

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 425

AN ACT to amend the Indiana Code concerning land use planning and development.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-1-8.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 8.2. Energy Production Zones

Sec. 1. (a) As used in this chapter, "electric generation facility" means:

- (1) a facility; or**
- (2) infrastructure associated with a facility;**

for the generation of electricity.

(b) The term does not include the following:

- (1) A wind power device (as defined in IC 8-1-41-7).**
- (2) A commercial solar energy system (as defined in IC 8-1-42-2).**

Sec. 2. (a) As used in this chapter, "energy production zone" means a premise of land on which any of the following was located as of January 1, 2025:

- (1) An electric generation facility with a generating capacity of at least eighty (80) megawatts, regardless of whether the electric generation facility is operational.**
- (2) A surface or underground mine at which mining operations are no longer occurring.**

(b) The term does not include a premise of land on which either

SEA 425 — CC 1



of the following was located as of January 1, 2025:

(1) One (1) or more wind power devices (as defined in IC 8-1-41-7) that are integrated into an electric generation facility.

(2) One (1) or more commercial solar energy systems (as defined in IC 8-1-42-2).

Sec. 3. As used in this chapter, "local authority" has the meaning set forth in IC 36-7-4-1109.

Sec. 4. As used in this chapter, "permit" has the meaning set forth in IC 36-7-4-1109.

Sec. 5. As used in this chapter, "premise of land" means property comprising a tract of land on which a project owner proposes to construct an electric generation facility, including land within the perimeter of the tract of land that was not owned by the project owner as of January 1, 2025.

Sec. 6. As used in this chapter, "project owner" means a person that proposes to construct an electric generation facility.

Sec. 7. As used in this chapter, "retail electric service":

(1) means electric service furnished to a customer, including a residential, commercial, or industrial customer, for consumption by the customer; and

(2) does not include wholesale electric service.

Sec. 8. As used in this chapter, "unit" has the meaning set forth in IC 36-1-2-23.

Sec. 9. As used in this chapter, "wholesale electric service" means provision of electricity to another person for resale, including in wholesale markets.

Sec. 10. (a) A project owner is not required to obtain a permit, or any other land use or zoning approval, from a local authority for the construction of an electric generation facility if:

(1) the commission:

(A) grants the project owner a certificate under IC 8-1-8.5-2 for the construction; or

(B) declines jurisdiction over the construction under IC 8-1-2.5-5;

(2) the electric generating facility will be located on a premise of land that is an energy production zone; and

(3) the project owner complies with subsections (b) and (c).

(b) Not later than two hundred seventy (270) days before beginning construction to which subsection (a) applies, a project owner shall provide notice of the construction to the local authority with planning authority under IC 36-7 for the premise of land on



which the construction will occur. The notice must include the following information with regard to the construction and the electric generation facility to be constructed:

(1) A comprehensive description of the electric generation facility, including the following:

(A) The planned generation capacity of the electric generation facility, expressed in megawatts.

(B) The energy source or technology that will be used by the electric generation facility to generate electricity.

(C) The expected operational lifespan of the electric generation facility.

(2) The expected date on which the construction will begin.

(3) The expected date on which the electric generation facility will begin operation.

(4) Whether the electric generation facility will provide retail electric service, wholesale electric service, or both.

(5) The project owner's plan for eventual decommissioning of the electric generation facility.

(6) If construction of the electric generation facility will entail decommissioning an existing electric generation facility that is located on the premise of land on which the electric generation facility will be located, the project owner's plan for decommissioning the existing electric generation facility, including financial assurances for the decommissioning.

(7) A detailed site plan that includes the location of the following within or adjacent to the premise of land on which the electric generation facility will be constructed:

(A) The structures associated with the electric generation facility.

(B) The:

(i) existing electric generation facility, and any structures associated with the existing electric generation facility;
or

(ii) surface or underground mine, and any structures associated with the surface or underground mine;

located on the premise of land on which the electric generation facility will be located.

(C) Existing and proposed access roads.

(D) Regulated drains or ditches.

(E) Flood plains.

(F) Wetlands.

(G) Historic sites or other areas of cultural or



environmental significance.

(8) An economic development plan detailing the expected economic effect of the electric generation facility on the unit within which the electric generation facility will be located, including the following:

(A) The anticipated number and types of jobs to be created:

- (i) during the construction of the electric generation facility; and
- (ii) in the operation of the electric generation facility.

(B) The estimated property tax revenue the electric generation facility will produce for the unit.

(C) An estimate of the overall:

- (i) cost to the unit; and
- (ii) effect on the unit's revenue;

associated with the electric generation facility.

(9) A safety, security, and emergency response plan describing measures to ensure:

- (A) site security and safety;
- (B) coordination with the unit's services; and
- (C) safeguarding of the public;

with regard to the construction and operation of the electric generation facility.

(c) Not later than sixty (60) days after a project owner's provision of the notice under subsection (b), the project owner shall hold a public hearing in the unit in which the electric generation facility will be located, during which the project owner shall:

- (1) provide information to the public; and
- (2) receive public comment;

regarding the electric generation facility and the construction of the electric generation facility. The project owner shall publish notice of the date, time, location, and subject of the public hearing in accordance with IC 5-3-1-2(b).

(d) After providing notice to a local authority under subsection (b), a project owner shall notify the local authority regarding any substantive changes in the information provided by the project owner under subsection (b) that occur before construction begins on the electric generation facility to which the notice pertains.

Sec. 11. This chapter may not be construed to increase or modify the authority of a local authority or a unit to regulate the siting, construction, or deployment of an electric generation facility that is not located in an energy production zone.



SECTION 2. IC 14-11-1-10, AS ADDED BY P.L.191-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. The department shall coordinate with ~~local governmental agencies (as defined in IC 36-7-4-1109(a))~~ **local authorities (as defined in IC 36-7-4-1109)** for purposes of the permit process described in IC 36-1-29-16.

SECTION 3. IC 36-1-27-2, AS ADDED BY P.L.3-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. As used in this chapter, "permit" has the meaning set forth in ~~IC 36-7-4-1109(b)~~: **IC 36-7-4-1109.**

SECTION 4. IC 36-1-29-4, AS ADDED BY P.L.164-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. As used in this chapter, "~~local governmental agency~~" **"local authority"** has the meaning set forth in ~~IC 36-7-4-1109(a)~~: **IC 36-7-4-1109.**

SECTION 5. IC 36-1-29-7, AS ADDED BY P.L.164-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. As used in this chapter, "permit" has the meaning set forth in ~~IC 36-7-4-1109(b)~~: **IC 36-7-4-1109.**

SECTION 6. IC 36-1-29-10, AS ADDED BY P.L.164-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. (a) An owner of private property who is subject to the jurisdiction of a local ~~governmental agency~~ **authority** in a county subject to this chapter may:

- (1) subject to applicable state laws and administrative rules, local ordinances, and section 11 of this chapter, in the case of an emergency, repair an existing seawall or revetment on the owner's private property; or
- (2) subject to applicable state laws and administrative rules, local ordinances, and section 12 of this chapter, in the case of an emergency, construct a new seawall or revetment on the owner's private property;

whichever applies.

(b) For the purposes of this chapter, side seawalls on Lake Michigan are temporary structures and must be at least eighteen (18) inches from the private property line.

SECTION 7. IC 36-1-29-14, AS ADDED BY P.L.164-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 14. Not later than ten (10) business days after a person submits a completed application for an emergency seawall or revetment permit and meets all required conditions, a local ~~governmental agency~~ **authority** shall:



(1) approve; or

(2) deny;

the person's application for the emergency permit. If a local ~~governmental agency authority~~ does not approve or deny the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

SECTION 8. IC 36-1-29-15, AS ADDED BY P.L.164-2020, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 15. If a local ~~governmental agency authority~~ denies the emergency seawall or revetment permit, the local ~~governmental agency authority~~ shall provide the reasons for the denial in a single response to the person. A person may submit not more than one (1) completed reapplication for an emergency seawall or revetment permit that lists reasons why the local ~~governmental agency authority~~ should approve the person's emergency permit. Not later than ten (10) business days after the person submits the completed reapplication, a local ~~governmental agency authority~~ shall:

(1) approve; or

(2) deny;

the person's reapplication for the emergency permit. If a local ~~governmental agency authority~~ does not approve or deny the person's reapplication for the emergency seawall or revetment permit within ten (10) business days, the emergency permit is automatically approved and considered issued to the person.

SECTION 9. IC 36-1-29-16, AS AMENDED BY P.L.191-2023, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 16. (a) This section applies to an application for a seawall or revetment permit that is not an emergency permit.

(b) Not later than thirty (30) business days after a person submits a completed application and meets all required conditions for a seawall or revetment permit, a local ~~governmental agency authority~~ shall:

(1) approve; or

(2) deny;

the person's application for the permit.

(c) If a local ~~governmental agency authority~~ does not approve or deny the seawall or revetment permit within thirty (30) business days, the permit is automatically approved and considered issued to the person.

SECTION 10. IC 36-7-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 0.2. Notwithstanding any other law, the amendments**



and additions made to this chapter by SEA 425-2025 shall not be construed to impair or invalidate a comprehensive plan or zoning ordinance adopted by a local authority (as defined in section 1109 of this chapter).

SECTION 11. IC 36-7-4-100.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 100.5. As used in this chapter, "actual construction" means that:**

- (1) construction materials are being permanently placed; and**
- (2) construction work is progressing.**

SECTION 12. IC 36-7-4-606 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 606. (a) AREA-METRO.** This section applies to a proposal, as described in section 602(a) of this chapter, to adopt an initial zoning ordinance (or to adopt a replacement zoning ordinance after repealing the entire zoning ordinance, including amendments and zone maps) for a jurisdiction.

(b) AREA-METRO. At the first regular meeting of the legislative body after the plan commission certifies the proposal under section 605 of this chapter, the legislative body shall either:

- (1) adopt, reject, or amend the proposal; or
- (2) decide to further consider the proposal, in which case the proposal may be scheduled for a further hearing at any regular or special meeting of the legislative body within ninety (90) days after certification. In any event, the legislative body shall vote on the proposal within ninety (90) days after the plan commission certifies the proposal under section 605 of this chapter.

(c) AREA-METRO. If the legislative body proceeds under subsection (b)(1), it shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting. If the legislative body proceeds under subsection (b)(2) to schedule a further hearing, it shall publish a notice of the hearing in accordance with IC 5-3-1, announce the hearing during a meeting, and enter the announcement in its memoranda and minutes. The notice and announcement must state:

- (1) the date, time, and place of the hearing;
- (2) that it pertains to an original zoning ordinance;
- (3) that written objections to the proposal filed with the clerk of the legislative body or with the county auditor at or before the hearing will be heard; and
- (4) that the hearing may be continued from time to time as may be found necessary.

(d) AREA-METRO. The recommendation of the plan commission



concerning the proposal must be on file in the commission's office for public examination for at least ten (10) days before any hearing scheduled under subsection (b)(2). On completion of the hearing, the legislative body shall consider the proposal.

(e) **AREA-METRO.** If the legislative body adopts the proposal, the ordinance takes effect as other ordinances of the legislative body.

(f) **AREA-METRO.** If the legislative body fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(g) **AREA-METRO.** If the legislative body rejects or amends the proposal, it shall be returned to the plan commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body as follows:

- (1) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.
- (2) If the commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this subdivision, then the ordinance takes effect in the manner provided in subsection (f).

SECTION 13. IC 36-7-4-606.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 606.5. (a) ADVISORY.** This section applies to a proposal, as described in section 602(a) of this chapter, to adopt an initial zoning ordinance (or to adopt a replacement zoning ordinance after repealing the entire zoning ordinance, including amendments and zone maps) for a jurisdiction.

(b) **ADVISORY.** At any regular or special meeting of the legislative body after the plan commission certifies the proposal under section 605 of this chapter, the legislative body shall adopt, reject, or amend the proposal.

(c) **ADVISORY.** The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that



meeting. The notice and announcement must state:

- (1) the date, time, and place of the hearing;
- (2) that it pertains to an original zoning ordinance;
- (3) that written objections to the proposal filed with the clerk of the legislative body or with the county auditor at or before the hearing will be heard; and
- (4) that the hearing may be continued from time to time as may be found necessary.

(d) **ADVISORY.** The recommendation of the plan commission concerning the proposal must be on file in the commission's office for public examination for at least ten (10) days before any hearing scheduled under this section. On completion of the hearing, the legislative body shall consider the proposal.

(e) **ADVISORY.** If the legislative body adopts or amends the proposal, the ordinance takes effect as other ordinances of the legislative body. If the legislative body rejects the proposal, further consideration of the proposal is prohibited for one (1) year after the date of the proposal's rejection.

SECTION 14. IC 36-7-4-607, AS AMENDED BY P.L.167-2022, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 607. (a) **AREA-METRO.** This section applies to a proposal, as described in section 602(b) of this chapter, to amend or partially repeal the text (not zone maps) of the zoning ordinance.

(b) ~~ADVISORY AREA.~~ **AREA.** If the proposal is initiated by a participating legislative body instead of the plan commission, the proposal must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body.

(c) **AREA-METRO.** On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 of this chapter. The commission shall vote on the proposal not later than sixty (60) days after the commission holds the public hearing. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 of this chapter.

(d) **AREA-METRO.** The legislative body shall vote on the proposal within ninety (90) days after the plan commission certifies the proposal under section 605 of this chapter.

(e) **AREA-METRO.** This subsection applies if the proposal receives a favorable recommendation from the plan commission:

- (1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any



subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted (as certified) ninety (90) days after certification.

(4) If the legislative body rejects or amends the proposal, it shall be returned to the plan commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body as follows:

(A) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance takes effect in the manner provided in subdivision (3).

(f) ~~ADVISORY AREA.~~ **AREA.** This subsection applies if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

(3) If the legislative body rejects the proposal or fails to act on it within ninety (90) days after certification, it is defeated.

(4) If the legislative body amends the proposal, it shall be returned to the plan commission for its consideration, with a



written statement of the reasons for the amendment. The commission has forty-five (45) days in which to consider the amendment and report to the legislative body as follows:

(A) If the commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the legislative body as of the date of the filing of the commission's report of approval with the legislative body or the end of the forty-five (45) day period.

(B) If the commission disapproves the amendment, the action of the legislative body on the original amendment stands only if confirmed by another vote of the legislative body within forty-five (45) days after the commission certifies its disapproval. If the legislative body fails to confirm its action under this clause, the ordinance is defeated as provided in subdivision (3).

SECTION 15. IC 36-7-4-607.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2025]: **Sec. 607.5. (a) ADVISORY. This section applies to a proposal, as described in section 602(b) of this chapter, to amend or partially repeal the text (not zone maps) of the zoning ordinance.**

(b) ADVISORY. If the proposal is initiated by a participating legislative body instead of the plan commission, the proposal must be referred to the commission for consideration and recommendation before any final action is taken by the legislative body.

(c) ADVISORY. On receiving or initiating the proposal, the commission shall, within sixty (60) days, hold a public hearing in accordance with section 604 of this chapter. The commission shall vote on the proposal not later than sixty (60) days after the commission holds the public hearing. Within ten (10) business days after the commission determines its recommendation (if any), the commission shall certify the proposal under section 605 of this chapter.

(d) ADVISORY. The legislative body shall vote on the proposal within ninety (90) days after the plan commission certifies the proposal under section 605 of this chapter.

(e) ADVISORY. This subsection applies as follows if the proposal receives a favorable recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at



any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) or amends the proposal, it takes effect as other ordinances of the legislative body. If the legislative body rejects the proposal, further consideration of the proposal is prohibited for one (1) year after the date of the proposal's rejection.

(f) **ADVISORY.** This subsection applies as follows if the proposal receives either an unfavorable recommendation or no recommendation from the plan commission:

(1) At the first regular meeting of the legislative body after the proposal is certified under section 605 of this chapter (or at any subsequent meeting within the ninety (90) day period), the legislative body may adopt, reject, or amend the proposal. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.

(2) If the legislative body adopts (as certified) or amends the proposal, it takes effect as other ordinances of the legislative body. If the legislative body rejects the proposal, further consideration of the proposal is prohibited for one (1) year after the date of the proposal's rejection.

SECTION 16. IC 36-7-4-1109, AS AMENDED BY P.L.125-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1109. (a) As used in this section, "applicant" means a person that applies to a local authority for a permit or approval.

(b) As used in this section, "development agreement" means a contract that is entered into between a person and a local authority regarding the development of property and that is executed after June 30, 2025.

(c) As used in this section, "development standards" includes the following:

- (1) Project elements including:
 - (A) permitted uses;
 - (B) residential densities;
 - (C) nonresidential densities and intensities;
 - (D) building sizes;
 - (E) impact fees, inspection fees, or dedications;
 - (F) mitigation measures, development conditions, and other requirements;



- (G) design standards;
- (H) affordable housing;
- (I) parks and open space preservation;
- (J) phasing; and
- (K) review procedures and standards for implementing decisions.

(2) Any other development requirement or procedure.

(d) As used in this section, "legal restrictions" means statutes, ordinances, rules, development standards, policies, and regulations. The term does not include building codes under IC 22-13.

(a) (e) As used in this section, "~~local governmental agency~~" "local authority" includes any agency, officer, board, or commission of a local unit of government that may issue:

- (1) a permit; or
- (2) an approval:
 - (A) of a land use; or
 - (B) ~~an approval~~ for the construction of a development, a building, or another structure.

(b) (f) As used in this section, "permit" means any of the following:

- (1) An improvement location permit.
- (2) A building permit.
- (3) A certificate of occupancy.
- (4) Approval of a site-specific development plan.
- (5) Approval of a primary or secondary plat.
- (6) Approval of a **variance**, contingent use, conditional use, special exception, or special use.
- (7) Approval of a planned unit development.

(c) (g) If a person files ~~with the appropriate local authority~~ a complete application ~~for a permit~~, as required by the ~~effective ordinances or rules~~ legal restrictions of a local unit of government or a local governmental agency for a permit with the appropriate local governmental agency; ~~authority~~, the granting of:

- (1) the permit; and ~~the granting of~~
- (2) any secondary, additional, or related permits or approvals required from the same local governmental agency ~~authority~~ with respect to the general subject matter of the application for the first permit;

are governed, for a **period of** at least three (3) years after ~~the date~~ the person applies for the permit by the statutes, ordinances, rules, development standards, and regulations in effect and applicable to the property when the application is filed; ~~even if files a complete permit application, by the legal restrictions in effect and applicable to the~~



property at the time the complete application is filed.

(h) Subsection (g) applies even if the legal restrictions governing the granting of the permit or approval are changed by the general assembly or the applicable local legislative body or regulatory body:

- (1)** before the issuance of the permit; ~~or~~
- (2)** while the permit approval process is pending; ~~or~~
- (3)** before the issuance of any secondary, additional, or related permits or approvals; or
- (4)** while the secondary, additional, or related permit or approval process is pending. ~~the statutes, ordinances, rules, development standards, or regulations governing the granting of the permit or approval are changed by the general assembly or the applicable local legislative body or regulatory body;~~

Subsection (g) applies regardless of whether such changes in the statutes, ordinances, rules, development standards, or regulations ~~the changes to the legal restrictions~~ are part of a zoning ordinance, a subdivision control ordinance, or a statute, ordinance, or regulation that is based on the general police powers of the local unit of government. However, ~~this~~ **after the issuance or approval of a permit** subsection **(g)** does not apply if the development or other activity to which the permit relates is not completed within ten (10) years after the development or activity is commenced.

~~(d)~~ **(i) Subsection (e) (j) applies if:**

- (1) either:**
 - (A)** a local ~~governmental agency authority~~ issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or
 - (B)** a permit or approval is not required from the local ~~governmental agency authority~~ for the construction of the development, building, or structure;
- (2)** before beginning the construction of the development, building, or structure, the person must obtain a permit or approval for the construction of the development, building, or structure from a state governmental agency; and
- (3)** the person has applied for the permit or requested the approval for the construction of the development, building, or structure from the state governmental agency within ninety (90) days of issuance of the permit **or the granting of approval** by the local ~~governmental agency authority, as applicable.~~

~~(e)~~ **(j) Subject to subsection (f); (l), if the conditions of subsection (d) (i) are satisfied:**



- (1) a permit or approval issued or granted to a person by the local ~~governmental agency~~ **authority** for the construction of the development, building, or structure; or
- (2) the person's right to construct the development, building, or structure without a permit or approval from the local ~~governmental agency;~~ **authority;**

is governed, for a **period of** at least three (3) years after the person applies **to the state governmental agency** for the permit, by the ~~statutes, ordinances, rules, development standards, regulations, and approvals~~ **legal restrictions** in effect and applicable to the property when the person applies for the permit or requests approval from the state governmental agency for the construction of the development, building, or structure.

(k) Subsection (j) applies even if the legal restrictions governing the granting of the permit or approval from the local authority are changed by the general assembly or the applicable local legislative body or regulatory body:

- (1) before the commencement of the construction; or
- (2) while the permit application or approval request is pending with the state governmental agency. ~~the statutes governing the granting of the permit or approval from the local governmental agency are changed by the general assembly or the ordinances, rules, development standards, or regulations of the local unit of government or the local governmental agency are changed by the applicable local legislative body or regulatory body;~~

Subsection (j) applies regardless of whether such changes in the ~~statutes, ordinances, rules, development standards, or regulations~~ **the changes to the legal restrictions** are part of a zoning ordinance, a subdivision control ordinance, or a statute, ordinance, or regulation that is based on the general police powers of the local unit of government. However, ~~this~~ **subsection (j)** does not apply if the development or other activity to which the permit or approval request relates is not completed within ten (10) years after the development or activity is commenced.

~~(f) (l)~~ **Subsection (j)** does not apply to property when it is demonstrated by the local **authority** or state governmental agency that the construction of the development, building, or structure would cause imminent peril to life or property.

(m) A development agreement entered into by a local authority must set forth the legal restrictions, including development standards and any other provisions applying to and governing the use and development of the real property for the period specified in the development agreement. A development agreement must:



(1) reserve authority for the local authority to impose new or different legal restrictions to the extent required by a serious threat to public health and safety; and

(2) be consistent with applicable legal restrictions adopted by the local authority.

(n) Subject to subsection (j), the local authority's legal restrictions governing the development of the real property at the time the development agreement is executed govern the development of the real property for the period specified in the development agreement.

(o) This section does not authorize the impairment of any vested right or abrogate any rights vested under common law. Without limiting the time in which rights might vest, an applicant's rights are considered vested in land use when the applicant obtains a permit or reasonably relies on existing law regarding development of a specific project. Rights considered vested under this subsection are not affected by a subsequent amendment to a zoning ordinance.

~~(g)~~ (p) This section does not apply to building codes under IC 22-13.

~~(h)~~ (q) The following provision is considered to be included in any regulation adopted under section 601(d)(2)(B) of this chapter that sets forth requirements for signs:

"The owner of any sign that is otherwise allowed by this regulation may substitute noncommercial copy in place of any other commercial or noncommercial copy. This substitution of copy may be made without the issuance of any additional permit by a local ~~government agency~~ **authority**. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or the favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision in this regulation to the contrary."

~~(i)~~ (r) Notwithstanding any other law, a local ~~governmental agency~~ **authority** must, not later than twelve (12) business days after a person has filed a complete application for a permit for which approval is ministerial under IC 36-7-4-402 or an improvement location permit issued under the 800 series of this chapter and meets all conditions required under this chapter and any other statute, issue the permit to the person.

SECTION 17. IC 36-7-4-1109.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 1109.1. (a) As used in this section,**



"extraordinary event" means a circumstance that is:

- (1) unforeseen; and**
- (2) not within the reasonable control of a party, including the following:**
 - (A) Fire, flood, tornado, or other natural disasters or acts of God.**
 - (B) War, civil strife, a terrorist attack, or other similar acts of violence.**
 - (C) Unavailability of materials, equipment, services, or labor, including unavailability due to ongoing global supply chain shortages.**
 - (D) Utility or energy shortages or acts or omissions of public utility providers.**
 - (E) Unexpected or extensive delays in procuring required permits, zoning, or other approvals necessary to perform a party's obligations.**
 - (F) Any delay resulting from a pandemic, epidemic, or other public health emergency or related restrictions.**
 - (G) Litigation or a regulatory proceeding regarding a development.**
 - (H) Other unforeseen events over which a party has no control.**

The term does not include a party's failure to anticipate normal and customary delays due to weather.

(b) This section applies if a local authority requires an applicant to meet certain requirements within a specified time in order to:

- (1) obtain a permit; or**
- (2) maintain a permit.**

(c) If an applicant shows that an extraordinary event prevented the applicant from meeting the requirements described in subsection (b) within the specified time, the local authority shall grant the applicant an extension of time to meet the requirements. At a minimum, the deadline for meeting the requirements must be extended by the length of the delay that:

- (1) was caused by the extraordinary event; and**
- (2) prevented the applicant from meeting the deadline.**

SECTION 18. IC 36-7-4-1109.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1109.2. If:

- (1) an applicant applies to a local authority for an extension of permit conditions under any circumstances; and**
- (2) the local authority denies the applicant's application for an**



extension;

the local authority shall provide the applicant written determinations and findings of fact explaining the local authority's denial of the application for an extension.

SECTION 19. IC 36-7-4-1109.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 1109.3. (a) This section applies if:**

- (1) a zoning ordinance establishes a time within which an applicant must obtain a permit or commence or complete a permitted use; and**
- (2) the local authority's decision to grant the applicant the permit is appealed.**

(b) The time specified in the zoning ordinance for:

- (1) commencing a permitted use is tolled to allow the permitted use to be commenced:**
 - (A) upon the start of actual construction of the use as approved; and**
 - (B) not later than two (2) years after the date of the final disposition of all appeals of the permitting authority's decision; and**
- (2) completing a permitted use may not begin to run until actual construction has started.**

Any zoning ordinance to the contrary is invalid or unenforceable.

(c) Upon approval of a permit, the approved permitted use constitutes a lawful use:

- (1) while an appeal of the local authority's decision approving the permit is pending; and**
- (2) that may not be affected by any subsequently adopted zoning provisions.**

If approval of the permit is upheld on final appeal, the permitted use shall be allowed to be commenced within the extended two (2) year period set forth in subsection (b).

SECTION 20. IC 36-7-4-1109.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 1109.4. (a) This section does not apply to the issuance of a design release or a plan review under IC 22-15.**

(b) A local authority shall review a permit application for completeness. If a local authority determines that an application is incomplete, the local authority must, not later than thirty (30) days after receipt of the application, notify the applicant in writing of all defects in the application. If a local authority fails to notify an



applicant as required under this subsection, the local authority shall consider the permit application to be complete.

(c) An applicant that receives a timely written notice that an application is incomplete under subsection (b) may:

(1) cure the defects in the application; and

(2) resubmit the corrected application to the local authority; not later than thirty (30) days after receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the local authority of the additional time the applicant requires to cure the defects.

(d) Subject to subsection (e), not more than ninety (90) days after making an initial determination of completeness under subsection (b), a local authority shall:

(1) review the application to determine if it complies with all applicable requirements; and

(2) notify the applicant in writing whether the application is approved or denied.

The local authority shall provide to the applicant the local authority's written determination and findings of fact.

(e) If an applicant requested additional time under subsection (c) to cure defects in the application, the ninety (90) day period set forth in subsection (d) is extended for a corresponding amount of time.

(f) Any official action on a previously approved permit application, including an extension of specific conditions set forth in the permit, must be made not later than sixty (60) days after the applicant's filing that initiated the official action. The local authority shall provide to the applicant the local authority's written determination and findings of fact with respect to the official action.

SECTION 21. IC 36-7-4-1109.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1109.5. (a) As used in this section, "project" means a project that involves the siting, construction, or deployment of facilities, equipment, or infrastructure used in the generation of electricity by an entity other than any of the following:

(1) A public utility (as defined in IC 8-1-2-1(a)) that provides retail electric service to customers in Indiana.

(2) An affiliate of a public utility described in subdivision (1).

(3) A corporation organized under IC 8-1-13, including a general district corporation within the meaning of



IC 8-1-13-23.

(4) A corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

(5) A joint agency created under IC 8-1-2.2.

(b) After June 30, 2025, a political subdivision or a local authority may prohibit, by regulation or otherwise, the siting, construction, installation, permitting, or deployment of one (1) or more projects within the territorial jurisdiction of the political subdivision or local authority, for a period of not more than one (1) year. A prohibition under this subsection may not be extended or renewed for any length of time, regardless of when the prohibition first takes effect.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

