

AN ACT

To amend sections 711.05, 711.09, and 711.10 of the Revised Code to eliminate the requirement that subdivision plats in certain unincorporated territory be approved by a city planning commission or by a village planning commission, platting commissioner, or legislative authority before being recorded and to require plat approval instead by a county or regional planning commission, and to permit platting rules to require proof of compliance with any applicable zoning resolutions.

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

SECTION 1. That sections 711.05, 711.09, and 711.10 of the Revised Code be amended to read as follows:

Sec. 711.05. Upon the submission of a plat for approval, in accordance with section 711.041 of the Revised Code, the board of county commissioners shall certify thereon the date of the submission. Within five days of submission of the plat, the board shall schedule a meeting to consider the plat and send a written notice by certified mail, return receipt requested, to the clerk of the board of township trustees of the township in which the plat is located. The notice shall inform the trustees of the submission of the plat and of the date, time, and location of any meeting at which the board of county commissioners will consider or act upon the proposed plat. The meeting shall take place within thirty days of submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the board of county commissioners. The approval of the board required by section 711.041 of the Revised Code or the refusal to approve shall take place within thirty days from the date of submission or such further time as the applying party may agree to in writing; otherwise the plat is deemed approved and may be recorded as if bearing such approval. The board may adopt general rules governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the coordination of the streets within the subdivision

with existing streets and roads or with existing county highways, for the proper amount of open spaces for traffic, circulation, and utilities, and for the avoidance of future congestion of population detrimental to the public health, safety, or welfare but shall not impose a greater minimum lot area than forty-eight hundred square feet. The rules may require the county department of health to review and comment on a plat before the board of county commissioners acts upon it and may also require proof of compliance with any applicable ~~township~~ zoning resolutions ~~regarding lot size, frontage, and width~~ as a basis for approval of a plat. Where under the provisions of section 711.101 of the Revised Code the board of county commissioners has set up standards and specifications for the construction of streets, utilities, and other improvements for common use, such general rules may require the submission of appropriate plans and specifications for approval. The board shall not require the person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with general rules governing plats and subdivisions of land, adopted by the board as provided in this section, in effect at the time the plat was submitted and the plat is in accordance with any standards and specifications set up under section 711.101 of the Revised Code, in effect at the time the plat was submitted. The ground of refusal to approve any plat, submitted in accordance with section 711.041 of the Revised Code, shall be stated upon the record of the board and, within sixty days thereafter, the person submitting any plat which the board refuses to approve may file a petition in the court of common pleas of the county in which the land described in the plat is situated to review the action of such board. A board of township trustees is not entitled to appeal a decision of the board of county commissioners under this section.

Sec. 711.09. ~~Whenever (A)(1)~~ Except as otherwise provided in division (A)(2) of this section, when a city planning commission adopts a plan for the major streets or thoroughfares and for the parks and other open public grounds of a city or any part ~~thereof of it~~, or for the unincorporated territory within three miles of the corporate limits ~~thereof of a city~~ or any part ~~thereof of it~~, then no plat of a subdivision of land within ~~such that~~ city or territory shall be recorded until it has been approved by the city planning commission and ~~such that~~ approval endorsed in writing on the plat. If ~~such the~~ land lies within three miles of more than one city, then division (A)(1) of this section shall apply applies to the approval of the planning commission of the city whose boundary is nearest to the land.

~~Whenever (2)~~ Division (A)(1) of this section does not apply to any unincorporated territory when all of the following conditions are met:

(a) The township in which the territory is located has a zoning resolution covering all the unincorporated territory in the township.

(b) The county in which the territory is located has a county or regional planning commission.

(c) Subdivision regulations other than municipal subdivision regulations are in effect in the county in which the unincorporated territory is located.

When all of these conditions are met, no plat of a subdivision of land in that unincorporated territory shall be recorded until it has been approved by the county or regional planning commission as provided in section 711.10 Of the Revised Code.

(B)(1) Except as otherwise provided in division (B)(2) of this section, when a village planning commission, a platting commissioner, or, if there is no commission or commissioner, the legislative authority of a village, adopts a plan for the major streets or thoroughfares and for the parks and other public grounds of such a village or any part thereof of it, then no plat of a subdivision of land within such that village shall be recorded until it has been approved by the village commission, commissioner, or legislative authority and such that approval endorsed in writing on the plat. Whenever If the county in which the village lies contains no cities, has no county subdivision regulations in effect, and the village commission, commissioner, or legislative authority adopts a plan for the major streets or thoroughfares and for the parks and other public grounds for the unincorporated territory within one and one-half miles of the corporate limits of the village or any part thereof of it, then no plat of a subdivision of land shall be recorded until it has been approved by the village commission, commissioner, or legislative authority and such that approval is endorsed in writing on the plat. If such the land lies within one and one-half miles of more than one village, then division (B)(1) of this section shall apply applies to the approval of the commission, commissioner, or legislative authority of the village whose boundary is nearest to the land.

(2) Division (B)(1) of this section does not apply to any unincorporated territory when both of the following conditions are met:

(a) The township in which the territory is located has a zoning resolution covering all the unincorporated territory in the township.

(b) The county in which the territory is located has a county or regional planning commission.

When both of these conditions are met, no plat of a subdivision of land in that unincorporated territory shall be recorded until it has been approved by the county or regional planning commission as provided in section 711.10 of the Revised Code.

(C) The approval of the planning commission, the platting commissioner, or the legislative authority of a village, required by this section, or the refusal to approve, shall be endorsed on the plat within thirty days after the submission of the plat for approval or within such further time as the applying party may agree to; otherwise ~~such~~ that plat is deemed approved, and the certificate of the planning commission, the platting commissioner, or the clerk of ~~such~~ the legislative authority, as to the date of the submission of the plat for approval and the failure to take action ~~thereon~~ on it within ~~such~~ that time, shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval required by this section. The planning commission, platting commissioner, or legislative authority of a village shall not require a person submitting a plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with the general rules governing plats and subdivisions of land, adopted as provided in this section, in effect at the time the plat was submitted. The ground of refusal or approval of any plat submitted, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the commission, commissioner, or legislative authority. Within sixty days after ~~such~~ refusal, the person submitting any plat ~~which~~ that the commission, commissioner, or legislative authority refuses to approve may file a petition in the court of common pleas of the proper county, in which ~~he~~ the person shall be named plaintiff. The petition shall contain a copy of the plat sought to be recorded, a statement of the facts justifying the propriety and reasonableness of the proposed subdivision, and a prayer for an order directed to the recorder to record ~~such~~ the plat and may include a statement of facts to support a claim that the rules of the planning authority under which it refused to approve ~~such~~ the plat are unreasonable or unlawful. The planning authority refusing to approve ~~such~~ the plat and the recorder of the county shall be joined as defendants and summons shall be issued upon ~~such~~ those defendants as in civil actions. Within the rule day provided for a civil action, the planning authority may file an answer in which it may set forth a statement of the facts justifying its refusal to approve ~~such a~~ the plat, a copy of its rule under which it refused to approve ~~such~~ the plat, and a statement of the facts supporting the reasonableness and lawfulness of ~~such~~ that rule. The court shall hear the matter upon such evidence as is introduced by either party and the planning authority may introduce as a part of its case a complete transcript of any proceedings had before it. Any detail of the plat may be modified upon motion of the plaintiff before the cause is submitted to the court. If the court finds that the prayer for the recording of ~~such~~ the plat or any modification

~~hereof of it~~ as may be agreed to or proposed by the plaintiff, is supported by a preponderance of the evidence, it shall enter an order directed to the recorder to record ~~such the~~ plat as originally submitted or as agreed to be modified. Otherwise, the petition shall be dismissed. The court shall return a separate finding upon the reasonableness and lawfulness of the refusal to approve the plat or upon the reasonableness and lawfulness of the rule under which the planning authority refused to approve the ~~same plat~~ or both, as the case may require. The judgment or order of the court may be appealed by either party on questions of law as in other civil cases.

The planning commission, platting commissioner, or legislative authority of a village may adopt general rules governing plats and subdivisions of land falling within its jurisdiction in order to secure and provide for the coordination of the streets within the subdivision with existing streets and roads or with the plan or plats of the municipal corporation, for the proper amount of open spaces for traffic, circulation, and utilities, and for the avoidance of future congestion of population detrimental to the public health or safety but shall not impose a greater minimum lot area than forty-eight hundred square feet. ~~Such The~~ rules may provide for ~~the their~~ modification ~~thereof~~ by ~~such the~~ planning commission in specific cases where unusual topographical or other exceptional conditions require ~~such the~~ modification. The rules may require the county department of health to review and comment on a plat before the planning commission, platting commissioner, or legislative authority of a village acts upon it and may also require proof of compliance with any applicable ~~township~~ zoning resolutions ~~regarding lot size, frontage, and width~~ as a basis for approval of a plat.

However, no city or village planning commission shall adopt any rules requiring actual construction of streets or other improvements or facilities or assurance of ~~such that~~ construction as a condition precedent to the approval of a plat of a subdivision unless ~~such the~~ requirements have first been adopted by the legislative authority of the city or village after a public hearing. ~~Such The~~ rules shall be promulgated and published as provided by sections 731.17 to 731.42 of the Revised Code, and before adoption a public hearing shall be held ~~thereon~~ on the adoption and a copy ~~thereof~~ of the rules shall be certified by the commission, commissioner, or ~~such~~ legislative authority to the county recorder of the county in which the municipal corporation is located.

In the exercise of any power over or concerning the platting and subdivision of land or the recording of plats of subdivisions by a city, county, regional, or other planning commission pursuant to any other

section of the Revised Code, the provisions of this section with respect to appeals from a decision of a planning commission apply to the decision of any such commission in the exercise of any ~~such~~ power of that kind granted by any other section of the Revised Code in addition to any other remedy of appeal granted ~~therein~~ by the Revised Code. When a plan has been adopted as provided in this section, the approval of plats shall be in lieu of the approvals provided for by any other section of the Revised Code, so far as territory within the approving jurisdiction of the commission, commissioner, or ~~such~~ legislative authority, as provided in this section, is concerned. Approval of a plat shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space shown upon the plat.

(D) This section does not apply to unincorporated territory in any county having five or more cities and having a regional planning commission or county planning commission not included within the geographic boundaries of a regional planning commission, where ~~such~~ the regional or county planning commission has determined, by resolution, to exercise the authority granted under section 711.10 of the Revised Code for the unincorporated territory within three miles of cities within ~~such a~~ that county.

Sec. 711.10. Whenever a county planning commission or a regional planning commission adopts a plan for the major streets or highways of the county or region, then no plat of a subdivision of land within the county or region, other than land within a municipal corporation or land within three miles of a city or one and one-half miles of a village as provided in section 711.09 of the Revised Code, shall be recorded until it is approved by the county or regional planning commission and the approval is endorsed in writing on the plat. Within five days ~~of~~ after the submission of a plat for approval, the county or regional planning commission shall schedule a meeting to consider the plat and send a written notice by certified mail, return receipt requested, to the clerk of the board of township trustees of the township in which a proposed plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the county or regional planning commission will consider or act upon the proposed plat. The meeting shall take place within thirty days ~~of~~ after submission of the plat, and no meeting shall be held until at least seven days have passed from the date the notice was sent by the planning commission. The approval of the planning commission or the refusal to approve shall be endorsed on the plat within thirty days after the submission of the plat for approval, or within such further time as the applying party may agree to in writing; otherwise ~~such~~

that plat is deemed approved, and the certificate of the planning commission as to the date of the submission of the plat for approval and the failure to take action ~~thereon on it~~ within ~~such~~ that time shall be sufficient in lieu of the written endorsement or evidence of approval required by this section. A county or regional planning commission shall not require a person submitting the plat to alter the plat or any part of it as a condition for approval, as long as the plat is in accordance with the general rules governing plats and subdivisions of land, adopted by the commission as provided in this section, in effect at the time the plat was submitted. The ground of refusal of approval of any plat submitted, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the commission. Within sixty days after ~~such~~ the refusal, the person submitting any plat which the county or regional planning commission refuses to approve may file a petition in the court of common pleas of the proper county and the proceedings ~~thereon on the~~ petition shall be governed by section 711.09 of the Revised Code as in the case of the refusal of a planning authority to approve a plat. A board of township trustees is not entitled to appeal a decision of the county or regional planning commission under this section.

Any such county or regional planning commission shall adopt general rules, of uniform application, governing plats and subdivisions of land falling within its jurisdiction, to secure and provide for the proper arrangement of streets or other highways in relation to existing or planned streets or highways or to the county or regional plan, for adequate and convenient open spaces for traffic, utilities, access of fire fighting apparatus, recreation, light, and air, and for the avoidance of congestion of population. The rules may provide for ~~the~~ their modification ~~thereof~~ by the county or regional planning commission in specific cases where unusual topographical and other exceptional conditions require ~~such~~ the modification. The rules may require the county department of health to review and comment on a plat before the county or regional planning commission acts upon it and may also require proof of compliance with any applicable ~~township~~ zoning resolutions ~~regarding lot size, frontage, and width~~ as a basis for approval of a plat.

Before adoption of its rules or amendment ~~thereof~~ of its rules, a public hearing shall be held ~~thereon on the~~ adoption or amendment by the commission. However, no county or regional planning commission shall adopt any rules requiring actual construction of streets or other improvements or facilities or assurance of ~~such~~ that construction as a condition precedent to the approval of a plat of a subdivision unless ~~such~~ the

requirements have first been adopted by the board of county commissioners after a public hearing. A copy of ~~such~~ the rules shall be certified by the planning commission to the county recorders of the appropriate counties. After a county or regional street or highway plan has been adopted as provided in this section, the approval of plats and subdivisions provided for in this section shall be in lieu of any approvals provided for in other sections of the Revised Code, so far as the territory within the approving jurisdiction of the county or regional planning commission, as provided in this section, is concerned. Approval of a plat shall not be an acceptance by the public of the dedication of any street, highway, or other way or open space shown upon the plat. Any such county or regional planning commission and a city or village planning commission, or platting commissioner or legislative authority of a village, with subdivision regulation jurisdiction over unincorporated territory within the county or region may cooperate and agree by written agreement that the approval of a plat by the city or village planning commission, or platting commissioner or legislative authority of a village, as provided in section 711.09 of the Revised Code, shall be conditioned upon receiving advice from or approval by the county or regional planning commission.

Sub. H. B. No. 22

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SECTION 2. That existing sections 711.05, 711.09, and 711.10 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____