
SENATE BILL No. 397

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4.

Synopsis: Membership of boards of zoning appeals. Allows a person who is a nonresident of the jurisdictional area of a board of zoning appeals (board) and owns real property within the jurisdictional area of the board to serve as a member on the board. Provides that when an advisory municipal plan commission exercises jurisdiction outside the incorporated area of the municipality, individuals may serve on the board who are nonresidents of the unincorporated area and own real property within the unincorporated area.

Effective: July 1, 2011.

Yoder

January 11, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 397



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 36-7-4-903 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 903. ADVISORY. (a)
 3 When a municipal plan commission exercises jurisdiction outside the
 4 incorporated area of the municipality as provided for in section 205 or
 5 1208 of the advisory planning law, either:
 6 (1) an additional division of the board of zoning appeals shall be
 7 established under section 901(b) of this chapter that will have
 8 territorial jurisdiction only in the unincorporated area and consist
 9 only of:
 10 (A) residents of the unincorporated area; ~~or~~
 11 (B) **individuals who own real property within the**
 12 **unincorporated area; or**
 13 (C) **both residents and individuals described in clauses (A)**
 14 **and (B); or**
 15 (2) the municipal plan commission ~~shall~~ **may** designate, as its
 16 appointment to the municipal board of zoning appeals under
 17 section 902(a)(3) of this chapter:



1 (A) one (1) of the two (2) citizen members who were
 2 appointed under section 214 of this chapter to the plan
 3 commission to represent the unincorporated area; ~~The or~~
 4 **(B) a citizen member who** must:
 5 (i) reside in the unincorporated area; **or**
 6 (ii) **own real property in the unincorporated area.**
 7 The citizen shall be appointed for a term of four (4) years. The
 8 citizen is entitled to participate and vote in all deliberations of the
 9 municipal board of zoning appeals.
 10 (b) Notwithstanding section 902(g) of this chapter, if the zoning
 11 ordinance provides for an additional division of the board of zoning
 12 appeals under subsection (a)(1), the ordinance may also provide for the
 13 appointment of one (1) or more members of that division by elected
 14 officials of the county or township.
 15 SECTION 2. IC 36-7-4-905 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 905. None of the
 17 members of a board of zoning appeals may hold other elective or
 18 appointive office, except as permitted by section 902 of this chapter, in
 19 municipal, county, or state government. A member must be:
 20 (1) a resident of the jurisdictional area of the board; **or**
 21 (2) **an individual who owns real property within the**
 22 **jurisdictional area of the board.**

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