

As Passed by the Senate

125th General Assembly
Regular Session
2003-2004

Sub. S. B. No. 115

Senator Robert Gardner

A BILL

To amend sections 711.001, 711.10, 711.131, 713.21, 1
and 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 or regional planning 10
commissions. 11

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

Section 1. That sections 711.001, 711.10, 711.131, 713.21, 12
and 713.22 of the Revised Code be amended to read as follows: 13

Sec. 711.001. As used in ~~sections 711.001 to 711.38,~~ 14
~~inclusive, of the Revised Code~~ this chapter: 15

(A) "Plat" means a map of a tract or parcel of land. 16

(B) "Subdivision" means either of the following: 17

(1) The division of any parcel of land shown as a unit or as 18
contiguous units on the last preceding general tax roll list and 19

duplicate of real and public utility property, into two or more 20
parcels, sites, or lots, any one of which is less than ~~five~~ twenty 21
acres for the purpose, whether immediate or future, of transfer of 22
ownership, provided, however, that the division or partition of 23
land into parcels of more than ~~five~~ twenty acres not involving any 24
new streets or easements of access, and the sale or exchange of 25
parcels between adjoining lot owners, where ~~such~~ that sale or 26
exchange does not create additional building sites, ~~shall be~~ 27
~~exempted~~ are exempt; ~~or~~ 28

(2) The improvement of one or more parcels of land for 29
residential, commercial, or industrial structures or groups of 30
structures involving the division or allocation of land for the 31
opening, widening, or extension of any public or private street or 32
streets, except private streets serving industrial structures, ~~or~~ 33
involving the division or allocation of land as open spaces for 34
common use by owners, occupants, or ~~lease holders~~ leaseholders or 35
as easements for the extension and maintenance of public or 36
private sewer, water, storm drainage, or other ~~public~~ similar 37
facilities. 38

Sec. 711.10. (A) Whenever a county planning commission or a 39
regional planning commission adopts a plan for the major streets 40
or highways of the county or region, no plat of a subdivision of 41
land within the county or region, other than land within a 42
municipal corporation or land within three miles of a city or one 43
and one-half miles of a village as provided in section 711.09 of 44
the Revised Code, shall be recorded until it is approved by the 45
county or regional planning commission under division (C) of this 46
section and the approval is endorsed in writing on the plat. 47
~~Within~~ 48

(B) A county or regional planning commission may require the 49
submission of a preliminary plan for each plat sought to be 50

recorded. If the commission requires this submission, it shall 51
provide for a review process for the preliminary plan. Under this 52
review process, the planning commission shall give its approval, 53
its approval with conditions, or its disapproval of each 54
preliminary plan. The commission's decision shall be in writing, 55
shall be under the signature of the secretary of the commission, 56
and shall be issued within thirty-five business days after the 57
submission of the preliminary plan to the commission. The 58
disapproval of a preliminary plan shall state the reasons for the 59
disapproval. A decision of the commission under this division is 60
preliminary to and separate from the commission's decision to 61
approve, conditionally approve, or refuse to approve a plat under 62
division (C) of this section. 63

(C) Within five calendar days after the submission of a plat 64
for approval under this division, the county or regional planning 65
commission shall schedule a meeting to consider the plat and send 66
a notice by regular mail or by electronic mail to the clerk of the 67
board of township trustees of the township in which the plat is 68
located. The notice shall inform the trustees of the submission of 69
the plat and of the date, time, and location of any meeting at 70
which the county or regional planning commission will consider or 71
act upon the plat. The meeting shall take place within thirty 72
calendar days after submission of the plat, and no meeting shall 73
be held until at least seven calendar days have passed from the 74
date the ~~planning commission sent the notice was sent by the~~ 75
~~planning commission.~~ 76

The approval of the county or regional planning commission, 77
the commission's conditional approval as described in this 78
division, or the refusal of the commission to approve shall be 79
endorsed on the plat within thirty calendar days after the 80
submission of the plat for approval, under this division or within 81
such further time as the applying party may agree to in writing; 82

otherwise that plat is deemed approved, and the certificate of the 83
~~planning~~ commission as to the date of the submission of the plat 84
for approval under this division and the failure to take action on 85
it within that time shall be sufficient in lieu of the written 86
endorsement or evidence of approval required by this ~~section~~ 87
division. A 88

A county or regional planning commission ~~shall not require~~ 89
may grant conditional approval under this division to a plat by 90
requiring a person submitting the plat to alter the plat or any 91
part of it, within a specified period after the end of the thirty 92
calendar days, as a condition for final approval, ~~as long as the~~ 93
~~plat is in accordance with the general rules governing plats and~~ 94
~~subdivisions of land, adopted by the commission as provided in~~ 95
~~this section, in effect at the time the plat is submitted. The~~ 96
under this division. Once all the conditions have been met within 97
the specified period, the commission shall cause its final 98
approval under this division to be endorsed on the plat. No plat 99
shall be recorded until it is endorsed with the commission's final 100
or unconditional approval under this division. 101

The ground of refusal of approval of any plat submitted under 102
this division, including citation of or reference to the rule 103
violated by the plat, shall be stated upon the record of the 104
county or regional planning commission. Within sixty calendar days 105
after the refusal under this division, the person submitting any 106
plat that the ~~county or regional planning~~ commission refuses to 107
approve under this division may file a petition in the court of 108
common pleas of the proper county, and the proceedings on the 109
petition shall be governed by section 711.09 of the Revised Code 110
as in the case of the refusal of a planning authority to approve a 111
plat. A board of township trustees is not entitled to appeal a 112
decision of the ~~county or regional planning~~ commission under this 113
~~section~~ division. 114

A county or regional planning commission shall adopt general 115
rules, of uniform application, governing plats and subdivisions of 116
land falling within its jurisdiction, to secure and provide for 117
the proper arrangement of streets or other highways in relation to 118
existing or planned streets or highways or to the county or 119
regional plan, for adequate and convenient open spaces for 120
traffic, utilities, access of firefighting apparatus, recreation, 121
light, and air, and for the avoidance of congestion of population. 122
The rules may provide for their modification by the ~~county or~~ 123
~~regional planning~~ commission in specific cases where unusual 124
topographical and other exceptional conditions require the 125
modification. The rules may require the county department of 126
health to review and comment on a plat before the ~~county or~~ 127
~~regional planning~~ commission acts upon it and also may ~~also~~ 128
require proof of compliance with any applicable zoning resolutions 129
as a basis for approval of a plat. 130

Before adoption of its rules or amendment of its rules, the 131
commission shall hold a public hearing ~~shall be held~~ on the 132
adoption or amendment ~~by the commission~~. Notice of the public 133
hearing shall be sent to all townships in the county or region by 134
regular mail or electronic mail at least thirty business days 135
before the hearing. No county or regional planning commission 136
shall adopt any rules requiring actual construction of streets or 137
other improvements or facilities or assurance of that construction 138
as a condition precedent to the approval of a plat of a 139
subdivision unless the requirements have first been adopted by the 140
board of county commissioners after a public hearing. A copy of 141
the rules shall be certified by the planning commission to the 142
county recorders of the appropriate counties. 143

After a county or regional street or highway plan has been 144
adopted as provided in this section, the approval of plats and 145
subdivisions provided for in this section shall be in lieu of any 146

approvals provided for in other sections of the Revised Code, ~~so~~ 147
~~far~~ insofar as the territory within the approving jurisdiction of 148
the county or regional planning commission, as provided in this 149
section, is concerned. Approval of a plat shall not be an 150
acceptance by the public of the dedication of any street, highway, 151
or other way or open space shown upon the plat. ~~Any~~ 152

A county or regional planning commission and a city or 153
village planning commission, or platting commissioner or 154
legislative authority of a village, with subdivision regulation 155
jurisdiction over unincorporated territory within the county or 156
region may cooperate and agree by written agreement that the 157
approval of a plat by the city or village planning commission, or 158
platting commissioner or legislative authority of a village, as 159
provided in section 711.09 of the Revised Code, shall be 160
conditioned upon receiving advice from or approval by the county 161
or regional planning commission. 162

(D) As used in this section, "business day" means a day of 163
the week excluding Saturday, Sunday, or a legal holiday as defined 164
in section 1.14 of the Revised Code. 165

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 166
of the Revised Code, a proposed division of a parcel of land along 167
an existing public street, not involving the opening, widening, or 168
extension of any street or road, ~~and involving no more than five~~ 169
~~lots after the original tract has been completely subdivided,~~ may 170
be submitted to the authority having approving jurisdiction of 171
plats under section 711.05, 711.09, or 711.10 of the Revised Code 172
for approval without plat. ~~¶~~ Unless the rules adopted under 173
section 711.05, 711.09, or 711.10 of the Revised Code are amended 174
pursuant to division (B) of this section, no more than five lots 175
may be approved under this division from an original tract during 176
any calendar year. 177

If the authority acting through a properly designated 178
representative is satisfied finds that the a proposed division is 179
not contrary to applicable platting, subdividing, zoning, health, 180
sanitary, or access management regulations or regulations adopted 181
under division (B)(3) of section 307.37 of the Revised Code 182
regarding existing surface or subsurface drainage, including, but 183
not limited to, rules governing household sewage disposal systems, 184
it shall within seven working days after submission approve the 185
proposed division within seven business days after its submission 186
and, on presentation of a conveyance of the parcel, shall stamp 187
the conveyance "approved by (planning authority); no plat 188
required" and have it signed by its clerk, secretary, or other 189
official as may be designated by it. The planning authority may 190
require the submission of a sketch and other information that is 191
pertinent to its determination under this section division. 192

(B) For a period of up to one year after the effective date 193
of this amendment, the rules adopted under section 711.05, 711.09, 194
or 711.10 of the Revised Code may be amended once within that 195
period to authorize the planning authority involved to approve 196
proposed divisions of parcels of land without plat under this 197
division. If an authority so amends its rules, it may approve no 198
more than five lots from an original tract as that original tract 199
exists on the effective date of the amendment to the rules. The 200
authority shall make the findings and approve a proposed division 201
in the time and manner specified in division (A) of this section, 202
but it shall not approve divisions on a calendar-year basis. 203

(C) As used in this section: 204

(1) "Household sewage disposal system" has the same meaning 205
as in section 3709.091 of the Revised Code. 206

(2) "Original tract" means a tract, lot, or parcel of real 207
estate as shown on the last preceding general tax list and 208

duplicate of real and public utility property prepared under 209
section 319.28 of the Revised Code. 210

(3) "Business day" means a day of the week excluding 211
Saturday, Sunday, or a legal holiday as defined in section 1.14 of 212
the Revised Code. 213

Sec. 713.21. (A) The planning commission of any municipal 214
corporation or group of municipal corporations, any board of 215
township trustees, and the board of county commissioners of any 216
county in which ~~such~~ the municipal corporation or group of 217
municipal corporations is located or of any adjoining county may 218
~~co-operate~~ cooperate in the creation of a regional planning 219
commission, for any region defined as agreed upon by the planning 220
commissions and boards, exclusive of any territory within the 221
limits of a municipal corporation not having a planning 222
commission. After creation of a regional planning commission, 223
school districts, special districts, authorities, and any other 224
units of local government may participate in the regional planning 225
commission, upon ~~such~~ terms ~~as may be~~ agreed upon by the planning 226
commissions and boards. ~~The~~ 227

The number of members of ~~such~~ a regional planning commission, 228
their method of appointment, and the proportion of the costs of 229
~~such~~ regional planning to be borne respectively by the various 230
municipal corporations, townships, and counties in the region and 231
by other participating units of local government shall be ~~such as~~ 232
~~is~~ determined by a majority of the planning commissions and 233
boards. Costs may include, but are not limited to, compensation 234
and actual and necessary expenses for appointive members of a 235
regional planning commission who are not also holding another 236
public office to which they were elected. Any member of a regional 237
planning commission may hold any other public office and may serve 238
as a member of a city, village, ~~and a~~ or county planning 239

commission, except as otherwise provided in the charter of any 240
city or village. ~~Such~~ 241

Boards of township trustees, boards of county commissioners, 242
and legislative authorities of ~~such~~ municipal corporations, and 243
the governing bodies of other participating units of local 244
government, may appropriate their respective shares of ~~such~~ the 245
costs of regional planning. ~~The~~ Those sums ~~so appropriated~~ shall 246
be paid into the treasury of the county in which the greater 247
portion of the population of the region is located, and shall be 248
paid out on the certificate of the regional planning commission 249
and the warrant of the county auditor of ~~such~~ that county for the 250
purposes authorized by sections 713.21 to 713.27, ~~inclusive,~~ of 251
the Revised Code. ~~The~~ 252

(B) The regional planning commission may accept, receive, and 253
expend funds, grants, and services from the federal government or 254
its agencies, ~~;~~ from departments, agencies, and instrumentalities 255
of this state or any adjoining state ~~or;~~ from one or more counties 256
of this state or any adjoining state ~~or;~~ from any municipal 257
corporation or political subdivision of this or any adjoining 258
state, including county, regional, and municipal planning 259
~~commission~~ commissions of this or any adjoining state, ~~;~~ or from 260
civic sources, ~~and.~~ The regional planning commission may contract 261
with respect ~~thereto~~ to those funds, grants, and services, either 262
separately, jointly, or cooperatively, and may provide ~~such~~ the 263
information and reports ~~as may be necessary~~ to secure ~~such~~ 264
~~financial aid~~ those funds, grants, and services. Within the 265
amounts ~~thus~~ agreed upon and appropriated or otherwise received, 266
the regional planning commission may employ necessary engineers, 267
accountants, consultants, and employees ~~as are necessary~~ and may 268
rent or lease ~~such~~ space, purchase, lease, and lease with option 269
to purchase ~~such~~ equipment, and make ~~such~~ other purchases ~~as~~ it 270
~~deems~~ considers necessary to its use. The regional planning 271

commission may purchase, lease with option to purchase, or receive 272
as a gift property and buildings within which it is housed and 273
carries out its responsibilities, provided that the rules of the 274
commission provide for the disposition of the property and 275
buildings ~~in the event that~~ if the commission is dissolved or 276
otherwise terminated. 277

(C) The regional planning commission may establish ~~such~~ 278
committees with ~~such~~ the powers ~~as~~ it finds necessary to carry on 279
its work, including an executive committee to make ~~such~~ final 280
determinations, decisions, findings, recommendations, and orders 281
as ~~the provided in the commission's rules of the regional planning~~ 282
~~commissions provide~~. All actions of ~~such~~ these committees shall be 283
reported in writing to the members of the regional planning 284
commission no later than ~~the~~ its next meeting ~~of the regional~~ 285
~~planning commission~~ or within thirty days from the date of the 286
action, whichever is earlier. The regional planning commission may 287
provide a procedure to ratify committee actions by a vote of the 288
members. ~~The~~ 289

(D) The regional planning commission may make agreements with 290
other ~~agencies,~~ public or private, agencies for the temporary 291
transfer or joint use of staff employees, and may contract for 292
professional or consultant services for or from other governmental 293
and private agencies and persons. 294

Sec. 713.22. (A) The board of county commissioners of any 295
county may, and on petition of the planning commissions of a 296
majority of the municipal corporations in the county having those 297
planning commissions shall, provide for the organization and 298
maintenance of a county planning commission. A county planning 299
commission shall consist of the members of the board of county 300
commissioners, or their alternates designated in accordance with 301
this division, and eight other members appointed by the board in 302

accordance with divisions (B)(1) to (4) of this section or their 303
alternates designated and approved in accordance with this 304
division. Any alternate designated under this division shall be a 305
resident of the county. 306

To designate an alternate for a member of the board of county 307
commissioners, the board member shall send a letter of appointment 308
to the alternate and deliver a copy of that letter to the clerk of 309
the board of county commissioners. At the next regular meeting of 310
the board, the clerk shall inform the board of the designation of 311
the alternate, and the board shall have the designation entered on 312
the journal. 313

To designate an alternate for any other member of the 314
planning commission, the member shall send a letter of appointment 315
to the clerk of the board of county commissioners designating an 316
individual to serve as that member's alternate. At the next 317
regular meeting of the board, the clerk shall inform the board of 318
the designation of the alternate, which designation the board may 319
either approve or disapprove. The board shall enter its decision 320
on the board's journal and, if the alternate is approved, 321
designate the name of the alternate on the journal. The clerk of 322
the board shall notify the commission member of the board's 323
action, and the commission member shall inform the alternate. 324

A designated alternate shall serve at the pleasure of the 325
member who makes the designation. Removal of an alternate shall be 326
made by a letter of removal, delivered and journalized by the same 327
method that the alternate was designated. 328

Once an alternate is designated for a member of the planning 329
commission, if that commission member is absent from a planning 330
commission meeting, the alternate has the right to vote and 331
participate in all proceedings and actions of the commission at 332
that meeting as if that alternate were the commission member. 333

(B)(1) Except as provided for counties with two or less 334
townships in division (B)(4) of this section, if the population of 335
the portion of any city located in the county exceeds fifty per 336
cent of the total population of the county, the board of county 337
commissioners shall select three of the appointive members from 338
persons nominated by the planning commission of that city. The 339
board shall appoint three members from the unincorporated 340
territory of the county from persons recommended by the townships 341
to the county, except that, if one or more of those townships in 342
the county is a limited home rule government township, then the 343
board shall appoint at least one of these three township 344
appointees from the persons recommended by a limited home rule 345
government township. The remaining two appointees shall be 346
selected at the discretion of the board and shall be residents of 347
the county, one residing in the unincorporated territory of the 348
county and representing townships and the other residing in the 349
incorporated territory of the county and representing municipal 350
corporations in the county. 351

(2) Except as provided for counties with two or less 352
townships in division (B)(4) of this section, if a county does not 353
contain the portion of any city with at least fifty per cent of 354
the total population of the county but contains one or more 355
limited home rule government townships, one of the appointees 356
shall be a resident of a limited home rule government township in 357
the county, selected at the discretion of the board of county 358
commissioners from persons recommended by a limited home rule 359
government township in the county. One appointee shall be a 360
resident of the municipal corporation with the largest population 361
contained within the portion of the municipal corporation located 362
in the county, selected at the discretion of the board of county 363
commissioners from persons recommended by that municipal 364
corporation. The remaining six appointees shall be residents of 365

the county, selected at the discretion of the board of county 366
commissioners. 367

(3) Except as provided for counties with two or less 368
townships in division (B)(4) of this section, if a county does not 369
contain the portion of any city with at least fifty per cent of 370
the total population of the county and does not contain a limited 371
home rule government township, the board of county commissioners 372
shall appoint eight residents of the county selected at the 373
discretion of the board. 374

(4) If a county contains two or less townships with 375
unincorporated territory, the board of county commissioners shall 376
appoint eight residents of the county selected at the discretion 377
of the board, except that, if the population of the portion of any 378
city located in the county exceeds fifty per cent of the total 379
population of the county, then at least three of the appointive 380
members shall be selected from persons nominated by the planning 381
commission of that city. 382

(C) Subject to division (F) of this section, the appointive 383
members of a county planning commission shall be appointed for 384
terms of three years, except that, of the eight members first 385
appointed, three shall be appointed for terms of two years, and 386
two shall be appointed for a term of one year. The appointive 387
members shall serve without pay may be allowed their actual and 388
necessary expenses and the compensation that the board of county 389
commissioners determines to be appropriate. Any member of a county 390
planning commission may hold any other public office and may serve 391
as a member of a city, village, and regional planning commission, 392
except as otherwise provided in the charter of any city or 393
village. 394

(D) The compensation and expenses of the appointive members 395
of a county planning commission and the compensation of planning 396
commission employees shall be paid from appropriations made by the 397

board. 398

The county planning commission may employ engineers, 399
accountants, consultants, and employees as are necessary, and make 400
purchases as may be needed to the furtherance of its operation. 401

The county planning commission may accept, receive, and 402
expend funds, grants, and services from the federal government or 403
its agencies, from departments, agencies, and instrumentalities of 404
this state or any adjoining state, from one or more counties of 405
this state or any adjoining state, from any municipal corporation 406
or political subdivision of this or any adjoining state, including 407
a county, regional, and municipal planning commission of this or 408
any adjoining state, or from civic sources, may contract with 409
respect thereto, either separately, jointly, or cooperatively, and 410
may provide information and reports as may be necessary to secure 411
such financial aid. 412

(E) A county planning commission may adopt a policy under 413
which members of the board of county commissioners, as members of 414
that commission, or their designated alternates must abstain from 415
participating and voting on the commission's recommendation, 416
whenever a county planning commission is required by section 417
303.12 of the Revised Code to recommend the approval or denial of 418
a proposed amendment or approval of some modification of an 419
amendment to the county zoning resolution, or is required by 420
section 303.07 of the Revised Code to approve or disapprove, or 421
make suggestions about, a proposed county zoning resolution. The 422
policy may require that a quorum of the commission under those 423
circumstances be determined on the basis of an eight-member 424
commission instead of an eleven-member commission. 425

(F) If at any time a change occurs within a county so that 426
the population of a portion of a city within the county exceeds or 427
no longer exceeds fifty per cent of the total population of the 428
county or a township becomes a limited home rule government 429

township, thus creating a situation where the membership of a 430
county planning commission should be altered to comply with the 431
membership requirements of division (B) of this section, within 432
thirty days after the effective date of either of those types of 433
change, the board of county commissioners, in the board's 434
discretion, may make changes on the commission by resolution so 435
that its membership representation complies with division (B) of 436
this section. If the board does not adopt a resolution to so 437
change the commission's membership, the board shall phase in the 438
necessary changes in the commission's membership by waiting until 439
a member's term of office expires and appointing new members so as 440
to meet the representation requirements of division (B) of this 441
section as soon as possible without interfering with any member's 442
term of office. 443

Section 2. That existing sections 711.001, 711.10, 711.131, 444
713.21, and 713.22 of the Revised Code are hereby repealed. 445