

# HOUSE BILL No. 1388

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4-702.5.

**Synopsis:** Subdividing land. Allows a property owner to subdivide an original 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, sewer system, or package plant for sewage treatment. Provides that if the subdivision control ordinance applies to the subdivision of the parcel, the subdivision of the parcel must comply with the ordinance except for requirements regarding lot size.

**Effective:** July 1, 2019.

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## Ellington

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January 14, 2019, read first time and referred to Committee on Local Government.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1388

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, 2019]: **Sec. 702.5. (a) This section does not**  
4 **apply to real property that:**  
5 (1) has been previously platted into lots 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 less  
9 than one and one-half (1 1/2) acres in size.  
10 (b) As used in this section, "original parcel" means a parcel that  
11 has not been previously subdivided under this section.  
12 (c) Except as provided in subsection (e), a property owner shall  
13 be allowed to subdivide an original parcel by deed, if all of the  
14 following requirements are satisfied:  
15 (1) The owner is subdividing the original parcel for the  
16 purpose of constructing a new residential structure or home  
17 on the new parcel.



- 1           **(2) The proposed use described in subdivision (1) is a**  
2           **permitted use under the applicable zoning ordinance.**
- 3           **(3) The property owner submits a plat drawing to the political**  
4           **subdivision and satisfies any applicable requirements of**  
5           **IC 6-1.1-5. The political subdivision may not require the**  
6           **property owner to obtain the political subdivision's approval**  
7           **of the plat.**
- 8           **(4) The deed is recorded.**
- 9           **(5) The lot is served by:**
- 10           **(A) a sanitary sewer system;**  
11           **(B) an approved septic system; or**  
12           **(C) a package plant for sewage treatment;**  
13           **that meets the requirements of a permit issued by a state**  
14           **agency or a city, town, or county.**
- 15           **(d) The subdivision of the original parcel under this section is**  
16           **not subject to any requirements or approvals of the political**  
17           **subdivision except for:**
- 18           **(1) approval of the lot's use under subsection (c)(2); and**  
19           **(2) if the parcel is being subdivided into a sufficient number**  
20           **of lots to make the political subdivision's subdivision control**  
21           **ordinance applicable, the subdivision of the parcel must**  
22           **comply with the subdivision control ordinance except for any**  
23           **requirements in the ordinance controlling the size of a lot.**
- 24           **(e) The owner of a new lot created by deed under this section**  
25           **has the same rights of use and development of the lot that an owner**  
26           **of the original parcel has with regard to the original parcel.**
- 27           **(f) 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 lot, as long as the same**  
30           **requirements would apply to constructing a new residential**  
31           **structure or new home on the original parcel, including obtaining**  
32           **a building permit, improvement permit, or certificate of**  
33           **occupancy.**

