

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

I move that House Bill 1955 be amended to read as follows:

- 1 Page 2, between lines 1 and 2, begin a new paragraph and insert:
- 2 "SECTION 2. IC 36-7-4-205 IS AMENDED TO READ AS
- 3 FOLLOWS: Sec. 205. (a) ADVISORY. A municipal plan commission
- 4 shall adopt a comprehensive plan, as provided for under the 500 series
- 5 of the advisory planning law, for the development of the municipality
- 6 and of the contiguous unincorporated area, designated by the
- 7 commission, that is outside the corporate boundaries of the
- 8 municipality, and that, in the judgment of the commission, bears
- 9 reasonable relation to the development of the municipality.
- 10 (b) ADVISORY. Except as limited by the boundaries of
- 11 unincorporated areas subject to the jurisdiction of other municipal plan
- 12 commissions, an area designated under this section may include any
- 13 part of the contiguous unincorporated area within two (2) miles from
- 14 the corporate boundaries of ~~the~~ a municipality **with a population of**
- 15 **more than 100,000, one (1) mile from the corporate boundaries of**
- 16 **a municipality with a population of more than 15,000 but less than**
- 17 **100,000, and one-half (1/2) mile from the corporate boundaries of**
- 18 **a municipality with a population of less than 15,000.** If, however, the
- 19 corporate boundaries of the municipality or the boundaries of that
- 20 contiguous unincorporated area include any part of the public waters
- 21 or shoreline of a lake (which lies wholly within Indiana), the designated
- 22 area may also include:
- 23 (1) any part of those public waters and shoreline of the lake; and
- 24 (2) any land area within two thousand five hundred (2,500) feet
- 25 from that shoreline.
- 26 (c) ADVISORY. Before exercising their rights, powers, and duties
- 27 of the advisory planning law with respect to an area designated under

1 this section, a municipal plan commission must file, with the recorder  
2 of the county in which the municipality is located, a description or map  
3 defining the limits of that area. If the commission revises the limits, it  
4 shall file, with the recorder, a revised description or map defining those  
5 revised limits.

6 (d) ADVISORY. If any part of the contiguous unincorporated area  
7 within the potential jurisdiction of a municipal plan commission is also  
8 within the potential jurisdiction of another municipal plan commission,  
9 the first municipal plan commission may exercise territorial jurisdiction  
10 over that part of the area within the potential jurisdiction of both  
11 municipal plan commissions that equals the product obtained by  
12 multiplying a fraction, the numerator of which is the area within the  
13 corporate boundaries of that municipality and the denominator of  
14 which is the total area within the corporate boundaries of both  
15 municipalities times the area within the potential jurisdiction of both  
16 municipal plan commissions. Furthermore, this commission may  
17 exercise territorial jurisdiction within those boundaries, enclosing an  
18 area reasonably compact and regular in shape, that the municipal plan  
19 commission first acting designates.

20 (e) ADVISORY. If the legislative body of a county adopts a  
21 comprehensive plan and ordinance covering the unincorporated areas  
22 of the county, a municipal plan commission may not exercise  
23 jurisdiction, as provided in this section, over any part of that  
24 unincorporated area unless it is authorized by ordinance of the  
25 legislative body of the county. This ordinance may be initiated by the  
26 county legislative body or by petition duly signed and presented to the  
27 county auditor by:

- 28 (1) not less than fifty (50) property owners residing in the area  
29 involved in the petition;
- 30 (2) the county plan commission; or
- 31 (3) the municipal plan commission.

32 Before final action on the ordinance by the county legislative body, the  
33 county plan commission must hold an advertised public hearing as  
34 required for other actions of the county plan commission under the  
35 advisory planning law. Upon the passage of the ordinance by the  
36 county legislative body and the subsequent acceptance of jurisdiction  
37 by the municipal plan commission, the municipal plan commission  
38 shall exercise the same rights, powers, and duties conferred in this  
39 section exclusively with respect to the contiguous unincorporated area.  
40 The jurisdiction of a municipal plan commission, as authorized under  
41 this subsection, may be terminated by ordinance at the discretion of the  
42 legislative body of the county, but only if the county has adopted a  
43 comprehensive plan for that area that is as comprehensive in scope and  
44 subject matter as that in effect by municipal ordinance.

45 (f) ADVISORY. Each municipal plan commission in a  
46 municipality located in a county having:

- 47 (1) a population of less than ninety-five thousand (95,000); and
- 48 (2) a county plan commission that has adopted, in accord with  
49 the advisory planning law, a comprehensive plan and ordinance  
50 covering the unincorporated areas of the county;

51 may, at any time, after filing notice with the county recorder and the

1 county plan commission, exercise or reject territorial jurisdiction over  
 2 any part of the **designated contiguous unincorporated area adjacent**  
 3 **to the area within two (2) miles of the** corporate boundaries of that  
 4 municipality and within that county, whether or not that commission  
 5 has previously exercised that jurisdiction. Within sixty (60) days after  
 6 receipt of that notice, the county plan commission and the county  
 7 legislative body shall have the county comprehensive plan and  
 8 ordinance revised to reflect the decision of the municipal plan  
 9 commission exercising the option provided for in this subsection.

10 (g) AREA. Wherever in the area planning law authority is  
 11 conferred to establish a comprehensive plan or an ordinance for its  
 12 enforcement, the authority applies everywhere:

- 13 (1) within the county that is outside the municipalities; and
- 14 (2) within each participating municipality.

15 (h) ADVISORY) AREA. Whenever a new town is incorporated in  
 16 a county having a county plan commission or an area plan commission,  
 17 that plan commission and its board of zoning appeals shall continue to  
 18 exercise territorial jurisdiction within the town until the effective date  
 19 of a town ordinance:

- 20 (1) establishing an advisory plan commission under section
- 21 202(a) of this chapter; or
- 22 (2) adopting the area planning law under section 202(b) or 204
- 23 of this chapter.

24 Beginning on that effective date, the planning and zoning functions of  
 25 the town shall be exercised under the advisory planning law or area  
 26 planning law, as the case may be."

27 Renumber all SECTIONS consecutively.  
 (Reference is to HB1955 as printed February 9, 1999.)

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Representative FOLEY