

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred House Bill No. 1311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 5, line 19, strike "two (2)" and insert "**three (3)**".
- 2 Page 7, between lines 32 and 33, begin a new paragraph and insert:
- 3 "SECTION 9. IC 36-7-4-214 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 214. (a) ADVISORY.
- 5 When a municipal plan commission exercises jurisdiction outside the
- 6 incorporated area of the municipality as provided for in section 205 of
- 7 the advisory planning law, the executive of the county in which the
- 8 unincorporated area is located shall appoint two (2) additional citizen
- 9 members to the municipal plan commission. The citizen members
- 10 must:
- 11 (1) ~~reside in~~ **be residents of:**
- 12 **(A) the unincorporated area; or**
- 13 **(B) the county, and must also be owners of real property**
- 14 **located in whole or in part within the unincorporated area;**
- 15 and
- 16 (2) not be of the same political party.
- 17 **However, at least one (1) of the members must be a resident of the**
- 18 **incorporated area.**
- 19 (b) ADVISORY. Initially, one (1) member under subsection (a)
- 20 shall be appointed for a term of one (1) year and the other for a term of

1 four (4) years. Thereafter, each appointment is for a term of four (4)
 2 years. The additional citizen members are entitled to participate and
 3 vote in all deliberations of the municipal plan commission.

4 (c) ADVISORY. If the unincorporated area referred to in subsection
 5 (a) lies in two (2) counties, the executive of each of those counties shall
 6 appoint one (1) of the additional citizen members. The executive of the
 7 county having the larger proportion of the unincorporated area shall
 8 appoint its member first, and the executive of the other county shall
 9 then appoint its member, who must not be of the same political party.".

10 Page 8, delete line 7.

11 Page 8, line 8, delete "and 208(c)(6) of this chapter,".

12 Page 8, line 8, strike "a citizen member must be a resident of".

13 Page 8, run in lines 6 through 8.

14 Page 8, line 9, strike "the jurisdictional area of the plan
 15 commission.".

16 Page 8, line 9, delete "The commission shall".

17 Page 8, delete lines 10 through 12, begin a new paragraph and
 18 insert:

19 **"(c) Subject to subsection (d), a citizen member must meet one
 20 (1) of the following requirements:**

21 **(1) The member must be a resident of the jurisdictional area
 22 of the plan commission. The member may also be required by
 23 statute to reside within an unincorporated area of the
 24 jurisdictional area of the plan commission.**

25 **(2) The member must be a resident of the county and also an
 26 owner of real property located in whole or in part in the
 27 jurisdictional area of the plan commission. The member may
 28 also be required by statute to own real property within an
 29 unincorporated area of the jurisdictional area of the plan
 30 commission.**

31 **(d) At least a majority of the total number of citizen members
 32 appointed to a plan commission must be residents of the
 33 jurisdictional area of the plan commission. The commission shall
 34 determine whether a citizen member meets all applicable residency
 35 requirements for appointment in accordance with uniform rules
 36 prescribed by the commission."**

37 Page 12, delete lines 33 through 42.

38 Page 13, delete lines 1 through 3.

1 Page 20, delete lines 17 through 40, begin a new paragraph and
2 insert:

3 "SECTION 28. IC 36-7-4-903 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 903. ADVISORY. (a)
5 When a municipal plan commission exercises jurisdiction outside the
6 incorporated area of the municipality as provided for in section 205 or
7 1208 of ~~the advisory planning law, either:~~ **this chapter, one (1) of the**
8 **following must occur:**

9 (1) An additional division of the board of zoning appeals shall be
10 established under section 901(b) of this chapter that will have
11 territorial jurisdiction only in the unincorporated area. ~~and The~~
12 **division must** consist only of:

13 (A) residents of the unincorporated area; or

14 (B) **individuals who reside in the county and also own real**
15 **property within the unincorporated area.**

16 **However, at least a majority of the members appointed to the**
17 **division must be residents of the unincorporated area.**

18 (2) The municipal plan commission shall designate, as its
19 appointment to the municipal board of zoning appeals under
20 section 902(a)(3) of this chapter one (1) of the ~~two (2)~~ **additional**
21 **citizen members** who were appointed under section ~~214~~ **214(a),**
22 **1210(a), or 1210.5(c)(3)** of this chapter to the plan commission
23 to represent the unincorporated area. ~~The citizen member must~~
24 ~~reside in the unincorporated area.~~ The citizen shall be appointed
25 for a term of ~~four (4)~~ **two (2)** years. The citizen is entitled to
26 participate and vote in all deliberations of the municipal board of
27 zoning appeals.

28 (b) Notwithstanding section 902(g) of this chapter, if the zoning
29 ordinance provides for an additional division of the board of zoning
30 appeals under subsection (a)(1), the ordinance may also provide for the
31 appointment of one (1) or more members of that division by elected
32 officials of the county or township."

33 Page 21, delete line 6.

34 Page 21, line 7, delete "and 208(c)(6) of this chapter,".

35 Page 21, line 7, strike "a member".

36 Page 21, line 7, delete "of the board of zoning".

37 Page 21, run in lines 5 through 7.

38 Page 21, line 8, delete "appeals".

1 Page 21, line 8, strike "must be a resident of the jurisdictional area
2 of the board."

3 Page 21, line 8, delete "The".

4 Page 21, delete lines 9 through 11, begin a new paragraph and
5 insert:

6 **"(b) A member of the board of zoning appeals must meet one (1)
7 of the following requirements:**

8 **(1) The member must be a resident of the jurisdictional area
9 of the board.**

10 **(2) The member must be a resident of the county and also an
11 owner of real property located in whole or in part in the
12 jurisdictional area of the board.**

13 **However, at least a majority of the total number of citizen
14 members appointed to the board of zoning appeals must be
15 residents of the jurisdictional area of the board of zoning appeals.
16 The board shall determine whether a member meets all applicable
17 residency requirements for appointment in accordance with
18 uniform rules prescribed by the board."**

19 Page 29, line 4, delete ":".

20 Page 29, line 5, delete "(A)".

21 Page 29, line 5, delete ";" and insert ".".

22 Page 29, run in lines 4 through 5.

23 Page 29, delete lines 6 through 7.

24 Page 29, line 9, after "recorder." insert **"After a commitment is
25 recorded, it is binding on a subsequent owner or any other person
26 who acquires an interest in the parcel."**

27 Page 29, line 15, delete "automatically terminates if the zone map"
28 and insert **"may contain terms providing for its own expiration. A
29 commitment may also contain terms providing that the
30 commitment automatically terminates:**

31 **(A) if the zoning district or classification applicable to the
32 parcel is changed;**

33 **(B) if the land use to which the commitment relates is
34 changed; or**

35 **(C) otherwise in accordance with the rules of the plan
36 commission or board of zoning appeals to which the
37 commitment is made."**

38 Page 29, delete lines 16 through 17.

- 1 Page 29, line 18, after "commitment" insert "**that expires or**".
- 2 Page 29, line 18, delete "terminated" and insert "**terminates**".
- 3 Page 31, between lines 9 and 10, begin a new line block indented
- 4 and insert:
 - 5 "**(4) A condition that was imposed before July 1, 2011, on an**
 - 6 **approval relative to any development requirement. However,**
 - 7 **this subdivision applies only if a copy of the condition has**
 - 8 **been filed and permanently maintained as a public record in**
 - 9 **the office of the plan commission or board of zoning appeals**
 - 10 **that imposed the condition.**".
- 11 Renumber all SECTIONS consecutively.
(Reference is to HB 1311 as reprinted February 9, 2011.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

Lawson C

Chairperson