
HOUSE BILL No. 1427

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4-601.

Synopsis: Zoning ordinances. Provides that a legislative body that is adopting a zoning ordinance is permitted (instead of required) to act to carry out certain purposes. Provides that a zoning ordinance may express the location and extent of land uses in text, diagrams, and images in a form-based code.

Effective: July 1, 2009.

Dvorak

January 22, 2009, read first time and referred to Committee on Local Government.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1427



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-4-601 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 601. (a) The legislative
- 3 body having jurisdiction over the geographic area described in the
- 4 zoning ordinance has exclusive authority to adopt a zoning ordinance
- 5 under the 600 series. However, no zoning ordinance may be adopted
- 6 until a comprehensive plan has been approved for the jurisdiction
- 7 under the 500 series of this chapter.
- 8 (b) When it adopts a zoning ordinance, the legislative body shall:
- 9 (1) designate the geographic area over which the plan commission
- 10 shall exercise jurisdiction; and
- 11 (2) incorporate by reference into the ordinance zone maps, as
- 12 prepared by the plan commission under subsection (e).
- 13 (c) When it adopts a zoning ordinance, the legislative body ~~shall~~
- 14 **may** act for the purposes of:
- 15 (1) securing adequate light, air, convenience of access, and safety
- 16 from fire, flood, and other danger;
- 17 (2) lessening or avoiding congestion in public ways;



- 1 (3) promoting the public health, safety, comfort, morals,
- 2 convenience, and general welfare; and
- 3 (4) otherwise accomplishing the purposes of this chapter.
- 4 (d) For the purposes described in subsection (c), the legislative body
- 5 may do the following in the zoning ordinance:
- 6 (1) Establish one (1) or more districts, which may be for
- 7 agricultural, commercial, industrial, residential, special, or
- 8 unrestricted uses and any subdivision or combination of these
- 9 uses. A district may include geographic areas that are not
- 10 contiguous. A geographic area may be subject to more than one
- 11 (1) district.
- 12 (2) In each district, regulate how real property is developed,
- 13 maintained, and used. This regulation may include:
- 14 (A) requirements for the area of front, rear, and side yards,
- 15 courts, other open spaces, and total lot area;
- 16 (B) requirements for site conditions, signs, and nonstructural
- 17 improvements, such as parking lots, ponds, fills, landscaping,
- 18 and utilities;
- 19 (C) provisions for the treatment of uses, structures, or
- 20 conditions that are in existence when the zoning ordinance
- 21 takes effect;
- 22 (D) restrictions on development in areas prone to flooding;
- 23 (E) requirements to protect the historic and architectural
- 24 heritage of the community;
- 25 (F) requirements for structures, such as location, height, area,
- 26 bulk, and floor space;
- 27 (G) restrictions on the kind and intensity of uses;
- 28 (H) performance standards for the emission of noises, gases,
- 29 heat, vibration, or particulate matter into the air or ground or
- 30 across lot lines;
- 31 (I) standards for population density and traffic circulation; and
- 32 (J) any other provisions that are necessary to implement the
- 33 purposes of the zoning ordinance.
- 34 (3) Designate zoning districts in areas having special
- 35 development problems or needs for compatibility in which a plan
- 36 commission shall:
- 37 (A) approve or disapprove development plans under the 1400
- 38 series of this chapter; and
- 39 (B) ensure that a development plan approved under this
- 40 subdivision is consistent with the comprehensive plan and the
- 41 development requirements specified in the zoning ordinance.
- 42 (4) Provide for planned unit development through adoption and

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1 amendment of zoning ordinances, including PUD district
 2 ordinances (as defined in section 1503 of this chapter).
 3 **(5) Express the location and extent of land uses in text,**
 4 **diagrams, and images in a form-based code. These expressions**
 5 **may:**
 6 **(A) differentiate between neighborhoods, districts, and**
 7 **corridors, and provide for a mixture of land uses and**
 8 **housing types within each;**
 9 **(B) provide specific measures for regulating relationships**
 10 **between buildings, and between buildings and outdoor**
 11 **public areas, including streets; and**
 12 **(C) convey community intentions regarding urban form**
 13 **and design.**
 14 ~~(5)~~ **(6) Establish in which districts the subdivision of land may**
 15 **occur.**
 16 (e) When it prepares a proposal to initially adopt a zoning ordinance
 17 for a jurisdiction, the plan commission shall also prepare zone maps.
 18 The purpose of the zone maps is to indicate the districts into which the
 19 incorporated areas and unincorporated areas, if any, are divided.

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