

IC 36-7

ARTICLE 7. PLANNING AND DEVELOPMENT

IC 36-7-1

Chapter 1. Definitions

IC 36-7-1-0.1

Application of certain amendments to chapter

Sec. 0.1. The following amendments to this chapter apply as follows:

(1) The amendments made to section 5 of this chapter by P.L.335-1985 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.

(2) The addition of section 22 of this chapter by P.L.335-1985 does not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.335-1985 had not been enacted.

(3) The amendments made to sections 20 and 22 of this chapter by P.L.220-1986 do not affect a proposal initiated before September 1, 1986, to amend, repeal, or otherwise change a comprehensive plan or zoning ordinance under IC 36-7-4. Such a proposal may be considered, adopted, and approved under the statutes in effect before September 1, 1986, as if P.L.220-1986 had not been enacted.

As added by P.L.220-2011, SEC.656.

IC 36-7-1-1

Application of chapter

Sec. 1. The definitions in IC 36-1-2 and in this chapter apply throughout this article.

As added by Acts 1980, P.L.211, SEC.2. Amended by Acts 1981, P.L.309, SEC.1.

IC 36-7-1-2

"Advisory plan commission"

Sec. 2. "Advisory plan commission" means a municipal plan commission, a county plan commission, or a metropolitan plan commission.

As added by Acts 1981, P.L.309, SEC.2.

IC 36-7-1-3

"Area needing redevelopment"

Sec. 3. "Area needing redevelopment" means an area in which

normal development and occupancy are undesirable or impossible because of any of the following:

- (1) Lack of development.
- (2) Cessation of growth.
- (3) Deteriorated or deteriorating improvements.
- (4) Environmental contamination.
- (5) Character of occupancy.
- (6) Age.
- (7) Obsolescence.
- (8) Substandard buildings.
- (9) Other factors that impair values or prevent a normal use or development of property.

As added by Acts 1981, P.L.309, SEC.3. Amended by P.L.185-2005, SEC.4; P.L.221-2007, SEC.27.

IC 36-7-1-4

"Board of zoning appeals"

Sec. 4. "Board of zoning appeals", unless preceded by a qualifying adjective, refers to a board of zoning appeals under either the advisory planning law, the area planning law, or the metropolitan development law.

As added by Acts 1981, P.L.309, SEC.4.

IC 36-7-1-5

"Comprehensive plan"

Sec. 5. "Comprehensive plan" means a composite of all materials prepared and approved under the 500 series of IC 36-7-4 or under prior law. It includes a master plan adopted under any prior law. The comprehensive plan is separate from any zoning ordinance as defined in section 22 of this chapter.

As added by Acts 1981, P.L.309, SEC.5. Amended by Acts 1981, P.L.310, SEC.1; P.L.192-1984, SEC.2; P.L.335-1985, SEC.1.

IC 36-7-1-6

"Development plan"

Sec. 6. "Development plan" means a specific plan for the development of real property that:

- (1) requires approval by a plan commission under the 1400 series of IC 36-7-4;
- (2) includes a site plan;
- (3) satisfies the development requirements specified in the zoning ordinance regulating the development; and
- (4) contains the plan documentation and supporting information required by the zoning ordinance.

As added by Acts 1981, P.L.309, SEC.6. Amended by Acts 1981, P.L.310, SEC.2; P.L.320-1995, SEC.1.

IC 36-7-1-7

"Housing authority"

Sec. 7. "Housing authority" refers to a housing authority

established under IC 36-7-18.
As added by Acts 1981, P.L.309, SEC.7.

IC 36-7-1-8

"Housing project"

Sec. 8. "Housing project" means any work or undertaking of a housing authority in planning improvements, acquiring property, demolishing structures, constructing, altering, and repairing improvements, and performing other acts necessary to:

- (1) demolish, clear, or remove buildings from any area in which the majority of dwellings is detrimental to the public safety, health, and morals because of dilapidation, overcrowding, faulty design, lack of ventilation, light, or sanitary facilities, or a combination of these factors;
- (2) provide decent, safe, and sanitary living accommodations;
- or
- (3) accomplish a combination of these purposes.

As added by Acts 1981, P.L.309, SEC.8.

IC 36-7-1-9

Repealed

(Repealed by P.L.213-1986, SEC.12.)

IC 36-7-1-10

"Metropolitan development commission"

Sec. 10. "Metropolitan development commission" means the plan commission established by IC 36-7-4-202(c) for a county having a consolidated city. The term does not include a metropolitan plan commission established under IC 36-7-4-202(a).

As added by Acts 1981, P.L.309, SEC.10.

IC 36-7-1-11

"Metropolitan plan commission"

Sec. 11. "Metropolitan plan commission" means an advisory plan commission cooperatively established by a county and a second class city under IC 36-7-4-202(a). The term does not include the metropolitan development commission established by IC 36-7-4-202(c).

As added by Acts 1981, P.L.309, SEC.11.

IC 36-7-1-12

"Municipal plan commission"

Sec. 12. "Municipal plan commission" means a city plan commission or a town plan commission.

As added by Acts 1981, P.L.309, SEC.12.

IC 36-7-1-13

"Park board"

Sec. 13. "Park board" means board of parks and recreation or board of park commissioners.

As added by Acts 1981, P.L.309, SEC.13.

IC 36-7-1-14

"Plan commission"

Sec. 14. "Plan commission", unless preceded by a qualifying adjective, means an advisory plan commission, an area plan commission, or a metropolitan development commission. The term does not include a regional planning commission established under IC 36-7-7.

As added by Acts 1981, P.L.309, SEC.14.

IC 36-7-1-14.5

"Planned unit development"

Sec. 14.5. "Planned unit development" means development of real property:

- (1) in the manner set forth by the legislative body in the zoning ordinance; and
- (2) that meets the requirements of the 1500 series of IC 36-7-4.

As added by P.L.320-1995, SEC.2.

IC 36-7-1-15

"Planning department"

Sec. 15. "Planning department" refers to an area planning department under the area planning law.

As added by Acts 1981, P.L.309, SEC.15.

IC 36-7-1-16

"Public place"

Sec. 16. "Public place" includes any tract owned by the state or a political subdivision.

As added by Acts 1981, P.L.309, SEC.16.

IC 36-7-1-17

"Public way"

Sec. 17. "Public way" includes highway, street, avenue, boulevard, road, lane, or alley.

As added by Acts 1981, P.L.309, SEC.17.

IC 36-7-1-18

"Redevelopment"

Sec. 18. "Redevelopment" includes the following activities:

- (1) Acquiring real property in areas needing redevelopment.
- (2) Replatting and determining the proper use of real property acquired.
- (3) Opening, closing, relocating, widening, and improving public ways.
- (4) Relocating, constructing, and improving sewers, utility services, offstreet parking facilities, and levees.
- (5) Laying out and constructing necessary public improvements, including parks, playgrounds, and other recreational facilities.

(6) Restricting the use of real property acquired according to law.

(7) Repairing and maintaining buildings acquired, if demolition of those buildings is not considered necessary to carry out the redevelopment plan.

(8) Rehabilitating real or personal property to carry out the redevelopment or urban renewal plan, regardless of whether the real or personal property is acquired by the unit.

(9) Investigating and remediating environmental contamination on real property to carry out the redevelopment or urban renewal plan, regardless of whether the real property is acquired by the unit.

(10) Disposing of property acquired on the terms and conditions and for the uses and purposes that best serve the interests of the units served by the redevelopment commission.

(11) Making payments required or authorized by IC 8-23-17.

(12) Performing all acts incident to the statutory powers and duties of a redevelopment commission.

As added by Acts 1981, P.L.309, SEC.18. Amended by Acts 1982, P.L.77, SEC.7; P.L.18-1990, SEC.291; P.L.185-2005, SEC.5; P.L.221-2007, SEC.28.

IC 36-7-1-18.5

"Remediation"

Sec. 18.5. "Remediation" has the meaning set forth in IC 13-11-2-186.

As added by P.L.221-2007, SEC.29.

IC 36-7-1-19

"Subdivision"

Sec. 19. "Subdivision" means the division of a parcel of land into lots, parcels, tracts, units, or interests in the manner defined and prescribed by a subdivision control ordinance adopted by the legislative body under IC 36-7-4.

As added by Acts 1981, P.L.309, SEC.19. Amended by Acts 1981, P.L.310, SEC.3; Acts 1982, P.L.211, SEC.1.

IC 36-7-1-20

"Thoroughfare"

Sec. 20. "Thoroughfare" means a public way or public place that is included in the thoroughfare plan of a unit. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

As added by Acts 1981, P.L.309, SEC.20. Amended by Acts 1981, P.L.310, SEC.4; P.L.220-1986, SEC.1.

IC 36-7-1-21

Repealed

(Repealed by Acts 1981, P.L.310, SEC.94.)

IC 36-7-1-22

"Zoning ordinance"

Sec. 22. "Zoning ordinance" refers to an ordinance adopted under the 600 series of IC 36-7-4 or under prior law. The term includes:

- (1) PUD district ordinances (as defined in IC 36-7-4-1503); and
- (2) all zone maps incorporated by reference into the ordinance as provided in the 600 series of IC 36-7-4.

As added by P.L.335-1985, SEC.2. Amended by P.L.220-1986, SEC.2; P.L.320-1995, SEC.3.