



February 10, 2021

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## SENATE BILL No. 392

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DIGEST OF SB 392 (Updated February 4, 2021 1:29 pm - DI 87)

**Citations Affected:** IC 36-7.

**Synopsis:** Marion County zoning. Provides in Marion County, the legislative body and the board of zoning appeals of: (1) Lawrence, Speedway, Southport, or Beech Grove (excluded city) has exclusive territorial authority within the excluded city; (2) a township (excluding Center Township) has exclusive territorial authority within the area of the township located outside an excluded city; and (3) the city of Indianapolis, has exclusive territorial authority within the boundaries of Center Township.

**Effective:** July 1, 2021.

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**Young M, Freeman, Walker K,  
Sandlin, Crider**

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January 14, 2021, read first time and referred to Committee on Local Government.  
February 8, 2021, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 9, 2021, reassigned to Committee on Rules and Legislative Procedure pursuant to Rule 68(b). Committee Report: Without recommendation, adopted.

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SB 392—LS 7036/DI 87





February 10, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 392

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 36-7-4-102.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2021]: **Sec. 102.5. "Consolidated city" means**  
4 **the city of Indianapolis.**
- 5 SECTION 2. IC 36-7-4-102.6 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2021]: **Sec. 102.6. "Excluded city" means the**  
8 **municipality of Lawrence, Speedway, Southport, or Beech Grove**  
9 **in Marion County.**
- 10 SECTION 3. IC 36-7-4-201, AS AMENDED BY P.L.145-2015,  
11 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2021]: Sec. 201. (a) For purposes of IC 36-1-3-6, a unit  
13 wanting to exercise planning and zoning powers in Indiana, including  
14 the issuance of permits under IC 8-1-32.3 (except as otherwise  
15 provided in IC 8-1-32.3), must do so in the manner provided by this  
16 chapter.
- 17 (b) The purpose of this chapter is to encourage units to improve the

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1 health, safety, convenience, and welfare of their citizens and to plan for  
2 the future development of their communities to the end:

- 3 (1) that highway systems be carefully planned;  
4 (2) that new communities grow only with adequate public way,  
5 utility, health, educational, and recreational facilities;  
6 (3) that the needs of agriculture, forestry, industry, and business  
7 be recognized in future growth;  
8 (4) that residential areas provide healthful surroundings for family  
9 life; and  
10 (5) that the growth of the community is commensurate with and  
11 promotive of the efficient and economical use of public funds.

12 (c) Furthermore, municipalities and counties may cooperatively  
13 establish single and unified planning and zoning entities to carry out  
14 the purpose of this chapter on a countywide basis.

15 (d) METRO. Expanding urbanization in each county having a  
16 consolidated city has created problems that have made the unification  
17 of planning and zoning functions a necessity to insure the health,  
18 safety, morals, economic development, and general welfare of the  
19 county. To accomplish this unification, a single planning and zoning  
20 authority, **the metropolitan development commission**, is established  
21 for the county. **However, units within the county have exclusive**  
22 **legislative authority as provided in subsection (e) and board of**  
23 **zoning appeals authority as provided in section 901 of this chapter.**

24 (e) METRO. **The territorial jurisdiction of each legislative body**  
25 **under this chapter is as follows:**

- 26 (1) **The legislative body of an excluded city has exclusive**  
27 **territorial jurisdiction under this chapter within the**  
28 **boundaries of the excluded city.**  
29 (2) **The legislative body of a township (excluding Center**  
30 **Township) has exclusive territorial jurisdiction under this**  
31 **chapter:**  
32 (A) **inside the township boundaries; and**  
33 (B) **outside the boundaries of an excluded city.**  
34 (3) **The legislative body of a consolidated city has exclusive**  
35 **territorial jurisdiction within the boundaries of Center**  
36 **Township.**

37 **Unless expressly provided otherwise, any reference in this chapter**  
38 **to the legislative body is a reference to the legislative body that has**  
39 **exclusive territorial jurisdiction as provided in this section.**

40 SECTION 4. IC 36-7-4-901 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 901. (a) As a part of the  
42 zoning ordinance, the legislative body shall establish a board of zoning



1 appeals.

2 (b) The board of zoning appeals is composed of one (1) division,  
3 unless the zoning ordinance is amended under this subsection.  
4 Whenever considered desirable, the zoning ordinance may be amended  
5 to establish an additional one (1), two (2), or three (3) divisions of the  
6 board of zoning appeals.

7 (c) After January 1, 1984, whenever any divisions of the board of  
8 zoning appeals are established or reestablished by the zoning  
9 ordinance, the ordinance must provide for each division to consist of  
10 five (5) members appointed in accordance with section 902 of this  
11 chapter.

12 (d) The board of zoning appeals shall be known as:

13 (1) the advisory board of zoning appeals (under the advisory  
14 planning law);

15 (2) the area board of zoning appeals (under the area planning  
16 law); or

17 (3) the metropolitan board of zoning appeals (under the  
18 metropolitan development law).

19 (e) Except as provided in this section, a board of zoning appeals has  
20 territorial jurisdiction over all the land subject to the zoning ordinance,  
21 and if the board has more than one (1) division, all divisions have  
22 concurrent jurisdiction within that territory.

23 (f) ADVISORY—AREA. The zoning ordinance may provide that any  
24 additional division of the board of zoning appeals, having been  
25 established under subsection (b), is to have only limited territorial  
26 jurisdiction. The zoning ordinance must describe the limits of that  
27 division's territorial jurisdiction and specify whether that division has  
28 exclusive or concurrent jurisdiction within that territory.

29 (g) METRO. Any municipal board of zoning appeals that was  
30 established by an excluded city under IC 18-7-2-61 (before its repeal  
31 on September 1, 1981) continues as the board of zoning appeals for  
32 that municipality. ~~A board of zoning appeals for an excluded city has  
33 exclusive territorial jurisdiction within the corporate boundaries of that  
34 municipality. All divisions of the metropolitan board of zoning appeals  
35 have concurrent territorial jurisdiction throughout the remainder of the  
36 county.~~ The legislative body of the consolidated city may adopt  
37 ordinances to regulate the time of the meetings and the voting  
38 procedures of the metropolitan board of zoning appeals. **The  
39 territorial jurisdiction of each board of zoning appeals is as  
40 follows:**

41 **(1) A board of zoning appeals of an excluded city has exclusive  
42 territorial jurisdiction within the boundaries of that excluded**



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- city.
- (2) A board of zoning appeals of a township (excluding Center Township) has exclusive territorial jurisdiction within the area located:**
  - (A) inside the township boundaries; and**
  - (B) outside the corporate boundaries of the excluded cities and the consolidated city.**
- (3) A board of zoning appeals of a consolidated city has exclusive territorial jurisdiction within the boundaries of Center Township.**

**Unless expressly provided otherwise, any reference to a board of zoning appeals is a reference to the board of zoning appeals that has exclusive territorial jurisdiction as provided in this subsection.**

(h) ADVISORY. Any board of zoning appeals that was established under IC 18-7-3-11 continues as the board of zoning appeals for that jurisdiction, until otherwise provided by the zoning ordinance.

(i) AREA. Any board of zoning appeals that was established under the advisory planning law and continued in existence under the area planning law continues as the board of zoning appeals for that jurisdiction, until otherwise provided by the zoning ordinance.

(j) AREA. Any board of zoning appeals that was established under the area planning law as a seven (7) member board continues as the area board of zoning appeals, until otherwise provided by the zoning ordinance.

(k) METRO. The zoning ordinance may provide that a historic preservation commission created under IC 36-7-11.1-3 may exercise the powers of a board of zoning appeals within a historic area or historic zoning district established under IC 36-7-11.1-6. However, this subsection does not eliminate the need for a historic preservation commission to issue a certificate of appropriateness under IC 36-7-11.1-8(e) before the approval of a variance by either:

- (1) a board of zoning appeals; or
- (2) a historic preservation commission exercising the powers of a board of zoning appeals.

SECTION 5. IC 36-7-4-902 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 902. (a) ADVISORY. Each division of the advisory board of zoning appeals consists of five (5) members as follows:

- (1) Three (3) citizen members appointed by the executive of the municipality or county, of whom one (1) must be a member of the plan commission and two (2) must not be members of the plan commission.



- 1 (2) One (1) citizen member appointed by the fiscal body of the  
 2 municipality or county, who must not be a member of the plan  
 3 commission.
- 4 (3) One (1) member appointed by the plan commission from the  
 5 plan commission's membership, who must be a county  
 6 agricultural agent or a citizen member of the plan commission  
 7 other than the member appointed under subdivision (1).
- 8 (b) ADVISORY. In each county having a metropolitan plan  
 9 commission, subsection (a) does not apply. In such a county, each  
 10 division of the advisory board of zoning appeals consists of five (5)  
 11 members as follows:
- 12 (1) Two (2) members, of whom no more than one (1) may be of  
 13 the same political party, appointed by the county legislative body.
- 14 (2) Three (3) members, of whom no more than two (2) may be of  
 15 the same political party, appointed by the second class city  
 16 executive. One (1) only of these members must be a member of  
 17 the plan commission.
- 18 (c) AREA. When the area board of zoning appeals was established  
 19 before January 1, 1984, as a seven (7) member board, the board  
 20 consists of seven (7) members as follows:
- 21 (1) Two (2) citizen members appointed by the area plan  
 22 commission from its membership, one (1) of whom must be a  
 23 municipal representative and the other must be a county  
 24 representative.
- 25 (2) Three (3) citizen members, who may not be members of any  
 26 plan commission, appointed by the executive of the largest  
 27 municipality in the county. However, if there are two (2) or more  
 28 municipalities having a population of at least twenty thousand  
 29 (20,000) in the county, the executive of the largest municipality  
 30 shall appoint two (2) citizen members and the executive of the  
 31 second largest municipality shall appoint one (1) citizen member.  
 32 Furthermore, if there are no cities in the county participating in  
 33 the commission, then the three (3) members appointed under this  
 34 subdivision shall be appointed as follows:
- 35 (A) One (1) member appointed by the county executive.
- 36 (B) One (1) member appointed by the county fiscal body.
- 37 (C) One (1) member appointed by the legislative bodies of  
 38 those towns participating in the commission.
- 39 (3) Two (2) citizen members, who may not be members of any  
 40 plan commission, appointed by the county legislative body.
- 41 (d) AREA. Except as provided in subsection (c), each division of  
 42 the area board of zoning appeals consists of five (5) members as



- 1 follows:
- 2 (1) One (1) citizen member appointed by the area plan
- 3 commission from its membership.
- 4 (2) One (1) citizen member, who may not be a member of any
- 5 plan commission, appointed by the executive of the largest
- 6 municipality in the county participating in the commission.
- 7 (3) Two (2) citizen members, of whom one (1) must be a member
- 8 of the area plan commission and one (1) must not be a member of
- 9 any plan commission, appointed by the county legislative body.
- 10 (4) One (1) citizen member, who may not be a member of any
- 11 plan commission, appointed by the executive of the second largest
- 12 municipality in the county participating in the commission.
- 13 However, if there is only one (1) municipality in the county
- 14 participating in the commission, then the county legislative body
- 15 shall make this appointment.
- 16 (e) METRO. Each division of the metropolitan board of zoning
- 17 appeals consists of five (5) members as follows:
- 18 (1) Two (2) citizen members appointed by the executive of the
- 19 consolidated city.
- 20 (2) Two (2) citizen members appointed by the legislative body of
- 21 the consolidated city.
- 22 (3) One (1) citizen member, who may also be a member of the
- 23 metropolitan development commission, appointed by the
- 24 commission.
- 25 (f) METRO. The municipal board of zoning appeals for an excluded
- 26 city consists of five (5) members as follows:
- 27 **(1) This subdivision applies to an excluded city that has a**
- 28 **mayor.**
- 29 ~~(1)~~ **(A)** Three (3) citizen members appointed by the legislative
- 30 body of the excluded city.
- 31 ~~(2)~~ **(B)** Two (2) citizen members, ~~who may also be members~~
- 32 ~~of the metropolitan development commission,~~ appointed by
- 33 ~~the commission.~~ **mayor of the excluded city.**
- 34 **(2) This subdivision applies to an excluded city that does not**
- 35 **have a mayor. Five (5) citizen members appointed by the**
- 36 **legislative body of the excluded city.**
- 37 **(g) METRO. A township board of zoning appeals consists of five**
- 38 **(5) members as follows:**
- 39 **(1) Three (3) citizen members appointed by the township**
- 40 **executive.**
- 41 **(2) Two (2) citizen members appointed by the township**
- 42 **legislative body.**





1           ~~(g)~~ **(h)** Whenever the zoning ordinance provides for a certain  
 2 division of the board of zoning appeals to have limited territorial  
 3 jurisdiction, it must also provide for that division to consist of members  
 4 who are all residents of that limited territory. Those members shall be  
 5 appointed in the same manner that is prescribed by subsection (a) for  
 6 divisions of an advisory board of zoning appeals, but if the plan  
 7 commission is unable to make its appointment in that manner, the  
 8 appointment shall be made instead by the legislative body.

9           SECTION 6. IC 36-7-4-903, AS AMENDED BY P.L.126-2011,  
 10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2021]: Sec. 903. ADVISORY. (a) When a municipal plan  
 12 commission exercises jurisdiction outside the incorporated area of the  
 13 municipality as provided for in section 205 or 1208 of this chapter, one  
 14 (1) of the following must occur:

15           (1) An additional division of the board of zoning appeals shall be  
 16 established under section 901(b) of this chapter that will have  
 17 territorial jurisdiction only in the unincorporated area. The  
 18 division must consist only of:

19           (A) residents of the unincorporated area; or

20           (B) individuals who reside in the county and also own real  
 21 property within the unincorporated area.

22           However, at least a majority of the members appointed to the  
 23 division must be residents of the unincorporated area.

24           (2) The municipal plan commission shall designate, as its  
 25 appointment to the municipal board of zoning appeals under  
 26 section 902(a)(3) of this chapter one (1) of the additional citizen  
 27 members who were appointed under section 214(a), 1210(a), or  
 28 1210.5(c)(3) of this chapter to the plan commission to represent  
 29 the unincorporated area. The citizen shall be appointed for a term  
 30 of two (2) years. The citizen is entitled to participate and vote in  
 31 all deliberations of the municipal board of zoning appeals.

32           (b) Notwithstanding section ~~902(g)~~ **902(h)** of this chapter, if the  
 33 zoning ordinance provides for an additional division of the board of  
 34 zoning appeals under subsection (a)(1), the ordinance may also provide  
 35 for the appointment of one (1) or more members of that division by  
 36 elected officials of the county or township.

37           SECTION 7. IC 36-7-4-918.8 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 918.8. **(a) METRO.**  
 39 **This section applies to proposed ordinances for the amendment of**  
 40 **a zoning ordinance that only affects real property located within**  
 41 **Center Township of the consolidated city.**

42           ~~(a)~~ **(b)** METRO. In connection with its consideration of a proposed



1 ordinance for the amendment of the zoning ordinance proposed under  
 2 section 607(c)(2) of this chapter, the metropolitan development  
 3 commission may exercise the powers of the metropolitan board of  
 4 zoning appeals for the purpose of approving or denying:

5 (1) a variance from the development standards of the zoning  
 6 ordinance; or

7 (2) a special exception, special use, contingent use, or conditional  
 8 use from the terms of the zoning ordinance.

9 ~~(b)~~ (c) METRO. The commission may, by rule, establish procedures  
 10 so that the power of the commission to recommend amendment of  
 11 zoning ordinances and the power of the commission to approve and  
 12 deny these variances, exceptions, and uses may be exercised  
 13 concurrently. These rules may be inconsistent with the 900 series to the  
 14 extent reasonably necessary to allow the commission to exercise the  
 15 power to approve or deny these variance, exception, and use petitions.

16 ~~(e)~~ (d) METRO. When acting under this section, the commission  
 17 may:

18 (1) vote on the amendment to the zoning ordinance and the  
 19 variance, exception, or use petition at the same time; and

20 (2) condition the approval of variance, exception, or use in such  
 21 a manner that it takes effect when the recommended ordinance  
 22 amendment is approved by the legislative body.

23 ~~(d)~~ (e) METRO. Section 922 of this chapter does not apply to  
 24 variances, exceptions, and uses approved under this section.

25 SECTION 8. IC 36-7-4-922, AS AMENDED BY P.L.88-2014,  
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2021]: Sec. 922. (a) METRO. **This subsection applies only**  
 28 **to a board of zoning appeals of a consolidated city.** Either of the  
 29 following may appeal to the metropolitan development commission the  
 30 following decisions of a board of zoning appeals:

31 (1) An official designated by the metropolitan development  
 32 commission. An official may appeal any decision regarding:

33 (A) an administrative appeal; or

34 (B) approving:

35 (i) a special exception;

36 (ii) a special or conditional use; or

37 (iii) a variance from the terms of the zoning ordinance.

38 (2) A member of the legislative body of the city and county in  
 39 whose district the parcel of real property under consideration is  
 40 located. A legislative body member in whose district the parcel of  
 41 real property under consideration is located may appeal any  
 42 decision approving, denying, or otherwise concerning a variance



1 of use from the terms of the zoning ordinance that affects only  
 2 real property located outside the corporate boundaries of an  
 3 excluded city.  
 4 The official or the legislative body member must file in the office of the  
 5 department of metropolitan development a notice of appeal within five  
 6 (5) days after the board files a copy of the decision in the office of the  
 7 board. However, if a representative of the department of metropolitan  
 8 development or the legislative body member appears at the hearing at  
 9 which the administrative appeal is decided or the special exception,  
 10 special or conditional use, or variance is approved or denied, then the  
 11 official or legislative body member must file the notice of appeal within  
 12 five (5) days after the board has rendered its decision. The notice must  
 13 certify that the decision raises a substantial question of zoning policy  
 14 appropriate for consideration by the commission. The commission shall  
 15 hear the appeal at its next regular meeting held not less than five (5)  
 16 days after the notice of appeal is filed.

17 (b) METRO. **This subsection applies only to a board of zoning**  
 18 **appeals of a consolidated city.** In hearing appeals under this section,  
 19 the metropolitan development commission sits as a board of zoning  
 20 appeals and shall be treated as if it is a board for purposes of this  
 21 section. The commission may accept into evidence the written record,  
 22 if any, of the hearing before the board of zoning appeals, along with  
 23 other evidence introduced by the staff or interested parties. The  
 24 commission shall consider the matter de novo, but the decision of the  
 25 board is considered affirmed unless two-thirds (2/3) of the commission  
 26 members voting vote to deny the administrative appeal, exception, use,  
 27 or variance.

28 (c) METRO. **This subsection applies only to a board of zoning**  
 29 **appeals of a consolidated city.** Although persons other than the  
 30 designated official or legislative body member may not appeal a  
 31 decision of a board of zoning appeals to the metropolitan development  
 32 commission, they may appear as interested parties in appeals under this  
 33 section. No public notice need be given of the hearing of an appeal  
 34 under this section, but the official or legislative body member shall  
 35 promptly mail notice of the subject of the appeal and date and place of  
 36 the hearing to each adverse party. However, if the record of the board  
 37 shows that more than three (3) proponents or more than three (3)  
 38 remonstrators appeared, then the official or legislative body member  
 39 need mail notice only to the first three (3) of each as disclosed by the  
 40 record.

41 (d) **This subsection applies only to decisions of a board of zoning**  
 42 **appeals of a consolidated city.** The metropolitan development



1 commission shall give strong consideration to the first continuance of  
 2 an appeals hearing held under this section that is filed by a member of  
 3 the legislative body of the city and county.

4 **(e) METRO. This subsection applies only to decisions of a board**  
 5 **of zoning appeals of an excluded city. A member of the legislative**  
 6 **body of the excluded city in whose district the parcel of real**  
 7 **property under consideration is located may appeal decisions of a**  
 8 **board of zoning appeals. The legislative body member in whose**  
 9 **district the parcel of real property under consideration is located**  
 10 **may appeal any decision approving, denying, or otherwise**  
 11 **concerning a variance of use from the terms of the zoning**  
 12 **ordinance that affects only real property located inside the**  
 13 **corporate boundaries of the excluded city. The legislative body**  
 14 **member must file in the office of the exclusive city legislative body**  
 15 **a notice of appeal not later than five (5) days after the board files**  
 16 **a copy of the decision in the office of the board. However, if the**  
 17 **legislative body member appears at the hearing at which the**  
 18 **administrative appeal is decided, or the special exception, special**  
 19 **or conditional use, or variance is approved or denied, then the**  
 20 **legislative body member must file the notice of appeal not later**  
 21 **than five (5) days after the board has rendered its decision. The**  
 22 **notice must certify that the decision raises a substantial question of**  
 23 **zoning policy appropriate for consideration by the legislative body**  
 24 **of the excluded city. The legislative body shall hear the appeal at its**  
 25 **next regular meeting. In hearing appeals for decisions of the board**  
 26 **of zoning appeals of an excluded city, the legislative body of the**  
 27 **excluded city sits as the final board of appeals and shall be treated**  
 28 **as if it is a board for purposes of this section. The legislative body**  
 29 **may accept into evidence the written record, if any, of the hearing**  
 30 **before the board of zoning appeals, along with other evidence**  
 31 **introduced by the staff or interested parties. The decision of the**  
 32 **board is considered affirmed unless two-thirds (2/3) of the**  
 33 **legislative body voting vote to deny the administrative appeal,**  
 34 **exception, use, or variance.**

35 **(f) METRO. This subsection applies only to decisions of a**  
 36 **township board of zoning appeals. A member of the township**  
 37 **legislative body in whose district the parcel of real property under**  
 38 **consideration is located may appeal decisions of a board of zoning**  
 39 **appeals. The township legislative body member in whose district**  
 40 **the parcel of real property under consideration is located may**  
 41 **appeal any decision approving, denying, or otherwise concerning**  
 42 **a variance of use from the terms of the zoning ordinance that**



1 affects only real property over which the township board of zoning  
2 appeals has exclusive territorial jurisdiction as provided in section  
3 901 of this chapter. The legislative body member must file in the  
4 office of the township legislative body a notice of appeal not later  
5 than five (5) days after the board files a copy of the decision in the  
6 office of the board. However, if the legislative body member  
7 appears at the hearing at which the administrative appeal is  
8 decided, or the special exception, special or conditional use, or  
9 variance is approved or denied, then the legislative body member  
10 must file the notice of appeal not later than five (5) days after the  
11 board has rendered its decision. The notice must certify that the  
12 decision raises a substantial question of zoning policy appropriate  
13 for consideration by the township legislative body. The legislative  
14 body shall hear the appeal at its next regular meeting. In hearing  
15 appeals for decisions of the township board of zoning appeals, the  
16 township legislative body sits as the final board of appeals and shall  
17 be treated as if it is a board for purposes of this section. The  
18 township legislative body may accept into evidence the written  
19 record, if any, of the hearing before the township board of zoning  
20 appeals, along with other evidence introduced by the staff or  
21 interested parties. The decision of the board is considered affirmed  
22 unless two-thirds (2/3) of the township legislative body voting vote  
23 to deny the administrative appeal, exception, use, or variance.



COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 392, 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:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 10.

Page 3, delete lines 25 through 42.

Delete pages 4 through 6.

Page 7, delete lines 1 through 16.

Page 14, line 31, delete "outside" and insert "**inside**".

Re-number all sections consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 392 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 3.

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REPORT OF THE PRESIDENT  
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 392, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Rules and Legislative Procedure.

BRAY

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COMMITTEE REPORT

Madam President: The Senate committee on Rules and Legislative Procedure, to which was referred Senate Bill 392, has had the same under consideration and begs leave to report back to the Senate without recommendation.

BRAY

SB 392—LS 7036/DI 87

