



January 28, 2020

HOUSE BILL No. 1061

DIGEST OF HB 1061 (Updated January 28, 2020 10:56 am - DI 134)

Citations Affected: IC 36-7.

Synopsis: Subdividing land. Allows a property owner to subdivide a parcel by deed, if the parcel is being subdivided to build or expand a residential structure or home, the use is a permitted use, the deed is recorded, a plat drawing is submitted to the political subdivision, and the lot is served by a permitted septic system, sewer system, or package plant for sewage treatment. Provides that the subdivision of a parcel is not subject to any requirements or approvals of the political subdivision with regard to zoning the property with certain exceptions.

Effective: July 1, 2020.

Ellington, Miller D

January 6, 2020, read first time and referred to Committee on Local Government.
January 21, 2020, referred to Committee on Commerce, Small Business and Economic Development.
January 28, 2020, amended, reported — Do Pass.

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January 28, 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.

HOUSE BILL No. 1061

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 36-7-4-702.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 702.5. (a) This section does not**
4 **apply to real property that:**

5 (1) **has been platted into lots that are less than one and**
6 **one-half (1 1/2) acres in size;**

7 (2) **is deed restricted; or**

8 (3) **is part of a planned unit development that has lots that are**
9 **less than one and one-half (1 1/2) acres in size.**

10 (b) **Except as provided in subsection (c), a property owner shall**
11 **be allowed to subdivide a parcel by deed into lots, if all of the**
12 **following requirements are satisfied:**

13 (1) **The owner is subdividing the parcel for the purpose of**
14 **constructing a new residential structure or home on at least**
15 **one (1) of the new lots.**

16 (2) **The proposed use described in subdivision (1) is a**
17 **permitted use under the applicable zoning ordinance.**

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1 (3) The property owner submits a plat drawing to the political
2 subdivision and satisfies any applicable requirements of
3 IC 6-1.1-5. The political subdivision may not require the
4 property owner to obtain the political subdivision's approval
5 of the plat.

6 (4) The deed is recorded.

7 (5) A lot is served by:

8 (A) a sanitary sewer system;

9 (B) an approved septic system; or

10 (C) a package plant for sewage treatment;

11 that meets the requirements of a permit issued by a state
12 agency or a city, town, or county.

13 (c) The subdivision of a parcel under this section is not subject
14 to any requirements or approvals of the political subdivision with
15 regard to zoning the property except for the following:

16 (1) Approval of the lot's use under subsection (b)(2).

17 (2) If the parcel is being subdivided into a sufficient number
18 of lots to make the political subdivision's subdivision control
19 ordinance applicable, the subdivision of the parcel must
20 comply with the subdivision control ordinance except for any
21 requirements in the ordinance controlling the size of a lot.

22 (3) Any requirement to survey the property.

23 (d) The owner of a new lot created by deed under this section
24 has the same rights of use and development of the lot that the
25 owner of the parcel (the parcel that was subdivided to create the
26 new lot) has with regard to the parcel.

27 (e) This section does not exempt the property owner from
28 complying with any requirements for constructing a new
29 residential structure or new home on the new lot, as long as the
30 same requirements would apply to constructing a new residential
31 structure or new home on the parcel (the parcel that was
32 subdivided to create the new lot) including obtaining a building
33 permit, improvement permit, or certificate of occupancy.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1061, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 13 through 21, begin a new paragraph and insert:

"(c) The subdivision of a parcel under this section is not subject to any requirements or approvals of the political subdivision with regard to zoning the property except for the following:

(1) Approval of the lot's use under subsection (b)(2).

(2) If the parcel is being subdivided into a sufficient number of lots to make the political subdivision's subdivision control ordinance applicable, the subdivision of the parcel must comply with the subdivision control ordinance except for any requirements in the ordinance controlling the size of a lot.

(3) Any requirement to survey the property."

and when so amended that said bill do pass.

(Reference is to HB 1061 as introduced.)

MORRIS

Committee Vote: yeas 9, nays 2.

