



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 392 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 3.
- 3 Page 4, delete lines 1 through 34.
- 4 Page 6, between lines 24 and 25, begin a new line blocked left and
- 5 insert:
- 6 **"Not more than two (2) members appointed to each division of the**
- 7 **board of zoning appeals may be residents of the same township. All**
- 8 **townships must be represented across all the divisions of the board**
- 9 **of zoning appeals. The appointing authority shall consult with the**
- 10 **township executive before appointing a member to represent that**
- 11 **township on the board."**
- 12 Page 6, delete lines 27 through 28.
- 13 Page 6, line 29, begin a new line block indented beginning with
- 14 "(1)".
- 15 Page 6, line 29, reset in roman "(1)".
- 16 Page 6, line 29, delete "(A)".
- 17 Page 6, line 31, begin a new line block indented beginning with
- 18 "(2)".
- 19 Page 6, line 31, reset in roman "(2)".
- 20 Page 6, line 31, delete "(B)".
- 21 Page 6, line 31, reset in roman "who may also be members".
- 22 Page 6, line 32, reset in roman "of the metropolitan development
- 23 commission,".
- 24 Page 6, line 33, reset in roman "commission.".
- 25 Page 6, line 33, delete "mayor of the excluded city.".
- 26 Page 6, delete lines 34 through 42.
- 27 Page 7, line 1, reset in roman "(g)".

- 1 Page 7, line 1, delete "(h)".
- 2 Page 7, delete lines 9 through 42, begin a new paragraph and insert:
- 3 "SECTION 2. IC 36-7-4-907, AS AMENDED BY P.L.126-2011,
- 4 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2021]: Sec. 907. (a) If a vacancy occurs among the members
- 6 of the board of zoning appeals, the appointing authority shall appoint
- 7 a member for the unexpired term of the vacating member. In addition,
- 8 the appointing authority may appoint an alternate member to
- 9 participate with the board in any hearing or decision if the regular
- 10 member it has appointed has a disqualification under section 909 of
- 11 this chapter, or is otherwise unavailable to participate in the hearing or
- 12 decision. An alternate member shall have all of the powers and duties
- 13 of a regular member while participating in the hearing or decision.
- 14 (b) A member of the board of zoning appeals who misses three (3)
- 15 consecutive regular meetings of the board may be treated as if the
- 16 member had resigned, at the discretion of the appointing authority.
- 17 (c) Members serving in any division of the board of zoning appeals
- 18 may also serve as alternate members for the other divisions of the board
- 19 of zoning appeals. Whenever regular and alternate members serving in
- 20 a particular division are unavailable, the chairperson or vice
- 21 chairperson of the affected division may select members from other
- 22 divisions in order to assemble up to five (5) members to participate in
- 23 any hearing or decision.
- 24 **(d) METRO. In making an appointment of an alternate member**
- 25 **to participate in a hearing or decision, the chairperson or vice**
- 26 **chairperson of the affected division of the board of zoning appeals**
- 27 **must comply with the township representation requirement under**
- 28 **section 902(e) of this chapter and section 916.5 of this chapter.**
- 29 SECTION 3. IC 36-7-4-916 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 916. (a) The board of
- 31 zoning appeals shall adopt rules, which may not conflict with the
- 32 zoning ordinance, concerning:
- 33 (1) the filing of appeals;
- 34 (2) the application for variances, special exceptions, special uses,
- 35 contingent uses, and conditional uses;
- 36 (3) the giving of notice;
- 37 (4) the conduct of hearings; and
- 38 (5) the determination of whether a variance application is for a
- 39 variance of use or for a variance from the development standards
- 40 (such as height, bulk, or area).
- 41 (b) The board of zoning appeals may also adopt rules providing for:
- 42 (1) **subject to section 916.5 of this chapter (in the case of a**
- 43 **metropolitan board of zoning appeals)** the allocation of cases
- 44 filed among the divisions of the board of zoning appeals; and
- 45 (2) the fixing of dates for hearings by the divisions.
- 46 (c) Rules adopted by the board of zoning appeals shall be printed

1 and be made available to all applicants and other interested persons.
2 SECTION 4. IC 36-7-4-916.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: **Sec. 916.5. METRO. The board of**
5 **zoning appeals shall allocate:**
6 **(1) appeals; and**
7 **(2) applications for variances, special exceptions, special uses,**
8 **contingent uses, and conditional uses;**
9 **to a division of the board of zoning appeals that has at least one (1)**
10 **member of the board who is a resident of a township in which the**
11 **property that is the subject of the appeal or application is located."**
12 Delete pages 8 through 11.
13 Renumber all SECTIONS consecutively.
(Reference is to SB 392 as printed February 10, 2021.)

Senator YOUNG M