

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Am. Sub. S. B. No. 18

Senator Coughlin

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A BILL

To amend sections 303.02, 303.161, 519.02, 519.171, 1
and 3735.27 and to enact section 3313.537 of the 2
Revised Code to change the composition of certain 3
metropolitan housing authorities, to alter the 4
purposes for and scope of county and township 5
zoning regulations, to permit counties and 6
townships to have landscaping and architectural 7
standards in their zoning codes in any zone, and 8
to allow students enrolled in a community school 9
sponsored by their school district to participate 10
in extracurricular activities at the school 11
district schools to which they otherwise would be 12
assigned. 13

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

Section 1. That sections 303.02, 303.161, 519.02, 519.171, 14
and 3735.27 be amended and section 3313.537 of the Revised Code be 15
enacted to read as follows: 16

Sec. 303.02. Except as otherwise provided in this section, in 17
the interest of the public health, and safety, ~~convenience,~~ 18
~~comfort, prosperity, or general welfare,~~ the board of county 19
commissioners may regulate by resolution, in accordance with a 20

comprehensive plan, ~~regulate by resolution~~ the location, height, 21
bulk, number of stories, and size of buildings and other 22
structures, including tents, cabins, and trailer coaches, 23
percentages of lot areas that may be occupied, set back building 24
lines, sizes of yards, courts, and other open spaces, the density 25
of population, the uses of buildings and other structures, 26
including tents, cabins, and trailer coaches, and the uses of land 27
for trade, industry, residence, recreation, or other purposes in 28
the unincorporated territory of the county. Except as otherwise 29
provided in this section, in the interest of the public 30
convenience, comfort, prosperity, or general welfare, the board, 31
by resolution, in accordance with a comprehensive plan, may 32
regulate the location of, set back lines for, and the uses of 33
buildings and other structures, including tents, cabins, and 34
trailer coaches, and the uses of land for trade, industry, 35
residence, recreation, or other purposes in the unincorporated 36
territory of the county, and may establish reasonable residential 37
landscaping standards and residential architectural standards, 38
excluding exterior building materials, for in the unincorporated 39
territory of the county and, for. Except as otherwise provided in 40
this section, in the interest of the public convenience, comfort, 41
prosperity, or general welfare, the board may regulate by 42
resolution, in accordance with a comprehensive plan, for 43
nonresidential property only, the height, bulk, number of stories, 44
and size of buildings and other structures, including tents, 45
cabins, and trailer coaches, percentages of lot areas that may be 46
occupied, sizes of yards, courts, and other open spaces, and the 47
density of population in the unincorporated territory of the 48
county. For all these purposes, the board may divide all or any 49
part of the unincorporated territory of the county into districts 50
or zones of such number, shape, and area as the board determines. 51
All such regulations shall be uniform for each class or kind of 52
building or other structure or use throughout any district or 53

zone, but the regulations in one district or zone may differ from 54
those in other districts or zones. 55

For any activities permitted and regulated under Chapter 56
1509., 1513., or 1514. of the Revised Code and any related 57
processing activities, the board of county commissioners may 58
regulate under the authority conferred by this section only in the 59
interest of public health or safety. 60

Sec. 303.161. The board of county commissioners may create an 61
architectural review board to enforce compliance with any zoning 62
standards it may adopt pertaining to landscaping or architectural 63
elements ~~in areas zoned for residential use~~. The board of county 64
commissioners shall adopt the standards and procedures for the 65
architectural review board to use in reviewing zoning permit 66
applications for compliance with those landscaping or 67
architectural standards. If the board of county commissioners does 68
not create an architectural review board, it may delegate this 69
enforcement authority to the zoning inspector or the zoning 70
commission. 71

An architectural review board shall consist of no more than 72
five residents of the county. At least one member shall be a 73
licensed architect or engineer. 74

Sec. 519.02. Except as otherwise provided in this section, in 75
the interest of the public health, and safety, ~~convenience,~~ 76
~~comfort, prosperity, or general welfare,~~ the board of township 77
trustees may regulate by resolution, in accordance with a 78
comprehensive plan, ~~regulate by resolution~~ the location, height, 79
bulk, number of stories, and size of buildings and other 80
structures, including tents, cabins, and trailer coaches, 81
percentages of lot areas that may be occupied, set back building 82
lines, sizes of yards, courts, and other open spaces, the density 83

of population, the uses of buildings and other structures, 84
including tents, cabins, and trailer coaches, and the uses of land 85
for trade, industry, residence, recreation, or other purposes in 86
the unincorporated territory of the township. Except as otherwise 87
provided in this section, in the interest of the public 88
convenience, comfort, prosperity, or general welfare, the board by 89
resolution, in accordance with a comprehensive plan, may regulate 90
the location of, set back lines for, and the uses of buildings and 91
other structures, including tents, cabins, and trailer coaches, 92
and the uses of land for trade, industry, residence, recreation, 93
or other purposes in the unincorporated territory of the township, 94
and may establish reasonable ~~residential~~ landscaping standards and 95
~~residential~~ architectural standards, excluding exterior building 96
materials, ~~for~~ in the unincorporated territory of the township; 97
and, ~~for~~. Except as otherwise provided in this section, in the 98
interest of the public convenience, comfort, prosperity, or 99
general welfare, the board may regulate by resolution, in 100
accordance with a comprehensive plan, for nonresidential property 101
only, the height, bulk, number of stories, and size of buildings 102
and other structures, including tents, cabins, and trailer 103
coaches, percentages of lot areas that may be occupied, sizes of 104
yards, courts, and other open spaces, and the density of 105
population in the unincorporated territory of the township. For 106
all these purposes, the board may divide all or any part of the 107
unincorporated territory of the township into districts or zones 108
of such number, shape, and area as the board determines. All such 109
regulations shall be uniform for each class or kind of building or 110
other structure or use throughout any district or zone, but the 111
regulations in one district or zone may differ from those in other 112
districts or zones. 113

For any activities permitted and regulated under Chapter 114
1509., 1513., or 1514. of the Revised Code and any related 115
processing activities, the board of township trustees may regulate 116

under the authority conferred by this section only in the interest
of public health or safety.

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Sec. 519.171. The board of township trustees may create an
architectural review board to enforce compliance with any zoning
standards it may adopt pertaining to landscaping or architectural
elements ~~in areas zoned for residential use~~. The board of township
trustees shall adopt the standards and procedures for the
architectural review board to use in reviewing zoning permit
applications for compliance with those landscaping or
architectural standards. If the board of township trustees does
not create an architectural review board, it may delegate this
enforcement authority to the zoning inspector or the zoning
commission.

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An architectural review board shall consist of no more than
five residents of the unincorporated territory of the township. At
least one member shall be a licensed architect or engineer; if a
licensed architect or engineer does not reside in the
unincorporated territory of the township, that member of the
architectural review board may be a resident of the county.

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Sec. 3313.537. (A) As used in this section, "extracurricular
activity" means a pupil activity program that a school or school
district operates and is not included in the school district's
graded course of study, including an interscholastic
extracurricular activity that a school or school district sponsors
or participates in and that has participants from more than one
school or school district.

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(B) A student in grades seven to twelve who is enrolled in a
community school established under Chapter 3314. of the Revised
Code that is sponsored by the city, local, or exempted village
school district in which the student is entitled to attend school

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pursuant to section 3313.64 or 3313.65 of the Revised Code shall 147
be afforded the opportunity to participate in any extracurricular 148
activities offered at the traditional public school that is 149
operated by the school district and to which the student otherwise 150
would be assigned. If more than one such school operated by the 151
school district serves the student's grade level, the student 152
shall be afforded the opportunity to participate in any 153
extracurricular activities offered at the school to which the 154
student would be assigned by the district superintendent pursuant 155
to section 3319.01 of the Revised Code. 156

(C) In order to participate in any extracurricular activity 157
under this section, the student shall fulfill the same academic, 158
nonacademic, and financial requirements as any other participant, 159
including the rules and policies adopted by the school district 160
under section 3313.535 of the Revised Code. The school district 161
board of education may require the student to enroll and 162
participate in no more than one academic course at the school 163
offering the extracurricular activity as a condition to 164
participating in the activity. In that case, the board shall admit 165
students seeking to enroll in an academic course to fulfill the 166
requirement as space allows after first enrolling students 167
assigned to that school. 168

(D) No school or school district shall impose fees for a 169
student to participate under this section that exceed any fees 170
charged to other students participating in the same 171
extracurricular activity. 172

(E) No school district, interscholastic conference, or 173
organization that regulates interscholastic conferences or events 174
shall require a student who is eligible to participate in 175
extracurricular activities under this section to meet eligibility 176
requirements that conflict with this section. 177

Sec. 3735.27. (A) Whenever the director of development has 178
determined that there is need for a housing authority in any 179
portion of any county that comprises two or more political 180
subdivisions or portions of two or more political subdivisions but 181
is less than all the territory within the county, a metropolitan 182
housing authority shall be declared to exist, and the territorial 183
limits of the authority shall be defined, by a letter from the 184
director. The director shall issue a determination from the 185
department of development declaring that there is need for a 186
housing authority within those territorial limits after finding 187
either of the following: 188

(1) Unsanitary or unsafe inhabited housing accommodations 189
exist in that area; 190

(2) There is a shortage of safe and sanitary housing 191
accommodations in that area available to persons who lack the 192
amount of income that is necessary, as determined by the director, 193
to enable them, without financial assistance, to live in decent, 194
safe, and sanitary dwellings without congestion. 195

In determining whether dwelling accommodations are unsafe or 196
unsanitary, the director may take into consideration the degree of 197
congestion, the percentage of land coverage, the light, air, 198
space, and access available to the inhabitants of the dwelling 199
accommodations, the size and arrangement of rooms, the sanitary 200
facilities, and the extent to which conditions exist in the 201
dwelling ~~accommodations~~ accommodations that endanger life or 202
property by fire or other causes. 203

The territorial limits of a metropolitan housing authority as 204
defined by the director under this division shall be fixed for the 205
authority upon proof of a letter from the director declaring the 206
need for the authority to function in those territorial limits. 207
Any such letter from the director, any certificate of 208

determination issued by the director, and any certificate of
appointment of members of the authority shall be admissible in
evidence in any suit, action, or proceeding.

A certified copy of the letter from the director declaring
the existence of a metropolitan housing authority and the
territorial limits of its district shall be immediately forwarded
to each appointing authority. A metropolitan housing authority
shall consist of members who are residents of the territory in
which they serve.

(B)(1) Except as otherwise provided in division (C), (D), or
(E) of this section, ~~one member~~ the members of a metropolitan
housing authority shall be appointed as follows:

(a)(i) In a district in a county in which a charter has been
adopted under Article X, Section 3 of the Ohio Constitution, and
in which the most populous city is not the city with the largest
ratio of housing units owned or managed by the authority to
population, one member shall be appointed by the probate court,
one member shall be appointed by the court of common pleas, one
member shall be appointed by the board of county commissioners,
and two members one member shall be appointed by the chief
executive officer of the city that has the largest ratio of
housing units owned or managed by the authority to population, and
two members shall be appointed by the chief executive officer of
the most populous city in the district, in accordance with the
last preceding federal census. At

(ii) If, in a district that appoints members pursuant to
division (B)(1)(a) of this section, the most populous city becomes
the city with the largest ratio of housing units owned or managed
by the authority to population, when the term of office of the
member who was appointed by the chief executive officer of the
city with the largest ratio expires, that member shall not be

reappointed, and the membership of the authority shall be as 240
described in division (B)(1)(b) of this section. 241

(b) In any district other than one described in division 242
(B)(1)(a) of this section, one member shall be appointed by the 243
probate court, one member shall be appointed by the court of 244
common pleas, one member shall be appointed by the board of county 245
commissioners, and two members shall be appointed by the chief 246
executive officer of the most populous city in the district. 247

(2) At the time of the initial appointment of the authority, 248
the member appointed by the probate court shall be appointed for a 249
period of four years, the member appointed by the court of common 250
pleas shall be appointed for three years, the member appointed by 251
the board of county commissioners shall be appointed for two 252
years, one member appointed by the chief executive officer of the 253
most populous city in the district shall be appointed for one 254
year, and the other member appointed by the chief executive 255
officer of the most populous city in the district shall be 256
appointed for five years. ~~Thereafter~~ 257

If appointments are made under division (B)(1)(a) of this 258
section, the member appointed by the chief executive officer of 259
the city in the district that is not the most populous city, but 260
that has the largest ratio of housing units owned or managed by 261
the authority to population, shall be appointed for five years. 262

After the initial appointments, all members of the authority 263
shall be appointed for five-year terms, and ~~vacancies due to~~ 264
~~expired terms~~ any vacancy occurring upon the expiration of a term 265
shall be filled in the manner provided in the original 266
~~appointments~~ by the appointing authority that made the initial 267
appointment. 268

(3) For purposes of this division, population shall be 269
determined according to the last preceding federal census. 270

(C) For any metropolitan housing authority district that 271
contained, as of the 1990 federal census, a population of at least 272
one million, two members of the authority shall be appointed by 273
the legislative authority of the most populous city in the 274
district, two members shall be appointed by the chief executive 275
officer of the most populous city in the district, and one member 276
shall be appointed by the chief executive officer, with the 277
approval of the legislative authority, of the city in the district 278
that has the second highest number of housing units owned or 279
managed by the authority. 280

At the time of the initial appointment of the authority, one 281
member appointed by the legislative authority of the most populous 282
city in the district shall be appointed for three years, and one 283
such member shall be appointed for one year; the member appointed 284
by the chief executive officer of the city with the second highest 285
number of housing units owned or managed by the authority shall be 286
appointed, with the approval of the legislative authority, for 287
three years; and one member appointed by the chief executive 288
officer of the most populous city in the district shall be 289
appointed for three years, and one such member shall be appointed 290
for one year. Thereafter, all members of the authority shall be 291
appointed for three-year terms, and any vacancy shall be filled by 292
the same appointing power that made the initial appointment. At 293
the expiration of the term of any member appointed by the chief 294
executive officer of the most populous city in the district ~~prior~~ 295
~~to~~ before March 15, 1983, the chief executive officer of the most 296
populous city in the district shall fill the vacancy by 297
appointment for a three-year term. At the expiration of the term 298
of any member appointed by the board of county commissioners ~~prior~~ 299
~~to~~ before March 15, 1983, the chief executive officer of the city 300
in the district with the second highest number of housing units 301
owned or managed by the authority shall, with the approval of the 302

municipal legislative authority, fill the vacancy by appointment 303
for a three-year term. At the expiration of the term of any member 304
appointed ~~prior to~~ before March 15, 1983, by the court of common 305
pleas or the probate court, the legislative authority of the most 306
populous city in the district shall fill the vacancy by 307
appointment for a three-year term. 308

After March 15, 1983, at least one of the members appointed 309
by the chief executive officer of the most populous city shall be 310
a resident of a dwelling unit owned or managed by the authority. 311
At least one of the initial appointments by the chief executive 312
officer of the most populous city, after March 15, 1983, shall be 313
a resident of a dwelling unit owned or managed by the authority. 314
Thereafter, any member appointed by the chief executive officer of 315
the most populous city for the term established by this initial 316
appointment, or for any succeeding term, shall be a person who 317
resides in a dwelling unit owned or managed by the authority. If 318
there is an elected, representative body of all residents of the 319
authority, the chief executive officer of the most populous city 320
shall, whenever there is a vacancy in this resident term, provide 321
written notice of the vacancy to the representative body. If the 322
representative body submits to the chief executive officer of the 323
most populous city, in writing and within sixty days after the 324
date on which it was notified of the vacancy, the names of at 325
least five residents of the authority who are willing and 326
qualified to serve as a member, the chief executive officer of the 327
most populous city shall appoint to the resident term one of the 328
residents recommended by the representative body. At no time shall 329
residents constitute a majority of the members of the authority. 330

(D)(1) For any metropolitan housing authority district 331
located in a county that had, as of the 2000 federal census, a 332
population of at least four hundred thousand and no city with a 333
population greater than thirty per cent of the total population of 334

the county, one member of the authority shall be appointed by the
probate court, one member shall be appointed by the court of
common pleas, one member shall be appointed by the chief executive
officer of the most populous city in the district, and two members
shall be appointed by the board of county commissioners.

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(2) At the time of the initial appointment of a metropolitan
housing authority pursuant to this division, the member appointed
by the probate court shall be appointed for a period of four
years, the member appointed by the court of common pleas shall be
appointed for three years, the member appointed by the chief
executive officer of the most populous city shall be appointed for
two years, one member appointed by the board of county
commissioners shall be appointed for one year, and the other
member appointed by the board of county commissioners shall be
appointed for five years. Thereafter, all members of the authority
shall be appointed for five-year terms, with each term ending on
the same day of the same month as the term that it succeeds.
Vacancies shall be filled in the manner provided in the original
appointments. Any member appointed to fill a vacancy occurring
prior to the expiration of the term shall hold office as a member
for the remainder of that term.

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(E)(1) An additional two members shall be appointed to the
metropolitan housing authority in any district that has three
hundred or more assisted housing units and that does not have at
least one resident as a member of its authority. For the purposes
of this section, an "assisted unit" is a housing unit owned or
operated by the housing authority or a unit in which the occupants
receive tenant-based housing assistance through the federal
section 8 housing program, 24 C.F.R. Ch VIII, and, a "resident" is
a person who lives in an assisted housing unit.

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(2) The chief executive officer of the most populous city in
the district shall appoint an additional member who is a resident

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for an initial term of five years. The board of county
commissioners shall appoint the other additional member, who need
not be a resident, for an initial term of three years. After the
initial term, the terms of both members shall be five years, and
vacancies shall be filled in the manner provided ~~in the~~ for
original appointments. Any member appointed to fill a vacancy
occurring prior to the expiration of the term for which the
member's predecessor was appointed shall hold office as a member
for the remainder of that term.

(3) A member appointed as a resident member who no longer
qualifies as a resident shall be deemed unable to serve, and
another resident member shall be appointed to serve the unexpired
portion of that term.

(F) Public officials, other than the officers having the
appointing power under this section, shall be eligible to serve as
members, officers, or employees of a metropolitan housing
authority notwithstanding any statute, charter, or law to the
contrary. Not more than two such public officials shall be members
of the authority at any one time.

All members of an authority shall serve without compensation
but shall be entitled to be reimbursed for all necessary expenses
incurred.

After a metropolitan housing authority district is formed,
the director may enlarge the territory within the district to
include other political subdivisions, or portions of other
political subdivisions, but the territorial limits of the district
shall be less than that of the county.

(G)(1) Any vote taken by a metropolitan housing authority
shall require a majority affirmative vote to pass. A tie vote
shall constitute a defeat of any measure receiving equal numbers
of votes for and against it.

(2) The members of a metropolitan housing authority shall act 398
in the best interest of the district and shall not act solely as 399
representatives of their respective appointing authorities. 400

Section 2. That existing sections 303.02, 303.161, 519.02, 401
519.171, and 3735.27 of the Revised Code are hereby repealed. 402