

As Introduced

125th General Assembly
Regular Session
2003-2004

S. B. No. 115

Senator Robert Gardner

A BILL

To amend sections 711.001, 711.10, 711.131, and 1
713.22 of the Revised Code to change the 2
definition of "subdivision" in the Platting Law, 3
to change the procedure for the approval of plats 4
by county or regional planning commissions, to 5
provide different methods for implementing the 6
statute authorizing the approval of certain 7
subdivisions without the submission of a plat, and 8
to permit the payment of compensation to the 9
appointive members of county planning commissions. 10

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

Section 1. That sections 711.001, 711.10, 711.131, and 713.22 11
of the Revised Code be amended to read as follows: 12

Sec. 711.001. As used in ~~sections 711.001 to 711.38,~~ 13
~~inclusive, of the Revised Code~~ this chapter: 14

(A) "Plat" means a map of a tract or parcel of land. 15

(B) "Subdivision" means either of the following: 16

(1) The division of any parcel of land shown as a unit or as 17
contiguous units on the last preceding general tax roll list and 18
duplicate of real and public utility property, into two or more 19

parcels, sites, or lots, any one of which is less than ~~five~~ twenty 20
acres for the purpose, whether immediate or future, of transfer of 21
ownership, provided, however, that the division or partition of 22
land into parcels of more than ~~five~~ twenty acres not involving any 23
new streets or easements of access, and the sale or exchange of 24
parcels between adjoining lot owners, where ~~such~~ that sale or 25
exchange does not create additional building sites, ~~shall be~~ 26
~~exempted~~ are exempt; ~~or~~ 27

(2) The improvement of one or more parcels of land for 28
residential, commercial, or industrial structures or groups of 29
structures involving the division or allocation of land for the 30
opening, widening, or extension of any public or private street or 31
streets, except private streets serving industrial structures, ~~or~~ 32
involving the division or allocation of land as open spaces for 33
common use by owners, occupants, or ~~lease holders~~ leaseholders or 34
as easements for the extension and maintenance of public or 35
private sewer, water, storm drainage, or other ~~public~~ similar 36
facilities. 37

Sec. 711.10. (A) Whenever a county planning commission or a 38
regional planning commission adopts a plan for the major streets 39
or highways of the county or region, no plat of a subdivision of 40
land within the county or region, other than land within a 41
municipal corporation or land within three miles of a city or one 42
and one-half miles of a village as provided in section 711.09 of 43
the Revised Code, shall be recorded until it is approved by the 44
county or regional planning commission under division (C) of this 45
section and the approval is endorsed in writing on the plat. 46
~~Within~~ 47

(B) A county or regional planning commission may require the 48
submission of a preliminary plan for each plat sought to be 49
recorded. If the commission requires this submission, it shall 50

provide for a review process for the preliminary plan. Under this 51
review process, the planning commission shall give its approval, 52
its approval with conditions, or its disapproval of each 53
preliminary plan. The commission's decision shall be in writing, 54
shall be under the signature of the secretary of the commission, 55
and shall be issued within forty-five working days after the 56
submission of the preliminary plan to the commission. The 57
disapproval of a preliminary plan shall state the reasons for the 58
disapproval. A decision of the commission under this division is 59
preliminary to and separate from the commission's decision to 60
approve, conditionally approve, or refuse to approve a plat under 61
division (C) of this section. 62

(C) Within five days after the submission of a plat for 63
approval under this division, the county or regional planning 64
commission shall schedule a meeting to consider the plat and send 65
a notice by regular mail or by electronic mail to the clerk of the 66
board of township trustees of the township in which the plat is 67
located. The notice shall inform the trustees of the submission of 68
the plat and of the date, time, and location of any meeting at 69
which the county or regional planning commission will consider or 70
act upon the plat. The meeting shall take place within ~~thirty~~ 71
~~forty-five working~~ days after submission of the plat, and no 72
meeting shall be held until at least seven days have passed from 73
the date the ~~planning commission sent the notice was sent by the~~ 74
~~planning commission.~~ 75

The approval of the county or regional planning commission, 76
the commission's conditional approval as described in this 77
division, or the refusal of the commission to approve shall be 78
endorsed on the plat within ~~thirty~~ forty-five working days after 79
the submission of the plat for approval, under this division or 80
within such further time as the applying party may agree to in 81
writing; otherwise that plat is deemed approved, and the 82

certificate of the ~~planning~~ commission as to the date of the 83
submission of the plat for approval under this division and the 84
failure to take action on it within that time shall be sufficient 85
in lieu of the written endorsement or evidence of approval 86
required by this ~~section~~ division. A 87

A county or regional planning commission ~~shall not require~~ 88
may grant conditional approval under this division to a plat by 89
requiring a person submitting the plat to alter the plat or any 90
part of it, within a specified period after the end of the 91
forty-five working days, as a condition for final approval, ~~as~~ 92
~~long as the plat is in accordance with the general rules governing~~ 93
~~plats and subdivisions of land, adopted by the commission as~~ 94
~~provided in this section, in effect at the time the plat is~~ 95
~~submitted. The~~ under this division. Once all the conditions have 96
been met within the specified period, the commission shall cause 97
its final approval under this division to be endorsed on the plat. 98
No plat shall be recorded until it is endorsed with the 99
commission's final or unconditional approval under this division. 100

The ground of refusal of approval of any plat submitted under 101
this division, including citation of or reference to the rule 102
violated by the plat, shall be stated upon the record of the 103
county or regional planning commission. Within sixty days after 104
the refusal under this division, the person submitting any plat 105
that the ~~county or regional planning~~ commission refuses to approve 106
under this division may file a petition in the court of common 107
pleas of the proper county, and the proceedings on the petition 108
shall be governed by section 711.09 of the Revised Code as in the 109
case of the refusal of a planning authority to approve a plat. A 110
board of township trustees is not entitled to appeal a decision of 111
the ~~county or regional planning~~ commission under this ~~section~~ 112
division. 113

A county or regional planning commission shall adopt general 114

rules, of uniform application, governing plats and subdivisions of 115
land falling within its jurisdiction, to secure and provide for 116
the proper arrangement of streets or other highways in relation to 117
existing or planned streets or highways or to the county or 118
regional plan, for adequate and convenient open spaces for 119
traffic, utilities, access of firefighting apparatus, recreation, 120
light, and air, and for the avoidance of congestion of population. 121
The rules may provide for their modification by the ~~county or~~ 122
~~regional planning~~ commission in specific cases where unusual 123
topographical and other exceptional conditions require the 124
modification. The rules may require the county department of 125
health to review and comment on a plat before the ~~county or~~ 126
~~regional planning~~ commission acts upon it and also may ~~also~~ 127
require proof of compliance with any applicable zoning resolutions 128
as a basis for approval of a plat. 129

Before adoption of its rules or amendment of its rules, the 130
commission shall hold a public hearing ~~shall be held~~ on the 131
adoption or amendment ~~by the commission~~. Notice of the public 132
hearing shall be sent to all townships in the county or region by 133
regular mail or electronic mail at least thirty days before the 134
hearing. No county or regional planning commission shall adopt any 135
rules requiring actual construction of streets or other 136
improvements or facilities or assurance of that construction as a 137
condition precedent to the approval of a plat of a subdivision 138
unless the requirements have first been adopted by the board of 139
county commissioners after a public hearing. A copy of the rules 140
shall be certified by the planning commission to the county 141
recorders of the appropriate counties. 142

After a county or regional street or highway plan has been 143
adopted as provided in this section, the approval of plats and 144
subdivisions provided for in this section shall be in lieu of any 145
approvals provided for in other sections of the Revised Code, ~~se~~ 146

~~far insofar~~ as the territory within the approving jurisdiction of 147
the county or regional planning commission, as provided in this 148
section, is concerned. Approval of a plat shall not be an 149
acceptance by the public of the dedication of any street, highway, 150
or other way or open space shown upon the plat. ~~Any~~ 151

A county or regional planning commission and a city or 152
village planning commission, or platting commissioner or 153
legislative authority of a village, with subdivision regulation 154
jurisdiction over unincorporated territory within the county or 155
region may cooperate and agree by written agreement that the 156
approval of a plat by the city or village planning commission, or 157
platting commissioner or legislative authority of a village, as 158
provided in section 711.09 of the Revised Code, shall be 159
conditioned upon receiving advice from or approval by the county 160
or regional planning commission. 161

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 162
of the Revised Code, a proposed division of a parcel of land along 163
an existing public street, not involving the opening, widening, or 164
extension of any street or road, ~~and involving no more than five~~ 165
~~lots after the original tract has been completely subdivided,~~ may 166
be submitted to the authority having approving jurisdiction of 167
plats under section 711.05, 711.09, or 711.10 of the Revised Code 168
for approval without plat. ~~If~~ Unless the rules adopted under 169
section 711.05, 711.09, or 711.10 of the Revised Code are amended 170
pursuant to division (B) of this section, no more than five lots 171
may be approved under this division from an original tract during 172
any calendar year. 173

If the authority acting through a properly designated 174
representative ~~is satisfied~~ finds that ~~the~~ a proposed division is 175
not contrary to applicable platting, subdividing, zoning, health, 176
sanitary, or access management regulations, including, but not 177

limited to, rules governing household sewage disposal systems, it 178
shall ~~within seven working days after submission~~ approve the 179
proposed division within seven working days after its submission 180
and, on presentation of a conveyance of the parcel, shall stamp 181
the conveyance "approved by (planning authority); no plat 182
required" and have it signed by its clerk, secretary, or other 183
official as may be designated by it. The planning authority may 184
require the submission of a sketch and other information that is 185
pertinent to its determination under this ~~section~~ division. 186

(B) For a period of up to one year after the effective date 187
of this amendment, the rules adopted under section 711.05, 711.09, 188
or 711.10 of the Revised Code may be amended once within that 189
period to authorize the planning authority involved to approve 190
proposed divisions of parcels of land without plat under this 191
division. If an authority so amends its rules, it may approve no 192
more than five lots from an original tract as that original tract 193
exists on the effective date of the amendment to the rules. The 194
authority shall make the findings and approve a proposed division 195
in the time and manner specified in division (A) of this section, 196
but it shall not approve divisions on a calendar-year basis. 197

(C) As used in this section: 198

(1) "Household sewage disposal system" has the same meaning 199
as in section 3709.091 of the Revised Code. 200

(2) "Original tract" means a tract, lot, or parcel of real 201
estate as shown on the last preceding general tax list and 202
duplicate of real and public utility property prepared under 203
section 319.28 of the Revised Code. 204

Sec. 713.22. (A) The board of county commissioners of any 205
county may, and on petition of the planning commissions of a 206
majority of the municipal corporations in the county having those 207
planning commissions shall, provide for the organization and 208

maintenance of a county planning commission. A county planning 209
commission shall consist of the members of the board of county 210
commissioners, or their alternates designated in accordance with 211
this division, and eight other members appointed by the board in 212
accordance with divisions (B)(1) to (4) of this section or their 213
alternates designated and approved in accordance with this 214
division. Any alternate designated under this division shall be a 215
resident of the county. 216

To designate an alternate for a member of the board of county 217
commissioners, the board member shall send a letter of appointment 218
to the alternate and deliver a copy of that letter to the clerk of 219
the board of county commissioners. At the next regular meeting of 220
the board, the clerk shall inform the board of the designation of 221
the alternate, and the board shall have the designation entered on 222
the journal. 223

To designate an alternate for any other member of the 224
planning commission, the member shall send a letter of appointment 225
to the clerk of the board of county commissioners designating an 226
individual to serve as that member's alternate. At the next 227
regular meeting of the board, the clerk shall inform the board of 228
the designation of the alternate, which designation the board may 229
either approve or disapprove. The board shall enter its decision 230
on the board's journal and, if the alternate is approved, 231
designate the name of the alternate on the journal. The clerk of 232
the board shall notify the commission member of the board's 233
action, and the commission member shall inform the alternate. 234

A designated alternate shall serve at the pleasure of the 235
member who makes the designation. Removal of an alternate shall be 236
made by a letter of removal, delivered and journalized by the same 237
method that the alternate was designated. 238

Once an alternate is designated for a member of the planning 239

commission, if that commission member is absent from a planning 240
commission meeting, the alternate has the right to vote and 241
participate in all proceedings and actions of the commission at 242
that meeting as if that alternate were the commission member. 243

(B)(1) Except as provided for counties with two or less 244
townships in division (B)(4) of this section, if the population of 245
the portion of any city located in the county exceeds fifty per 246
cent of the total population of the county, the board of county 247
commissioners shall select three of the appointive members from 248
persons nominated by the planning commission of that city. The 249
board shall appoint three members from the unincorporated 250
territory of the county from persons recommended by the townships 251
to the county, except that, if one or more of those townships in 252
the county is a limited home rule government township, then the 253
board shall appoint at least one of these three township 254
appointees from the persons recommended by a limited home rule 255
government township. The remaining two appointees shall be 256
selected at the discretion of the board and shall be residents of 257
the county, one residing in the unincorporated territory of the 258
county and representing townships and the other residing in the 259
incorporated territory of the county and representing municipal 260
corporations in the county. 261

(2) Except as provided for counties with two or less 262
townships in division (B)(4) of this section, if a county does not 263
contain the portion of any city with at least fifty per cent of 264
the total population of the county but contains one or more 265
limited home rule government townships, one of the appointees 266
shall be a resident of a limited home rule government township in 267
the county, selected at the discretion of the board of county 268
commissioners from persons recommended by a limited home rule 269
government township in the county. One appointee shall be a 270
resident of the municipal corporation with the largest population 271

contained within the portion of the municipal corporation located 272
in the county, selected at the discretion of the board of county 273
commissioners from persons recommended by that municipal 274
corporation. The remaining six appointees shall be residents of 275
the county, selected at the discretion of the board of county 276
commissioners. 277

(3) Except as provided for counties with two or less 278
townships in division (B)(4) of this section, if a county does not 279
contain the portion of any city with at least fifty per cent of 280
the total population of the county and does not contain a limited 281
home rule government township, the board of county commissioners 282
shall appoint eight residents of the county selected at the 283
discretion of the board. 284

(4) If a county contains two or less townships with 285
unincorporated territory, the board of county commissioners shall 286
appoint eight residents of the county selected at the discretion 287
of the board, except that, if the population of the portion of any 288
city located in the county exceeds fifty per cent of the total 289
population of the county, then at least three of the appointive 290
members shall be selected from persons nominated by the planning 291
commission of that city. 292

(C) Subject to division (F) of this section, the appointive 293
members of a county planning commission shall be appointed for 294
terms of three years, except that, of the eight members first 295
appointed, three shall be appointed for terms of two years, and 296
two shall be appointed for a term of one year. The appointive 297
members shall serve without pay may be allowed their actual and 298
necessary expenses and the compensation that the board of county 299
commissioners determines to be appropriate. Any member of a county 300
planning commission may hold any other public office and may serve 301
as a member of a city, village, and regional planning commission, 302
except as otherwise provided in the charter of any city or 303

village. 304

(D) The compensation and expenses of the appointive members 305
of a county planning commission and the compensation of planning 306
commission employees shall be paid from appropriations made by the 307
board. 308

The county planning commission may employ engineers, 309
accountants, consultants, and employees as are necessary, and make 310
purchases as may be needed to the furtherance of its operation. 311

The county planning commission may accept, receive, and 312
expend funds, grants, and services from the federal government or 313
its agencies, from departments, agencies, and instrumentalities of 314
this state or any adjoining state, from one or more counties of 315
this state or any adjoining state, from any municipal corporation 316
or political subdivision of this or any adjoining state, including 317
a county, regional, and municipal planning commission of this or 318
any adjoining state, or from civic sources, may contract with 319
respect thereto, either separately, jointly, or cooperatively, and 320
may provide information and reports as may be necessary to secure 321
such financial aid. 322

(E) A county planning commission may adopt a policy under 323
which members of the board of county commissioners, as members of 324
that commission, or their designated alternates must abstain from 325
participating and voting on the commission's recommendation, 326
whenever a county planning commission is required by section 327
303.12 of the Revised Code to recommend the approval or denial of 328
a proposed amendment or approval of some modification of an 329
amendment to the county zoning resolution, or is required by 330
section 303.07 of the Revised Code to approve or disapprove, or 331
make suggestions about, a proposed county zoning resolution. The 332
policy may require that a quorum of the commission under those 333
circumstances be determined on the basis of an eight-member 334
commission instead of an eleven-member commission. 335

(F) If at any time a change occurs within a county so that 336
the population of a portion of a city within the county exceeds or 337
no longer exceeds fifty per cent of the total population of the 338
county or a township becomes a limited home rule government 339
township, thus creating a situation where the membership of a 340
county planning commission should be altered to comply with the 341
membership requirements of division (B) of this section, within 342
thirty days after the effective date of either of those types of 343
change, the board of county commissioners, in the board's 344
discretion, may make changes on the commission by resolution so 345
that its membership representation complies with division (B) of 346
this section. If the board does not adopt a resolution to so 347
change the commission's membership, the board shall phase in the 348
necessary changes in the commission's membership by waiting until 349
a member's term of office expires and appointing new members so as 350
to meet the representation requirements of division (B) of this 351
section as soon as possible without interfering with any member's 352
term of office. 353

Section 2. That existing sections 711.001, 711.10, 711.131, 354
and 713.22 of the Revised Code are hereby repealed. 355