public), museum 	<ul style="list-style-type: none"> ▪ One space per 500 sq ft

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LAND USE (Definitions)	MINIMUM NUMBER SPACES REQUIRED
<ul style="list-style-type: none"> ▪ Government operation (non-office), police, fire or rescue 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift
<ul style="list-style-type: none"> ▪ Hospital 	<ul style="list-style-type: none"> ▪ Two spaces per bed
<ul style="list-style-type: none"> ▪ Jail 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift plus 1 space for 8 cells
<ul style="list-style-type: none"> ▪ Park (public), pool (public) 	<ul style="list-style-type: none"> ▪ One space for the first acre of land, plus 1 space for every additional 0.5 acres
<ul style="list-style-type: none"> ▪ Post office 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift plus 1 space for 200 sq ft accessible to the public
<ul style="list-style-type: none"> ▪ Recycling collection point 	<ul style="list-style-type: none"> ▪ One space per employee and 1 space per 2 bins
<ul style="list-style-type: none"> ▪ School (elementary) 	<ul style="list-style-type: none"> ▪ One space for every 20 students of designed capacity plus one space per full time employee
<ul style="list-style-type: none"> ▪ School (Junior or Senior High) 	<ul style="list-style-type: none"> ▪ One space for every 10 students of designed capacity plus one space per full time employee
<ul style="list-style-type: none"> ▪ School (university, college or trade school) 	<ul style="list-style-type: none"> ▪ One space per every 5 students of designed capacity
<ul style="list-style-type: none"> ▪ Auditorium 	<ul style="list-style-type: none"> ▪ Must meet the school requirements for the type of facility plus one space for every 4 auditorium seats.
Business – Auto Sales / Service	
<ul style="list-style-type: none"> ▪ Automobile part sales 	<ul style="list-style-type: none"> ▪ One space per 300 sq ft
<ul style="list-style-type: none"> ▪ Automobile repair, automobile service station, automobile 	<ul style="list-style-type: none"> ▪ One space per employee plus 1 space per bay
<ul style="list-style-type: none"> ▪ Automobile sales 	<ul style="list-style-type: none"> ▪ Two spaces plus 1 per employee
Business: Food Sales/Service	
<ul style="list-style-type: none"> ▪ Bakery, coffee shop, delicatessen, ice cream shop, restaurant 	<ul style="list-style-type: none"> ▪ One space per 3 seats, minimum 3 spaces
<ul style="list-style-type: none"> ▪ Convenience store, farmers market, grocery store, meat 	<ul style="list-style-type: none"> ▪ One space per 250 sq ft
Business: General Business	
<ul style="list-style-type: none"> ▪ Boat sales, manufacturing housing sales 	<ul style="list-style-type: none"> ▪ Two spaces plus 1 per employee
<ul style="list-style-type: none"> ▪ funeral home or mortuary 	<ul style="list-style-type: none"> ▪ One space per 4 seats
<ul style="list-style-type: none"> ▪ hotel/motel 	<ul style="list-style-type: none"> ▪ One space per employee plus 1 space per rentable room
<ul style="list-style-type: none"> ▪ Kennel 	<ul style="list-style-type: none"> ▪ One space per 5 pet accommodation spaces
<ul style="list-style-type: none"> ▪ self-storage facility 	<ul style="list-style-type: none"> ▪ One space per employee plus 1 visitor per 10 employees plus one space per 10 units
<ul style="list-style-type: none"> ▪ print shop/copy center, tool/equipment rental, tool/equipment 	<ul style="list-style-type: none"> ▪ One space per 300 sq ft
Business: Office/Professional	
<ul style="list-style-type: none"> ▪ bank/ATM, business/financial services office, construction 	<ul style="list-style-type: none"> ▪ One space per 300 sq ft
<ul style="list-style-type: none"> ▪ emergency medical clinic, medical/dental clinic, veterinarian clinic/hospital 	<ul style="list-style-type: none"> ▪ Four spaces per treatment room
<ul style="list-style-type: none"> ▪ photography studio 	<ul style="list-style-type: none"> ▪ Three spaces per studio

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LAND USE (Definitions)	MINIMUM NUMBER SPACES REQUIRED
Business: Personal Service	
<ul style="list-style-type: none"> ▪ Barber/beauty shop, tanning salon, tattoo parlor/piercing parlor 	<ul style="list-style-type: none"> ▪ Two spaces per chair
<ul style="list-style-type: none"> ▪ Day-care center, adult and child 	<ul style="list-style-type: none"> ▪ Adequate drop off area and one space per 10 persons of licensed capacity
<ul style="list-style-type: none"> ▪ Dry-cleaning service/laundry, fitness center/health club 	<ul style="list-style-type: none"> ▪ One space per 300 square feet
Business: Recreation	
<ul style="list-style-type: none"> ▪ Dance/karate studio 	<ul style="list-style-type: none"> ▪ Five spaces plus one space per 500 sq ft over 500
<ul style="list-style-type: none"> ▪ Amusement park, banquet hall, bar/tavern, billiard/arcade 	<ul style="list-style-type: none"> ▪ One space per 3 people of maximum occupancy
<ul style="list-style-type: none"> ▪ Bowling alley, driving range, golf course, miniature golf 	<ul style="list-style-type: none"> ▪ Thirty spaces per 9 holes and 1 space per driving range lane
<ul style="list-style-type: none"> ▪ Movie theater 	<ul style="list-style-type: none"> ▪ One space per 4 seats
<ul style="list-style-type: none"> ▪ Nature preserve 	<ul style="list-style-type: none"> ▪ One space per 3 acres
Business: Retail	
<ul style="list-style-type: none"> ▪ All uses 	<ul style="list-style-type: none"> ▪ One space per 300 sq ft
Industrial	
<ul style="list-style-type: none"> ▪ All uses 	<ul style="list-style-type: none"> ▪ One space per employee on largest shift plus one visitor space
Utility	
<ul style="list-style-type: none"> ▪ All uses 	<ul style="list-style-type: none"> ▪ One space per employee / minimum of one space

6.34 – Performance Standards PF-01 - This Performance Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following performance standards apply:

- A. Air Pollution** - No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- B. Electrical Disturbance** - No use shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Fire Protection** - Firefighting equipment and prevention measures acceptable to the Fire Marshal shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.



- D. Heat and Glare** - No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.
- E. Noise** - No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental, provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- F. Obnoxious Characteristics** - No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of this chapter shall be so altered or modified to conflict with these standards.
- G. Odor** - No use shall emit across the lot lines malodorous gas or matter in such quantity as to be detectable at any point along the lot lines.
- H. Vibration** - No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- I. Water and Solid Waste Pollution:**
 - 1. No use shall produce erosion or pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.
 - 2. No authorization of a use under this Zoning Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted by the City Superintendent and the Butler City Code.
 - 3. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

6.35 – Public Improvement Standards PI-01 - This public improvement standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following public improvement standards apply:

- A. Adequate Facilities** - Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Any public streets which will carry the increased traffic from the development shall be adequate to accommodate such traffic.
 - 1. Public utilities shall have sufficient capacity to serve the development.
 - 2. The Community Development Office and/or City Superintendent shall make a determination as to needed utility improvements.



3. The Community Development Office and/or City Superintendent shall make a determination as to needed public street improvements.
4. Drainage facilities shall have sufficient capacity to serve the development.
5. The Community Development Office and/or City Superintendent with the assistance from the DeKalb County Surveyor shall make a determination as to needed drainage improvements.
6. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements.

B. Exemptions - The following utility structures are exempt from the provisions in this code:

1. Utility poles
2. Pipes
3. Mains
4. Lines
5. Junction boxes
6. Valves
7. Hydrants
8. Lift station

C. Utility Structures - All utility structures not listed in Section B above, including but not limited to generation plants, substations, telephone exchange, radio/TV station and treatment plants are required to obtain an improvement location permit.

6.36 – Sewer & Water Standards - SW-01 - This sewer and water standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following sewer and water standard applies:

- A. Applicability** - Municipal sewer and water hookup is required when it is noted as such on the two-page layout in Articles Two, Three and Four for each zoning district.

6.37 – Sewer & Water Standards - SW-02 - This sewer and water standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
					HI				INS	

The following sewer and water standard applies:

- A. Waiver** - An applicant may request a waiver from the requirement to connect to city water following the procedures and requirements of Title 5, Section 50 of the Butler City Code.



6.38 – Sexually Oriented Business Standards SO-01 - This Sexually Oriented Business Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI				

The following sexually oriented business standards apply:

A. Accessory Sexually Oriented Retail Business - Any business with at least 10% but less than 25% of its stock in trade or of gross public floor area devoted to the sale, rental or display of sexually oriented materials shall abide by the following regulations.

1. The business shall restrict access to any person under the age of 18 to either the entire business or to a separate room or section containing all of the sexually oriented materials.
2. If restricting access to the entire business, then the business:

- a. Shall not be open to any person under the age of 18.
- b. Shall provide a sign at the entrance stipulating that persons under 18 are not permitted inside.
- c. Shall have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission or the general public will not

accidentally enter such business; or provide continuous video or window surveillance of the business entrance(s) by store personnel.

- d. Shall not display sexually oriented materials in windows or on exterior walls. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented material, on display within the store, shall be screened so they are not visible to persons looking at window displays.

3. If restricting access to a separate room or section, then the room or section:

- a. Shall not be open to any person under the age of 18.
- b. Shall have a sign at the entrance stipulating that persons under 18 are not permitted inside.
- c. Shall be physically and visually separated from the remainder of the business by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less.
- d. Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
- e. Shall have access controlled by electronic or other means to provide assurance that persons under age 18 will easily not gain admission, or the general public will not accidentally enter such room or section; or provide continuous video or window surveillance of the room by store personnel.
- f. Shall not display sexually oriented materials in any business windows or exterior walls. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented material, on display within the room or



section, shall be screened so they are not visible to persons outside the room or section.

B. Sexually Oriented Retail Business - Any business with 25% or more of stock in trade or gross public floor area devoted to the sale, rental or display of sexually oriented materials shall abide by the following regulations.

1. The business shall not locate within 1000 feet radius of a residential zoning district: SFR, MFR, OTR or MHC. The distance is measured from the nearest property line to nearest property line in all directions.
2. The business shall not located within 1000 feet radius of a school, property owned by a school or by the City of Butler, public park, church, temple, mosque, day-care center, public library or community center. *(Amended by Ord. # 1583, adopted August 19, 2013).*
3. The business shall not be located within 500 feet from a sexually oriented entertainment business or other sexually oriented retail business. The distance is measured from the nearest property line to the nearest property line in all directions.
4. The business shall not locate within 300 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
5. The business shall not be open to any person under the age of 18.
6. The business shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
7. The business shall not offer on-site entertainment.

C. Sexually Oriented Entertainment Business - A sexually oriented entertainment business shall abide by the following regulations.

1. The business shall not locate within 1000 feet radius of a residential zoning district: SFR, MFR, OTR or MHC. The distance is measured from the nearest property line to nearest property line in all directions.
2. The business shall not located within 1000 feet radius of a school, property owned by a school or by the City of Butler, public park, church, temple, mosque, day-care center, public library or community center. *(Amended by Ord. # 1583, adopted August 19, 2013).*
3. The business shall not be located within 500 feet from a sexually oriented retail business or other sexually oriented entertainment business. The distance is measured from the nearest property line to the nearest property line in all directions.
4. The business shall not locate within 300 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
5. The business shall not be open to any person under the age of 18.
6. The business shall not display sexually oriented materials in windows or exterior walls. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
7. The business shall offer entertainment only in rooms or spaces which each have a gross public floor area of at least 600 square feet, excluding restrooms, hallways and entryways. Such rooms or spaces shall not be subdivided by temporary or permanent walls or dividers.
8. Shall not sell, rent or display sexually oriented materials.



6.39 – General Sign Standards - SI-01 – This Sign Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following sign standards apply:

- A. Permit Required** - Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign without first obtaining an improvement location permit from the Community Development Office.

- B. Abandoned Signs** - A sign, all mounting equipment, and related components shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Community Development Office shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the Community Development Office may remove the sign. Any cost associated with signs removed by the Community Development Office shall be reimbursed by the owner of said sign. Should said sign not be redeemed within 45 days of its removal, it may be disposed of in any manner deemed appropriate by the City.

- C. Illuminated Signs** - All illuminated signs shall comply with the following standards:
 - 1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - 2. All electrical wiring for permanent signs shall be in conduit and shall meet or exceed all applicable electrical codes.
 - 3. The direct or reflected light shall not create a traffic hazard to operators of motor vehicles on public and/ or private roadways.
 - 4. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.

- D. Placement of Signs:**
 - 1. All signs shall meet a minimum front yard setback of ten feet.
 - 2. All signs shall meet the vision clearance standards, see Section 6.49.

- E. Exempt Signs** - The following items are allowed and are exempt from the sign provisions of this Ordinance.
 - 1. Flags of any country, state, unit of government, institution of higher learning, or similar institutional flags.
 - 2. Corporate flags with a business name or logo. No commercial messages are permitted



3. Names of buildings, date of erection, dedication plaques, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or denoted on a commemorative plaque made of bronze, brass, or other permanent material and made an integral part of the structure. No commercial messages are permitted.
4. Signs of a noncommercial nature and in the public interest erected by an officer of the City, including signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities.
5. Utility signs used to mark cables, pipes and lines for public and private utilities except if determined to be a hazard by the Community Development Department. If determined a hazard, an alternate means to mark the utility shall be agreed upon by both parties.

F. Prohibited Signs - The following types of signs are expressly prohibited in all zoning districts.

1. Signs that utilize any motion picture, laser, or visual projection of images or copy.
2. Signs that emit audible sound, odor or visible matter.
3. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal.
4. Signs which bear the words “stop”, “slow”, “caution”, “danger”, “warning”, or similar words.
5. Lights that resemble an emergency or road equipment vehicle.
6. Streamers, pennants, and inflatable objects.
7. Signs in a right of way.
8. Off-premise signs.
9. Signs that hide or partially hide from view any traffic or roadway sign, signal or device.
10. Signs that extend above the roofline or parapet of a building by more than one foot.
11. Signs that have blinking, flashing, or fluttering lights, including scrolling marquee signs.
12. Signs that have changing light intensity, brightness or color, or give such illusion.
13. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure.
14. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.
15. Any sign that is not expressly permitted in this Zoning Ordinance.

G. Noncommercial Message - Noncommercial messages are permitted on all permitted signs.

H. Calculating Sign Area - When calculating the area of a sign, the entire structure is measured including but not limited to any base, extension or cap with or without lettering.

6.40 - SI-02 - Residential and Agricultural District Signs - This Sign Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR					AG		



The following sign standards apply:

A. Temporary Signs:

1. One temporary sign no larger than 12 square feet in size is allowed without a permit for the duration of a temporary event (i.e. garage sale, sale of the property, political campaign, construction project) per street frontage. A maximum of two signs are permitted. A grace period of one week is allowed for the removal of said sign.
2. This temporary sign shall be at least five feet from any property line.
3. This temporary sign shall not exceed five feet in height.

B. Permanent Signs:

1. A permanent gateway sign, no larger than 40 square feet in size, is allowed when a single-family development includes 20 or more lots, a multifamily development includes 20 or more dwelling units or a mobile home community contains 20 or more dwelling sites.
2. With a home occupation permit, one non-illuminated sign, not exceeding two square feet, will be allowed on the primary structure. Off-premise signs and signs in the yard are prohibited.

6.41 - Business, Industrial and Institutional District Signs - SI-03 - This Sign Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI	NB		INS	REC

The following sign standards apply:

A. Temporary Signs:

1. One temporary sign no larger than 32 square feet in size is allowed without a permit for the duration of a temporary event (i.e. sale of the property, construction project, etc.) per street frontage. A maximum of two signs are permitted. A grace period of one week is allowed for the removal of said sign.
2. This temporary sign shall be at least ten feet from the property line and five feet from the edge of any paved surface.

B. Permanent Signs:

1. The following signs shall be permitted for a structure on a lot:
 - a. One wall sign per tenant space with a maximum size of 10% of the area of the building facade or 200 square feet, whichever is less.



- b. One ground sign or one pole sign per street frontage meeting the following standards is permitted per lot:
 - i. For developments over three acres, one ground sign up to 60 square feet in size per side not to exceed four feet in height.
 - ii. For developments with three acres or less, one ground sign up to 24 square feet in size per side not to exceed three feet in height.
 - iii. One pole sign up to 100 square feet in size per side not to exceed 25 feet in height.

- 2. Directional signs are permitted on a lot as follows:
 - a. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 - b. Any single directional sign shall not exceed four square feet in area and four feet in height.
 - c. No more than two directional signs shall be used per curb cut onto a public street.

6.42 – Special Exception Standards SE-01 - This Special Exception Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following special exception standards apply:

A. Development Standards:

1. The development standards assigned to each zoning district are considered appropriate for the permitted uses within that district. However, the development standards may not be appropriate for all special exception uses within a zoning district. For instance, some institutional uses are allowed in residential districts as special exceptions. In this case, residential development standards would not necessarily be applicable.
2. If the special exception use is a permitted use within another district, the development standards for that district shall be used as a guideline. If the land use is permitted in more than one district, the lesser restrictive of the two shall be used.
3. If the special exception use is not a permitted use in another district, the Board of Zoning Appeals shall determine which development standard sections within Article Six shall apply to the special exception application. The most stringent development standards may be assigned by the Board of Zoning Appeals as appropriate. The development standards determined to apply shall be documented in the application and approval.

B. Process - The approval process and criteria for special exceptions is in Article Eight of this Zoning Ordinance.



6.43 – Structure Standards - ST-01 - This Structure Standards section applies to the following districts -

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB		INS	REC

The following structure standards apply:

- A. Maximum Primary Structures** - Shall be per each two-page layout in [Articles Two, Three and Four](#).
- B. Placement** - No primary or accessory structures shall be placed or encroach into the City’s right-of-way.

6.44 - ST-02 - This Structure Standards section applies to the following district:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
								AG		

The following structure standards apply:

- A. Maximum Primary Structures** - Shall be per each two-page layout in [Article Four](#).
- B. Exemptions** - All agricultural structures except a primary residence are exempt from the maximum structures standards.
- C. Placement** - No primary or accessory structures shall be placed or encroach into the City’s right-of-way.

6.45 – Telecommunications Facility Standards - TC-01 - This Telecommunication Facility Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI			INS	

All telecommunications facility require an improvement location permit as outlined in [Article Eight](#) and shall meet the requirements detailed in this section.

- A. Placement** - The location of the tower and equipment buildings shall comply with all local, state and federal natural resource protection standards.



1. All telecommunications towers shall be set back from any property line a distance equal to at least 50% of the height of the tower.
2. Telecommunications towers are not permitted in front yards, except where evidence provided by the applicant demonstrates that placement in a front yard would provide the best camouflage for the tower.
3. The maximum height for a tower shall be 199 feet. The maximum height for an accessory structure shall be 15 feet. Towers 200 feet or greater shall also follow Indiana Code 8-21-10 Tall Structures standards.
4. A tower may not be placed closer to any residential structure than 500 feet.
5. All telecommunications towers shall be a monopole design.

B. Buffer Requirements - The following buffer planting shall be located around the perimeter of a telecommunications facility:

1. A six foot high chain link fence with an evergreen screen consisting of a hedge, planted three feet on center, or a row of evergreen trees planted a maximum of ten feet on center shall be planted around the entire telecommunication facility; or
2. A six foot high wood fence or brick wall with a row of evergreen trees planted a maximum of 20 feet on center shall completely surround the entire telecommunications facility, excluding the guy wires.
3. Existing trees and shrubs shall be preserved to the maximum extent possible on the entire site.

C. Access to Site - Telecommunications towers and antennas shall meet the following access requirements:

1. Vehicular access to the tower and equipment building shall be provided along any existing driveways, whenever feasible.
2. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and may be visited only for periodic maintenance, emergencies, installations or equipment removal.

D. Design Requirements - Proposed telecommunications towers and antennas shall meet the following design requirements:

1. Telecommunications towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
2. The entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the neighborhood or area.
3. Only lighting that is for safety or security reasons, or required by the Federal Aviation Administration or other federal or state authority is permitted. All required lighting shall be oriented inward so as not to project onto adjacent properties.



E. Co-Location Requirements:

1. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the proposed user plus a minimum of three additional users.
2. The site of the initial telecommunications tower and telecommunication facility shall be of sufficient area to allow for the location of one additional telecommunications tower and associated telecommunications facility.
3. Telecommunication towers shall be designed to allow for future rearrangement of equipment and antennas upon the tower and to accept equipment and antennas mounted at varying heights.

F. Construction Requirements - All antennas, telecommunications towers, accessory structures and any other wiring constructed within the Butler Plan Commission jurisdiction shall comply

with the following requirements:

1. All telecommunications towers and equipment shall meet all applicable provisions of this ordinance, the Uniform Building Code, the Federal Communications Commission regulations, the National Electrical Code., Occupational Safety and Health Administration regulations and the American National Standards Institute manual, when applicable.
2. With the exception of necessary electric and telephone service and connection lines, no part of the telecommunications tower, equipment lines, cables, wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.
3. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower and other cellular communications equipment, or between towers, shall be at least ten feet above the ground at all points, unless buried underground.
4. An engineer's certification shall be submitted for all telecommunications towers and equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all co-location sites, strength requirements to withstand natural forces such as ice, wind, earth movements, etc.
5. All telecommunications towers and equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate all co-location sites.

G. Existing Structures - The following shall apply to existing antennas, telecommunications towers and equipment:

1. They may continue in use for the purpose now used and as now existing, but may not be replaced or significantly altered without complying in all respects to the requirements in the Zoning Ordinance.
2. All requests to install any cellular communications equipment on an existing approved or "grandfathered" tower, building or structure shall be submitted to the Community Development Office for approval. All such requests will require an improvement location permit and a copy of the contract between the applicant and the owner of the existing tower,



building or structure.

H. Inspection of Towers - The following shall apply to the inspection of telecommunications towers:

1. All towers may be inspected at least once every year, or more often as needed by the Community Development Office, the City Superintendent, and/or a qualified and licensed consulting engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit was obtained constitutes a violation of the Zoning Ordinance.
2. Notice of violations will be sent by registered mail to the owner and the owner will have 30 days from the date the notification is issued to make repairs. The owner is required to notify the Community Development Office that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results of same.

I. Abandoned Towers - Any tower unused or left abandoned for six months shall be removed by the tower owner at its expense. Should the telecommunications tower owner fail to remove the

tower after 30 days from the date a notice of violation is issued, the City of Butler may remove the tower and bill the owner for the costs of removal and cleanup of the site.

6.46 – Temporary Use Standards - TU-01 - This Temporary Use/Structure Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

The following temporary use or structure standards apply:

A. Permit Required:

1. All temporary uses require a Temporary Use Permit except a yard, garage, or sidewalk sale. See Section 8.7 Temporary Use Permit.
2. A temporary use permit may be granted only twice per year for an address and is nonrenewable.
3. Temporary uses shall be terminated and completely removed at the end of the permitted period.

B. Operation Standards:

1. Temporary uses shall not adversely impact the market value of surrounding properties.
2. Temporary uses shall not displace required parking for any existing use or block any existing drives.

C. Permitted Temporary Uses: The following temporary uses may be permitted by the Community Development Office.

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1. Yard, garage or sidewalk sale are permitted for five days with the following conditions.
 - a. They are permitted a maximum of three times per year per site
 - b. All signs and nails shall be removed within one week of the sale.

2. Construction trailers are permitted on or adjacent to the construction site with the following conditions.
 - a. A temporary use permit is not required if the temporary use is located on a lot that has already obtained an Improvement Location Permit.
 - b. The temporary use is for the length of the construction activity.
 - c. All facilities shall be removed upon completion of construction.
 - d. The facilities shall not contain sleeping or cooking facilities.

3. Seasonal sale of farm produce is permitted for 120 days and all stands shall be removed when not in use.
4. Religious tent meetings are permitted for 15 days.

6.47 - Temporary Use Standards - TU-02 - This Temporary Use/Structure Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
				GB	HI	LI	NB	AG	INS	REC

The following temporary use or structure standards apply:

A. Permitted Temporary Uses - The following temporary use may be permitted by the Community Development Office.

1. Model homes are permitted on the site of the development for which the sales are taking place for the initial marketing period.

6.48 - Temporary Use Standards - U-03 - This Temporary Use/Structure Standards section applies to the following districts:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR							

The following temporary use or structure standards apply:

A. Permitted Temporary Uses - The following temporary uses may be permitted by the Community Development Office.

1. Retail or wholesale activities are permitted for 15 days.

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2. Seasonal items sale are permitted such as Christmas trees, Halloween pumpkins and 4th of July fireworks sales with the following conditions.
 - a. Seasonal items sales are permitted and considered separate uses for each season.
 - b. The permit is for 30 days and all unsold merchandise shall be removed within five days after the holiday.
 - c. The lot shall front on a collector or arterial street.

3. Carnival or traveling circus are permitted for 15 days.

6.49 - VC-01 – Vision Clearance Standards - This Vision Clearance Standards section applies to the following districts:

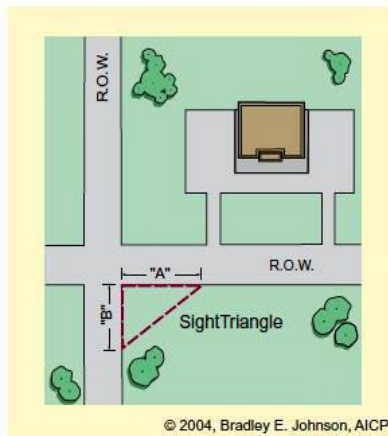
The following vision clearance standards apply:

<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC

- A. Purpose** - To maintain a clear area at every intersection.

- B. Construction Standards** - The triangle leg lengths shall be 15 feet (see “A” and “B” below in the illustration).

- C. Placement** - No primary or accessory structures, landscaping, fences, walls or signs are allowed to be placed or to project into the vision clearance triangle except as noted below.
 1. Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed 18 inches in height.
 2. Trees may be planted in the vision clearance triangle when their lowest limbs and canopy are at least five feet from the ground, allowing drivers to see through the triangle. No two trees may be placed within 20 feet of one another.





6.50 – X-01- Conversion Of Existing Single-Family Structures to Two & Multi-Family Structures - This section applies to the following districts :

<i>Residential Zones</i>			<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MFR	OTR							

The following criteria shall be used by the BZA in considering the granting of special exceptions for the following proposed specified uses.

A. Residential uses – Proposed conversions of single-family dwelling structures to two-or-multi-family dwelling structures in “OTR-Old Town Residential” and “MFR-Multi-Family Residential” districts:

1. The Board may grant a special exception for the purpose of converting a single-family dwelling structure into a two-or-multi-family dwelling structure in an OTR or MFR district, if after a hearing under Article 8.11, it finds that:
 - a. The “Land Use Matrix” (Appendix A) requires a special exception for such use in the designated districts;
 - b. The following special exception requirements for the proposed use are met:
 - i. The owner of the building proposed for conversion from a single-family dwelling structure to a two or multi-family dwelling structure must provide plans & evidence that the structure will have electric service and wiring that complies with all relevant electric codes, as amended.
 - ii. The owner of the building must provide evidence that the plumbing, kitchen and bathroom facilities within the dwelling structure, for each of the proposed dwelling units, meet all DeKalb County and State of Indiana codes, as amended.
 - iii. The owner of the building must provide evidence that off-street parking, as prescribed by Article 6.30 of this Ordinance will be provided for this property.
 - iv. The owner of the building must provide evidence that ingress and egress for all dwelling units within the converted structure will be provided as required by all applicable DeKalb County and State of Indiana building codes, as amended.
 - v. The character of the neighborhood surrounding the proposed use contains similar uses.
 - c. Granting the exception will not subvert the general purposes served by this ordinance, will not materially, and permanently injure other property or uses in the same district and vicinity.
 - d. The granting of the special exception does not interfere substantially with the goals, objectives or land use policies established in the Butler Comprehensive Plan.
2. **Conditions of Use** – Upon the granting of a special exception, and the completion of the physical conversion of a single family dwelling structure to a two or multi-family dwelling structure, said structure shall be inspected by the City of Butler and the DeKalb County Building Department to ensure compliance with the above-noted findings. A converted dwelling structure may not be occupied until a “Certificate of Occupancy” is issued by the City of Butler.
(Amended by Ordinance # 1600, adopted April 21, 2014).

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6.51 – Contingent Dwelling Units – X-02 – This Contingent Dwelling Units section applies to the following districts:

Residential Zones				Business & Industry Zones				Specialty Zones		
				GB			NB			

- A. Contingent dwelling units are permitted in non-residential structures in GB and NB district provided that such do not occupy street level frontage.
- B. The number of contingent dwelling units permitted per lot shall be limited to the following:
 - 1. Not more than one (1) unit per fifteen-hundred (1,500) square feet of lot.

The minimum square footage for any contingent dwelling unit is seven-hundred, twenty (720) square feet. Such units must also meet all applicable building codes for dwelling units. *(Amended by Ordinance # 1645, adopted August 7, 2017).*



ARTICLE SEVEN - NON-CONFORMING STRUCTURES, LOTS & USES

7.1 - Intent - Upon adoption of the Zoning Ordinance and official zoning map, some buildings, structures, lots, and/or uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, Article Seven has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as legal-nonconforming.

7.2 - Distinction Between Illegal-Nonconforming and Legal-Nonconforming -

- A.** A building, structure, or lot is considered illegal-nonconforming if it meets the following:
- 1.** It was built, constructed or platted after March 7, 1957, and
 - 2.** It does not meet the provisions of this Zoning Ordinance, and
 - 3.** It has not met the provisions of any previous zoning ordinance, and as a result does not have an approved building permit, improvement location permit or approval from the Board of Zoning Appeals or Plan Commission.
- B.** An illegal-nonconforming property shall be subject to actions and penalties allowed by the Zoning Ordinance and all other applicable municipal law and shall be altered to conform with all applicable standards and regulations of the Zoning Ordinance. Further, an illegal-nonconforming building, structure, lot or use is created at the fault of a past or the current owner, tenant or property manager.
- C.** Legal-nonconforming differs from illegal-nonconforming (illegal) in that the reason for the nonconformance is caused by a change to the Zoning Ordinance and/or the zoning map. The building, structure, lot or use has not changed, but due to the ordinance and/or map change, the property no longer conforms to the policies and standards of the zoning district in which the property resides. When this situation occurs, the property is deemed legal-nonconforming or another term commonly used is "grandfathered." The burden to prove a building, structure, lot or use is legal nonconforming rests with the property owner.

7.3 - Nonconforming Buildings and Structures -

- A.** 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 design standards due to the reasons listed below shall be deemed a legal-nonconforming building or structure.
- B.** Legal-nonconforming building(s) or structure(s) no longer meet one or more of the following development standards of the Zoning Ordinance:
- Setbacks,
 - Lot Coverage,
 - Accessory Structures,



- Parking,
 - Fences, and any other provision of the Zoning Ordinance that is applicable to the building or structure.
- C. A legal-nonconforming building or structure may continue to exist provided that it remains the same or fits within the below described tolerances:
1. Legal-Nonconforming building(s) or structure(s) may be expanded or altered if the Community Development Office determines the proposed expansion or alteration does not exceed the existing building setback lines or impervious surface regulations.
 2. Any legal-nonconforming building or structure which is damaged or destroyed by more than 75% of its fair market value by accidental cause, including Acts of God, shall thereafter conform to the regulations of the district in which it is located. If the damage is less than or equal to 75% of the fair market value, the building or structure may be replaced provided the following:
 - a. The elevation of the lowest floor, including the basement floor, shall be at least two feet above the regulatory flood,
 - b. All necessary permits shall be obtained from the Department of Natural Resources,
 - c. An application for a building permit shall be made within six months of the date of destruction, and Nonconforming Structures, Lots, and Uses
 - d. The building or structure is permitted to be rebuilt by either:
 - i. replacing the exact building or structure that was destroyed; or
 - ii. constructing a building or structure that is not any more out of conformance with the current Zoning Ordinance as the building or structure destroyed.
- D. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of the Zoning Ordinance.

7.4 - Nonconforming Lots of Record -

- A. All legally established and recorded lots prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed legal-nonconforming lots of record. A legal-nonconforming lot of record no longer meets one or more of the following lot standards of the Zoning Ordinance:
- Lot Area,
 - Lot Width,
 - Lot Depth,
 - Lot Frontage, or
 - Any other provision of the Zoning Ordinance that is applicable to lots.
- B. Legal-nonconforming lots of record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of the Zoning Ordinance are met.



7.5 - Nonconforming Uses of Structures, Land, or Structures and Land in Combination -

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 shall be deemed a legal-nonconforming use. A legal-nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. No existing structure devoted to a legal-nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it:
 - 1. changes the use of the structure to a use permitted in the district in which it is located, and
 - 2. meets all the regulations of this Zoning Ordinance.
- B. No new building or structure shall be constructed in connection with an existing legal-nonconforming use of land except fences which must meet all the regulations of the current zoning district.
- C. Any legal-nonconforming use of a structure may be extended throughout any parts of a building which were designed for such use at the effective date of the Zoning Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. If no structural alterations are made, a legal-nonconforming use of structure or structure and land in combination may be changed to another legal-nonconforming use, provided that the Community Development Office shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal-nonconforming use. However, if the new use requires more parking area than the previous use, such new use will comply with the appropriate parking standards required in Article Six of the Zoning Ordinance, as determined by the Community Development Office.
- E. If a legal-nonconforming use is abandoned or not occupied for 22 of the last 24 months and the water and wastewater utility service has been turned off for 22 of the last 24 months, any subsequent use of such land, structure or land and structure shall conform to the provisions of the Zoning Ordinance. If a government action impedes access to the premises, this regulation does not apply.
- F. When a legal-nonconforming use is changed to a permitted use, it shall thereafter conform to regulations of the district, the legal-nonconforming use may not thereafter be resumed.
- G. Where a legal-nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming structure of the land and all structures thereafter shall conform to the provisions of this Zoning Ordinance. Destruction is defined as damage of more than 75% of its fair market value at the time of destruction.

7.6 - Nonconforming Signs - Any sign lawfully existing on the effective date of the Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance is considered a legal-nonconforming sign. The following applies to legal-nonconforming signs:



- A. Signs which existed prior to the time the Zoning Ordinance was passed and were in conformance with previous ordinances will be legally nonconforming until such time the sign is structurally altered or a major change is made. Structurally altered and major change include changing the size, changing the height, adding lights, altering light intensity, relocation of the sign or complete replacement.
- B. Legal-nonconforming signs which are structurally altered by a major change, relocated, or replaced shall comply immediately with all provisions of the Zoning Ordinance.
- C. All legal-nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event nonconforming signs are not kept in said condition or are demolished by any force whatsoever to the extent of 50% or more of the fair market value of the sign structure, said signs shall then be made to conform to the Zoning Ordinance.
- D. All legal-nonconforming signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Plan Commission or Community Development Office shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the Plan Commission or Community Development Office may remove the sign at cost to the property owner or lessee.

7.7 - Nonconforming Telecommunications Facilities -

- A. Any telecommunications facility in existence on or before the date this ordinance was adopted which does not conform to or comply with the telecommunications facility standards in Article Six is considered legal nonconforming if:
 - 1. The telecommunication facility was covered by an Improvement Location Permit, a building permit or variance or,
 - 2. If no Improvement Location Permit or building permit was required under applicable law for the telecommunications facility in question, the telecommunications facility had legal nonconforming status at such time.
- B. Any nonconforming telecommunications facility in existence and that does not fit the definition of a legal nonconforming telecommunication facility is an illegal nonconforming telecommunication facility.
- C. If land is annexed to the City of Butler subsequent to the date this ordinance was adopted, any telecommunications facility upon such annexation which does not conform to the telecommunications facility standards at such time shall have legal nonconforming status if:
 - 1. Under applicable federal, state and county regulations, the telecommunications facility was legal in all respects immediately prior to annexation; and



2. The annexation was not conditioned upon the removal or modification of the telecommunications facility. Any telecommunications facility not meeting such requirements is an illegal nonconforming telecommunications facility.
- D. Any legal-nonconforming telecommunications facility shall immediately lose its legal nonconforming status if:
1. The telecommunications facility, because of improper installation or maintenance, constitutes a threat to public health or safety and remains in such condition after a reasonable time is given to remedy the problem;
 2. The telecommunications facility is demolished or damaged to the extent of 50% or more of its value; or
 3. The telecommunications facility is substantially structurally altered so as to prolong its expected life.

On the happening of any one of the above-listed events, the telecommunications facility shall be Immediately brought into compliance with the development standards in the Zoning Ordinance or shall be removed.

- E. Nothing in the telecommunication facility standards shall relieve the owner or user of a legal-nonconforming telecommunications facility or owner of the property on which the legal nonconforming telecommunications facility is located from any provisions regarding safety, maintenance and repair of the telecommunications facility.

7.8 - Repairs and Maintenance - The following applies to legal-nonconforming structures or buildings, and legal-nonconforming uses of structures, or structures and land in combination.

- A. Work may be done for ordinary repairs and maintenance including: siding, re-roofing, mechanical systems, windows, doors etc. under the condition that there is no increase in square footage or volume of usable space.
- B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs or maintenance, and is declared to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired or rebuilt within six months of the declaration. If the improvements have not been made within the six months, all future improvements must conform to all standards and regulations within the Zoning Ordinance.
- C. If a building or structure becomes unsafe or unlawful due to physical condition and is demolished, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. Nothing in this section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

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7.9 - Certificate of Nonconforming Use - In order to protect the lawful nonconforming status of a nonconforming use, a person who owns or operates a nonconforming use may request a certificate of nonconforming use from the Community Development Office. The applicant shall demonstrate that the use is a lawful nonconforming use prior to the issuance of the certificate.



ARTICLE EIGHT - PROCESS, PERMITS & FEES

8.1 - Purpose - The purpose of issuing permits is to enforce the Butler City Zoning Code by determining that all improvements and modifications to structures and uses are consistent with the Comprehensive Plan of the City of Butler and that all improvements and modifications are in compliance with the City’s Zoning Code. By doing so, the City is protecting the health, safety, and general welfare of the community.

8.2 - Types of Petitions -

A. The following sections recognize and outline each of the permits, formal approvals and appeals.

SECTION	PAGE
1. Fence Permit (Section 8.4)	
2. Improvement Location Permit (Section 8.5)	
3. Home Occupation Permit (Section 8.6)	
4. Temporary Use Permit (Section 8.7)	
5. Building Permit (Section 8.8)	
6. Development Plan Review (Section 8.9)	
7. Variance (Section 8.10)	
8. Special Exception (Section 8.11)	
9. Zoning Amendment: Text Amendment (Section 8.12)	
10. Zoning Amendment: Rezoning (Section 8.13)	
11. Administrative Interpretation (Section 8.14)	
12. Administrative Appeal (Section 8.15)	
13. Schedule of Fees (Section 8.16)	

B. All application forms may be obtained through the Community Development Office. Fees shall be paid at the Community Development Office.

C. A project shall not proceed without first successfully being granted the applicable permits, formal approvals, and/or successful appeals. Any project that proceeds otherwise is subject to fines, penalties and court action (see Article Nine).

8.3 - Public Notice and Public Hearing -

A. **Public Notice** - Public notice shall be provided for pursuant to this article and the By-Laws and Rules of Procedure of the Butler City Board of Zoning Appeals and of the Butler City Plan Commission.

B. **Public Hearing** - Public hearings shall be held pursuant to this article and the By-Laws and Rules of Procedure of the Butler City Board of Zoning Appeals and of the Butler City Plan Commission.



8.4 - Fence Permit -

- A. Applicability** - Fence permits are required to install a fence within the City's Zoning Jurisdiction. This includes replacing an existing fence with a new fence.
- B. Required Information** - Application for a Fence Permit shall be made on a form provided by the Community Development Office. The Fence Permit should be completed and accompanied by a drawing or plat showing the location of the proposed fence on the lot and the distance of the fence from the property lines and structures.
- C. Review** - Once the completed Fence Permit and drawing are submitted to the Community Development Office with all applicable information included, the office shall have 10 business days to issue or deny the Fence Permit. Denial of the Fence Permit shall specify the Butler City Code provision that is not met.
- D. Fee** - The Fence Permit fee shall be collected when the Fence Permit is issued by the Community Development Office. There will not be a fee for Fence Permits that are denied.
- E. Duration** -
 - 1. The Fence Permit is valid for one year from the date of issuance.
 - 2. Any modifications to the size or location of the fence made after the Fence Permit has been issued shall be noted on the original permit, found in compliance with the ordinances of the City of Butler, and approved by the Community Development Office.

8.5 - Improvement Location Permit -

A. Applicability-

- 1. An Improvement Location Permit is an official document issued by the Community Development Office which authorizes and or acknowledges that such use or building complies with the provisions of the City's Zoning Ordinance or an authorized variance therefrom.
- 2. No building or structure shall be erected, moved, added to, or structurally altered without an Improvement Location Permit being approved and issued by the Community Development Office. Changes of use or expansions of use also require an Improvement Location Permit.
- 3. An Improvement Location Permit shall be obtained for the following:
 - a. Construction of residential dwelling units;
 - b. Alteration, modification, remodel, or additions to residential dwelling units;
 - c. Placement or installation of mobile homes and manufactured homes;
 - d. Mini-barns or sheds regardless of size and regardless of fixture to the ground;
 - e. Other detached residential accessory buildings with foundations or overhead structures;
 - f. Detached and attached garages, carports;
 - g. Inground swimming pools;
 - h. Decks and porches;
 - i. Accessibility ramps;



- j.** Construction of commercial, industrial, multifamily, institutional, and all other buildings and structures;
- k.** Alteration, modification, remodel, or addition to commercial, industrial, multifamily, institutional, and all other buildings or structures;
- l.** Structures other than buildings including satellites greater than 24" in diameter, towers, antennas, and signs;
- m.** Adding or subtracting dwelling units in multifamily or commercial structures;
- n.** Driveways that involve a new or expanded curb cut;
- o.** Parking lot construction or expansion;
- p.** Construction of or alterations to ponds or lakes;
- q.** Telecommunications facilities;
- r.** Utility structures including generation plants, substation, telephone exchange, radio/TV Station, and treatment plants;
- s.** Mineral extraction;
- t.** Any exterior construction that adds to or alters the height of the existing structure;
- u.** Any change of use or expansion of use of property;
- v.** And other structural changes as deemed necessary by the Community Development Office.

B. Required Information:

- 1.** Application for an Improvement Location Permit shall be made on a form provided by the Community Development Office. The form shall be completed and accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located; the dimensions of the lot to be improved; the size of yards and open spaces; the existing and proposed streets and alleys adjoining or within the lot; and the manner in which the location is to be improved.
- 2.** If the proposed development is in the WP-OL District as defined in Section 5.2, the petitioner shall submit the following:
 - a.** A narrative report of the proposed site, including:
 - a.** A description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.);
 - b.** Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures
 - c.** Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes
 - d.** Spill or release response measures and reporting
 - e.** Description of slopes near containment vessels and waste storage areas
 - b.** A Site Plan including:
 - a.** A vicinity map (USGS quadrangle preferred);



b. A site map (drawn to scale) depicting:

- All existing and proposed structures
- Paved and non-paved areas
- Utility lines (inside and outside structures) including sanitary sewers, storm sewers, stormretention ditches/basins/french drains/dry wells, etc. (both proposed and existing)
- Floor drain locations and outlets
- Chemical/product storage locations
- Waste storage locations
- Liquid transfer areas
- Site surface water bodies (streams, rivers, ponds)
- Under ground storage tanks (and associated piping)
- Above ground storage tanks (and associated piping)
- Slope and contours of finished grade at two-foot intervals

C. Review - An application for an Improvement Location Permit shall not be approved until it has been ascertained by the Community Development Office that:

1. The applicant is in compliance with the filing requirements for erosion control on construction sites as in Indiana Administrative Code 327-1 or as amended from time to time, when applicable.
2. Butler City Utility applications have been submitted, approved by the City Superintendent, and applicable utility fees paid or arrangements for the payment of such fees are made.
3. Drainage approval from the DeKalb County Surveyor's Office has been obtained when applicable.
4. The applicant has obtained Development Plan approval from the Butler City Plan Commission as required in Section 8.8 Development Plan Review.
5. The improvement to the property meets all of the standards within this zoning ordinance or all of the conditions of an approved variance from the Board of Zoning Appeals.
6. If the proposed development is in the WP-OL District, the improvement to the property meets all of the standards of the Wellhead Protection Overlay District. The Community Development Office may solicit comments from the Wellhead Protection Local Planning Team, the DeKalb County Health Department and the applicable water utility.
7. The Federal Aviation Administration form and findings have been submitted, when applicable.

D. Duration:

1. Improvement Location Permits are good for one year from the date of issuance. No written notice of expiration shall be given to the applicant. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.
2. The Community Development Office may give up to a one year extension for Improvement Location Permits.
3. Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.



E. Exemptions and Waivers:

1. No permit is needed for the following items: ground level patios, painting, paneling, new siding, gutter and downspout replacement, insulation, window replacement of a like size, and storm windows and doors.
2. The Community Development Office may issue a written waiver for an Improvement Location Permit for improvements that do not involve changes to the height, use, or building footprint: electrical upgrades, foundation replacement, or reroof. The written waiver is only for the Improvement Location Permit; the waiver allows the applicant to obtain a Building Permit without an Improvement Location Permit.

8.6 - Home Occupation Permit -

- A. Applicability** - A Home Occupation Permit is an official document or certification that is issued by the Community Development Office that authorizes the existence of the home occupation specified on the permit. No home occupation or business shall be conducted within a home or on a residentially zoned lot without a home occupation permit.
- B. Required Information** - Application for a Home Occupation Permit shall be made on a form provided by the Community Development Office. The Home Occupation Permit shall be completed and accompanied by any additional information needed to determine if the Home Occupation meets the provisions of this Ordinance.
- C. Review** - Once the completed permit and all necessary information are submitted to the Community Development Office, the office shall have 10 business days to issue or deny the Home Occupation Permit. Denial of the permit shall specify the Butler City Code Provision that is not met.
- D. Fee** - The Home Occupation Permit fee shall be collected when the Home Occupation Permit is issued by the Community Development Office. There will not be a fee for Home Occupation Permits that are denied.

E. Duration:

1. The Home Occupation Permit shall be approved for the originating applicant for a specific location, and may not be transferred to any other location by that applicant. Should the property upon which the home occupation is conducted be sold or conveyed to a different ownership or resident, a new home occupation permit shall be required.
2. Any modifications to the size, ownership, composition, or practices of the business made after the Home Occupation Permit has been issued shall require a new Home Occupation Permit.

8.7 - Temporary Use Permit -

- A. Applicability** - Temporary use provisions allow short-term and minor deviations for uses which are temporary in nature, and which will not adversely impact the surrounding properties and land uses.



B. Required Information - Application for a temporary use permit shall be made on a form provided by the Community Development Office. The temporary use permit shall be completed and accompanied by a drawn-to-scale site plan that demonstrates the following:

1. The proposed temporary use does not displace required parking for any existing use.
2. The proposed temporary use does not block existing drives or driveways.
3. The site is arranged so that no business shall be conducted with vehicles stopped in a public right-of-way.

C. Review:

1. The application for a temporary use permit shall be reviewed and approved or denied by the Community Development Office.
2. Temporary use permits may be granted for the uses listed in Temporary Use/Structure in Article Six.

D. Fee - The Temporary Use Permit fee shall be collected when the Temporary Use Permit is filed with the Community Development Office.

E. Duration - A temporary use permit shall be issued for the amount of time requested by the petitioner within the allowable duration permitted by this Zoning Ordinance. The expiration date shall be displayed on the permit.

8.8 - Building Permit -

A. Applicability - A Building Permit is an official document or certification that is issued by the building official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. (*Amended by Ord. # 1583, adopted August 19, 2013*).

8.9 - Development Plan Review -

A. Authority and Purpose - The purpose of the Development Plan Review process is to assure compatibility of new development with the surrounding community and to promote innovation and creativity in the design of the environment. A Development Plan is intended to provide information about a proposed development so the Plan Commission may make a knowledgeable decision whether or not the development meets all the requirements of this ordinance and the goals and objectives set forth in the City of Butler Comprehensive Plan.

B. Districts and Projects Designated for Development Plan Review:

1. The approval of a Development Plan shall be required before an Improvement Location Permit is issued for developments one acre in size or larger that do not involve the subdivision of land in all zoning districts in the Butler zoning jurisdiction. This includes, but is not limited to:
 - a. Any new construction or principal use additions
 - b. New or expanded surface loading areas



- c. New or expanded parking lots
- d. Exterior building renovations that require a building permit
- e. Any development within a MHC district

- 2. Single-family residences, residential accessory structures, and two-family residential dwelling-units are exempt from the Development Plan requirement.
- 3. Manufactured homes, when located as scattered-site residences in SFR or MFR districts are exempt from the Development Plan requirement.
- 4. Buildings used exclusively for agricultural purposes are exempt from the Development Plan requirement.
- 5. For residential subdivisions, a Development Plan shall be approved concurrently with the secondary (final) subdivision plat.

C. Development Requirements - Development Plans shall demonstrate compliance with the following requirements.

1. General Development Requirements.

- a. Compliance with all applicable development standards of the zoning district in which the real estate is located.
- b. Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- c. Compliance with all applicable provisions of the Subdivision Ordinance (unless a waiver has been granted, in which case compliance with the terms and conditions of the waiver shall be required).
- d. The proposed development shall be appropriate to the site and its surroundings.
- e. The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
- f. The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
- g. The applicable utilities have sufficient capacity and access to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.
- h. The entrances, streets, and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.

2. Site Access and Site Circulation Development Requirements.

- a. All proposed site access locations shall provide for the safe and efficient movement of vehicular and pedestrian movement to and from the proposed development.
- b. Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both vehicular and pedestrian traffic in and around the site.
- c. Multifamily projects shall include internal sidewalks along all internal streets as well as sidewalks or pathways along perimeter streets.
- d. Where site access has been officially approved by an agency other than the City of Butler, the Plan Commission shall not be required to include such approved access in the approval of the Development Plan.



3. Lighting Development Requirements.

- a. Light sources shall be located and installed in such a way that minimizes light spilling over onto contiguous properties. Lighting shall be installed so as to reflect away from adjoining properties.
- b. Special attention shall be given to the intensity, function, and appearance of lighting to be installed. Lighting installed shall be consistent with other lighting in the surrounding area.

4. Building Orientation.

- a. Each building facade visible from a public street or oriented to an adjoining Residential District shall be a finished facade.
- b. No loading docks shall be permitted to face a public street.
- c. When any portion of the loading docks are visible from a public street, the loading docks shall be screened by either building walls, a solid fence, densely planted shrubbery, or a combination thereof, none of which may be less than six feet in height.
- d. When loading docks are facing or oriented to a side or rear lot line of an adjoining Residential District, the loading docks shall be screened from view from such Residential District by either building walls, a solid fence, densely planted shrubbery, or a combination thereof, none of which may be less than six feet in height.
- e. No outside storage shall be permitted between an established building line and the right-of-way of a public street or an adjoining Residential District.
- f. All roof or ground mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped on all sides not facing the building served.

D. Review - The approval or disapproval of Development Plans within the Butler Zoning Jurisdiction is vested in the Butler City Plan Commission.

- 1. The Plan Commission may approve a Development Plan upon finding that:
 - a. The proposed development is consistent with the intent and purpose of the City of Butler Comprehensive Plan; and,
 - b. The proposed Development Plan satisfies the Development Requirements specified in Section 8.9(C).
- 2. Approval of said findings may be in the form of a general statement. Disapproval of findings must specify the portion of the code with which there is not compliance.

E. Waivers of Development Requirements:

- 1. In order to encourage innovative building and site designs that enhance the quality of the built environment in the City of Butler, the Plan Commission, pursuant to Indiana Code 36-7-4-1402(b)(4), may waive Development Requirements contained in Section 8.9(C-2) Site Access and Site Circulation and/or Section 8.9(C-4) Building Orientation upon making findings as specified in below in Section 8.9(F).
- 2. The Plan Commission may not waive any other Development Requirements, including Section 8.9(C-1) General Development Requirements and Section 8.9(C-3) Lighting Development Requirements.
- 3. If a Site Access waiver is requested, the Plan Commission may not grant such waiver unless a favorable review comment or letter regarding the site access waiver is received from the City,



County or State agency having jurisdiction over access to and from the applicable street.

F. Conditions for Waiver of Development Requirements - The Plan Commission may approve a waiver of Development Requirements only upon finding all of the following:

1. The proposed development represents an innovative use of site design / site access design / site circulation design / building orientation which will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the City of Butler.
3. The strict application of the Development Requirements of Section 8.9(C) of the City of Butler Zoning Ordinance will result in a development of the real estate, which is undesirable when compared with the proposed development.
4. The proposed development is consistent with and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the City of Butler Comprehensive Plan.

G. Required Information - All requests for Development Plan approval shall include the following plan documentation and supporting information:

1. **Site Plan.** A site plan indicates the nature of the proposed development. It shall be drawn to scale of not more than 1"=100' and shall include the following items:
 - a. North arrow.
 - b. Graphic scale.
 - c. Address of the site.
 - d. Proposed name of the development.
 - e. Area map insert showing the general location of the site referenced to major streets and section lines.
 - f. Legal description of the site.
 - g. Boundary lines of the site including all dimensions of the site.
 - h. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - i. Layout, number, dimension, and area (in square feet and acres) of all lots and out lots with building setback lines.
 - j. Location and dimensions of all existing and proposed structures, including paved areas and signs.
 - k. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - l. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces provided, office - gross floor area).
 - m. Structures proposed for demolition should be indicated as such.
 - n. Distance of all structures from front, rear, and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line).
 - o. Location and type (e.g. ground, pole, wall) of all signs on the site.



- p. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - q. Proposed landscaping buffers or landscaped areas.
 - r. Existing zoning and land use of all adjacent real estate.
 - s. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Community Development Office.
- 2. Building Elevations** - Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:
- a. Address of the site.
 - b. Proposed name of the development.
 - c. Graphic scale.
 - d. Elevations for each facade of the building.
 - e. Specification of the type and color of building materials to be used for all wall, window, roof, and other architectural features.
 - f. Placement, size, color and illumination details for any proposed wall sign.
 - g. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Community Development Office.
- 3. Site Access and Site Circulation Plan** - The Site Access and Site Circulation Plan requirements listed may be incorporated into the required Site Plan. The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:
- a. North arrow.
 - b. Graphic scale.
 - c. Address of site.
 - d. Proposed name of the development.
 - e. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - f. Location and name of all existing and proposed public or private streets, access easements, and rights-of-way within 200 feet of the site.
 - g. Location of any proposed or existing driveways onto a street or alley and its width at the lot line.
 - h. Depictions of all travel lanes, turning movements, vehicle storage areas, parking areas, and tapers, including dimensions, at all driveways.
 - i. All improvements to the street system on-site and off-site.
 - j. Measurement of curb radius and/or taper.
 - k. Location and dimensions of primary vehicular ways in and around the proposed development
 - l. Location of any proposed or existing sidewalk.
 - m. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Community Development Office.
- 4. Utility Plan** - The Utility Plan shall be drawn to a scale of not more than 1"=100' and shall include the following items:
- a. Location of all existing and proposed utility easements.



- b. Location and size of all existing and proposed utility components including, but not limited to: sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
- c. Location and illumination capacity of all lights.
- d. Names of legal ditches and streams in or adjacent to the site.
- e. Contours sufficient to illustrate storm water runoff.
- f. Storm water drainage plan including estimated runoff.

5. Traffic Impact Study:

- a. A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e.,
 - 1. 150 or more dwelling units;
 - 2. 15,000 square feet or more of retail space;
 - 3. 35,000 or more square feet of office space;
 - 4. 70,000 square feet or more square feet of industrial space;
 - 5. 30,000 square feet or more of educational space;
 - 6. 120 or more occupied rooms;
 - 7. 46,000 or more square feet of medical space; or,
 - 8. any mixed use development which generates 100 or more peak hour trips in the peak direction).
- b. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Community Development Office and the Street Superintendent to determine an appropriate scope for the Traffic Impact Study.

6. Statement of Development Build-Out. Applicant shall indicate, either on the submitted Site Plan or in writing, a statement of:

- a. The order of development of the major infrastructure elements of the project.
- b. Project phase boundaries, if any.
- c. The order and content of each phase.
- d. An estimate of the time frame for build-out of the project.

7. Green Space Provisions. Applicant shall indicate, either on the submitted Site Plan or in writing, along with any necessary explanatory materials or graphics, a statement of the nature and extent of all existing and proposed green space and landscaping on the real estate showing how the proposed landscaping meets or exceeds the Zoning Code requirements detailed in Section 6.19 and 6.20.

8. WP-OL District Requirements. If the proposed development is in the WP-OL District, the petitioner shall submit the following:

- a. A narrative report of the proposed site, including:



- i. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, septic systems, etc.);
- ii. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures
- iii. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes
- iv. Spill or release response measures and reporting
- v. Description of slopes near containment vessels and waste storage areas

b. A Site Plan including:

- i. A vicinity map (USGS quadrangle preferred);
- ii. A site map (drawn to scale) depicting:
 - All existing and proposed structures.
 - Paved and non-paved areas.

 - Utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches/basins/french drains/dry wells, etc. (both proposed and existing).
 - Floor drain locations and outlets.
 - Chemical/product storage locations.
 - Waste storage locations.
 - Liquid transfer areas.
 - Site surface water bodies (streams, rivers, ponds).
 - Underground storage tanks (and associated piping).
 - Above ground storage tanks (and associated piping).
 - Slope and contours of finished grade at Two-foot intervals.

c. Proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.

H. Procedures - Application for Development Plan approval by the Plan Commission shall follow the following procedures.

1. Pre-Filing Conference

- a. A pre-filing conference with the Community Development Office is required prior to the filing of any Development Plan for public hearing before the Plan Commission. The petitioner shall provide a preliminary plan capable of depicting the proposed development. The Community Development Office shall review the proposed plan and provide comments back to the applicant.
- b. Notwithstanding anything contained in this Ordinance to the contrary, neither the Community Development Office's conceptual review of the plan nor the comments to the applicant relating thereto shall be considered a denial, approval, or decision concerning the



proposed Development Plan.

2. **Eligible Petitioners** - Development Plans may be initiated by the submission of a development plan accompanied by an application signed by the owners of the land involved in the development, or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner must accompany the application.
3. **Filing of Forms** - All Development Plans for public hearing by the Plan Commission shall be accompanied by an "Application for Approval ~ Development Plan" form provided by the Community Development Office. Unless otherwise instructed, five copies of the Application for Approval, Site Plans, Site Access and Site Circulation Plans, Building Elevations, Utility Plans, and all other relevant supporting documentation shall be submitted to the Plan Commission.
4. **Filing Deadline** - All Development Plans shall be filed at least 28 days prior to the public meeting at which they are first to be considered by the Plan Commission.
5. **Filing Fees:**
 - a. The applicant shall pay all applicable fees at the time of filing the Development Plan.
 - b. Current fees are specified in the City of Butler Fee Schedule.
6. **Agenda Placement** - All Development Plans, which are determined to be complete and in proper form by the Community Development Office, shall be numbered and placed on the first Plan Commission Agenda that occurs 28 days after the Development Plan was submitted in its entirety.
7. **Investigation of Petitions:**
 - a. Upon assignment of a number and hearing date, the Fire Department, Police Department, Department of Public Works, DeKalb County Surveyor's Drainage Office, Utility Departments and other applicable agencies will be notified of the proposed Development Plan and asked to review and comment.
 - b. The Community Development Office may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Community Development Office concerning the Development Plan and information from the other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators of record, if any.
8. **Public Notice** - The following public notice standards apply for Development Plan approval.
 - a. The following options for notification are acceptable.
 1. The applicant shall notify all interested parties of the public hearing by certified mail, return receipt requested. Certified mailings shall have a postmark a minimum of 21 days before the date of the public hearing.



2. The applicant shall notify all interested parties by personally delivering the notice and obtaining the signature of each interested party at least 10 days prior to the date of public hearing. The signature must be of the interested party.
- b. The petitioner shall publish a legal notice of the hearing in the Butler Bulletin a minimum of ten days before the public hearing. The petitioner is responsible for making the newspapers publishing deadline and the publication cost.
- c. The applicant must present a copy of public notice, proof of publication, and copies of certified mail receipts or signatures to the Community Development Office at least three days prior to the date of public hearing as proof of fulfilling due and proper notice requirements.

9. Conduct of Public Hearings:

- a. In order to provide all interested parties with a fair hearing, applicant and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and arguments at the public hearing. The order of the presentation of evidence, statements, and arguments shall be as follows:
 1. The Community Development Office shall be given time to introduce the matter being considered and for the presentation of evidence or statements regarding the application being considered.
 2. Applicant shall be allotted a reasonable time to present evidence, statements and arguments in support of the applicant being considered.
 3. Plan Commission members shall be afforded the opportunity to ask questions about the applications of either the Community Development Office or the applicant.
 4. Members of the public interested in the application, whether for or against the application, shall be allotted a reasonable time to present evidence, statements and arguments related to the application being considered.
 5. The applicant shall have a reasonable opportunity for rebuttal, which shall include only evidence, statements and argument in rebuttal of or in response to comments of the Community Development Office, the Plan Commission or members of the public, and a brief closing statement.
 6. Rules of evidence will not be strictly followed.
 - b. At the conclusion of remarks by any party, the Plan Commission shall have the opportunity to ask questions pertaining to the evidence, statements, and argument presented.
 - c. The presiding officer shall have authority to cut off repetitious and irrelevant testimony, but shall make reasonable efforts to allow equal time for applicant and remonstrators.
 - d. All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the Plan Commission and shall be dealt with by the presiding officer as is deemed fair and proper.
- I. Signature for Findings** - All findings specified in Section 8.9(D) for the approval of a Development Plan shall be in writing and signed by the President of the Plan Commission in the case of a



determination by the Plan Commission, and retained as a part of the permanent record.

J. Amendments:

1. Amendments Proposed at a Public Hearing:

- a. The applicant may propose amendments to Development Plans which are recommended by the Plan Commission or the Community Development Office at any time prior to a vote on the Development Plan Approval. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the hearing to the next meeting of the Plan Commission.
- b. The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee or Community Development Office of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.
- c. If amendments are presented by the applicant and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Community Development Office within 30 days of the Plan Commission hearing or such approval will become null and void.

2. Amendments to Approved Development Plans.

- a. Minor amendments to Development Plans which have already received approval from the Plan Commission and which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Community Development Office without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development.
- b. Such minor amendments authorized by the Community Development Office shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
- c. If the Community Development Office determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), the applicant shall be required to file a new application for Development Plan approval.
- d. Any decision of the Community Development Office regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within 30 days of such determination.

K. Duration - Substantial completion of the proposed development shall occur within one year of the date of Development Plan approval by the Plan Commission. A longer time frame may be granted by the Plan Commission on larger projects. The Community Development Office may grant a onetime extension of up to one year in duration to obtain substantial completion.

If substantial completion has not occurred within one year of the date of approval, or by the end of the one year extension period, the developer shall present a Special Request before the Plan Commission for an extension of time in which to achieve substantial completion. If an extension of time is not requested or denied by either the Community Development Office or the Plan Commission, the prior



Development Plan approval shall be deemed null and void. All work must stop and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the City of Butler Zoning Ordinance in effect at the time of filing of the new Development Plan.

L. Issuance of Permits - Prior to the issuance of an Improvement Location Permit for any development where a Development Plan is required, the following matters shall be accomplished:

1. The Plan Commission shall approve of the Development Plan in accordance with this Ordinance and the City of Butler Comprehensive Plan.
2. The applicant shall have recorded in the Office of the DeKalb County Recorder the utility easements, rights-of-way, plats, deed restrictions, or any other legal instruments required, and in the form approved by the Commission.

8.10 - Variance -

A. Authority And Purpose - The Board of Zoning Appeals, may, after a public hearing, vary the regulations of this Zoning Ordinance. Variances shall be granted in accordance with the standards set forth in this section and shall be granted upon findings of fact in compliance with Indiana Code 36-7-4-900 et seq. The Board of Zoning Appeals may grant a variance from the development standards of the Zoning Ordinance (such as height, bulk, area) or a variance of use if, after a public hearing, it makes findings of facts in writing.

B. Procedures - Application for a variance by the Board of Zoning Appeals shall follow the following procedures.

1. **Time Limitation** - The Community Development Office shall refuse to accept a petition for a variance within 12 months of the date of denial when said petition involves the same subject matter. However, the Community Development Office shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said 12 month period.
2. **Eligible Petitioners** - A petition for a variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
3. **Filing of Forms** - A petition for a variance from development standards or a variance of use shall be made on forms provided by the Board of Zoning Appeals. The application shall be filed with applicable drawings and the filing fee.
4. **Filing Deadline** - A petition for a variance shall be filed at least 28 days before the date of the meeting.
5. **Public Notice** - The following public notice standards apply for a petition for a variance.
 - a. For a variance from development standards, the following options for notification are acceptable.
 1. The applicant shall notify all interested parties of the public hearing by certified mail, return receipt requested. Certified mailings shall have a postmark a minimum of 21 days before the date of the public hearing.

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2. The applicant shall notify all interested parties by personally delivering the notice and obtaining the signature of each interested party at least 10 days prior to the date of public hearing. The signature must be of the interested party.
- b. For a variance of use, the applicant shall notify all interested parties of the public hearing certified mail, return receipt requested. Certified mailings shall have a postmark a minimum of 21 days before the date of the public hearing.
 - c. The petitioner shall publish a legal notice of the hearing in the Butler Bulletin a minimum of ten days before the public hearing. The petitioner is responsible for making the newspapers publishing deadline and the publication cost.
 - d. The petitioner shall present proof of notice of adjacent property owners and proof of publication in the Butler Bulletin to the City of Butler a minimum of three business days before the public hearing.
- C. Public Hearing** - A public hearing shall be held in accordance with the Board of Zoning Appeals' Rules of Procedure.
- D. Review:**
1. The regulations of this Zoning Ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria for a development standards variance:
 - a. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
 2. The regulations of this Zoning Ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria for a variance of use:
 - a. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - c. That the need for the use variance arises from some condition peculiar to the property involved.
 - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
 - e. The approval does not interfere substantially with the City of Butler's Comprehensive Plan.
- E. Decision** - The Board of Zoning Appeals shall approve the petition, approve the petition with conditions and/or commitments or deny the petition.



F. Duration:

1. A development standards variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms with the Zoning Ordinance.
2. A use variance granted by the Board of Zoning Appeals may run with the parcel or applicant until such time as:
 - a. The use of the variance ends, is vacated, or unused for three months consecutively;
 - b. The property conforms with the Zoning Ordinance as written; or,
 - c. The property is sold.

8.11 - Special Exception Use -

A. Authority And Purpose:

1. The Board of Zoning Appeals, shall approve or deny all special exceptions from the terms of the zoning ordinance, but only in the particular situations specified in the Zoning Ordinance. The Board may impose reasonable conditions as a part of it approval.
2. **Purpose.** A special exception use is a use for which certain conditions must be met before it can be established at a given location. The use shall be permitted by the Board of Zoning Appeals if, the board determines, the enumerated conditions are met.

B. Procedures - Application for a special exception use by the Board on Zoning Appeals shall follow the following procedures.

1. **Eligible Petitioners -** A petition for a special exception use may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
2. **Filing of Forms -** A petition for approval of a special exception shall be made on forms provided by the Board of Zoning Appeals. The petition shall be filed with applicable drawings and the filing fee.
3. **Filing Deadline -** The petition for a special exception use shall be filed at least 28 days before the date of the meeting.
4. **Public Notice -** The following public notice standards apply for a petition for a special exception use.
 - a. The applicant shall notify all interested parties of the public hearing by certified mail, return receipt requested. Certified mailings shall have a postmark a minimum of 21 days before the date of the public hearing.
 - b. The petitioner shall publish a legal notice of the hearing in the Butler Bulletin a minimum of ten days before the public hearing. The petitioner is responsible for making the newspapers publishing deadline.
 - c. The petitioner shall present proof of notice of adjacent property owners and proof of publication in the Butler Bulletin to the City of Butler a minimum of three business days before the public hearing.



C. Public Hearing - A public hearing shall be held in accordance with the Board of Zoning Appeals' Rules of Procedure.

D. Review:

1. A special exception use shall be approved only upon the determination that:
 - a. When required, a development plan has been submitted, reviewed and approved by the Butler City Plan Commission;
 - b. The proposed special exception development is consistent with the purpose of the zoning district and the City's Comprehensive Plan.
 - c. The proposed special exception development will not be injurious to the public health, safety, morals and general welfare of the community.
 - d. The proposed special exception development is in harmony with all adjacent land uses.
 - e. The proposed special exception development will not alter the character of the district; and
 - f. The proposed special exception development will not substantially impact property value in an adverse manner.

Conversion Of Existing Single-Family Structures to Two & Multi-Family Structures - In addition to the conditions prescribed by Article 8.11 (D)(1)(a-f) above, the conditions noted in Article 6.50 (A)(1)(a-d) shall also be considered by the Board of Zoning Appeals when reviewing a proposal to convert a single-family structure to a two or multi-family structure. *(Amended by Ordinance # 1600, adopted April 21, 2014).*

2. When considering a Special Exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - a. topography and other natural site features;
 - b. zoning of the site and surrounding properties;
 - c. driveway locations, street access and vehicular and pedestrian traffic;
 - d. parking amount, location, design;
 - e. landscaping, screening, buffering;
 - f. open space and other site amenities;
 - g. noise production and hours of operation;
 - h. design, placement, architecture, and building material of the structure;
 - i. placement, design, intensity, height, and shielding of lights;
 - j. traffic generation; and,
 - k. general site layout as it relates to its surroundings.

E. Decision:

1. The granting of a special exception use allows the use to run with the land unless conditions are placed on the approval as stated in subsection E(3) below.
2. **Commitments** - The Board may impose reasonable conditions upon its approval as it deems necessary. The Board may permit or require the owner of the parcel of property to make a written

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commitment concerning the use or development of the parcel as specified under Indiana Code 36-7-4-921 and have such commitment recorded in the Office of the DeKalb County Recorder.

3. **Conditions of Approval** - The Board may limit special exceptions to a specific individual or entity and/or a specific time period.

F. Duration - The granting of a special exception use authorizes the use and establishes the terms of use. Special exception uses are also subject to development plan requirements, all necessary permits and approvals and other applicable requirements.

1. **Expiration** - Any special exception use granted by the Board of Zoning Appeals shall expire:

- a. In the case of new construction or modifications to an existing structure:

- i. Two years after the date granted by the Board, unless a building permit has been obtained and construction of the structure or structures has commenced; or,
- ii. At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from above.

- b. In the case of occupancy of land which does not involve new construction:

- i. Two years after the date granted by the board, unless an occupancy permit has been obtained and the use has commenced; or
- ii. At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from above.
- iii. The board may provide by rule for the granting of extensions of special exception uses.

2. **Amendments.** If the Community Development Office determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new special exception use will be required. The operator of the special exception use shall provide the Community Development Office with all the necessary information to render this determination.

8.12 - Zoning Text Amendment -

A. Authority and Purpose - The Butler City Plan Commission has the authority to hear a proposal to amend the text of the Zoning Ordinance and make a recommendation to the Butler City Council concerning that proposal. The Butler City Council has the power to approve or reject a proposal to amend the text of the Zoning Ordinance.

B. Procedures:

1. **Eligible Petitioners** - Only the members of the City Council or the Plan Commission shall have the standing to initiate a proposal to amend the text of the Zoning Ordinance. Persons who wish to propose an amendment to the text of the Zoning Ordinance and who are not members of either group must find a sponsor among the members of either the City Council or the Plan Commission to introduce the proposal.

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2. **Filing of Forms** - The proposal for an amendment to the text of the Zoning Ordinance shall be prepared by the Community Development Office upon direction of either the Plan Commission or the City Council.
 3. **Filing Deadline** - The proposal for an amendment to the text of the Zoning Ordinance shall be filed at least 60 days before the date of the meeting.
 4. **Public Notice** - The following public notice standards apply for a proposal for an amendment to the text of the Zoning Ordinance.
 - a. The Plan Commission or its staff shall notify affected property owners and interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
 - b. The Plan Commission or its staff shall publish a legal notice of the public hearing in the Butler Bulletin a minimum of ten days before the public hearing.
 - c. The Plan Commission or its staff shall be responsible for including proof of published notice in the proposal file.
- C. Public Hearing** - A public hearing shall be held in accordance with the Indiana State Statutes and the By-Laws and Rules of Procedure of the Butler City Plan Commission
- D. Review** - In preparing and considering proposals to amend the text of this Zoning Ordinance, the Plan Commission and the City Council shall pay reasonable regard to:
1. The comprehensive plan;
 2. Current conditions and the character of current structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction;
 5. Responsible development and growth.
- E. Decision** - The Plan Commission will certify the amendment to the text of the Zoning Ordinance and forward the proposal to the City Council with either a favorable recommendation, a negative recommendation or with no recommendation. See Indiana Code 36-7-4-607.
- F. Duration:**
1. Unless a text amendment ordinance provides for a later effective date, the ordinance takes effect when it is adopted under Indiana Code 36-7-4-607.
 2. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until 14 days after the later of the following:
 - a. The final day on which notice of its adoption is published; or
 - b. The day on which it is filed in the City Clerk's office.



8.13 - Zoning Map Amendment: Rezoning -

- A. Authority And Purpose** - The Butler City Plan Commission has the authority to hear a petition to amend the zoning map (rezoning) and make a recommendation to the Butler City Council. The Butler City Council considers the Plan Commission recommendation, approves or rejects the recommendation and makes the final decision approving or rejecting the zoning map amendment petition.
- B. Procedures** - Application for a rezoning by the Plan Commission shall follow the following procedures.
1. **Eligible Petitioners** - A petition for a rezoning may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. **Filing of Forms** - A petition for a rezoning shall be made on forms provided by the Plan Commission. The petition shall be filed with applicable drawings and the filing fee.
 3. **Filing Deadline** - The petition for a rezoning shall be filed at least 28 days before the date of the meeting.
 4. **Public Notice** - The following public notice standards apply to a petition for a rezoning.
 - a. The petitioner shall notify interested parties (as defined in the By-Laws and Rules of Procedure of the Butler City Plan Commission) of the public hearing. Notice shall be given by certified mail, return receipt requested and postmarked at least 21 days before the public hearing.
 - b. The petitioner shall publish a legal notice of the hearing in the Butler Bulletin a minimum of ten days before the public hearing. The petitioner is responsible for making the newspapers publishing deadline and the publication cost.
 - c. The petitioner shall present proof of notice of interested parties and proof of publication in the Butler Bulletin to the City of Butler a minimum of three business days before the public hearing.
- C. Public Hearing** - A public hearing shall be held in accordance with the Plan Commission's Rules of Procedure.
- D. Review** - In preparing and considering proposals to amend the zoning map (rezoning) of the Zoning Ordinance, the Plan Commission and the City Council shall pay reasonable regard to:
1. The comprehensive plan;
 2. Current conditions and the character of current structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction;
 5. Responsible development and growth.
- E. Decision** - The Plan Commission will determine if the evidence presented is sufficient to recommend a rezoning to the City Council. The City Council is charged with making the final decision on whether or not to follow the recommendation of the Plan Commission. The City Council shall act on the petition within 90 days of certification by the Plan Commission in accordance with Indiana Code 36-4-608. When a rezoning is approved, such amendment shall be incorporated into the official



zoning map maintained by the City.

- 1. Commitments** - The Plan Commission may require or permit the owner of a parcel of real property to make a written commitment concerning use and/or development of that parcel in connection with a proposal to amend the zoning map (rezoning) under Indiana Code 36-7-4-608 and this article.
 - a.** The Plan Commission may permit or require a written commitment to be made in any case where the making of such commitment will further the goals of the comprehensive plan and the Zoning Ordinance.
 - b.** The procedure by which the Plan Commission permits or requires the making of a written commitment shall be the same as the procedure for the underlying proposal to amend the zoning map (rezoning) and no additional notice or hearing shall be required.
 - c.** A written commitment may be modified or terminated by Plan Commission after notice and public hearing. Such notice and public hearing shall be in accordance with Indiana Code. The Plan Commission shall provide for notice to adjacent property owners and other interested parties as defined in the Plan Commission rules and procedures at least ten days before the hearing. Modification or termination of commitments shall be allowed for good cause which may include but shall not be limited to change in circumstances such that the modification or termination will further the goals of the Zoning Ordinance or the comprehensive plan.
 - d.** A written commitment shall be in recordable form and shall contain such matters necessary to make the commitment effective, and shall be subject to final approval by the City Attorney as to form.
 - e.** A commitment made under this section takes effect upon approval of the proposal in connection with which the commitment is made. An unrecorded commitment is binding upon the owner(s) of the parcel but is only binding upon a subsequent owner or other person acquiring an interest in the parcel if that person has actual notice of the commitment. A recorded commitment is binding upon any subsequent owner and any person acquiring an interest in the parcel.
 - f.** A commitment made hereunder shall be recorded in the office of the county recorder prior to approval of the proposal and prior to issuance of any building permits or improvement location permits for the area involved in the proposal.
 - g.** A commitment made hereunder terminates automatically if after adoption of the proposal the zoning map applicable to the area involved in the proposal is changed.
 - h.** A written commitment shall be enforceable by the Plan Commission, City Council or City Attorney. A written commitment shall also be enforceable by any property owner adjacent to the parcel of real estate which was the subject of the underlying proposal in connection with which the commitment was made, or other interested party as defined by the Plan Commission rules and procedures.

F. Duration - A rezoning shall be effective from the date of its final approval pursuant to the Indiana Code.



8.14 - Administrative Interpretation -

A. Authority and Purpose:

1. The Community Development Office, subject to the procedures, standards, and limitations of the Zoning Ordinance, may render written interpretations, including use interpretations, of the provisions of the Zoning Ordinance and of any rule or regulation pursuant to it.
2. The Community Development Office may forward requests for interpretation to the Plan Commission, where, in the opinion of the Community Development Office, the proposed use is not sufficiently similar to a use expressly listed as permitted or as a special exception to allow Community Development Office to make an interpretation.
3. The interpretation authority established by this article is intended to recognize that the provisions of this Zoning Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. For example, certain categories of uses are listed as either permitted or special exception uses, but certain specific proposed uses may not clearly fall within the common ordinary meaning of any of the listed uses. Many such situations can be readily addressed by an interpretation of the specific provisions of this Zoning Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Zoning Ordinance but is intended only to allow authoritative application of that content to specific cases.

B. Procedure - Application for an administrative interpretation shall follow the following procedures.

1. **Eligible Petitioners** - Applications for interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.
2. **Filing of Forms** - Applications for interpretations of the Zoning Ordinance shall be filed in writing with the Community Development Office and shall contain information describing the nature of the requested interpretation.

C. Review - The Community Development Office shall review the application for an administrative interpretation and make a determination. The Community Development Office shall inform the applicant in writing of his or her interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based. A record of all applications for interpretations shall be kept on file in the Community Development Office.

D. Decision - The Community Development Office shall give the applicant written notice of the approval or denial of the application. If the application is denied, the Community Development Office shall advise the applicant of the procedures for filing a use variance petition with the Board of Zoning Appeals if the interpretation was made regarding a specific use.



E. Duration:

- 1. Effect Of Favorable Use Interpretations** - A use interpretation finding a particular use to be permitted in a particular district only approves the use. It does not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. All necessary permits shall be obtained and all necessary procedures shall be followed.
- 2. Limitations On Favorable Use Interpretations** - A use interpretation finding a particular use to be permitted, or allowed as a special exception use in a particular district, shall be deemed to authorize only the particular use for which it was issued, and such interpretation shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.

8.15 - Administrative Appeal -

A. Authority and Purpose - The Board of Zoning Appeals is charged with hearing administrative appeals from a requirement, decision, or determination made by an administrative official charged with the enforcement of any part of the Zoning Ordinance.

B. Procedure - A written request for an administrative appeal shall follow the following procedures.

- 1. Eligible Petitioners** - A written request for an administrative appeal may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
- 2. Filing of Forms** - A written request for an administrative appeal shall be filed with the Board of Zoning Appeals. The petitioner shall submit a written statement specifying the grounds for the appeal, the name and/or title of official or board from which the appeal stems and any applicable supporting material within 30 days of the decision. The administrative official from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
- 3. Public Notice.** Administrative appeals require public notice in the newspaper per Indiana Codes.5-3-1-2 and 5-3-1-4

C. Review - The Board of Zoning Appeals shall review:

- 1.** The written statement and supportive material submitted by the petitioner;
- 2.** The record of action supplied by the administrative official from the which appeal is taken;
- 3.** The testimony of the petitioner; and
- 4.** The testimony of the administrative official from which the appeal is taken.

D. Decision - The Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination from which the appeal stems. The Board of Zoning Appeals may add conditions to any application which was approved at the appeal stage.

E. Duration - An administrative appeal shall be effective from the date of the Board of Zoning Appeals final decision pursuant to Indiana Code.

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8.16 - Schedule of Fees - The City Council shall maintain an official fee schedule for permits and processes outlined in the Zoning Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to the Zoning Ordinance are considered a part of the Zoning Ordinance. The official fee schedule is in Title 9, Chapter 100 of the Butler Municipal Code. The schedule shall be available to the public in the office of the Clerk-Treasurer and the Community Development Office. The official fee schedule may be amended by a recommendation submitted to the City Council by the Plan Commission followed by the City Council approving said amendments.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.



ARTICLE NINE - ENFORCEMENT & PENALTIES

9.1 - Authority - The Plan Commission, Board of Zoning Appeals, City Council, City Attorney, Mayor, Building Inspector, Zoning Administrator, Butler Police Officer or Community Development Office are designated to enforce the provisions and regulations of the Zoning Ordinance and are hereby referred to as "enforcement officials." (*Amended by Ordinance # 1645, adopted August 7, 2017.*)

9.2 - Violations - Reports made to the Community Development Office about potential violations of the Zoning Ordinance may be investigated by the Community Development Office or its designee. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person and should reflect what is warranted by the violation.

9.3 - Inspection of Property -

- A. Standard Inspections** - Inspections of property may be conducted by the Community Development Office either from a right-of-way, property suspected of a violation, or adjacent property. The inspector shall attempt to present sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.
- B. Emergency Remedy** - When, in the opinion of the Community Development Office, the condition of the site causes serious danger to the health, safety, or welfare of the public, the city may enter upon the site to remedy the dangerous condition without notice to the landowner
- C. Denial of Access to Property** - In the event that the inspector is denied entry, and providing there is evidence of violation of this Zoning Ordinance, a city official may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the Zoning Ordinance or any applicable ordinances adopted under State Code.

9.4 - Responsibility of Violations and Liability - The property owner shall be responsible for any violation on the property. The property owner is liable for any structures that are raised or converted, or any land uses in violation of this Zoning Ordinance.

9.5 - Types of Violations - The following situations are deemed violations and are enforceable by the enforcement officials of the city. Penalties may be imposed based on the provisions set forth in this article.

- A. Placement** - The placement or erection of a primary structure, accessory structure, sign, fence, structure or any other element which does not conform with the provisions of the Zoning Ordinance as determined by the Community Development Office.
- B. Maintenance** - The failure to maintain a primary structure, accessory structure, sign, fence structure or any other element including property maintenance as determined by the Community



Development Office.

- C. **Permits** - Failure to obtain an improvement location permit or any other required permit under the Zoning Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this Zoning Ordinance.
- D. **Use** - Conducting a use or uses that do not comply with the provisions of the Zoning Ordinance.
- E. **Regulations** - Any failure to comply with any regulations of the Zoning Ordinance, including, but not limited to the following: development standards, improvement location permit, site plan, or conditions imposed.
- F. **Stop Work Order** - Proceeding with work under a stop work order or a violation of a memorandum of agreement.
- G. **Commitments** - Any failure to comply with commitments in connection with a rezoning, approval of a detailed plan, special exception, variance, or other similar or documentable commitment made during official Plan Commission, City Council, or Board of Zoning Appeals meetings.

9.6 - Procedure for Violations - The following procedure shall be used for violations of the Zoning Ordinance.

- A. **Stop Work Order** - An enforcement official may place a stop-work-order on any violation discovered during the construction/building process. Stop-work-orders shall be issued by written notice which shall state the work activity, illegal activity, or dangerous activity that must stop immediately until the matter is resolved. This notice shall be posted in a conspicuous place and mailed to the property owner.
- B. **Notice of Violation** - An enforcement official shall issue a Notice of Violation letter to the property owner regarding the violation. The Notice of Violation letter will state that a violation has been determined and it must be corrected within 15 days of the postmarked date of notice. If the violation is corrected within 15 days from the postmarked date of the Notice of Violation letter, no fines will be imposed.
- C. **Fines** - If the violation stated in the Notice of Violation letter is not corrected within 15 days, fines may be imposed. The property owner in violation will have 15 days to pay the fines and comply with the penalties. The property owner in violation must correct the violation within 15 days or face further legal action. The Plan Commission may extend the time period needed to correct the violation if the violator is working in good faith to remedy the violation.
- D. **Liens** - If the property owner in violation refuses to pay or comply with the penalties, or correct the violation, after the Notice of Violation letter, an enforcement official may impose liens against the property and/or take legal action through the court system.
- E. **Court Action** - It is not mandatory for a violator to be noticed multiple times before liens or court action are sought. An enforcement official must determine which course of action will best result



in the correction of the violation after the Notice of Violation letter is not effective.

9.7 - Fines and Penalties:

- A. Fines** - Monetary fines will be imposed with the Notice of Violation letter for each civil violation determined upon a single inspection in any sum not less than \$100 nor more than \$2,500 with each day constituting a separate violation of this Zoning Ordinance. An enforcement official shall decide the fine for each violation within the allotted range.
- B. Payment** - Payment of any violation shall be delivered to the Community Development Office which shall deposit the funds in an account as determined by the City Council. A receipt of payment must be recorded and issued to the person making payment.
- C. Removal of Violation** - An enforcement official by mandatory injunction in the circuit court and/or superior court of the county against the owner of the real estate, may require the removal of a structure erected in violation of the Zoning Ordinance, or the removal of any use or condition in violation of the Zoning Ordinance.
- D. Permit Fees** - Any property owner who has property where site or structural changes, or change of use of structure or property takes place prior to obtaining an Improvement Location Permit or any other required permit shall pay three times the amount of the normal permit fee as a fine and shall be reflected in the Notice of Violation letter. The property owner will be subject to additional fines as stated in 9.7 A if a permit application is not filed within 15 days of the Notice of Violation letter.

9.8 - Appeals:

- A. Written Statement** - Any person receiving a Notice of Violation letter and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the person in violation shall be submitted to the Community Development office via certified mail at least three days prior to the date the fine is due in order to appeal the violation.
- B. Hearing** - The property owner in violation shall have 30 days to file for a hearing with the Board of Zoning Appeals. The property owner in violation shall have a maximum of six months to complete the hearing process with the Board of Zoning Appeals. Failure to meet these deadlines will reinstate all fines due by the property owner in violation. Fines due will be postponed until the Board of Zoning Appeals has made a ruling on the violation and/or fine.

9.9 - Enforcement, Remedies, and Injunctive Relief - All remedies and enforcement shall comply with the powers set forth in Indiana Code 36-7-4-1000 et al. and all other applicable state law.

- A. Legal Action** - An enforcement official may bring an action in the Circuit or Superior Court of the County for the following reasons:

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1. To evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under Indiana Code 36-7-4. This includes but its not limited to the Zoning Ordinance.
2. To enforce agreements between the Plan Commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
3. To enforce commitments made in accordance with Indiana Code 36-7-4 et al.
4. To enforce conditions imposed in accordance with Indiana Code 36-7-4 et al.
5. To restrain a person violating Indiana Code 36-7-4 et al. or any ordinance adopted under Indiana Code 36-7-4 et al. which includes but its not limited to the Zoning Ordinance.
6. For a mandatory injunction, directing to remove a structure erected in violation of the Zoning Ordinance or applicable State Code. If the enforcement official is successful in its action, the property owner shall bear all costs of the action, including attorney fees. (*Amended by Ord. # 1618, adopted August 3, 2015*).

B. Enforcing a Commitment - An action to enforce a commitment made in accordance with Indiana Code 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:

1. Any person who is entitled to enforce a commitment made in accordance with Indiana Code 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
2. Any other specially affected person who was designated in the commitment.



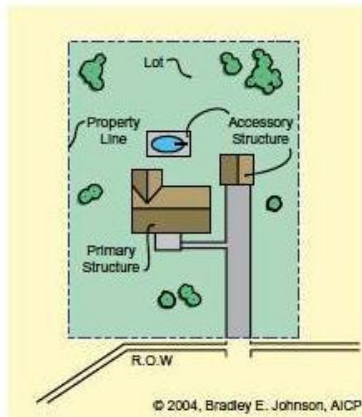
ARTICLE TEN - DEFINITIONS

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.

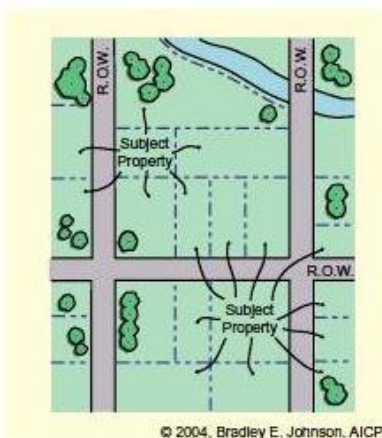
10.2 – Defined Words – The following terms shall have the following meanings:

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.

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

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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.

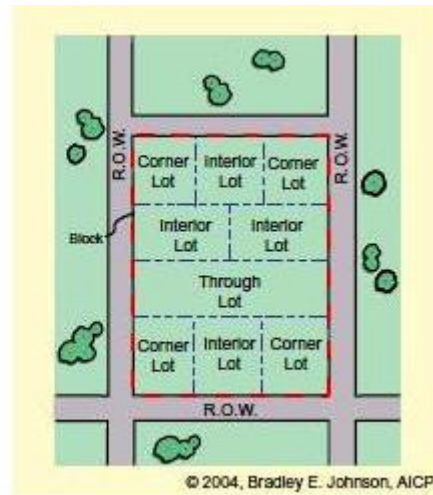
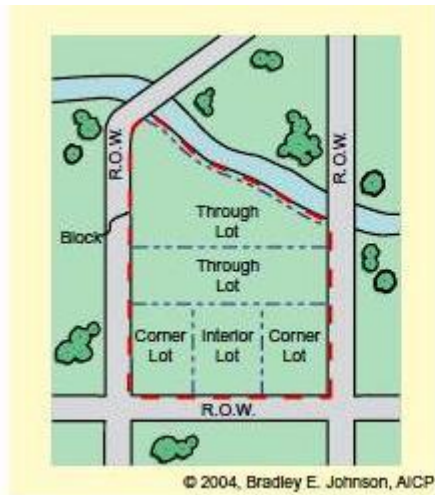
Billboard - See Sign, Off-Premise.

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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.

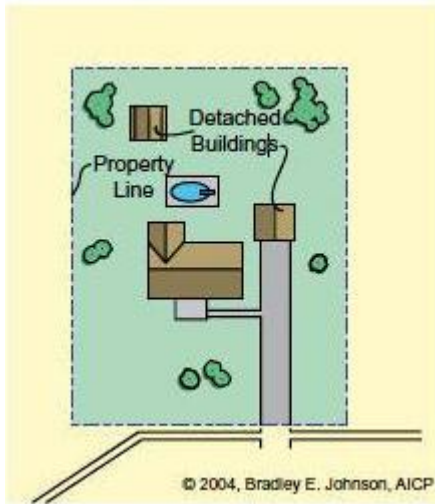
Building - A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals.

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.

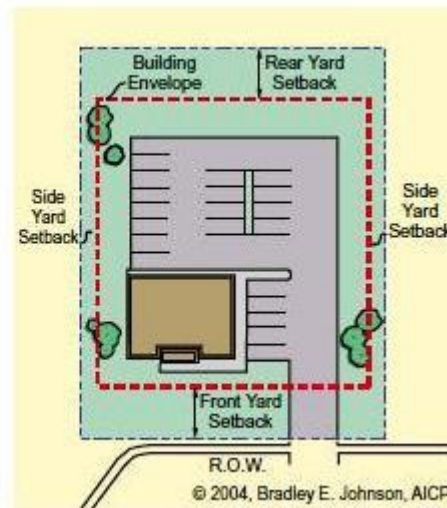
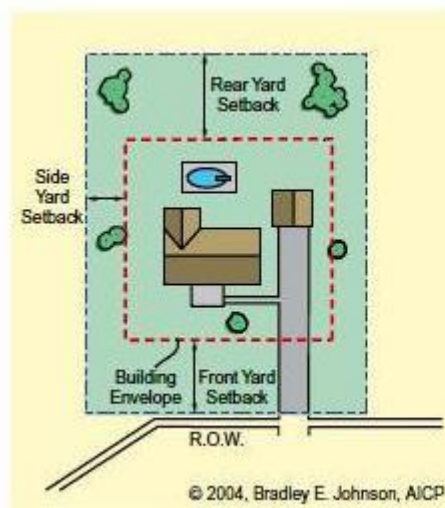


Building, Detached - A building that has no structural connection with the primary building or any other building or structure.



[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.

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

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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.

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

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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.

Co-Location - 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.

Contingent Dwelling Unit- means an apartment located in a structure primarily intended for non-residential uses. (*Amended by Ordinance # 1645, adopted August 7, 2017*).

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.

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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.

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.

Distribution Facility – A use where goods are received and / or stored for shipment to other storage facilities or to retail outlets. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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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.

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.

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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 Unit, Villaminium - A single-family dwelling on a single lot or parcel that may have a common external appearance and setback with adjoining dwellings, and for which lawn and/or building maintenance is performed as part of a community association or cooperative agreement. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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.

Factory Farm - The practice of raising animals on a large scale using intensive methods and modern equipment. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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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.

Food Production / Processing – A facility used for the cooking, dehydrating, refining, bottling, canning or other treatment of agricultural products which changes the naturally grown product for consumer use. May also include warehousing and packaging as secondary uses. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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.

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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.

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.

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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.

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.

Legacy Agricultural Parcels – The splitting-off of a larger agriculturally-zoned parcel into a smaller parcel by a direct heir or heirs of the owner / owners of the larger parcel, for the purpose of establishing a residence on said parcel and continuing the agricultural use on both parcels. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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

Library, Public – A public facility for the use, but not sale, of literary, musical, artistic or reference materials. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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

Liquid Storage, Bulk – The storage of chemicals, petroleum products or hazardous materials in above ground or below ground containers designed for wholesale distribution or mass consumption. *(Amended by Ord. # 1583, adopted August 19, 2013).*

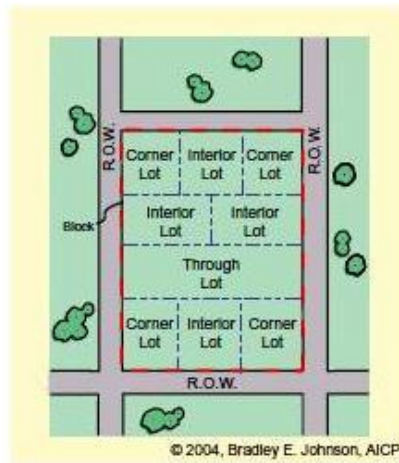
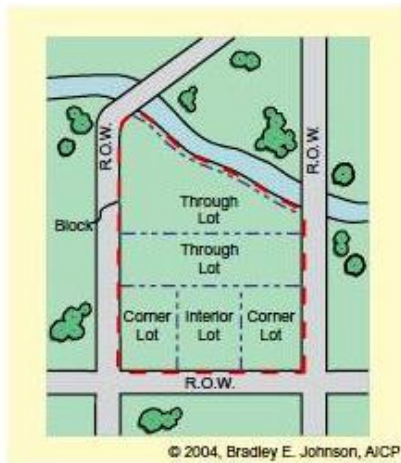
Loading Dock - A space within a building or on the premises providing for the standing, loading, unloading and together with apron space for maneuvering of vehicles, trucks and semi-tractor trailers.

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

Local Street - See Street, Local.

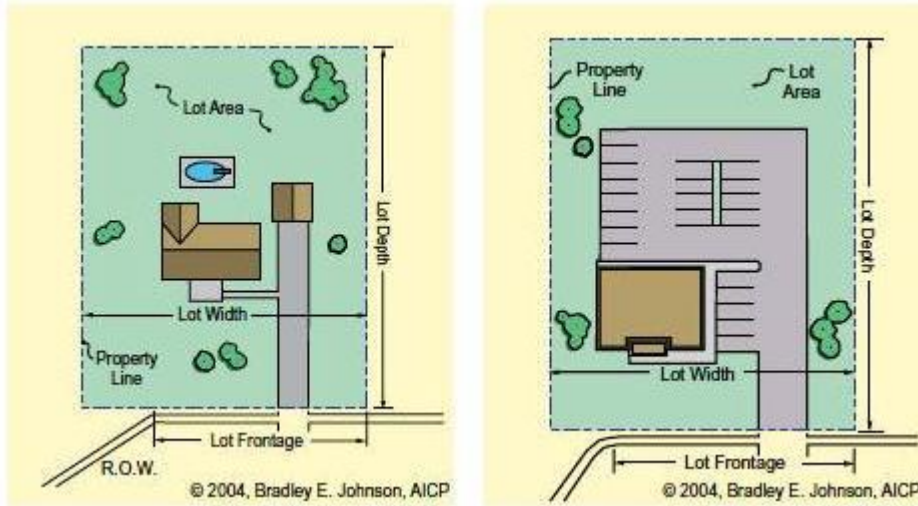
Lodging house - A building, other than a dwelling unit or dormitory, where lodging, with or without meals, is provided for compensation.

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.



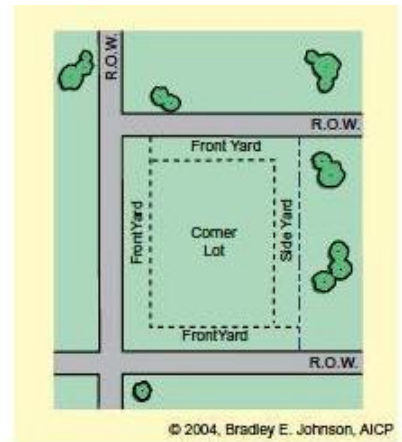
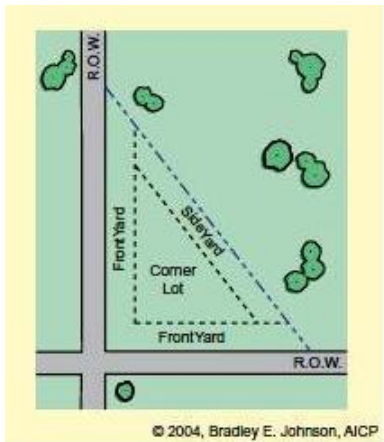


Lot Area - The lot width times the lot depth.



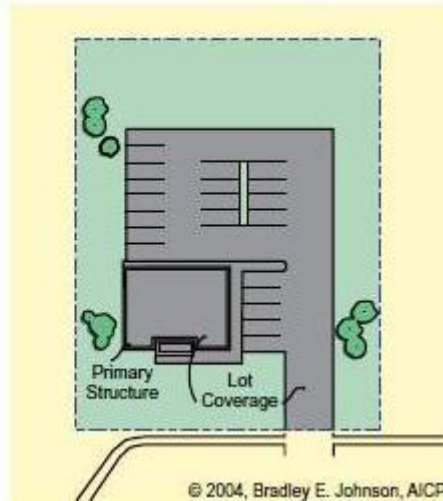
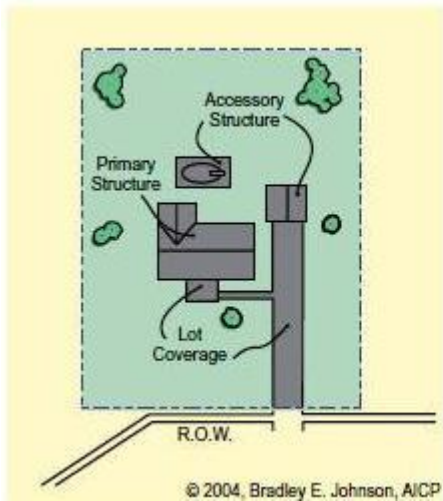
Lot, Buildable - A lot upon which a building can be constructed and occupied.

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.





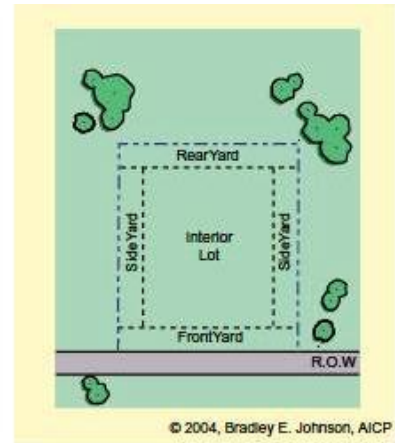
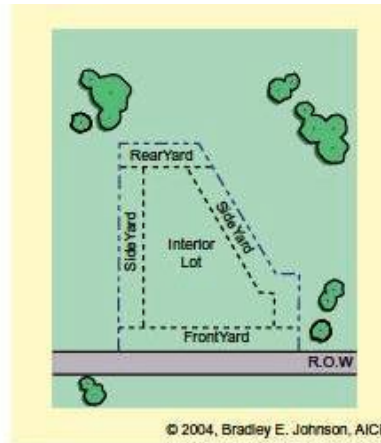
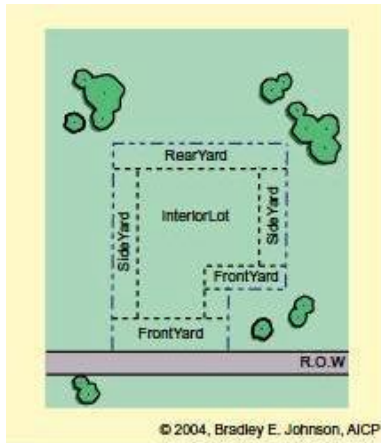
Lot Coverage - The area of a lot occupied by the primary building, any accessory structures and impervious surface.



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.

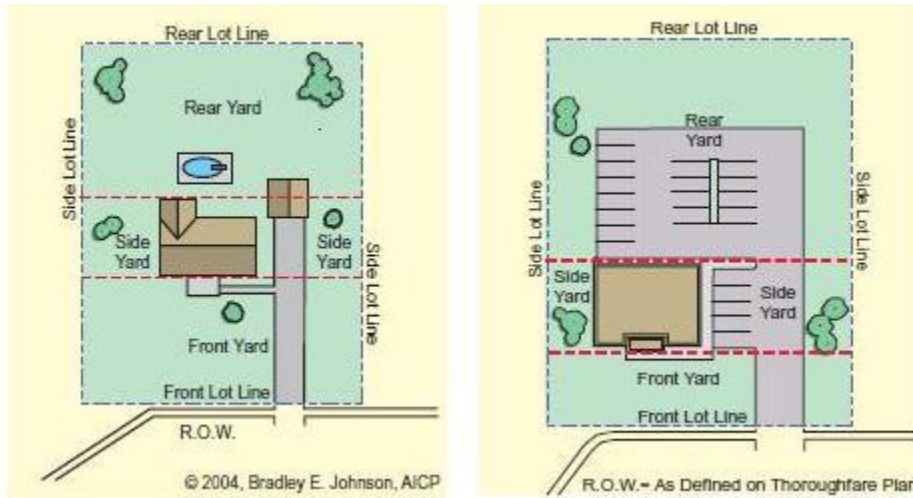
Lot, Interior - A lot other than a corner lot or a through lot.





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.

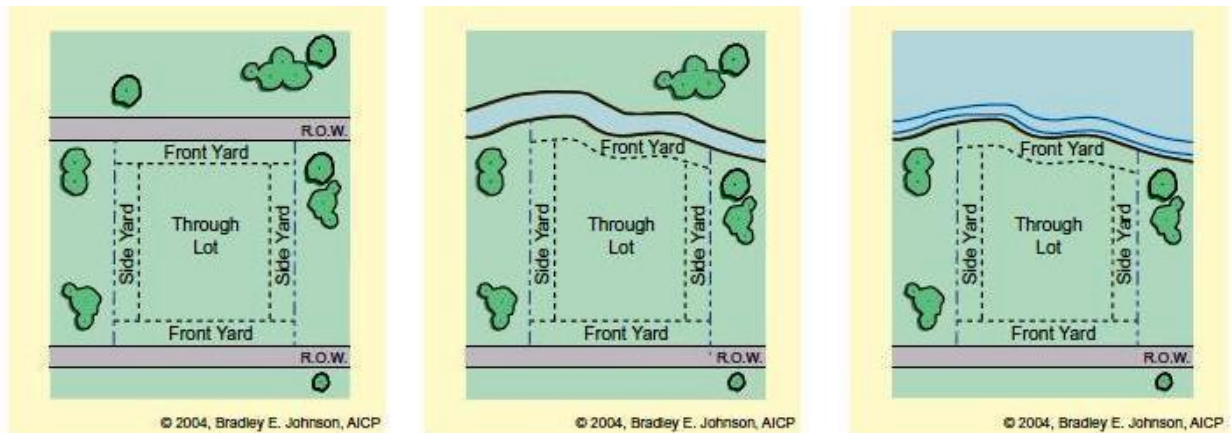


Lot Line, Rear - The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.

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.





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.

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.

Museum - A building serving as a repository for a collection of historical, natural, scientific or literary objects of interest. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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.

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

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).

Orchard – A group of fruit or nut trees, either small and diverse and grown for home use, or large and uniform (i.e., of one variety) and cultivated for revenue. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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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.

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.

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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.

Place of Assembly – A building or portion of a building in which facilities are provided for civic, educational, political, religious or social purposes and gatherings. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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](#).

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.

Post Office – a United States Post Office operation, operating solely in a primary structure, that provides services for mailing packages and letters, post office boxes, vehicle storage areas, and storage and distribution facilities for mail. (*Amended by Ord. # 1583, adopted August 19, 2013*).

Post Office, Village – a United States Post Office operation that may operate in a variety of locations within a community, including convenience stores, local businesses and libraries, and which are operated by the management of those locations. May also be referred to as a “Community Post Office.” (*Amended by Ord. # 1583, adopted August 19, 2013*).



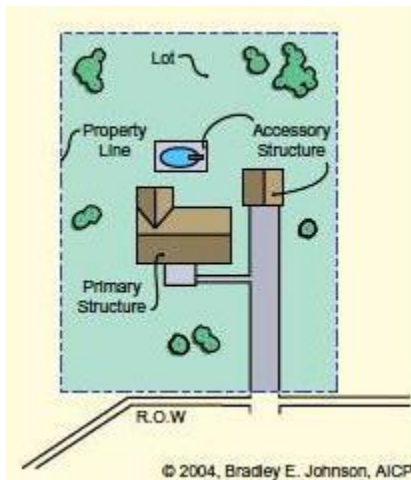
Practical Difficulty - A difficulty with regard to one's ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the 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.

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.

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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 Swimming Pool – Any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels and other similar uses. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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.

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.

Recycling Collection Point –An accessory use, structure or enclosed area that serves as a drop-off point for the temporary storage of recyclable materials. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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.

Retirement Community – A residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

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.

Sewage Treatment Plant –A facility designed for the collection, removal, treatment and disposal of water-borne sewage generated within a given service area. May also be referred to as a “Wastewater Treatment Plant.” (*Amended by Ord. # 1583, adopted August 19, 2013*).

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.

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.

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.

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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.

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.

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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.

Storage Tank Farm –An open-air facility containing a number of above-ground, large containers for bulk storage in liquid form. (*Amended by Ord. # 1583, adopted August 19, 2013*).

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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).

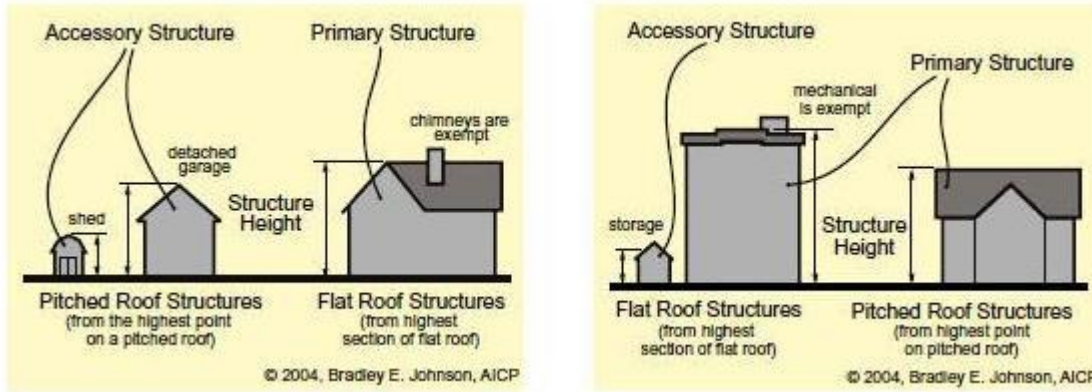
Street, Public - All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

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.



Three Dimensional Printing (3-D Printing) – a form of manufacturing that uses various processes to make three dimensional objects. As applied to zoning, 3-D printing as an activity may vary from small –scale specialized production within business districts, and larger scale production within industrial zones. Certain home occupation uses may also include the use of 3-D printing. *(Amended by Ord. # 1618, adopted August 3, 2015).*

Tool & Die Shop – Establishments primarily engaged in the on-site production of custom or specialized products using either hand tools and / or custom mechanical equipment. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

Trade or Business School – A specialized instructional establishment that provides on-site training of business, commercial and / or trade skills. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

Utility Uses – Lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity. *(Amended by Ord. # 1583, adopted August 19, 2013).*

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.

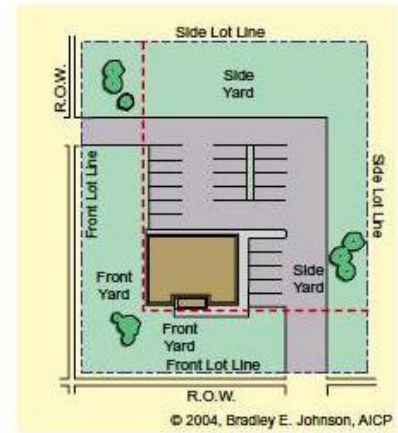
Variance, Use - The approval of a use other than that prescribed by the Zoning Ordinance, an act granted by Indiana Code 36-7-4-918.3.

Vehicle - See Motor Vehicle



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.

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<p>City of Butler, Indiana Zoning Ordinance Appendix A - Land Use Matrix <i>(Click on Individual Uses and / or Zoning Districts for Definitions)</i></p>	<p>Key "P" = Permitted Use "S" = Special Exception Use "-" = Not a Permitted Use</p>	
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<i>Residential Uses</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Assisted living facility	-	S	-	-	P	-	-	-	-	P	-
Bed & Breakfast	-	S	S	S	-	-	-	-	-	-	-
Dwelling, manufactured home	P	P	P	P	-	-	-	-	S	-	-
Dwelling, mobile home	P	-	-	-	-	-	-	-	-	-	-
Dwelling, multifamily	-	P / S*	S		-	-	-	-	-	-	-
Dwelling, single family	-	S	P	P	-	-	-	-	S	-	-
Dwelling, two-family	-	P	S	S	-	-	-	-	-	-	-
Dwelling unit (upper floors)	-	P	-	-	P	-	-	P	-	-	-
Group home	-	P	P	P	-	-	-	-	-	-	-
Lodging house	-	-	-	-	P	-	-	-	-	-	-
Mobile home community	P	-	-	-	-	-	-	-	-	-	-
Nursing home	-	S	-	S	P	-	-	-	-	P	-
disabled (large)	-	S	-	S	-	-	-	-	-	S	-
Residential facility for the developmentally disabled (small)	-	P	P	P	-	-	-	-	-	-	-
Residential facility for the mentally ill	-	P	P	P	-	-	-	-	-	-	-
Retirement community	-	P	-	-	-	-	-	-	-	P	-
* Special Exception requirement applies to the proposed conversion of existing single-family dwellings in MFR districts to multi-family dwellings, not newly constructed multi-family units. (Amended by Ord. # 1583, adopted August 19, 2013).											
<i>Agricultural Uses</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Agricultural crop production	-	-	-	-	-	-	-	-	P	-	-
Farmstead	-	-	-	-	-	-	-	-	P	-	-
Orchard	-	-	-	-	-	-	-	-	P	-	-
Raising of farm animals	-	-	-	-	-	-	-	-	P	-	-
Stable	-	-	-	-	-	-	-	-	P	-	-
Storage of agricultural products	-	-	-	-	-	-	-	-	P	-	-
Tree farm	-	-	-	-	-	-	-	-	P	-	-

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

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

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Business: Office / Professional Business: Office / Professional	Residential Zones				Business & Industry Zones				Specialty Zones		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Barber / beautyshop	-	-	-	-	P	-	-	P	-	-	-
Day-care center, adult	-	-	-	-	P	-	-	P	-	P	-
Day-care center, child	-	-	-	-	P	-	-	P	-	P	-
Dry-cleaning service / laundry	-	-	-	-	P	-	-	P	-	-	-
Fitness center / health club	-	-	-	-	P	-	-	P	-	-	-
Tailor / alterations / seamstress	-	-	-	-	P	-	-	P	-	-	-
Tanning salon	-	-	-	-	P	-	-	P	-	-	-
Tattoo parlor / piercing parlor	-	-	-	-	P	-	-	P	-	-	-
Business: Recreation	Residential Zones				Business & Industry Zones				Specialty Zones		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Amusement park	-	-	-	-	S	-	-	-	-	-	S
Banquet hall	-	-	-	-	P	-	-	-	-	S	-
Bar / tavern	-	-	-	-	P	-	-	P	-	-	-
Billard / arcade room	-	-	-	-	P	-	-	P	-	-	-
Bowling alley	-	-	-	-	P	-	-	P	-	-	-
Club or lodge	-	S	S	-	P	-	-	-	-	S	-
Country club	-	S	S	S	-	-	-	-	-	-	-
Dance / karate studio	-	-	-	-	P	-	-	P	-	-	-
Dance or nightclub	-	-	-	-	P	-	-	-	-	-	-
Driving range	-	-	-	-	P	-	-	-	-	S	-
Golf course	-	S	-	S	-	-	-	-	-	S	P
Miniature golf	-	-	-	-	P	-	-	-	-	-	P
Movie theater	-	-	-	-	P	-	-	-	-	-	-
Nature preserve	-	-	-	-	-	-	-	-	-	-	P
Paintball facility	-	-	-	-	-	-	-	-	-	-	P
Recreation center	-	-	-	-	P	-	-	S	-	S	P
Skating rink	-	-	-	-	P	-	-	-	-	-	-

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<i>Business: Retail</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Antique shop	-	-	-	-	P	-	-	P	-	-	-
Apparel shop	-	-	-	-	P	-	-	P	-	-	-
Art & craft studio	-	-	-	-	P	-	-	P	-	-	-
Book store	-	-	-	-	P	-	-	P	-	-	-
Building supply store	-	-	-	-	P	-	-	-	-	-	-
Car rental	-	-	-	-	P	-	-	-	-	-	-
Department store	-	-	-	-	P	-	-	P	-	-	-
Drug store	-	-	-	-	P	-	-	P	-	-	-
Fabric shop	-	-	-	-	P	-	-	P	-	-	-
Fireworks sales	-	-	-	-	P	-	-	-	-	-	-
Flower shop	-	-	-	-	P	-	-	P	-	-	-
Furniture shop	-	-	-	-	P	-	-	P	-	-	-
Garden shop	-	-	-	-	P	-	-	-	-	-	-
Gift shop	-	-	-	-	P	-	-	P	-	-	-
Gun sales	-	-	-	-	P	-	-	-	-	-	-
Hardware store	-	-	-	-	P	-	-	P	-	-	-
Home electronics/appliance store	-	-	-	-	P	-	-	P	-	-	-
Jewelry store	-	-	-	-	P	-	-	P	-	-	-
Liquor store	-	-	-	-	P	-	-	P	-	-	-
Music / media shop	-	-	-	-	P	-	-	P	-	-	-
News dealer	-	-	-	-	P	-	-	-	-	-	-
Office supply store	-	-	-	-	P	-	-	P	-	-	-
Party / event rental	-	-	-	-	P	-	-	-	-	-	-
Pawn shop	-	-	-	-	P	-	-	-	-	-	-
Pet grooming shop	-	-	-	-	P	-	-	P	-	-	-
Pet store	-	-	-	-	P	-	-	P	-	-	-
Plant nursery	-	-	-	-	P	-	-	-	P	-	S
Sporting goods store	-	-	-	-	P	-	-	P	-	-	-
Sexually oriented business	-	-	-	-	P	-	-	-	-	-	-
Super store	-	-	-	-	P	S	S	-	-	-	-
Video / DVD store	-	-	-	-	P	-	-	P	-	-	-

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<i>Utility Uses</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Generation plant	-	-	-	-	-	S	-	-	-	-	-
Radio / TV station	-	-	-	-	S	-	S	-	-	-	-
Substation	-	-	-	-	-	S	S	-	-	S	S
Telecommunications facility	-	-	-	-	S	P	P	-	-	S	-
Telephone exchange	-	-	-	-	P	S	P	S	-	S	-
Treatment plant	-	-	-	-	-	S	S	-	-	S	P
<i>Industrial</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Assembly	-	-	-	-	-	P	P	-	-	-	-
Distribution facility	-	-	-	-	-	P	P	-	-	-	-
Flex-space	-	-	-	-	-	P	P	-	-	-	-
Food production / processing	-	-	-	-	-	P	P	-	-	-	-
Gravel / sand mining	-	-	-	-	-	P	-	-	-	-	-
Heavy manufacturing	-	-	-	-	-	P	-	-	-	-	-
Incinerator	-	-	-	-	-	P	-	-	-	-	-
Junk yard	-	-	-	-	-	P	S	-	-	-	-
Light manufacturing	-	-	-	-	-	P	P	-	-	-	-
Liquid fertilizer storage/distribution	-	-	-	-	-	P	-	-	-	-	-
Recycling processing	-	-	-	-	-	P	-	-	-	-	-
Research center	-	-	-	-	-	P	P	-	-	-	-
Scrap metal yard	-	-	-	-	-	P	-	-	-	-	-
Sign painting / fabrication	-	-	-	-	-	P	P	-	-	-	-
Storage tanks	-	-	-	-	-	P	-	-	-	-	-
Testing lab	-	-	-	-	-	P	P	-	-	-	-
Three-Dimensional Printing (3-D Printing) <i>** (Amended by Ord. # 1618, adopted August 3, 2015)</i>	-	-	-	-	P	P	P	P	-	-	-
Tool & dye shop	-	-	-	-	-	P	P	-	-	-	-
Warehouse	-	-	-	-	-	P	P	-	-	-	-
Welding	-	-	-	-	-	P	P	-	-	-	-

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<i>Temporary</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Carnival or travelling circus	-	-	-	-	-	S	-	-	-	-	-
Construction trailer	-	-	-	-	S	-	S	-	-	-	-
Model home	-	-	-	-	-	S	S	-	-	S	S
Religious tent meeting	-	-	-	-	S	P	P	-	-	S	-
Retail or wholesale activities											
Seasonal items sale											
Seasonal items of produce	-	-	-	-	P	S	P	S	-	S	-
Yard, garage or sidewalk sale	-	-	-	-	-	S	S	-	-	S	P
<i>Accessory Uses</i>	<i>Residential Zones</i>				<i>Business & Industry Zones</i>				<i>Specialty Zones</i>		
	MHC	MFR	OTR	SFR	GB	HI	LI	NB	AG	INS	REC
Child care, home	-	P	P	P	-	-	-	-	-	-	-
Home occupation	P	P	P	P	-	-	-	-	-	-	-