

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 7209

BILL NUMBER: HB 1337

NOTE PREPARED: Feb 11, 2021

BILL AMENDED: Feb 11, 2021

SUBJECT: Area Planning Special Exceptions and Uses.

FIRST AUTHOR: Rep. Hostettler

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) *Special Exceptions or Special Uses:* The bill makes all counties that have area plan commissions subject to a statute that gives final approval or disapproval of petitions for special exceptions or special uses (petitions) to the legislative body instead of the area board of zoning appeals (BZA). (Under current law the statute applies only to the St. Joseph County Area Plan Commission and a municipal advisory plan commission in Lake County.)

It provides that the transfer of authority to the legislative body in counties with area plan commissions does not affect a petition filed before July 1, 2021.

Alienation of Forests or Agricultural Uses: It also provides that the advisory planning law does not authorize an ordinance or action of the advisory plan commission to prevent complete alienation of forests or agricultural uses outside the corporate boundaries of a municipality.

Legislative Services Agency (LSA): The bill requires the LSA to prepare legislation for introduction in the 2022 regular session of the General Assembly to organize and correct statutes relating to the transfer of responsibilities.

Effective Date: July 1, 2021.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The bill will increase the workload for a legislative body to consider petitions for special exceptions or special uses. The magnitude of the workload increase will depend on the number of these petitions the legislative body is to review and the complexity of the issues involved. The BZA will review the petition and provide its recommendation to the legislative body. The addition of the legislative body decision may add up to 60 days to the petition process.

The bill will also limit planning commission ordinance authority in areas outside of a municipal boundary to the extent that the regulation would prevent use of a forest or agricultural property.

Additional Information - The legislative body is to hear petitions at its next regular meeting after the BZA presents the petition. If the legislative body does not vote to deny a petition within 60 days of its hearing, the petition as submitted by the petitioner is considered approved. Determinations of the BZA and the legislative body are to be in writing.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Legislative bodies in area plan commissions, BZAs.

Information Sources:

Fiscal Analyst: Karen Rossen, 317-234-2106.