



January 17, 2020

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## SENATE BILL No. 100

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DIGEST OF SB 100 (Updated January 16, 2020 11:42 am - DI 87)

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

**Synopsis:** Nonconforming structures. Provides that the parcel owner shall be allowed to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets certain requirements.

**Effective:** July 1, 2020.

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### Doriot, Bohacek, Rogers

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January 6, 2020, read first time and referred to Committee on Local Government.  
January 16, 2020, amended, reported favorably — Do Pass.

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SB 100—LS 6443/DI 87





January 17, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 100

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 36-7-4-1019 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1019. **(a)** In an  
3 enforcement action brought under this chapter, the party alleging the  
4 existence of a **legal** nonconforming use or variance granted by a board  
5 of zoning appeals has the burden of proof on that issue. The  
6 nonexistence of a nonconforming use or variance need not be proved.  
7 **(b) This subsection applies whenever a legal, nonconforming**  
8 **structure on a parcel of real property used for residential purposes**  
9 **is damaged or destroyed. The owner of the parcel shall be**  
10 **permitted to reconstruct, repair, or renovate the nonconforming**  
11 **structure if the reconstruction, repair, or renovation meets the**  
12 **following requirements:**  
13 **(1) The structure will continue to be used for residential**  
14 **purposes.**  
15 **(2) The reconstructed, repaired, or renovated structure:**  
16 **(A) will not substantially exceed the square footage of the**  
17 **damaged or destroyed structure; or**

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1                   **(B) will substantially exceed the square footage of the**  
2                   **damaged or destroyed structure, and will not substantially**  
3                   **exceed the development standards (such as height, bulk, or**  
4                   **area) of the zoning ordinance.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred Senate Bill No. 100, 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, begin a new paragraph and insert:

"SECTION 1. IC 36-7-4-1019 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1019. **(a)** In an enforcement action brought under this chapter, the party alleging the existence of a **legal** nonconforming use or variance granted by a board of zoning appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be proved.

**(b) This subsection applies whenever a legal, nonconforming structure on a parcel of real property used for residential purposes is damaged or destroyed. The owner of the parcel shall be permitted to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets the following requirements:**

**(1) The structure will continue to be used for residential purposes.**

**(2) The reconstructed, repaired, or renovated structure:**

**(A) will not substantially exceed the square footage of the damaged or destroyed structure; or**

**(B) will substantially exceed the square footage of the damaged or destroyed structure, and will not substantially exceed the development standards (such as height, bulk, or area) of the zoning ordinance."**

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 100 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 10, Nays 0.

