

# HOUSE BILL No. 1390

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Subdividing land. If certain requirements are met, requires a property owner to be allowed to subdivide an original parcel by deed without subdivision approval or processing by the local government.

**Effective:** July 1, 2017.

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## Ellington

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January 17, 2017, read first time and referred to Committee on Local Government.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1390

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, 2017]: **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 and without  
14 subdivision approval or processing by the local government, if all  
15 of the following requirements are satisfied:

- 16 (1) The owner proposes to construct a new residential
- 17 structure or new home or create a new parcel for a new home.



- 1           **(2) The proposed use of the lot is a permitted use under the**
- 2           **applicable zoning ordinance.**
- 3           **(3) The lot is served by:**
- 4               **(A) a sanitary sewer system;**
- 5               **(B) an approved septic system; or**
- 6               **(C) a package plant for sewage treatment;**
- 7           **that meets the requirements of a permit issued by a state**
- 8           **agency or a city, town, or county.**
- 9           **(d) The owner of a new lot created by deed under this section**
- 10          **has the same rights of use and development of the lot that an owner**
- 11          **of the original parcel has with regard to the original parcel.**
- 12          **(e) This section does not exempt the property owner from**
- 13          **complying with any requirements for constructing a new**
- 14          **residential structure or new home on the lot, as long as the same**
- 15          **requirements would apply to constructing a new residential**
- 16          **structure or new home on the original parcel, including obtaining**
- 17          **a building permit, improvement permit, certificate of occupancy,**
- 18          **or obtaining planning and zoning approval (excluding subdivision**
- 19          **approval).**

