

As Introduced

**124th General Assembly
Regular Session
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H. B. No. 366

**REPRESENTATIVES Core, Kearns, Hollister, Hagan, Reinhard, Willamowski,
Lendrum, Flowers**

A B I L L

To amend sections 711.05, 711.10, and 711.131 and to 1
enact sections 5552.01 to 5552.10 and 5552.99 of 2
the Revised Code to allow counties to regulate 3
access to county and township roads and townships 4
to regulate access to township roads, and to permit 5
the local platting authority to require compliance 6
with those regulations before a parcel of land is 7
subdivided. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 711.05, 711.10, and 711.131 be 9
amended and sections 5552.01, 5552.02, 5552.03, 5552.04, 5552.05, 10
5552.06, 5552.07, 5552.08, 5552.09, 5552.10, and 5552.99 of the 11
Revised Code be enacted to read as follows: 12

Sec. 711.05. (A) Upon the submission of a plat for approval, 13
in accordance with section 711.041 of the Revised Code, the board 14
of county commissioners shall certify on it the date of the 15
submission. Within five days of submission of the plat, the board 16
shall schedule a meeting to consider the plat and send a written 17
notice by regular mail to the clerk of the board of township 18
trustees of the township in which the plat is located and to the 19

county engineer, planning commission, or other person designated 20
to administer access management regulations, if any. The notice 21
shall ~~inform the trustees of the submission of~~ indicate that the 22
plat was submitted and ~~of~~ give the date, time, and location of any 23
meeting at which the board of county commissioners will consider 24
or act upon the ~~proposed~~ plat. The meeting shall take place within 25
thirty days of the submission of the plat, and no meeting shall be 26
held until at least seven days have passed from the date the board 27
sent the notice ~~was sent by the board of county commissioners.~~ The 28
approval of the board required by section 711.041 of the Revised 29
Code or the refusal to approve shall take place within thirty days 30
from the date of the submission or such further time as the 31
applying party may agree to in writing; otherwise, the plat is 32
deemed approved and may be recorded as if bearing ~~such~~ an 33
approval. 34

(B) The board may adopt general rules governing plats and 35
subdivisions of land falling within its jurisdiction, to secure 36
and provide for the coordination of the streets within the 37
subdivision with existing streets and roads or with existing 38
county highways, for the proper amount of open spaces for traffic, 39
circulation, and utilities, and for the avoidance of future 40
congestion of population detrimental to the public health, safety, 41
or welfare but shall not impose a greater minimum lot area than 42
forty-eight hundred square feet. Before the board may amend or 43
adopt rules, it shall notify all the townships in the county of 44
the proposed amendments or rules by regular mail at least thirty 45
days before the public meeting at which the proposed amendments or 46
rules are to be considered. 47

The rules may require the county department of health to 48
review and comment on a plat before the board of county 49
commissioners acts upon it and ~~may~~ also may require proof of 50
compliance with any applicable zoning resolutions, or any access 51

management regulations adopted under Chapter 5552. of the Revised 52
Code, as a basis for approval of a plat. ~~Where~~ If, under ~~the~~ 53
~~provisions~~ of section 711.101 of the Revised Code, the board of 54
~~county commissioners~~ has set up standards and specifications for 55
the construction of streets, utilities, and other improvements for 56
common use, ~~such~~ those general rules may require the submission of 57
appropriate plans and specifications for approval. The board shall 58
not require the person submitting the plat to alter the plat or 59
any part of it as a condition for approval, as long as the plat is 60
in accordance with general rules governing plats and subdivisions 61
of land, adopted by the board as provided in this section, in 62
effect at the time the plat was submitted and the plat is in 63
accordance with any standards and specifications set up under 64
section 711.101 of the Revised Code, in effect at the time the 65
plat was submitted. 66

(C) The ground of refusal to approve any plat, submitted in 67
accordance with section 711.041 of the Revised Code, shall be 68
stated upon the record of the board, and, within sixty days 69
thereafter, the person submitting any plat that the board refuses 70
to approve may file a petition in the court of common pleas of the 71
county in which the land described in the plat is situated to 72
review the action of the board. A board of township trustees is 73
not entitled to appeal a decision of the board of county 74
commissioners under this section. 75

Sec. 711.10. Whenever a county planning commission or a 76
regional planning commission adopts a plan for the major streets 77
or highways of the county or region, no plat of a subdivision of 78
land within the county or region, other than land within a 79
municipal corporation or land within three miles of a city or one 80
and one-half miles of a village as provided in section 711.09 of 81
the Revised Code, shall be recorded until it is approved by the 82
county or regional planning commission and the approval is 83

endorsed in writing on the plat. Within five days after the 84
submission of a plat for approval, the county or regional planning 85
commission shall schedule a meeting to consider the plat and send 86
a notice by regular mail or by electronic mail to the clerk of the 87
board of township trustees of the township in which the plat is 88
located and to the county engineer or other person designated to 89
administer access management regulations, if any. The notice shall 90
~~inform the trustees of the submission of~~ indicate that the plat 91
was submitted and ~~of~~ give the date, time, and location of any 92
meeting at which the county or regional planning commission will 93
consider or act upon the plat. The meeting shall take place within 94
thirty days after submission of the plat, and no meeting shall be 95
held until at least seven days have passed from the date the 96
notice was sent by the planning commission. 97

The approval of the planning commission or the refusal to 98
approve shall be endorsed on the plat within thirty days after the 99
submission of the plat for approval, or within such further time 100
as the applying party may agree to in writing; otherwise, that 101
plat is deemed approved, and the certificate of the planning 102
commission as to the date of the submission of the plat for 103
approval and the failure to take action on it within that time 104
shall be sufficient in lieu of the written endorsement or evidence 105
of approval required by this section. A county or regional 106
planning commission shall not require a person submitting the plat 107
to alter the plat or any part of it as a condition for approval, 108
as long as the plat is in accordance with the general rules 109
governing plats and subdivisions of land, adopted by the 110
commission as provided in this section, in effect at the time the 111
plat is submitted. The ground of refusal of approval of any plat 112
submitted, including citation of or reference to the rule violated 113
by the plat, shall be stated upon the record of the commission. 114
Within sixty days after the refusal, the person submitting any 115
plat that the county or regional planning commission refuses to 116

approve may file a petition in the court of common pleas of the 117
proper county, and the proceedings on the petition shall be 118
governed by section 711.09 of the Revised Code as in the case of 119
the refusal of a planning authority to approve a plat. A board of 120
township trustees is not entitled to appeal a decision of the 121
county or regional planning commission under this section. 122

A county or regional planning commission shall adopt general 123
rules, of uniform application, governing plats and subdivisions of 124
land falling within its jurisdiction, to secure and provide for 125
the proper arrangement of streets or other highways in relation to 126
existing or planned streets or highways or to the county or 127
regional plan, for adequate and convenient open spaces for 128
traffic, utilities, access of firefighting apparatus, recreation, 129
light, and air, and for the avoidance of congestion of population. 130
The rules may provide for their modification by the county or 131
regional planning commission in specific cases where unusual 132
topographical and other exceptional conditions require the 133
modification. The rules may require the county department of 134
health to review and comment on a plat before the county or 135
regional planning commission acts upon it and ~~may~~ also ~~may~~ require 136
proof of compliance with any applicable zoning resolutions, or any 137
access management regulations adopted under Chapter 5552. of the 138
Revised Code, as a basis for approval of a plat. 139

Before adoption of its rules or amendment of its rules, a 140
public hearing shall be held on the adoption or amendment by the 141
commission. Notice of the public hearing shall be sent to all 142
townships in the county or region by regular mail or electronic 143
mail at least thirty days before the hearing. No county or 144
regional planning commission shall adopt any rules requiring 145
actual construction of streets or other improvements or facilities 146
or assurance of that construction as a condition precedent to the 147
approval of a plat of a subdivision unless the requirements have 148

first been adopted by the board of county commissioners after a
public hearing. A copy of the rules shall be certified by the
planning commission to the county recorders of the appropriate
counties.

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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 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.

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Sec. 711.131. Notwithstanding ~~the provisions of~~ sections
711.001 to 711.13, ~~inclusive,~~ of the Revised Code, a proposed
division of a parcel of land along an existing public street, not
involving the opening, widening, or extension of any street or
road, and involving no more than five lots after the original
tract has been completely subdivided, may be submitted to the
authority having approving jurisdiction of plats under ~~the~~
~~provisions of~~ section 711.05, 711.09, or 711.10 of the Revised
Code for approval without plat. If ~~such~~ the authority acting
through a properly designated representative ~~thereof~~ is satisfied

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that ~~such~~ the proposed division is not contrary to applicable 181
platting, subdividing, ~~or zoning, or access management~~ 182
regulations, it shall within seven working days after submission 183
approve ~~such~~ the proposed division and, on presentation of a 184
conveyance of ~~said~~ the parcel, shall stamp the ~~same~~ conveyance 185
"approved by (planning authority); no plat required" and have it 186
signed by its clerk, secretary, or other official as may be 187
designated by it. ~~Such~~ The planning authority may require the 188
submission of a sketch and ~~such~~ other information ~~as~~ that is 189
pertinent to its determination ~~hereunder~~ under this section. 190

Sec. 5552.01. As used in this chapter: 191

(A) "Metropolitan planning organization" has the same meaning 192
as in division (A)(7) of section 3704.14 of the Revised Code. 193

(B) "Urban township" means a township that has a population 195
in the unincorporated area of the township of fifteen thousand or 196
more and that has adopted a limited home rule government under 197
section 504.02 of the Revised Code. 198

Sec. 5552.02. (A) Except as provided in divisions (C) and (D) 199
of this section, for the purposes of promoting traffic safety and 200
efficiency and maintaining proper traffic capacity and traffic 201
flow, a board of township trustees may adopt, by resolution, 202
regulations for the management of access onto township roads in 203
the unincorporated area of the township as provided in this 204
chapter. As part of those regulations, the board may require 205
permits, including interim and temporary permits, for the 206
construction, reconstruction, use, and maintenance of any point of 207
access from public or private property onto those township roads. 208

Notwithstanding anything to the contrary in this division, a 209
board of township trustees of a township other than an urban 210

township shall not adopt regulations authorized by this division 211
until the date that is two years after the effective date of this 212
section. The board may proceed to adopt those regulations on or 213
after the date that is two years after that effective date only as 214
provided in division (C) of this section. 215

(B) For the purposes of promoting traffic safety and 216
efficiency and maintaining proper traffic capacity and traffic 217
flow, the board of county commissioners may adopt, by resolution, 218
regulations for the management of access onto county and township 219
roads in the unincorporated area of the county in accordance with 220
sections 5552.03 and 5552.05 of the Revised Code. As part of those 221
regulations, the board may require permits, including interim and 222
temporary permits, for the construction, reconstruction, use, and 223
maintenance of any point of access from public or private property 224
onto those county and township roads. 225

The same county regulations that apply to county roads shall 226
apply to township roads. Except as provided in divisions (C) and 227
(D) of this section, upon their effective date, the county 228
regulations shall apply to all county and township roads in the 229
unincorporated area of the county. 230

(C) On or after the date provided in division (A) of this 231
section for adopting regulations under this division, if the 232
county has not adopted any regulations under division (B) of this 233
section or initiated the process to adopt those regulations by 234
that date, the board of township trustees of a township other than 235
an urban township may adopt the regulations authorized by division 236
(A) of this section. If the county initiates the process to adopt 237
regulations under division (B) of this section within the two-year 238
period but fails to adopt them, the board of township trustees of 239
a township other than an urban township also may adopt under this 240
division the regulations authorized by division (A) of this 241
section. 242

If such a board of township trustees adopts those 243
regulations, and a board of county commissioners later adopts 244
regulations under division (B) of this section that apply to the 245
same township roads, then, one year after the effective date of 246
the county regulations, the regulations adopted by the board of 247
township trustees shall be void, and the regulations adopted by 248
the board of county commissioners shall apply to those township 249
roads. However, the board of township trustees may establish an 250
earlier date for the county regulations to take effect and the 251
township regulations to be void by adopting a resolution 252
establishing an earlier date and sending a certified copy of that 253
resolution to the board of county commissioners. 254

(D) Except as otherwise provided in this division, if an 255
urban township adopts regulations under division (A) of this 256
section and the county also adopts regulations under division (B) 257
of this section that affect township roads in that township, the 258
county regulations shall have no effect on the township roads in 259
that township. If the urban township adopts its regulations after 260
the county adopts its regulations, however, the county regulations 261
shall remain in effect for one year after the township regulations 262
are adopted unless the board of county commissioners establishes 263
an earlier date for the county regulations to expire within that 264
urban township. After the earlier established date or one year, 265
whichever is applicable, only the township regulations shall apply 266
to the township roads in that urban township, although the county 267
regulations shall continue to apply to the county roads in that 268
urban township. 269

(E) Any county regulations adopted under this section shall 270
be, to the extent possible, consistent with county zoning 271
regulations and any existing subdivision regulations adopted under 272
Chapter 711. of the Revised Code, and coordinated with any 273
existing township zoning regulations. Any township regulations 274

adopted under this section shall be, to the extent possible, 275
consistent with any county or township zoning regulations in 276
effect in the township and coordinated with any existing 277
subdivision regulations adopted under Chapter 711. of the Revised 278
Code. 279

Sec. 5552.03. (A) The process of adopting county access 280
management regulations provided for in division (B) of section 281
5552.02 of the Revised Code may be initiated in any of the 282
following ways: 283

(1) The board of county commissioners may adopt a resolution 284
proposing the consideration of access management regulations on 285
its own initiative. 286

(2) The board of county commissioners shall adopt a 287
resolution proposing the consideration of access management 288
regulations if the county engineer certifies to the board a 289
written request for the board to do so. 290

(3) The board of county commissioners shall adopt a 291
resolution proposing the consideration of access management 292
regulations if a majority of the boards of township trustees of 293
townships within the county certify to the board of county 294
commissioners resolutions requesting the board to do so. 295

(B) Upon adoption of a resolution proposing the consideration 296
of access management regulations under division (A) of this 297
section, the board of county commissioners shall request the 298
county engineer to draft proposed regulations. The engineer shall 299
prepare proposed regulations and, when they are complete, send a 300
copy of them to each member of the advisory committee appointed 301
under division (C) of this section along with a notice of the time 302
and place of the first meeting of the advisory committee. That 303
meeting shall take place within thirty days after the completion 304
of the engineer's proposed regulations. 305

(C) Upon adoption of a resolution under division (A) of this section, the board of county commissioners shall establish an advisory committee to review the county engineer's proposed regulations prepared under division (B) of this section. The board shall appoint to the committee the county engineer or the engineer's designee, a registered surveyor in private practice, a representative of the homebuilding industry, a licensed realtor, a representative of a county or regional planning commission with jurisdiction in the county, a professional engineer with expertise in traffic engineering, a representative of the metropolitan planning organization, where applicable, at least three township trustees from any townships located in the county selected by the local county association representing the township trustees and clerks in that county, a member of the board of county commissioners, and any other person the board chooses to appoint.

At its initial meeting held as provided in the notice sent by the county engineer under division (B) of this section, the advisory committee shall elect one member to serve as the chairperson of the committee. Within two hundred seventy days after that initial meeting, the advisory committee shall provide the board of county commissioners with a copy of the engineer's proposed regulations, the committee's recommendations about each of the proposed regulations, and any other recommendations about the access management regulations the committee considers appropriate.

(D) Upon receiving the advisory committee's recommendations under division (C) of this section, the board of county commissioners shall hold hearings as provided in section 5552.05 of the Revised Code.

Sec. 5552.04. (A) The process of adopting township access management regulations provided for in section 5552.02 of the

Revised Code may be initiated in any of the following ways:

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(1) The board of township trustees may adopt a resolution proposing the consideration of access management regulations on its own initiative.

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(2) The board of township trustees shall adopt a resolution proposing the consideration of access management regulations if the county engineer certifies to the board a written request for the board to do so.

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(B) Upon adoption of a resolution proposing the consideration of access management regulations under division (A) of this section, the board of township trustees shall request the county engineer to draft proposed regulations. The engineer shall prepare proposed regulations and, when they are complete, send a copy of them to each member of the advisory committee appointed under division (C) of this section along with a notice of the time and place of the first meeting of the advisory committee. That meeting shall take place within thirty days after the completion of the engineer's proposed regulations.

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(C) Upon adoption of a resolution under division (A) of this section, the board of township trustees shall establish an advisory committee to review the county engineer's proposed regulations prepared under division (B) of this section. The board shall appoint to the committee the county engineer or the engineer's designee, a registered surveyor in private practice, a representative of the homebuilding industry, a licensed realtor, a representative of a county or regional planning commission with jurisdiction in the county, a professional engineer with expertise in traffic engineering, a representative of the metropolitan planning organization, where applicable, three residents of the township, and any other person the board chooses to appoint.

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At its initial meeting held as provided in the notice sent by

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the county engineer under division (B) of this section, the 368
advisory committee shall elect one member to serve as the 369
chairperson of the committee. Within two hundred seventy days 370
after that initial meeting, the advisory committee shall provide 371
the board of township trustees with a copy of the engineer's 372
proposed regulations, the committee's recommendations about each 373
of the proposed regulations, and any other recommendations about 374
the access management regulations the committee considers 375
appropriate. 376

(D) Upon receiving the advisory committee's recommendations 377
under division (C) of this section, the board of township trustees 378
shall hold hearings as provided in section 5552.05 of the Revised 379
Code. 380

Sec. 5552.05. (A) A board of county commissioners or a board 381
of township trustees may adopt access management regulations or 382
any amendments to those regulations after holding at least two 383
public hearings at regular or special sessions of the board. The 384
board shall consider the county engineer's proposed regulations 385
prepared under division (B) of section 5552.03 or 5552.04 of the 386
Revised Code and all comments on those regulations. The board, in 387
its discretion, may, but need not, adopt any or all of those 388
proposed regulations. After the public hearings, the board may 389
decide not to adopt any access management regulations. 390

The board shall publish notice of the public hearings in a 391
newspaper of general circulation in the county or township, as 392
applicable, once a week for at least two weeks immediately 393
preceding the hearings. The notice shall include the time, date, 394
and place of each hearing. Copies of any proposed regulations or 395
amendments shall be made available to the public at the board's 396
office and, if the county engineer administers or is proposed to 397
administer a point of access permit, in the engineer's office. 398

(B) In addition to the notice required by division (A) of this section, not less than thirty days before holding a public hearing, a board of county commissioners shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments to the board of township trustees of each township in the county, the department of transportation district deputy director for the district in which the county is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the following professions:

- (1) Homebuilders;
- (2) Realtors;
- (3) Professional surveyors;
- (4) Attorneys;
- (5) Professional engineers.

(C) In addition to the notice required by division (A) of this section, a board of township trustees shall send a copy of the county engineer's proposed regulations, a copy of the advisory committee's recommendations, and a request for written comments, not less than thirty days before holding a public hearing, to the department of transportation district deputy director for the district in which the township is located, a representative of the metropolitan planning organization, where applicable, and at least the local professional associations representing the professions listed in division (B) of this section.

Sec. 5552.06. A board of county commissioners or board of township trustees that adopts access management regulations under section 5552.02 of the Revised Code shall include in those

regulations the designation of a board to hear and decide appeals 428
when it is alleged that there is error in any order, requirement, 429
decision, or determination made by an administrative official in 430
the enforcement of the regulations. This appellate board may be 431
the board itself acting in an administrative capacity, or some 432
other board appointed by the board of county commissioners or 433
board of township trustees, whichever is applicable. The 434
regulations also shall authorize that appellate board to grant 435
variances that are not contrary to the public interest from the 436
terms of the regulations where, owing to special conditions, a 437
literal enforcement of the regulations will result in unnecessary 438
hardship, and so that the spirit of the regulations will be 439
observed and substantial justice done. 440

Sec. 5552.07. (A) A permit issued under access management 441
regulations adopted under section 5552.02 of the Revised Code 442
shall prescribe the limitations on, as well as the permitted uses 443
of, the permit. No modifications or amendments to the permit shall 444
be made once it is issued. To be subject to a different permit, a 445
person shall apply for a new permit that specifically supersedes 446
the existing permit. 447

(B) A board of county commissioners or a board of township 448
trustees, as applicable, may charge a permit fee not to exceed the 449
actual cost of administering the permit. 450

Sec. 5552.08. Any access management regulations adopted under 451
section 5552.02 of the Revised Code become effective on the 452
thirty-first day following the date of their adoption unless 453
otherwise indicated in the regulations. The board adopting the 454
regulations shall publish notice of their adoption, and of their 455
availability at the board's office, in at least one newspaper of 456
general circulation in the county or township, as applicable, 457
within ten days after their adoption. The board also shall provide 458

a copy of the regulations to the department of transportation 459
district deputy director for the district in which the county or 460
township is located. 461

Sec. 5552.09. The board of county commissioners shall 462
designate the county engineer to administer county access 463
management regulations, except that if the engineer declines to 464
administer the regulations, the board may designate another 465
person, or a planning commission, to administer them. If a board 466
of township trustees adopts access management regulations, the 467
board may administer the regulations or may appoint the township 468
clerk or any other person to administer them, with the advice of 469
the county engineer. 470

If the access management regulations are applicable to 471
subdivisions as defined in section 711.001 of the Revised Code and 472
a permit request is filed pertaining to a subdivision, the county 473
engineer, board of township trustees, planning commission, or 474
other person administering the regulations shall approve or 475
disapprove the permit request within the time period for approval 476
of a plat specified in section 711.05 or 711.10 of the Revised 477
Code, or within the time period for approval of a subdivision 478
without a plat specified in section 711.131 of the Revised Code, 479
as applicable. 480

Sec. 5552.10. (A) No access management regulation, or 481
amendment to an access management regulation, adopted under 482
section 5552.02 of the Revised Code shall be construed to affect 483
any access point that exists, or on which construction has begun, 484
before the effective date of the regulation or amendment. 485

(B) Division (A) of this section does not prohibit access 486
management regulations adopted under section 5552.02 of the 487
Revised Code from regulating the reconstruction or relocation of 488

access points or from applying when land use is changed in a way 489
that significantly increases the types of traffic or traffic 490
volume on a street or highway. 491

Sec. 5552.99. Whoever violates an access management 492
regulation adopted under section 5552.02 of the Revised Code shall 493
be fined not more than one hundred dollars for each offense. Each 494
day of violation is a separate offense. 495

Section 2. That existing sections 711.05, 711.10, and 711.131 496
of the Revised Code are hereby repealed. 497

Section 3. Chapter 5552. of the Revised Code shall be called 498
"Road Access Management." 499