

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 “SECTION 1. IC 36-7-4-205, AS AMENDED BY P.L.216-1999,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2000]: Sec. 205. (a) ADVISORY. A municipal plan
6 commission shall adopt a comprehensive plan, as provided for under
7 the 500 series of the advisory planning law, for the development of the
8 municipality. For comprehensive plans adopted after July 1, 1999, if:
9 (1) the municipality provides municipal services to the
10 contiguous unincorporated area; or
11 (2) the municipal plan commission obtains the approval of the
12 county legislative body of each affected county;
13 the municipal plan commission may provide in the comprehensive plan
14 for the development of the contiguous unincorporated area, designated
15 by the commission, that is outside the corporate boundaries of the
16 municipality, and that, in the judgment of the commission, bears
17 reasonable relation to the development of the municipality.
18 (b) ADVISORY. Except as limited by the boundaries of
19 unincorporated areas subject to the jurisdiction of other municipal plan
20 commissions, an area designated under this section may include any
21 part of the contiguous unincorporated area within two (2) miles from
22 the corporate boundaries of ~~the municipality~~ **a municipality with a**
23 **population of more than 100,000, one (1) mile from the corporate**
24 **boundaries of a municipality with a population of more than 15,000**
25 **but less than 100,000, and one-half (1/2) mile from the corporate**
26 **boundaries of a municipality with a population of less than 15,000.**
27 If, however, the corporate boundaries of the municipality or the

1 boundaries of that contiguous unincorporated area include any part of
2 the public waters or shoreline of a lake (which lies wholly within
3 Indiana), the designated area may also include:

- 4 (1) any part of those public waters and shoreline of the lake; and
- 5 (2) any land area within two thousand five hundred (2,500) feet
6 from that shoreline.

7 (c) ADVISORY. Before exercising their rights, powers, and duties
8 of the advisory planning law with respect to an area designated under
9 this section, a municipal plan commission must file, with the recorder
10 of the county in which the municipality is located, a description or map
11 defining the limits of that area. If the commission revises the limits, it
12 shall file, with the recorder, a revised description or map defining those
13 revised limits.

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

28 (e) ADVISORY. If the legislative body of a county adopts a
29 comprehensive plan and ordinance covering the unincorporated areas
30 of the county, a municipal plan commission may not exercise
31 jurisdiction, as provided in this section, over any part of that
32 unincorporated area unless it is authorized by ordinance of the
33 legislative body of the county. This ordinance may be initiated by the
34 county legislative body or by petition duly signed and presented to the
35 county auditor by:

- 36 (1) not less than fifty (50) property owners residing in the area
37 involved in the petition;
- 38 (2) the county plan commission; or
- 39 (3) the municipal plan commission.

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

- 1 subject matter as that in effect by municipal ordinance.
- 2 (f) ADVISORY. Each municipal plan commission in a
 3 municipality located in a county having:
- 4 (1) a population of less than ninety-five thousand (95,000); and
 5 (2) a county plan commission that has adopted, in accord with
 6 the advisory planning law, a comprehensive plan and ordinance
 7 covering the unincorporated areas of the county;
- 8 may, at any time, after filing notice with the county recorder and the
 9 county plan commission, exercise or reject territorial jurisdiction over
 10 any part of the **designated contiguous unincorporated area adjacent**
 11 **to the area within two (2) miles of the** corporate boundaries of that
 12 municipality and within that county, whether or not that commission
 13 has previously exercised that jurisdiction, if the municipality is
 14 providing municipal services to the area. Within sixty (60) days after
 15 receipt of that notice, the county plan commission and the county
 16 legislative body shall have the county comprehensive plan and
 17 ordinance revised to reflect the decision of the municipal plan
 18 commission exercising the option provided for in this subsection. If the
 19 municipality is not providing municipal services to the area, the
 20 municipal plan commission must obtain the approval of the county
 21 legislative body of each affected county before exercising jurisdiction.
- 22 (g) AREA. Wherever in the area planning law authority is
 23 conferred to establish a comprehensive plan or an ordinance for its
 24 enforcement, the authority applies everywhere:
- 25 (1) within the county that is outside the municipalities; and
 26 (2) within each participating municipality.
- 27 (h) ADVISORY—AREA. Whenever a new town is incorporated
 28 in a county having a county plan commission or an area plan
 29 commission, that plan commission and its board of zoning appeals shall
 30 continue to exercise territorial jurisdiction within the town until the
 31 effective date of a town ordinance:
- 32 (1) establishing an advisory plan commission under section
 33 202(a) of this chapter; or
 34 (2) adopting the area planning law under section 202(b) or 204
 35 of this chapter.
- 36 Beginning on that effective date, the planning and zoning functions of
 37 the town shall be exercised under the advisory planning law or area
 38 planning law, as the case may be.
- 39 Renumber all SECTIONS consecutively.
 (Reference is to HB1221 as printed January 25, 2000.)

Representative FOLEY