

I_136_1211-13

136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 361

To amend sections 122.06, 303.02, 303.05, 303.12, 1
303.15, 519.02, 519.05, 519.12, 519.15, 711.09, 2
713.10, 713.12, 3781.10, 3791.04, and 5552.02; 3
to enact new sections 303.161 and 519.171 and 4
sections 713.021, 3781.181, 3781.182, 3781.183, 5
3791.043, and 5552.12; and to repeal sections 6
303.161 and 519.171 of the Revised Code to 7
specify the elements of a comprehensive plan, 8
and to make other changes regarding building 9
inspections, local regulations, and zoning. 10

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

Section 1. That sections 122.06, 303.02, 303.05, 303.12, 11
303.15, 519.02, 519.05, 519.12, 519.15, 711.09, 713.10, 713.12, 12
3781.10, 3791.04, and 5552.02 be amended and new sections 13
303.161 and 519.171 and sections 713.021, 3781.181, 3781.182, 14
3781.183, 3791.043, and 5552.12 of the Revised Code be enacted 15
to read as follows: 16

Sec. 122.06. The department of development shall: 17

(A) Assemble, analyze, and make available to governmental 18
agencies and the public, information relative to the human, 19



natural, and economic resources and economic needs of the state;	20
(B) Prepare and maintain, in cooperation with departments and agencies of the state, comprehensive plans and recommendations for promotion of more desirable patterns of growth and development of the resources of the state;	21 22 23 24
(C) Assist in the coordination of development plans of federal, state and local governments, regional and local planning authorities, and private agencies;	25 26 27
(D) Provide planning assistance to state departments and agencies, political subdivisions, county planning commissions, regional planning units, councils of government, and local governments of this state. Such planning assistance may be rendered with respect to surveys, land use studies, urban renewal plans, technical services and other planning work. In so doing, the department <u>may employ a certified planner and may</u> contract with municipal subdivisions, with regional planning commissions, and with qualified persons, firms, and agencies.	28 29 30 31 32 33 34 35 36
(E) Cooperate with federal agencies and authorities of other states in the solution of community and development problems which cross state lines;	37 38 39
(F) Recommend guidelines for the development and management of new communities;	40 41
(G) Prepare and maintain rules concerning certification of workable programs for impacted cities pursuant to division (C) of section 1728.01 of the Revised Code, provided that the department shall consult with officials of municipalities and representatives of statewide organizations of such officials prior to the preparation, adoption, or change of such rules.	42 43 44 45 46 47
Sec. 303.02. (A) Except as otherwise provided in this	48

~~section, in the interest of the public health and safety, the~~ 49
~~board of county commissioners may regulate by resolution, in~~ 50
~~accordance with a comprehensive plan, in the interest of the~~ 51
public health and safety, the board of county commissioners may 52
regulate by resolution, in accordance with a comprehensive plan, 53
the location, height, bulk, number of stories, and size of 54
buildings and other structures, including tents, cabins, and 55
trailer coaches, percentages of lot areas that may be occupied, 56
set back building lines, sizes of yards, courts, and other open 57
spaces, the density of population, the uses of buildings and 58
other structures, including tents, cabins, and trailer coaches, 59
and the uses of land for trade, industry, residence, recreation, 60
or other purposes in the unincorporated territory of the county. 61
~~Except as otherwise provided in this section, in the interest of~~ 62
~~the public convenience, comfort, prosperity, or general welfare,~~ 63
~~the board, by resolution, in accordance with a comprehensive~~ 64
~~plan, may regulate the location of, set back lines for, and the~~ 65
~~uses of buildings and other structures, including tents, cabins,~~ 66
~~and trailer coaches, and the uses of land for trade, industry,~~ 67
~~residence, recreation, or other purposes in the unincorporated~~ 68
~~territory of the county, and may establish reasonable~~ 69
~~landscaping standards and architectural standards excluding~~ 70
~~exterior building materials in the unincorporated territory of~~ 71
~~the county. Except as otherwise provided in this section, in the~~ 72
~~interest of the public convenience, comfort, prosperity, or~~ 73
~~general welfare, the board may regulate by resolution, in~~ 74
~~accordance with a comprehensive plan, for nonresidential~~ 75
~~property only, the height, bulk, number of stories, and size of~~ 76
~~buildings and other structures, including tents, cabins, and~~ 77
~~trailer coaches, percentages of lot areas that may be occupied,~~ 78
~~sizes of yards, courts, and other open spaces, and the density~~ 79
~~of population in the unincorporated territory of the~~ 80

county. Except as otherwise provided in this section, in the 81
interest of the public convenience, comfort, prosperity, or 82
general welfare, the board, by resolution, in accordance with a 83
comprehensive plan, may regulate the location of, set back lines 84
for, and the uses of buildings and other structures, including 85
tents, cabins, and trailer coaches, and the uses of land for 86
trade, industry, residence, recreation, or other purposes in the 87
unincorporated territory of the county, and may establish 88
reasonable landscaping standards and architectural standards 89
excluding exterior building materials in the unincorporated 90
territory of the county. Except as otherwise provided in this 91
section, in the interest of the public convenience, comfort, 92
prosperity, or general welfare, the board may regulate by 93
resolution, in accordance with a comprehensive plan, for 94
nonresidential property only, the height, bulk, number of 95
stories, and size of buildings and other structures, including 96
tents, cabins, and trailer coaches, percentages of lot areas 97
that may be occupied, sizes of yards, courts, and other open 98
spaces, and the density of population in the unincorporated 99
territory of the county. For all these purposes, the board may 100
divide all or any part of the unincorporated territory of the 101
county into districts or zones of such number, shape, and area 102
as the board determines. All such regulations shall be uniform 103
for each class or kind of building or other structure or use 104
throughout any district or zone, but the regulations in one 105
district or zone may differ from those in other districts or 106
zones. 107

(B) The board of county commissioners shall adopt the 108
comprehensive plan by resolution. The comprehensive plan shall 109
include at least all of the following: 110

(1) A future land use plan that includes a map dividing 111

all or any part of the unincorporated territory of the county 112
into districts or zones while recognizing existing and future 113
land uses anticipated to meet the needs of the community. 114

(2) A set of defined goals, policies, standards, and 115
values intended to guide existing and future physical, social, 116
and economic needs and resources, including goals, policies, 117
standards, and values to do the following: 118

(a) Promote fiscal responsibility. 119

(b) Foster coordination and efficiency among government 120
bodies within a community and collaboration with neighboring 121
jurisdictions. 122

(c) Reflect the values and insight of community members 123
through public input. 124

(d) Include technical analysis that represents the 125
community's existing conditions and future opportunities. 126

(e) Facilitate implementation of recommendations by 127
building capacity for and commitment to decision-making. 128

(3) Specific provisions governing or addressing the 129
following for the following purposes: 130

(a) Land use and character, to manage the distribution and 131
general location of various uses of land, and to promote a built 132
environment that supports a high quality of life. 133

(b) Community services, to support transportation, utility 134
needs, and emergency services. 135

(c) Housing, to meet the housing needs of present and 136
anticipated future residents. 137

(d) Economic development, to promote workforce development 138

and employment, the retention and expansion of existing 139
businesses, and recruitment of new businesses. 140

(e) Community resources, to protect natural, cultural, 141
agricultural, open space, and other community resources. 142

(C) The board of county commissioners, county rural zoning 143
commission, and board of zoning appeals shall enact and enforce 144
zoning regulations in accordance with the comprehensive plan. 145

(D) For any activities permitted and regulated under 146
Chapter 1513. or 1514. of the Revised Code and any related 147
processing activities, the board of county commissioners may 148
regulate under the authority conferred by this section only in 149
the interest of public health or safety. A zoning resolution 150
authorized under this section shall provide for the activities 151
that are permitted and regulated under Chapter 1514. of the 152
Revised Code, and any related processing activities, as either a 153
permitted use or a conditional use through the board of zoning 154
appeals in any district or zone when such activities are to be 155
added to an existing permit issued under Chapter 1514. of the 156
Revised Code. 157

~~(B)~~ (E) A board of county commissioners that pursuant to 158
this chapter regulates adult entertainment establishments, as 159
defined in section 2907.39 of the Revised Code, may modify its 160
administrative zoning procedures with regard to adult 161
entertainment establishments as the board determines necessary 162
to ensure that the procedures comply with all applicable 163
constitutional requirements. 164

Sec. 303.05. The county rural zoning commission shall 165
submit a plan, including both text and maps, representing the 166
recommendations of the zoning commission for the carrying out by 167

the board of county commissioners of the powers, purposes, and 168
provisions set forth in sections 303.01 to 303.99, ~~inclusive,~~ of 169
the Revised Code, including additions to territory in which a 170
county zoning plan is in effect. 171

The zoning commission may, within the limits of the moneys 172
appropriated by the board for the purpose, employ or contract 173
with such planning consultants and executive and other 174
assistants as it deems necessary except that where a county or 175
regional planning commission is established, the zoning 176
commission shall use the same planning consultants and executive 177
and other assistants as provided for such county or regional 178
planning commission if so ordered by the board. The zoning 179
commission shall organize, annually and adopt rules for the 180
transaction of its business, ~~and keep a record of its actions~~ 181
~~and determinations.~~ Meetings of the zoning commission shall be 182
held at the call of the chairperson and at such other times as 183
the zoning commission determines. The zoning commission shall 184
keep minutes of its proceedings showing the vote of each regular 185
or alternate member upon each question, or, if absent or failing 186
to vote, indicating such fact, and shall keep records of its 187
examinations, determinations, and other official actions. The 188
zoning commission shall immediately file all such records in the 189
office of the board of county commissioners. Such records are 190
public records under section 149.43 of the Revised Code. Members 191
of the zoning commission may be allowed their expenses, or such 192
compensation, or both, as the board may approve and provide. No 193
county commissioner shall be employed by the zoning commission 194
of ~~his~~ the county commissioner's county. 195

The zoning commission shall make use of such information 196
and counsel as is available from appropriate public officials, 197
departments, and agencies and such officials, departments, and 198

agencies having information, maps, and data pertinent to county rural zoning shall make them available for the use of the zoning commission. 199
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In any county where there is a county or regional planning commission, the zoning commission shall request such planning commission to prepare or make available to the zoning commission a zoning plan, including text and maps, for the unincorporated area of the county or any portion of the same. 202
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Sec. 303.12. (A) (1) Amendments to the zoning resolution may be initiated by motion of the county rural zoning commission, by the passage of a resolution by the board of county commissioners, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the county rural zoning commission. The board of county commissioners may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of county commissioners requires such a fee, it shall be required generally, for each application. The board of county commissioners, upon the passage of such a resolution, shall certify it to the county rural zoning commission. 207
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(2) Upon the adoption of a motion by the county rural zoning commission, the certification of a resolution by the board of county commissioners to the commission, or the filing of an application by property owners or lessees as described in division (A) (1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the 222
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date of adoption of such a motion, the date of the certification 229
of such a resolution, or the date of the filing of such an 230
application. Notice of the hearing shall be given by the 231
commission by one publication at least ten days before the date 232
of the hearing, using at least one of the following methods: 233

(a) In the print or digital edition of one or more 234
newspapers of general circulation in each township affected by 235
the proposed amendment; 236

(b) On the official public notice web site established 237
under section 125.182 of the Revised Code; 238

(c) On the web site and social media account of the 239
county. 240

(B) If the proposed amendment intends to rezone or 241
redistrict ten or fewer parcels of land, as listed on the county 242
auditor's current tax list, written notice of the hearing shall 243
be mailed by the county rural zoning commission, by first class 244
mail, at least ten days before the date of the public hearing to 245
all owners of property within and contiguous to and directly 246
across the street from the area proposed to be rezoned or 247
redistricted to the addresses of those owners appearing on the 248
county auditor's current tax list. The failure of delivery of 249
that notice shall not invalidate any such amendment. 250

(C) If the proposed amendment intends to rezone or 251
redistrict ten or fewer parcels of land as listed on the county 252
auditor's current tax list, the published and mailed notices 253
shall set forth the time, date, and place of the public hearing 254
and include all of the following: 255

(1) The name of the county rural zoning commission that 256
will be conducting the hearing; 257

(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	258 259
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;	260 261 262 263
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	264 265 266
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	267 268 269 270
(6) The name of the person responsible for giving notice of the public hearing by publication, by mail, or by both publication and mail;	271 272 273
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of county commissioners for its action;	274 275 276
(8) Any other information requested by the commission.	277
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	278 279 280 281 282
(1) The name of the county rural zoning commission that will be conducting the hearing on the proposed amendment;	283 284
(2) A statement indicating that the motion, application,	285

or resolution is an amendment to the zoning resolution;	286
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	287 288 289
(4) The name of the person responsible for giving notice of the hearing by publication;	290 291
(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of county commissioners for its action;	292 293 294
(6) Any other information requested by the commission.	295
Hearings shall be held in the county court house or in a public place designated by the commission.	296 297
(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the county rural zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission.	298 299 300 301 302 303 304 305
The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the county rural zoning commission. The recommendation shall be considered at the public hearing held by the county rural zoning commission on the proposed amendment.	306 307 308 309 310 311
<u>Within forty-five days after the date the hearing was first opened, or a later date the applicant agrees to in</u>	312 313

writing, the county rural zoning commission shall conclude and 314
adjourn the hearing. 315

The county rural zoning commission, within ~~thirty~~ twenty 316
days after the conclusion and adjournment of the hearing, shall 317
recommend the approval or denial of the proposed amendment, or 318
the approval of some modification of it, and shall submit that 319
recommendation together with the motion, application, or 320
resolution involved, the text and map pertaining to the proposed 321
amendment, and the recommendation of the county or regional 322
planning commission on it to the board of county commissioners. 323

The board of county commissioners, upon receipt of that 324
recommendation, shall set a time for a public hearing on the 325
proposed amendment, which date shall be not more than thirty 326
days from the date of the receipt of that recommendation. Notice 327
of the hearing shall be given by the board by one publication at 328
least ten days before the date of the hearing, using at least 329
one of the following methods: 330

(1) In the print or digital edition of one or more 331
newspapers of general circulation in the county; 332

(2) On the official public notice web site established 333
under section 125.182 of the Revised Code; 334

(3) On the web site and social media account of the 335
county. 336

(F) If the proposed amendment intends to rezone or 337
redistrict ten or fewer parcels of land as listed on the county 338
auditor's current tax list, the published notice shall set forth 339
the time, date, and place of the public hearing and include all 340
of the following: 341

(1) The name of the board of county commissioners that 342

will be conducting the hearing;	343
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	344 345
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	346 347 348 349
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	350 351 352
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	353 354 355 356
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	357 358 359
(7) Any other information requested by the board.	360
(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	361 362 363 364 365
(1) The name of the board of county commissioners that will be conducting the hearing on the proposed amendment;	366 367
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	368 369

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) Any other information requested by the board.

(H) Within forty-five days after the date the hearing was first opened, or a later date the applicant agrees to in writing, the board of county commissioners shall conclude and adjourn the hearing.

Within twenty days after ~~its~~ the conclusion and adjournment of the public hearing, the board of county commissioners shall either adopt or deny the recommendation of the county rural zoning commission or adopt some modification of it. Failure by the board to act timely constitutes an adoption, without modification, by the board. If the board denies or modifies the commission's recommendation, a majority vote of the board shall be required.

Except as provided in division (I) of this section, the proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of county commissioners a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than eight per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board to submit the amendment to the electors of

that area for approval or rejection at a special election to be 399
held on the day of the next primary or general election 400
occurring at least ninety days after the petition is submitted. 401
Each part of this petition shall contain the number and the full 402
and correct title, if any, of the zoning amendment resolution, 403
motion, or application, furnishing the name by which the 404
amendment is known and a brief summary of its contents. In 405
addition to meeting the requirements of this section, each 406
petition shall be governed by the rules specified in section 407
3501.38 of the Revised Code. 408

The form of a petition calling for a zoning referendum and 409
the statement of the circulator shall be substantially as 410
follows: 411

"PETITION FOR ZONING REFERENDUM 412

(if the proposal is identified by a particular name or number, 413
or both, these should be inserted here) _____ 414

A proposal to amend the zoning map of the unincorporated 415
area of _____ Township, _____ County, 416
Ohio, adopted _____ (date) _____ (followed by brief 417
summary of the proposal). 418

To the Board of County Commissioners of _____ 419
County, Ohio: 420

We, the undersigned, being electors residing in the 421
unincorporated area of _____ Township, included within 422
the _____ County Zoning Plan, equal to not less than 423
eight per cent of the total vote cast for all candidates for 424
governor in the area at the preceding general election at which 425
a governor was elected, request the Board of County 426
Commissioners to submit this amendment of the zoning resolution 427

to the electors of _____ Township residing within the 428
unincorporated area of the township included in the 429
_____ County Zoning Resolution, for approval or 430
rejection at a special election to be held on the day of the 431
next primary or general election to be held on 432
_____ (date) _____, pursuant to section 303.12 of the Revised 433
Code. 434

Street Address Date of 435
Signature or R.F.D. Township Precinct County Signing 436

_____ 437
_____ 438

STATEMENT OF CIRCULATOR 439

I, _____ (name of circulator) _____, 440
declare under penalty of election falsification that I am an 441
elector of the state of Ohio and reside at the address appearing 442
below my signature; that I am the circulator of the foregoing 443
part petition containing _____ (number) _____ signatures; that I 444
have witnessed the affixing of every signature; that all signers 445
were to the best of my knowledge and belief qualified to sign; 446
and that every signature is to the best of my knowledge and 447
belief the signature of the person whose signature it purports 448
to be or of an attorney in fact acting pursuant to section 449
3501.382 of the Revised Code. 450

(Signature of circulator) 451
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(Address of circulator's 453
permanent residence in this 454
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state) 456

(City, village, or township, 458
and zip code) 459

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 460
FELONY OF THE FIFTH DEGREE." 461

No amendment for which such a referendum vote has been 462
requested shall be put into effect unless a majority of the vote 463
cast on the issue is in favor of the amendment. Upon 464
certification by the board of elections that the amendment has 465
been approved by the voters, it shall take immediate effect. 466

Within five working days after an amendment's effective 467
date, the board of county commissioners shall file the text and 468
maps of the amendment in the office of the county recorder and 469
with the regional or county planning commission, if one exists. 470

The failure to file any amendment, or any text and maps, 471
or duplicates of any of these documents, with the office of the 472
county recorder or the county or regional planning commission as 473
required by this section does not invalidate the amendment and 474
is not grounds for an appeal of any decision of the board of 475
zoning appeals. 476

(I) If a proposed amendment establishes or modifies 477
planned-unit development regulations, the following apply in 478
lieu of the contrary provisions of division (H) of this section: 479

(1) The petition shall be signed by a number of registered 480
electors residing in the territory where the planned-unit 481
development regulations apply or will apply equal to not less 482
than thirty-five per cent of the total vote cast for all 483

candidates for governor in that territory at the most recent 484
general election at which a governor was elected. 485

(2) The board of elections shall determine the sufficiency 486
and validity of the petition not later than thirty days after 487
the petition is certified to the board of elections by the board 488
of county commissioners. 489

(3) If the board of elections determines there is an 490
insufficient number of valid signatures, the board immediately 491
shall notify the person who presented the petition. The person 492
may submit additional signatures not later than ten days after 493
the notification. 494

Sec. 303.15. The county board of zoning appeals shall 495
organize annually and adopt rules in accordance with the zoning 496
resolution. Meetings of the board of zoning appeals shall be 497
held at the call of the chairperson, and at such other times as 498
the board determines. The chairperson, or in the chairperson's 499
absence the acting chairperson, may administer oaths, and the 500
board of zoning appeals may compel the attendance of witnesses. 501
All meetings of the board of zoning appeals shall be open to the 502
public. The board of zoning appeals shall keep minutes of its 503
proceedings showing the vote of each regular or alternate member 504
upon each question, or, if absent or failing to vote, indicating 505
such fact, and shall keep records of its examinations and other 506
official actions, all of which shall be immediately filed in the 507
office of the board of county commissioners and be a public 508
record. 509

Appeals to the board of zoning appeals may be taken by any 510
person aggrieved or by any officer of the county affected by any 511
decision of the administrative officer. Such appeal shall be 512
taken within twenty days after the decision by filing, with the 513

officer from whom the appeal is taken and with the board of 514
zoning appeals, a notice of appeal specifying the grounds. The 515
officer from whom the appeal is taken shall transmit to the 516
board of zoning appeals all the papers constituting the record 517
upon which the action appealed from was taken. 518

The board of zoning appeals shall fix a reasonable time 519
for the public hearing of the appeal, give at least ten days' 520
notice in writing to the parties in interest, and give notice of 521
such public hearing by one publication at least ten days before 522
the date of such hearing, using at least one of the following 523
methods: 524

(A) In the print or digital edition of a newspaper of 525
general circulation within the county; 526

(B) On the official public notice web site established 527
under section 125.182 of the Revised Code; 528

(C) On the web site and social media account of the 529
county. 530

Upon the hearing, any person may appear in person or by 531
attorney. 532

~~The boards~~ Within forty-five days after the date the 533
hearing was first opened, or a later date the person who filed 534
the appeal agrees to in writing, the board of zoning appeals 535
shall conclude and adjourn the hearing. The board shall decide 536
the appeal within a reasonable time after it is submitted twenty 537
days after the conclusion and adjournment of the hearing. 538

Sec. 303.161. The board of county commissioners may create 539
an architectural review board to enforce compliance with any 540
zoning standards it may adopt pertaining to landscaping or 541
architectural elements. The board of county commissioners shall 542

adopt the standards and procedures for the architectural review 543
board to use in reviewing zoning permit applications for 544
compliance with those landscaping or architectural standards. If 545
the board of county commissioners does not create an 546
architectural review board, it may delegate this enforcement 547
authority to the zoning inspector or the zoning commission. 548

An architectural review board shall consist of no more 549
than five residents of the county. At least one member shall be 550
a licensed architect or engineer. 551

Sec. 519.02. (A) Except as otherwise provided in this 552
section, ~~in the interest of the public health and safety, the~~ 553
~~board of township trustees may regulate by resolution, in~~ 554
~~accordance with a comprehensive plan,~~ in the interest of the 555
public health and safety, the board of township trustees may 556
regulate by resolution, in accordance with a comprehensive plan, 557
the location, height, bulk, number of stories, and size of 558
buildings and other structures, including tents, cabins, and 559
trailer coaches, percentages of lot areas that may be occupied, 560
set back building lines, sizes of yards, courts, and other open 561
spaces, the density of population, the uses of buildings and 562
other structures, including tents, cabins, and trailer coaches, 563
and the uses of land for trade, industry, residence, recreation, 564
or other purposes in the unincorporated territory of the 565
township. ~~Except as otherwise provided in this section, in the~~ 566
~~interest of the public convenience, comfort, prosperity, or~~ 567
~~general welfare, the board by resolution, in accordance with a~~ 568
~~comprehensive plan, may regulate the location of, set back lines~~ 569
~~for, and the uses of buildings and other structures, including~~ 570
~~tents, cabins, and trailer coaches, and the uses of land for~~ 571
~~trade, industry, residence, recreation, or other purposes in the~~ 572
~~unincorporated territory of the township, and may establish~~ 573

~~reasonable landscaping standards and architectural standards—~~ 574
~~excluding exterior building materials in the unincorporated—~~ 575
~~territory of the township. Except as otherwise provided in this—~~ 576
~~section, in the interest of the public convenience, comfort,—~~ 577
~~prosperity, or general welfare, the board may regulate by—~~ 578
~~resolution, in accordance with a comprehensive plan, for—~~ 579
~~nonresidential property only, the height, bulk, number of—~~ 580
~~stories, and size of buildings and other structures, including—~~ 581
~~tents, cabins, and trailer coaches, percentages of lot areas—~~ 582
~~that may be occupied, sizes of yards, courts, and other open—~~ 583
~~spaces, and the density of population in the unincorporated—~~ 584
~~territory of the township. Except as otherwise provided in this~~ 585
section, in the interest of the public convenience, comfort, 586
prosperity, or general welfare, the board by resolution, in 587
accordance with a comprehensive plan, may regulate the location 588
of, set back lines for, and the uses of buildings and other 589
structures, including tents, cabins, and trailer coaches, and 590
the uses of land for trade, industry, residence, recreation, or 591
other purposes in the unincorporated territory of the township, 592
and may establish reasonable landscaping standards and 593
architectural standards excluding exterior building materials in 594
the unincorporated territory of the township. Except as 595
otherwise provided in this section, in the interest of the 596
public convenience, comfort, prosperity, or general welfare, the 597
board may regulate by resolution, in accordance with a 598
comprehensive plan, for nonresidential property only, the 599
height, bulk, number of stories, and size of buildings and other 600
structures, including tents, cabins, and trailer coaches, 601
percentages of lot areas that may be occupied, sizes of yards, 602
courts, and other open spaces, and the density of population in 603
the unincorporated territory of the township. For all these 604
purposes, the board may divide all or any part of the 605

unincorporated territory of the township into districts or zones 606
of such number, shape, and area as the board determines. All 607
such regulations shall be uniform for each class or kind of 608
building or other structure or use throughout any district or 609
zone, but the regulations in one district or zone may differ 610
from those in other districts or zones. 611

For any activities permitted and regulated under Chapter 612
1513. or 1514. of the Revised Code and any related processing 613
activities, the board of township trustees may regulate under 614
the authority conferred by this section only in the interest of 615
public health or safety. A zoning resolution authorized under 616
this section shall provide for the activities that are permitted 617
and regulated under Chapter 1514. of the Revised Code, and any 618
related processing activities, as either a permitted use or a 619
conditional use through the board of zoning appeals in any 620
district or zone when such activities are to be added to an 621
existing permit issued under Chapter 1514. of the Revised Code. 622

(B) The board of township trustees shall adopt the 623
comprehensive plan by resolution. The comprehensive plan shall 624
include all of the following: 625

(1) A future land use plan that includes a map dividing 626
all or any part of the unincorporated territory of the township 627
into districts or zones while recognizing existing and future 628
land uses anticipated to meet the needs of the community. 629

(2) A set of defined goals, policies, standards, and 630
values intended to guide existing and future physical, social, 631
and economic needs and resources, including goals, policies, 632
standards, and values to do the following: 633

(a) Promote fiscal responsibility. 634

(b) Foster coordination and efficiency among government bodies within a community and collaboration with neighboring jurisdictions. 635
636
637

(c) Reflect the values and insight of community members through public input. 638
639

(d) Include technical analysis that represents the community's existing conditions and future opportunities. 640
641

(e) Facilitate implementation of recommendations by building capacity for and commitment to decision-making. 642
643

(3) Specific provisions governing or addressing the following for the following purposes: 644
645

(a) Land use and character, to manage the distribution and general location of various uses of land, and to promote a built environment that supports a high quality of life. 646
647
648

(b) Community services, to support transportation, utility needs, and emergency services. 649
650

(c) Housing, to meet the housing needs of present and anticipated future residents. 651
652

(d) Economic development, to promote workforce development and employment, the retention and expansion of existing businesses, and recruitment of new businesses. 653
654
655

(e) Community resources, to protect natural, cultural, agricultural, open space, and other community resources. 656
657

(C) The board of township trustees, township zoning commission, and board of zoning appeals shall enact and enforce zoning regulations in accordance with the comprehensive plan. 658
659
660

(D) A board of township trustees that pursuant to this 661

chapter regulates adult entertainment establishments, as defined 662
in section 2907.39 of the Revised Code, may modify its 663
administrative zoning procedures with regard to adult 664
entertainment establishments as the board determines necessary 665
to ensure that the procedures comply with all applicable 666
constitutional requirements. 667

Sec. 519.05. The township rural zoning commission shall 668
submit a plan, including both text and maps, representing the 669
recommendations of the zoning commission for the carrying out by 670
the board of township trustees of the powers, purposes, and 671
provisions set forth in sections 519.01 to 519.99, inclusive, of 672
the Revised Code, including additions to territory in which a 673
township zoning plan is in effect. 674

The zoning commission may, within the limits of the moneys 675
appropriated by the board for the purpose, employ or contract 676
with such planning consultants and executive and other 677
assistants as it deems necessary. The zoning commission shall 678
organize, annually and adopt rules for the transaction of its 679
business, ~~and keep a record of its actions and determinations.~~ 680
Meetings of the zoning commission shall be held at the call of 681
the chairperson and at such other times as the zoning commission 682
determines. The zoning commission shall keep minutes of its 683
proceedings showing the vote of each regular or alternate member 684
upon each question, or, if absent or failing to vote, indicating 685
such fact, and shall keep records of its examinations, 686
determinations, and other official actions. The zoning 687
commission shall immediately file all such records in the office 688
of the board of township trustees. Such records are public 689
records under section 149.43 of the Revised Code. Members of the 690
zoning commission may be allowed their expenses, or such 691
compensation, or both, as the board may approve and provide. No 692

township trustee shall be employed by the zoning commission of 693
~~his~~ the trustee's township. 694

The zoning commission shall make use of such information 695
and counsel as is available from appropriate public officials, 696
departments, and agencies and such officials, departments, and 697
agencies having information, maps, and data pertinent to 698
township zoning shall make them available for the use of the 699
zoning commission. 700

In any county where there is a county or regional planning 701
commission, the zoning commission may request such planning 702
commission to prepare or make available to the zoning commission 703
a zoning plan, including text and maps, for the unincorporated 704
area of the township or any portion of the same. 705

Sec. 519.12. (A) (1) Amendments to the zoning resolution 706
may be initiated by motion of the township zoning commission, by 707
the passage of a resolution by the board of township trustees, 708
or by the filing of an application by one or more of the owners 709
or lessees of property within the area proposed to be changed or 710
affected by the proposed amendment with the township zoning 711
commission. The board of township trustees may require that the 712
owner or lessee of property filing an application to amend the 713
zoning resolution pay a fee to defray the cost of advertising, 714
mailing, filing with the county recorder, and other expenses. If 715
the board of township trustees requires such a fee, it shall be 716
required generally, for each application. The board of township 717
trustees, upon the passage of such a resolution, shall certify 718
it to the township zoning commission. 719

(2) Upon the adoption of a motion by the township zoning 720
commission, the certification of a resolution by the board of 721
township trustees to the commission, or the filing of an 722

application by property owners or lessees as described in 723
division (A) (1) of this section with the commission, the 724
commission shall set a date for a public hearing, which date 725
shall not be less than twenty nor more than forty days from the 726
date of the certification of such a resolution, the date of 727
adoption of such a motion, or the date of the filing of such an 728
application. Notice of the hearing shall be given by the 729
commission by one publication at least ten days before the date 730
of the hearing using at least one of the following methods: 731

(a) In the print or digital edition of one or more 732
newspapers of general circulation in the township; 733

(b) On the official public notice web site established 734
under section 125.182 of the Revised Code; 735

(c) On the web site and social media account of the 736
township. 737

(B) If the proposed amendment intends to rezone or 738
redistrict ten or fewer parcels of land, as listed on the county 739
auditor's current tax list, written notice of the hearing shall 740
be mailed by the township zoning commission, by first class 741
mail, at least ten days before the date of the public hearing to 742
all owners of property within and contiguous to and directly 743
across the street from the area proposed to be rezoned or 744
redistricted to the addresses of those owners appearing on the 745
county auditor's current tax list. The failure of delivery of 746
that notice shall not invalidate any such amendment. 747

(C) If the proposed amendment intends to rezone or 748
redistrict ten or fewer parcels of land as listed on the county 749
auditor's current tax list, the published and mailed notices 750
shall set forth the time, date, and place of the public hearing 751

and include all of the following:	752
(1) The name of the township zoning commission that will be conducting the hearing;	753 754
(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;	755 756
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;	757 758 759 760
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;	761 762 763
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;	764 765 766 767
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	768 769 770
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	771 772 773
(8) Any other information requested by the commission.	774
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	775 776 777 778 779

- (1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment; 780
781
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 782
783
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing; 784
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786
- (4) The name of the person responsible for giving notice of the hearing by publication; 787
788
- (5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action; 789
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791
- (6) Any other information requested by the commission. 792
- (E) (1) (a) Except as provided in division (E) (1) (b) of this section, within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions. 793
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- The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment. 802
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(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E) (1) (a) of this section but may choose to comply with division (E) (1) (a) of this section.

~~(2)~~ (2) (a) Within forty-five days after the date the hearing was first opened, or a later date the applicant agrees to in writing, the township zoning commission shall conclude and adjourn the hearing.

(b) The township zoning commission, within ~~thirty~~ twenty days after the conclusion and adjournment of the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the

township. 837

(F) If the proposed amendment intends to rezone or 838
redistrict ten or fewer parcels of land as listed on the county 839
auditor's current tax list, the published notice shall set forth 840
the time, date, and place of the public hearing and include all 841
of the following: 842

(1) The name of the board of township trustees that will 843
be conducting the hearing; 844

(2) A statement indicating that the motion, application, 845
or resolution is an amendment to the zoning resolution; 846

(3) A list of the addresses of all properties to be 847
rezoned or redistricted by the proposed amendment and of the 848
names of owners of those properties, as they appear on the 849
county auditor's current tax list; 850

(4) The present zoning classification of property named in 851
the proposed amendment and the proposed zoning classification of 852
that property; 853

(5) The time and place where the motion, application, or 854
resolution proposing to amend the zoning resolution will be 855
available for examination for a period of at least ten days 856
prior to the hearing; 857

(6) The name of the person responsible for giving notice 858
of the hearing by publication, by mail, or by both publication 859
and mail; 860

(7) Any other information requested by the board. 861

(G) If the proposed amendment alters the text of the 862
zoning resolution, or rezones or redistricts more than ten 863
parcels of land as listed on the county auditor's current tax 864

list, the published notice shall set forth the time, date, and 865
place of the public hearing and include all of the following: 866

(1) The name of the board of township trustees that will 867
be conducting the hearing on the proposed amendment; 868

(2) A statement indicating that the motion, application, 869
or resolution is an amendment to the zoning resolution; 870

(3) The time and place where the text and maps of the 871
proposed amendment will be available for examination for a 872
period of at least ten days prior to the hearing; 873

(4) The name of the person responsible for giving notice 874
of the hearing by publication; 875

(5) Any other information requested by the board. 876

(H) Within forty-five days after the date the hearing was 877
first opened, or a later date the applicant agrees to in 878
writing, the board of township trustees shall conclude and 879
adjourn the hearing. 880

Within twenty days after ~~its~~ the conclusion and 881
adjournment of the public hearing, the board of township 882
trustees shall either adopt or deny the recommendations of the 883
township zoning commission or adopt some modification of them. 884
Failure by the board to act timely constitutes an adoption, 885
without modification, by the board. If the board denies or 886
modifies the commission's recommendations, a majority vote of 887
the board shall be required. 888

Except as provided in division (J) of this section, the 889
proposed amendment, if adopted by the board, shall become 890
effective in thirty days after the date of its adoption, unless, 891
within thirty days after the adoption, there is presented to the 892

board of township trustees a petition, signed by a number of 893
registered electors residing in the unincorporated area of the 894
township or part of that unincorporated area included in the 895
zoning plan equal to not less than thirty-five per cent of the 896
total vote cast for all candidates for governor in that area at 897
the most recent general election at which a governor was 898
elected, requesting the board of township trustees to submit the 899
amendment to the electors of that area for approval or rejection 900
at a special election to be held on the day of the next primary 901
or general election that occurs at least ninety days after the 902
petition is filed. Each part of this petition shall contain the 903
number and the full and correct title, if any, of the zoning 904
amendment resolution, motion, or application, furnishing the 905
name by which the amendment is known and a brief summary of its 906
contents. In addition to meeting the requirements of this 907
section, each petition shall be governed by the rules specified 908
in section 3501.38 of the Revised Code. 909

The form of a petition calling for a zoning referendum and 910
the statement of the circulator shall be substantially as 911
follows: 912

"PETITION FOR ZONING REFERENDUM 913

(if the proposal is identified by a particular name or 914
number, or both, these should be inserted here) 915
_____ 916

A proposal to amend the zoning map of the unincorporated 917
area of _____ Township, _____ County, Ohio, 918
adopted _____ (date) _____ (followed by brief summary of the 919
proposal). 920

To the Board of Township Trustees of _____ 921

Township, _____ County, Ohio: 922

We, the undersigned, being electors residing in the 923
unincorporated area of _____ Township, 924
included within the _____ Township Zoning Plan, equal to 925
not less than fifteen per cent of the total vote cast for all 926
candidates for governor in the area at the preceding general 927
election at which a governor was elected, request the Board of 928
Township Trustees to submit this amendment of the zoning 929
resolution to the electors of _____ Township 930
residing within the unincorporated area of the township included 931
in the _____ Township Zoning Resolution, for 932
approval or rejection at a special election to be held on the 933
day of the primary or general election to be held on 934
_____(date)_____, pursuant to section 519.12 of the Revised 935
Code. 936

Street Address	Date of	937
Signature or R.F.D.	Township Precinct County	Signing
_____		939
_____		940

STATEMENT OF CIRCULATOR 941

I, _____(name of circulator)_____, declare 942
under penalty of election falsification that I am an elector of 943
the state of Ohio and reside at the address appearing below my 944
signature; that I am the circulator of the foregoing part 945
petition containing _____(number)____ signatures; that I 946
have witnessed the affixing of every signature; that all signers 947
were to the best of my knowledge and belief qualified to sign; 948
and that every signature is to the best of my knowledge and 949
belief the signature of the person whose signature it purports 950

to be or of an attorney in fact acting pursuant to section 951
3501.382 of the Revised Code. 952

_____ 953

(Signature of circulator) 954

_____ 955

(Address of circulator's permanent 956

residence in this state) 957

_____ 958

(City, village, or township, 959

and zip code) 960

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 961
FELONY OF THE FIFTH DEGREE." 962

The petition shall be filed with the board of township 963
trustees and shall be accompanied by an appropriate map of the 964
area affected by the zoning proposal. Within two weeks after 965
receiving a petition filed under this section, the board of 966
township trustees shall certify the petition to the board of 967
elections. A petition filed under this section shall be 968
certified to the board of elections not less than ninety days 969
prior to the election at which the question is to be voted upon. 970

The board of elections shall determine the sufficiency and 971
validity of each petition certified to it by a board of township 972
trustees under this section. If the board of elections 973
determines that a petition is sufficient and valid, the question 974
shall be voted upon at a special election to be held on the day 975
of the next primary or general election that occurs at least 976
ninety days after the date the petition is filed with the board 977

of township trustees, regardless of whether any election will be 978
held to nominate or elect candidates on that day. 979

No amendment for which such a referendum vote has been 980
requested shall be put into effect unless a majority of the vote 981
cast on the issue is in favor of the amendment. Upon 982
certification by the board of elections that the amendment has 983
been approved by the voters, it shall take immediate effect. 984

(I) Within five working days after an amendment's 985
effective date, the board of township trustees shall file the 986
text and maps of the amendment in the office of the county 987
recorder and with the county or regional planning commission, if 988
one exists. 989

The failure to file any amendment, or any text and maps, 990
or duplicates of any of these documents, with the office of the 991
county recorder or the county or regional planning commission as 992
required by this section does not invalidate the amendment and 993
is not grounds for an appeal of any decision of the board of 994
zoning appeals. 995

(J) (1) Notwithstanding any contrary provision of the 996
Revised Code, a decision of the board of township trustees to 997
adopt a proposed amendment to the zoning text or map to rezone, 998
redistrict, or otherwise make an amendment related to, any 999
property involved in a megaproject as defined in section 122.17 1000
of the Revised Code shall take effect immediately upon adoption 1001
and is exempt from the referendum procedures in division (H) of 1002
this section. 1003

(2) If a proposed amendment establishes or modifies 1004
planned-unit development regulations, the following apply in 1005
lieu of the contrary provisions of division (H) of this section: 1006

(a) The board of elections shall determine the sufficiency 1007
and validity of the petition not later than thirty days after 1008
the petition is certified to the board of elections by the board 1009
of township trustees. 1010

(b) If the board of elections determines there is an 1011
insufficient number of valid signatures, the board immediately 1012
shall notify the person who presented the petition. The person 1013
may submit additional signatures not later than ten days after 1014
the notification. 1015

Sec. 519.15. The township board of zoning appeals shall 1016
organize annually and adopt rules in accordance with the zoning 1017
resolution. Meetings of the board of zoning appeals shall be 1018
held at the call of the chairperson, and at such other times as 1019
the board determines. The chairperson, or in the chairperson's 1020
absence the acting chairperson, may administer oaths, and the 1021
board of zoning appeals may compel the attendance of witnesses. 1022
All meetings of the board of zoning appeals shall be open to the 1023
public. The board of zoning appeals shall keep minutes of its 1024
proceedings showing the vote of each regular or alternate member 1025
upon each question, or, if absent or failing to vote, indicating 1026
such fact, and shall keep records of its examinations and other 1027
official actions, all of which shall be immediately filed in the 1028
office of the board of township trustees and be a public record. 1029

Appeals to the board of zoning appeals may be taken by any 1030
person aggrieved or by any officer of the township affected by 1031
any decision of the administrative officer. Such appeal shall be 1032
taken within twenty days after the decision by filing, with the 1033
officer from whom the appeal is taken and with the board of 1034
zoning appeals, a notice of appeal specifying the grounds. The 1035
officer from whom the appeal is taken shall transmit to the 1036

board of zoning appeals all the papers constituting the record 1037
upon which the action appealed from was taken. 1038

The board of zoning appeals shall fix a reasonable time 1039
for the public hearing of the appeal, give at least ten days' 1040
notice in writing to the parties in interest, publish notice of 1041
such public hearing at least ten days before the date of such 1042
hearing using at least one of the following methods: 1043

(A) In the print or digital edition of one or more 1044
newspapers of general circulation in the county; 1045

(B) On the official public notice web site established 1046
under section 125.182 of the Revised Code; 1047

(C) On the web site and social media account of the 1048
township. 1049

~~The board shall decide the appeal within a reasonable time 1050
after it is submitted. Upon the hearing, any person may appear 1051
in person or by attorney. 1052~~

Within forty-five days after the date the hearing was 1053
first opened, or a later date the person who filed the appeal 1054
agrees to in writing, the board shall conclude and adjourn the 1055
hearing. The board shall decide the appeal within twenty days 1056
after the conclusion and adjournment of the hearing. 1057

The board of township trustees may require a person making 1058
an appeal to pay a fee to defray the cost of advertising, 1059
mailing, and other expenses. 1060

Sec. 519.171. The board of township trustees may create an 1061
architectural review board to enforce compliance with any zoning 1062
standards it may adopt pertaining to landscaping or 1063
architectural elements. The board of township trustees shall 1064

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. 1065
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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. 1071
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Sec. 711.09. (A) (1) Except as otherwise provided in division (A) (2) of this section, when a city planning commission adopts a plan for the major streets or thoroughfares and for the parks and other open public grounds of a city or any part of it, or for the unincorporated territory within three miles of the corporate limits of a city or any part of it, then no plat of a subdivision of land within that city or territory shall be recorded until it has been approved by the city planning commission and that approval endorsed in writing on the plat. If the land lies within three miles of more than one city, then division (A) (1) of this section applies to the approval of the planning commission of the city whose boundary is nearest to the land. 1077
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(2) Division (A) (1) of this section does not apply to any unincorporated territory when all of the following conditions are met: 1090
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(a) The township in which the territory is located has a zoning resolution covering all the unincorporated territory in 1093
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the township. 1095

(b) The county in which the territory is located has a 1096
county or regional planning commission. 1097

(c) Subdivision regulations other than municipal 1098
subdivision regulations are in effect in the county in which the 1099
unincorporated territory is located. 1100

When all of these conditions are met, no plat of a 1101
subdivision of land in that unincorporated territory shall be 1102
recorded until it has been approved by the county or regional 1103
planning commission as provided in section 711.10 of the Revised 1104
Code. 1105

(B) (1) Except as otherwise provided in division (B) (2) of 1106
this section, when a village planning commission, a platting 1107
commissioner, or, if there is no commission or commissioner, the 1108
legislative authority of a village, adopts a plan for the major 1109
streets or thoroughfares and for the parks and other public 1110
grounds of a village or any part of it, then no plat of a 1111
subdivision of land within that village shall be recorded until 1112
it has been approved by the village commission, commissioner, or 1113
legislative authority and that approval endorsed in writing on 1114
the plat. If the county in which the village lies contains no 1115
cities, has no county subdivision regulations in effect, and the 1116
village commission, commissioner, or legislative authority 1117
adopts a plan for the major streets or thoroughfares and for the 1118
parks and other public grounds for the unincorporated territory 1119
within one and one-half miles of the corporate limits of the 1120
village or any part of it, then no plat of a subdivision of land 1121
shall be recorded until it has been approved by the village 1122
commission, commissioner, or legislative authority and that 1123
approval is endorsed in writing on the plat. If the land lies 1124

within one and one-half miles of more than one village, then 1125
division (B)(1) of this section applies to the approval of the 1126
commission, commissioner, or legislative authority of the 1127
village whose boundary is nearest to the land. 1128

(2) Division (B)(1) of this section does not apply to any 1129
unincorporated territory when both of the following conditions 1130
are met: 1131

(a) The township in which the territory is located has a 1132
zoning resolution covering all the unincorporated territory in 1133
the township. 1134

(b) The county in which the territory is located has a 1135
county or regional planning commission. 1136

When both of these conditions are met, no plat of a 1137
subdivision of land in that unincorporated territory shall be 1138
recorded until it has been approved by the county or regional 1139
planning commission as provided in section 711.10 of the Revised 1140
Code. 1141

(C) The approval of the planning commission, the platting 1142
commissioner, or the legislative authority of a village required 1143
by this section, or the refusal to approve, shall be endorsed on 1144
the plat within ~~thirty-ninety~~ days after the submission of the 1145
plat for approval or within such further time as the applying 1146
party may agree to; otherwise that plat is deemed approved, and 1147
the certificate of the planning commission, the platting 1148
commissioner, or the clerk of the legislative authority, as to 1149
the date of the submission of the plat for approval and the 1150
failure to take action on it within that time, shall be issued 1151
on demand and shall be sufficient in lieu of the written 1152
endorsement or other evidence of approval required by this 1153

section. The planning commission, platting commissioner, or 1154
legislative authority of a village shall not require a person 1155
submitting a plat to alter the plat or any part of it as a 1156
condition for approval, as long as the plat is in accordance 1157
with the general rules governing plats and subdivisions of land, 1158
adopted as provided in this section, in effect at the time the 1159
plat was submitted. The ground of refusal or approval of any 1160
plat submitted, including citation of or reference to the rule 1161
violated by the plat, shall be stated upon the record of the 1162
commission, commissioner, or legislative authority. Within sixty 1163
days after refusal, the person submitting any plat that the 1164
commission, commissioner, or legislative authority refuses to 1165
approve may file a petition in the court of common pleas of the 1166
proper county, in which the person shall be named plaintiff. The 1167
petition shall contain a copy of the plat sought to be recorded, 1168
a statement of the facts justifying the propriety and 1169
reasonableness of the proposed subdivision, and a prayer for an 1170
order directed to the recorder to record the plat and may 1171
include a statement of facts to support a claim that the rules 1172
of the planning authority under which it refused to approve the 1173
plat are unreasonable or unlawful. The planning authority 1174
refusing to approve the plat and the recorder of the county 1175
shall be joined as defendants and summons shall be issued upon 1176
those defendants as in civil actions. Within the rule day 1177
provided for a civil action, the planning authority may file an 1178
answer in which it may set forth a statement of the facts 1179
justifying its refusal to approve the plat, a copy of its rule 1180
under which it refused to approve the plat, and a statement of 1181
the facts supporting the reasonableness and lawfulness of that 1182
rule. The court shall hear the matter upon such evidence as is 1183
introduced by either party and the planning authority may 1184
introduce as a part of its case a complete transcript of any 1185

proceedings had before it. Any detail of the plat may be 1186
modified upon motion of the plaintiff before the cause is 1187
submitted to the court. If the court finds that the prayer for 1188
the recording of the plat or any modification of it as may be 1189
agreed to or proposed by the plaintiff, is supported by a 1190
preponderance of the evidence, it shall enter an order directed 1191
to the recorder to record the plat as originally submitted or as 1192
agreed to be modified. Otherwise, the petition shall be 1193
dismissed. The court shall return a separate finding upon the 1194
reasonableness and lawfulness of the refusal to approve the plat 1195
or upon the reasonableness and lawfulness of the rule under 1196
which the planning authority refused to approve the plat or 1197
both, as the case may require. The judgment or order of the 1198
court may be appealed by either party on questions of law as in 1199
other civil cases. 1200

The planning commission, platting commissioner, or 1201
legislative authority of a village may adopt general rules 1202
governing plats and subdivisions of land falling within its 1203
jurisdiction in order to secure and provide for the coordination 1204
of the streets within the subdivision with existing streets and 1205
roads or with the plan or plats of the municipal corporation, 1206
for the proper amount of open spaces for traffic, circulation, 1207
and utilities, and for the avoidance of future congestion of 1208
population detrimental to the public health or safety but shall 1209
not impose a greater minimum lot area than forty-eight hundred 1210
square feet. The rules may provide for their modification by the 1211
planning commission in specific cases where unusual 1212
topographical or other exceptional conditions require the 1213
modification. The rules may require the county department of 1214
health to review and comment on a plat before the planning 1215
commission, platting commissioner, or legislative authority of a 1216

village acts upon it and may also require proof of compliance 1217
with any applicable zoning resolutions as a basis for approval 1218
of a plat. 1219

However, no city or village planning commission shall 1220
adopt any rules requiring actual construction of streets or 1221
other improvements or facilities or assurance of that 1222
construction as a condition precedent to the approval of a plat 1223
of a subdivision unless the requirements have first been adopted 1224
by the legislative authority of the city or village after a 1225
public hearing. The rules shall be promulgated and published as 1226
provided by sections 731.17 to 731.42 of the Revised Code, and 1227
before adoption a public hearing shall be held on the adoption 1228
and a copy of the rules shall be certified by the commission, 1229
commissioner, or legislative authority to the county recorder of 1230
the county in which the municipal corporation is located. 1231

In the exercise of any power over or concerning the 1232
platting and subdivision of land or the recording of plats of 1233
subdivisions by a city, county, regional, or other planning 1234
commission pursuant to any other section of the Revised Code, 1235
the provisions of this section with respect to appeals from a 1236
decision of a planning commission apply to the decision of any 1237
such commission in the exercise of any power of that kind 1238
granted by any other section of the Revised Code in addition to 1239
any other remedy of appeal granted by the Revised Code. When a 1240
plan has been adopted as provided in this section, the approval 1241
of plats shall be in lieu of the approvals provided for by any 1242
other section of the Revised Code, so far as territory within 1243
the approving jurisdiction of the commission, commissioner, or 1244
legislative authority, as provided in this section, is 1245
concerned. Approval of a plat shall not be an acceptance by the 1246
public of the dedication of any street, highway, or other way or 1247

open space shown upon the plat. 1248

(D) This section does not apply to unincorporated 1249
territory in any county having five or more cities and having a 1250
regional planning commission or county planning commission not 1251
included within the geographic boundaries of a regional planning 1252
commission, where the regional or county planning commission has 1253
determined, by resolution, to exercise the authority granted 1254
under section 711.10 of the Revised Code for the unincorporated 1255
territory within three miles of cities within that county. 1256

Sec. 713.021. (A) The planning commission established 1257
under section 713.01 of the Revised Code may adopt by ordinance 1258
a comprehensive plan for all or any part of the municipal 1259
corporation. 1260

(B) A comprehensive plan adopted under this section shall 1261
include at least all of the following: 1262

(1) A set of defined goals, policies, standards, and 1263
values intended to guide existing and future physical, social, 1264
and economic needs and resources, including goals, policies, 1265
standards, and values to do the following: 1266

(a) Promote fiscal responsibility. 1267

(b) Foster coordination and efficiency among government 1268
bodies within a community and collaboration with neighboring 1269
jurisdictions. 1270

(c) Reflect the values and insight of community members 1271
through public input. 1272

(d) Include technical analysis that represents the 1273
community's existing conditions and future opportunities. 1274

(e) Facilitate implementation of recommendations by 1275

<u>building capacity for and commitment to decision-making.</u>	1276
<u>(2) Specific provisions governing or addressing the</u>	1277
<u>following for the following purposes:</u>	1278
<u>(a) Land use and character, to manage the distribution and</u>	1279
<u>general location of various uses of land, and to promote a built</u>	1280
<u>environment that supports a high quality of life.</u>	1281
<u>(b) Community services, to support transportation, utility</u>	1282
<u>needs, and emergency services.</u>	1283
<u>(c) Housing, to meet the housing needs of present and</u>	1284
<u>anticipated future residents.</u>	1285
<u>(d) Economic development, to promote workforce development</u>	1286
<u>and employment, the retention and expansion of existing</u>	1287
<u>businesses, and recruitment of new businesses.</u>	1288
<u>(e) Community resources, to protect natural, cultural,</u>	1289
<u>agricultural, open space, and other community resources.</u>	1290
<u>(C) The municipal corporation shall enact and enforce</u>	1291
<u>zoning regulations in accordance with the comprehensive plan.</u>	1292
Sec. 713.10. The districting or zoning of any municipal	1293
corporation or part thereof may be based upon any combination of	1294
two or more of the purposes described in sections 713.07 to	1295
713.09, inclusive, of the Revised Code. In the determination and	1296
establishment of such districts buildings and other structures	1297
may be classified on the basis of the nature or character of	1298
trade, industry, profession, or other activity conducted or to	1299
be conducted therein, the number of persons, families, or other	1300
group units to reside in or use them, the public, quasi-public,	1301
or private nature of the use thereof, or upon any other basis	1302
relevant to the promotion of the public safety, health, morals,	1303

convenience, prosperity, or welfare. 1304

The legislative authority of such municipal corporation 1305
may amend or change the number, shape, area, or regulations of 1306
or within any district, but no such amendment or change shall 1307
become effective unless the ordinance proposing it is first 1308
submitted to the planning commission, board, or officer for 1309
approval, disapproval, or suggestions and the commission, board, 1310
or officer is allowed a reasonable time, not less than thirty 1311
days and not more than sixty-five days, for consideration and 1312
report. 1313

Sec. 713.12. Before any ordinance, measure, regulation, or 1314
amendments thereto, authorized by sections 713.07 to 713.11, 1315
inclusive, of the Revised Code, may be passed the legislative 1316
authority of the municipal corporation shall hold a public 1317
hearing thereon, and shall give at least thirty days' notice of 1318
the time and place thereof ~~in~~ using at least one of the 1319
following methods: 1320

(A) In the print or digital edition of a newspaper of 1321
general circulation in the municipal corporation; 1322

(B) On the official public notice web site established 1323
under section 125.182 of the Revised Code; 1324

(C) On the web site and social media account of the 1325
municipal corporation. ~~If~~ 1326

If the ordinance, measure, or regulation intends to re- 1327
zone or re-district ten or less parcels of land, as listed on 1328
the tax duplicate, written notice of the hearing shall be mailed 1329
by the clerk of the legislative authority, by first class mail, 1330
at least ~~twenty~~ ten days before the date of the public hearing 1331
to the owners of property within and contiguous to and directly 1332

across the street from such parcel or parcels, to the addresses 1333
of such owners appearing on the county auditor's current tax 1334
list or the treasurer's mailing list and to such other list or 1335
lists that may be specified by the legislative authority. The 1336
failure of delivery of such notice shall not invalidate any such 1337
ordinance, measure, or regulation. During such thirty days the 1338
text or copy of the text of such ordinance, measure, or 1339
regulation, together with the maps or plans, or copies thereof, 1340
forming part of or referred to in such ordinance, measure, or 1341
regulation and the maps, plans, and reports submitted by the 1342
planning commission, board, or officer shall be on file, for 1343
public examination, in the office of the clerk of the 1344
legislative authority or in such other office as is designated 1345
by the legislative authority. No such ordinance, measure, or 1346
regulation which violates, differs from, or departs from the 1347
plan or report submitted by the commission, board, or officer 1348
shall take effect unless passed or approved by not less than 1349
three fourths of the membership of the legislative authority. 1350
Within sixty-five days after the date the hearing was first 1351
opened, or a later date the applicant agrees to in writing, the 1352
legislative authority shall conclude and adjourn the hearing. No 1353
ordinance, measure, or regulation which is in accordance with 1354
the recommendations, plan, or report submitted by the 1355
commission, board, or officer shall be deemed to pass or take 1356
effect without the concurrence of at least a majority of the 1357
members elected to the legislative authority. 1358

Sec. 3781.10. (A) (1) The board of building standards shall 1359
formulate and adopt rules governing the erection, construction, 1360
repair, alteration, and maintenance of all buildings or classes 1361
of buildings specified in section 3781.06 of the Revised Code, 1362
including land area incidental to those buildings, the 1363

construction of industrialized units, the installation of 1364
equipment, and the standards or requirements for materials used 1365
in connection with those buildings. The board shall incorporate 1366
those rules into separate residential and nonresidential 1367
building codes. The standards shall relate to the conservation 1368
of energy and the safety and sanitation of those buildings. 1369

(2) (a) The rules governing nonresidential buildings are 1370
the lawful minimum requirements specified for those buildings 1371
and industrialized units, except that no rule other than as 1372
provided in division (C) of section 3781.108 of the Revised Code 1373
that specifies a higher requirement than is imposed by any 1374
section of the Revised Code is enforceable. 1375

(b) The rules governing residential buildings are uniform 1376
requirements in any area with a building department certified to 1377
enforce the state residential building code in accordance with 1378
division (E) of this section, for both of the following: 1379

(i) The erection and construction of new residential 1380
buildings; 1381

(ii) The repair and alteration of existing residential 1382
buildings. 1383

(c) In no case shall any local code or regulation differ 1384
from the state residential building code for either the erection 1385
and construction of new residential buildings or for the repair 1386
and alteration of existing residential buildings unless that 1387
code or regulation addresses subject matter not addressed by the 1388
state residential building code or is adopted pursuant to 1389
section 3781.01 of the Revised Code. 1390

(3) The rules adopted pursuant to this section are 1391
complete, lawful alternatives to any requirements specified for 1392

buildings or industrialized units in any section of the Revised 1393
Code. Except as otherwise provided in division (I) of this 1394
section, the board shall, on its own motion or on application 1395
made under sections 3781.12 and 3781.13 of the Revised Code, 1396
formulate, propose, adopt, modify, amend, or repeal the rules to 1397
the extent necessary or desirable to effectuate the purposes of 1398
sections 3781.06 to 3781.18 of the Revised Code. 1399

(B) The board shall report to the general assembly 1400
proposals for amendments to existing statutes relating to the 1401
purposes declared in section 3781.06 of the Revised Code that 1402
public health and safety and the development of the arts require 1403
and shall recommend any additional legislation to assist in 1404
carrying out fully, in statutory form, the purposes declared in 1405
that section. The board shall prepare and submit to the general 1406
assembly a summary report of the number, nature, and disposition 1407
of the petitions filed under sections 3781.13 and 3781.14 of the 1408
Revised Code. 1409

(C) On its own motion or on application made under 1410
sections 3781.12 and 3781.13 of the Revised Code, and after 1411
thorough testing and evaluation, the board shall determine by 1412
rule that any particular fixture, device, material, process of 1413
manufacture, manufactured unit or component, method of 1414
manufacture, system, or method of construction complies with 1415
performance standards adopted pursuant to section 3781.11 of the 1416
Revised Code. The board shall make its determination with regard 1417
to adaptability for safe and sanitary erection, use, or 1418
construction, to that described in any section of the Revised 1419
Code, wherever the use of a fixture, device, material, method of 1420
manufacture, system, or method of construction described in that 1421
section of the Revised Code is permitted by law. The board shall 1422
amend or annul any rule or issue an authorization for the use of 1423

a new material or manufactured unit on any like application. No 1424
department, officer, board, or commission of the state other 1425
than the board of building standards or the board of building 1426
appeals shall permit the use of any fixture, device, material, 1427
method of manufacture, newly designed product, system, or method 1428
of construction at variance with what is described in any rule 1429
the board of building standards adopts or issues or that is 1430
authorized by any section of the Revised Code. Nothing in this 1431
section shall be construed as requiring approval, by rule, of 1432
plans for an industrialized unit that conforms with the rules 1433
the board of building standards adopts pursuant to section 1434
3781.11 of the Revised Code. 1435

(D) The board shall recommend rules, codes, and standards 1436
to help carry out the purposes of section 3781.06 of the Revised 1437
Code and to help secure uniformity of state administrative 1438
rulings and local legislation and administrative action to the 1439
bureau of workers' compensation, the director of commerce, any 1440
other department, officer, board, or commission of the state, 1441
and to legislative authorities and building departments of 1442
counties, townships, and municipal corporations, and shall 1443
recommend that they audit those recommended rules, codes, and 1444
standards by any appropriate action that they are allowed 1445
pursuant to law or the constitution. 1446

(E) (1) The board shall certify municipal, township, and 1447
county building departments, the personnel of those building 1448
departments, persons described in division (E) (7) of this 1449
section, and employees of individuals, firms, the state, or 1450
corporations described in division (E) (7) of this section to 1451
exercise enforcement authority, to accept and approve plans and 1452
specifications, and to make inspections, pursuant to sections 1453
3781.03, 3791.04, and 4104.43 of the Revised Code. 1454

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code for the erection and construction of new residential buildings, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. A department certified to enforce the state residential building code for the erection and construction of new residential buildings may also enforce the state residential building code for the repair and alteration of existing residential buildings upon obtaining the appropriate certification from the board, in accordance with this section, for the department and its personnel. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or

entities the board recognizes are acceptable for purposes of 1486
this division. The rules shall specify requirements that are 1487
consistent with the provisions of section 5903.12 of the Revised 1488
Code relating to active duty military service and are 1489
compatible, to the extent possible, with requirements the 1490
council of American building officials and national model code 1491
organizations establish. 1492

(4) The board shall establish and collect a certification 1493
and renewal fee for building department personnel, and persons 1494
and employees of persons, firms, or corporations as described in 1495
this section, who are certified pursuant to this division. 1496

(5) Any individual certified pursuant to this division 1497
shall complete the number of hours of continuing building code 1498
education that the board requires or, for failure to do so, 1499
forfeit certification. 1500

(6) This division does not require or authorize the board 1501
to certify personnel of municipal, township, and county building 1502
departments, and persons and employees of persons, firms, or 1503
corporations as described in this section, whose 1504
responsibilities do not include the exercise of enforcement 1505
authority, the approval of plans and specifications, or making 1506
inspections under the state residential and nonresidential 1507
building codes. 1508

(7) Enforcement authority for approval of plans and 1509
specifications and enforcement authority for inspections may be 1510
exercised, and plans and specifications may be approved and 1511
inspections may be made on behalf of a municipal corporation, 1512
township, or county, by any of the following who the board of 1513
building standards certifies: 1514

- (a) Officers or employees of the municipal corporation, 1515
township, or county; 1516
- (b) Persons, or employees of persons, firms, or 1517
corporations, pursuant to a contract to furnish architectural, 1518
engineering, or other services to the municipal corporation, 1519
township, or county; 1520
- (c) Officers or employees of, and persons under contract 1521
with, a municipal corporation, township, county, health 1522
district, or other political subdivision, pursuant to a contract 1523
to furnish architectural, engineering, or other services; 1524
- (d) Officers or employees of the division of industrial 1525
compliance in the department of commerce pursuant to a contract 1526
authorized by division (B) of section 121.083 of the Revised 1527
Code. 1528
- (8) Municipal, township, and county building departments 1529
have jurisdiction within the meaning of sections 3781.03, 1530
3791.04, and 4104.43 of the Revised Code, only with respect to 1531
the types of buildings and subject matters for which they are 1532
certified under this section. 1533
- (9) A certified municipal, township, or county building 1534
department may exercise enforcement authority, accept and 1535
approve plans and specifications, and make inspections pursuant 1536
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 1537
for a park district created pursuant to Chapter 1545. of the 1538
Revised Code upon the approval, by resolution, of the board of 1539
park commissioners of the park district requesting the 1540
department to exercise that authority and conduct those 1541
activities, as applicable. 1542
- (10) Certification shall be granted upon application by 1543

the municipal corporation, the board of township trustees, or 1544
the board of county commissioners and approval of that 1545
application by the board of building standards. The application 1546
shall set forth: 1547

(a) Whether the certification is requested for residential 1548
or nonresidential buildings, or both; 1549

(b) If the certification is requested for residential 1550
buildings, whether the requested certification is for only the 1551
erection and construction of new residential buildings or also 1552
the repair and alteration of existing residential buildings; 1553

(c) The number and qualifications of the staff composing 1554
the building department; 1555

(d) The names, addresses, and qualifications of persons, 1556
firms, or corporations contracting to furnish work or services 1557
pursuant to division (E) (7) (b) of this section; 1558

(e) The names of any other municipal corporation, 1559
township, county, health district, or political subdivision 1560
under contract to furnish work or services pursuant to division 1561
(E) (7) of this section; 1562

(f) The proposed budget for the operation of the building 1563
department; 1564

(g) Whether the building department intends to accept 1565
plans examination and inspection reports from a third-party 1566
examiner or inspector in accordance with rules adopted by the 1567
board of building standards pursuant to division (E) (15) of this 1568
section. 1569

(11) The board of building standards shall adopt rules 1570
governing all of the following: 1571

(a) The certification of building department personnel and 1572
persons and employees of persons, firms, or corporations 1573
exercising authority pursuant to division (E) (7) of this 1574
section. The rules shall disqualify any employee of the 1575
department or person who contracts for services with the 1576
department or the general contractor, owner, or applicant under 1577
section 3781.181 of the Revised Code, from performing services 1578
for the department or the general contractor, owner, or 1579
applicant when that employee or person would have to pass upon, 1580
inspect, or otherwise exercise authority over any labor, 1581
material, or equipment the employee or person furnishes for the 1582
construction, alteration, or maintenance of a building or the 1583
preparation of working drawings or specifications for work 1584
within the jurisdictional area of the department. ~~The~~ Except in 1585
the case of a contract authorized by the rules adopted in 1586
accordance with section 3781.181 of the Revised Code, the 1587
department shall provide other similarly qualified personnel to 1588
enforce the residential and nonresidential building codes as 1589
they pertain to that work. 1590

(b) The minimum services to be provided by a certified 1591
building department. 1592

(12) The board of building standards may revoke or suspend 1593
certification to enforce the residential and nonresidential 1594
building codes, on petition to the board by any person affected 1595
by that enforcement or approval of plans, or by the board on its 1596
own motion. Hearings shall be held and appeals permitted on any 1597
proceedings for certification or revocation or suspension of 1598
certification in the same manner as provided in section 3781.101 1599
of the Revised Code for other proceedings of the board of 1600
building standards. 1601

(13) Upon certification, and until that authority is 1602
revoked, any county or township building department shall 1603
enforce the residential and nonresidential building codes for 1604
which it is certified without regard to limitation upon the 1605
authority of boards of county commissioners under Chapter 307. 1606
of the Revised Code or boards of township trustees under Chapter 1607
505. of the Revised Code. 1608

(14) The board shall certify a person to exercise 1609
enforcement authority, to accept and approve plans and 1610
specifications, or to make inspections in this state in 1611
accordance with Chapter 4796. of the Revised Code if either of 1612
the following applies: 1613

(a) The person holds a license or certificate in another 1614
state. 1615

(b) The person has satisfactory work experience, a 1616
government certification, or a private certification as 1617
described in that chapter in the same profession, occupation, or 1618
occupational activity as the profession, occupation, or 1619
occupational activity for which the certificate is required in 1620
this state in a state that does not issue that license or 1621
certificate. 1622

(15) (a) In addition to the personnel and persons certified 1623
by the board of building standards pursuant to this section to 1624
enforce the state residential building code and nonresidential 1625
building code, the board ~~may shall~~ adopt rules ~~authorizing~~ 1626
requiring certified municipal, township, and county building 1627
departments to accept plans examination and inspection reports 1628
from a third-party examiner or inspector in accordance with 1629
sections 3781.181 and 3791.043 of the Revised Code. 1630

(b) The rules may require the third-party examiner or 1631
inspector be certified pursuant to sections 3781.10 and 3783.03 1632
of the Revised Code and authorized to conduct such plans 1633
examination or inspection elsewhere in this state or to 1634
demonstrate equivalent competency as specified and determined by 1635
the board of building standards. 1636

(c) Fees charged by a third-party examiner or inspector 1637
are in addition to any fees prescribed by the political 1638
subdivision pursuant to section 3781.102 of the Revised Code and 1639
are the responsibility of the building owner. 1640

(d) The issuance of certificates of plan approval under 1641
section 3791.04 of the Revised Code and certificates of 1642
occupancy or completion remains the exclusive authority of the 1643
certified personnel employed by or under contract with a 1644
certified municipal, township, and county building department 1645
and shall not be issued by a third-party examiner or inspector. 1646

(F) In addition to hearings sections 3781.06 to 3781.18 1647
and 3791.04 of the Revised Code require, the board of building 1648
standards shall make investigations and tests, and require from 1649
other state departments, officers, boards, and commissions 1650
information the board considers necessary or desirable to assist 1651
it in the discharge of any duty or the exercise of any power 1652
mentioned in this section or in sections 3781.06 to 3781.18, 1653
3791.04, and 4104.43 of the Revised Code. 1654

(G) The board shall adopt rules and establish reasonable 1655
fees for the review of all applications submitted where the 1656
applicant applies for authority to use a new material, assembly, 1657
or product of a manufacturing process. The fee shall bear some 1658
reasonable relationship to the cost of the review or testing of 1659
the materials, assembly, or products and for the notification of 1660

approval or disapproval as provided in section 3781.12 of the Revised Code. 1661
1662

(H) The residential construction advisory committee shall 1663
provide the board with a proposal for a state residential 1664
building code that the committee recommends pursuant to division 1665
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 1666
recommendation from the committee that is acceptable to the 1667
board, the board shall adopt rules establishing that code as the 1668
state residential building code. 1669

(I) (1) The committee may provide the board with proposed 1670
rules to update or amend the state residential building code 1671
that the committee recommends pursuant to division (E) of 1672
section 4740.14 of the Revised Code. 1673

(2) If the board receives a proposed rule to update or 1674
amend the state residential building code as provided in 1675
division (I) (1) of this section, the board either may accept or 1676
reject the proposed rule for incorporation into the residential 1677
building code. If the board does not act to either accept or 1678
reject the proposed rule within ninety days after receiving the 1679
proposed rule from the committee as described in division (I) (1) 1680
of this section, the proposed rule shall become part of the 1681
residential building code. 1682

(J) The board shall cooperate with the director of 1683
children and youth when the director promulgates rules pursuant 1684
to section 5104.05 of the Revised Code regarding safety and 1685
sanitation in type A family child care homes. 1686

(K) The board shall adopt rules to implement the 1687
requirements of section 3781.108 of the Revised Code. 1688

Sec. 3781.181. (A) As used in sections 3781.181 to 1689

<u>3781.183 of the Revised Code:</u>	1690
<u>(1) "Nonresidential building" and "residential building"</u>	1691
<u>have the same meanings as in section 3781.06 of the Revised</u>	1692
<u>Code.</u>	1693
<u>(2) "Owner" has the same meaning as in section 163.01 of</u>	1694
<u>the Revised Code.</u>	1695
<u>(3) "Third-party private inspector" means an inspector</u>	1696
<u>that is certified in accordance with rules adopted by the board</u>	1697
<u>of building standards to accept and approve plans and</u>	1698
<u>specifications, and to make inspections of residential or</u>	1699
<u>nonresidential building construction projects but who is not</u>	1700
<u>directly employed by the governmental entity having</u>	1701
<u>jurisdiction.</u>	1702
<u>(B) The rules adopted by the board of building standards</u>	1703
<u>under section 3781.10 of the Revised Code shall do all of the</u>	1704
<u>following:</u>	1705
<u>(1) Establish procedures for a building department having</u>	1706
<u>jurisdiction with respect to a residential or nonresidential</u>	1707
<u>building to timely review plans as determined by the board of</u>	1708
<u>building standards after receiving a plan review;</u>	1709
<u>(2) Establish procedures for a building department having</u>	1710
<u>jurisdiction with respect to a residential or nonresidential</u>	1711
<u>building to perform timely inspections of residential or</u>	1712
<u>nonresidential building construction projects as determined by</u>	1713
<u>the board of building standards after receiving an inspection</u>	1714
<u>request;</u>	1715
<u>(3) Provide a process through which a general contractor,</u>	1716
<u>owner of the residential or nonresidential building construction</u>	1717
<u>project, or applicant for the plan review or inspection may</u>	1718

contract with a third-party private inspector or a building 1719
department for an independent plan review or inspection when the 1720
building department having jurisdiction does not timely conduct 1721
the plan review or inspection in accordance with the rules 1722
adopted under division (B) (1) or (2) of this section; 1723

(4) Prescribe procedures for the submission of the results 1724
of a plan review or inspection to the building department having 1725
jurisdiction; 1726

(5) Establish procedures and deadlines for the payment of 1727
fees in connection with a contract governed by rules adopted 1728
under division (B) (3) of this section or charged by the building 1729
department having jurisdiction that are customary for the 1730
approval of a plan review or inspection; 1731

(6) Regulate deadlines that require a general contractor, 1732
owner, or applicant to obtain a building permit after a third- 1733
party private inspector or an inspector employed by a certified 1734
building department approves plans submitted in accordance with 1735
rules adopted by the board of building standards; 1736

(7) Prescribe procedures for the review and processing of 1737
plan review and inspection reports by the building official of 1738
the building department having jurisdiction. 1739

Sec. 3781.182. (A) Not later than one year after the 1740
effective date of this section, the board of building standards, 1741
in consultation with the department of commerce, shall create an 1742
electronic dashboard on an internet web site maintained by the 1743
board of building standards. The board shall ensure that the 1744
electronic dashboard is available at all times to the public, 1745
including by posting the dashboard electronically in the manner 1746
provided by this section. 1747

(B) (1) The electronic dashboard shall contain for each jurisdiction all of the following information for both certified building departments and third-party private inspectors: 1748
1749
1750

(a) The number of inspections performed within the jurisdiction; 1751
1752

(b) The average processing times for building permits; 1753

(c) The average processing times for plans examinations or plan reviews; 1754
1755

(d) The average processing times for inspection reports. 1756

(2) The average processing times for any data displayed under division (B) (1) of this section shall include both of the following: 1757
1758
1759

(a) The average number of actual hours spent processing permits, applications, plans examinations or plan reviews, or inspection reports, excluding periods when applicants are responding to requests; 1760
1761
1762
1763

(b) The average number of calendar days that elapse between submission and a final decision or inspection completion. 1764
1765
1766

(C) The electronic dashboard shall allow a user to organize and compare the data within all of the following categories: 1767
1768
1769

(1) Jurisdiction type; 1770

(2) Jurisdiction size; 1771

(3) Statewide. 1772

(D) The board of building standards shall update the data contained in the electronic dashboard not later than thirty days 1773
1774

after the end of each quarter. 1775

(E) The electronic dashboard shall be displayed in a 1776
prominent location on the home page of a publicly accessible 1777
internet web site operated by the board of building standards or 1778
be accessible by selecting a dedicated link that is prominently 1779
displayed on that home page. 1780

(F) The electronic dashboard shall be available free of 1781
charge. 1782

Sec. 3781.183. On a quarterly basis, every certified 1783
building department and third-party private inspector shall 1784
submit to the board of building standards a report including 1785
data regarding plan reviews and inspections. On or before the 1786
date on which the first quarter begins after the effective date 1787
of this section, the board of building standards shall adopt 1788
rules that do both of the following: 1789

(A) State the data which must be included in each report 1790
under this section; 1791

(B) Specify the form and manner in which a certified 1792
building department or third-party private inspector must submit 1793
the report. 1794

Sec. 3791.04. (A) (1) Before beginning the construction, 1795
erection, or manufacture of any building to which section 1796
3781.06 of the Revised Code applies, including all 1797
industrialized units, the owner of that building, in addition to 1798
any other submission required by law, shall submit plans or 1799
drawings, specifications, and data prepared for the 1800
construction, erection, equipment, alteration, or addition that 1801
indicate the portions that have been approved pursuant to 1802
section 3781.12 of the Revised Code and for which no further 1803

approval is required, to the municipal, township, or county 1804
building department having jurisdiction unless one of the 1805
following applies: 1806

(a) If no municipal, township, or county building 1807
department certified for nonresidential buildings pursuant to 1808
division (E) of section 3781.10 of the Revised Code has 1809
jurisdiction, the owner shall make the submissions described in 1810
division (A)(1) of this section to the superintendent of 1811
industrial compliance. 1812

(b) If no certified municipal, township, or county 1813
building department certified for residential buildings pursuant 1814
to division (E) of section 3781.10 of the Revised Code has 1815
jurisdiction, the owner is not required to make the submissions 1816
described in division (A)(1) of this section. 1817

(2)(a) The seal of an architect registered under Chapter 1818
4703. of the Revised Code or an engineer registered under 1819
Chapter 4733. of the Revised Code is required for any plans, 1820
drawings, specifications, or data submitted for approval, unless 1821
the plans, drawings, specifications, or data are permitted to be 1822
prepared by persons other than registered architects pursuant to 1823
division (C) or (D) of section 4703.18 of the Revised Code, or 1824
by persons other than registered engineers pursuant to division 1825
(C) or (D) of section 4733.18 of the Revised Code. 1826

(b) No seal is required for any plans, drawings, 1827
specifications, or data submitted for approval for any 1828
residential buildings, as defined in section 3781.06 of the 1829
Revised Code, or erected as industrialized one-, two-, or three- 1830
family units or structures within the meaning of "industrialized 1831
unit" as defined in section 3781.06 of the Revised Code. 1832

(c) No seal is required for approval of the installation 1833
of replacement equipment or systems that are similar in type or 1834
capacity to the equipment or systems being replaced. No seal is 1835
required for approval for any new construction, improvement, 1836
alteration, repair, painting, decorating, or other modification 1837
of any buildings or structures subject to sections 3781.06 to 1838
3781.18 and 3791.04 of the Revised Code if the proposed work 1839
does not involve technical design analysis, as defined by rule 1840
adopted by the board of building standards. 1841

(B) No owner shall proceed with the construction, 1842
erection, alteration, or equipment of any building until the 1843
plans or drawings, specifications, and data have been approved 1844
as this section requires, or the industrialized unit inspected 1845
at the point of origin, or as approved by section 3791.043 of 1846
the Revised Code. No plans or specifications shall be approved 1847
or inspection approval given unless the building represented 1848
would, if constructed, repaired, erected, or equipped, comply 1849
with Chapters 3781. and 3791. of the Revised Code and any rule 1850
made under those chapters. 1851

(C) The approval of plans or drawings and specifications 1852
or data pursuant to this section is invalid if construction, 1853
erection, alteration, or other work upon the building has not 1854
commenced within twelve months of the approval of the plans or 1855
drawings and specifications. One extension shall be granted for 1856
an additional twelve-month period if the owner requests at least 1857
ten days in advance of the expiration of the permit and upon 1858
payment of a fee not to exceed one hundred dollars. If in the 1859
course of construction, work is delayed or suspended for more 1860
than six months, the approval of plans or drawings and 1861
specifications or data is invalid. Two extensions shall be 1862
granted for six months each if the owner requests at least ten 1863

days in advance of the expiration of the permit and upon payment 1864
of a fee for each extension of not more than one hundred 1865
dollars. Before any work may continue on the construction, 1866
erection, alteration, or equipment of any building for which the 1867
approval is invalid, the owner of the building shall resubmit 1868
the plans or drawings and specifications for approval pursuant 1869
to this section. 1870

(D) Subject to section 3791.042 of the Revised Code, the 1871
board of building standards or the legislative authority of a 1872
municipal corporation, township, or county, by rule, may 1873
regulate the requirements for the submission of plans and 1874
specifications to the respective enforcing departments and for 1875
processing by those departments. The board of building standards 1876
or the legislative authority of a municipal corporation, 1877
township, or county may adopt rules to provide for the approval, 1878
subject to section 3791.042 of the Revised Code, by the 1879
department having jurisdiction of the plans for construction of 1880
a foundation or any other part of a building or structure before 1881
the complete plans and specifications for the entire building or 1882
structure are submitted. When any plans are approved by the 1883
department having jurisdiction, the structure and every 1884
particular represented by and disclosed in those plans shall, in 1885
the absence of fraud or a serious safety or sanitation hazard, 1886
be conclusively presumed to comply with Chapters 3781. and 3791. 1887
of the Revised Code and any rule issued pursuant to those 1888
chapters, if constructed, altered, or repaired in accordance 1889
with those plans and any rule in effect at the time of approval. 1890

(E) The approval of plans and specifications, including 1891
inspection of industrialized units, under this section is a 1892
"license" and the failure to approve plans or specifications as 1893
submitted or to inspect the unit at the point of origin within 1894

~~thirty days after the plans or specifications are filed or the~~ 1895
~~request to inspect the industrialized unit is made~~ the time 1896
determined in accordance with division (I) of section 3791.043 1897
of the Revised Code, the disapproval of plans and 1898
specifications, or the refusal to approve an industrialized unit 1899
following inspection at the point of origin is "an adjudication 1900
order denying the issuance of a license" requiring an 1901
"adjudication hearing" as provided by sections 119.07 to 119.13 1902
of the Revised Code and as modified by sections 3781.031 and 1903
3781.19 of the Revised Code. An adjudication order denying the 1904
issuance of a license shall specify the reasons for that denial. 1905

(F) The board of building standards shall not require the 1906
submission of site preparation plans or plot plans to the 1907
division of industrial compliance when industrialized units are 1908
used exclusively as one-, two-, or three-family dwellings. 1909

(G) Notwithstanding any procedures the board establishes, 1910
if the agency having jurisdiction objects to any portion of the 1911
plans or specifications, the owner or the owner's representative 1912
may request the agency to issue conditional approval to proceed 1913
with construction up to the point of the objection. Approval 1914
shall be issued only when the objection results from conflicting 1915
interpretations of the rules of the board of building standards 1916
rather than the application of specific technical requirements 1917
of the rules. Approval shall not be issued where the correction 1918
of the objection would cause extensive changes in the building 1919
design or construction. The giving of conditional approval is a 1920
"conditional license" to proceed with construction up to the 1921
point where the construction or materials objected to by the 1922
agency are to be incorporated into the building. No construction 1923
shall proceed beyond that point without the prior approval of 1924
the agency or another agency that conducts an adjudication 1925

hearing relative to the objection. The agency having 1926
jurisdiction shall specify its objections to the plans or 1927
specifications, which is an "adjudication order denying the 1928
issuance of a license" and may be appealed pursuant to sections 1929
119.07 to 119.13 of the Revised Code and as modified by sections 1930
3781.031 and 3781.19 of the Revised Code. 1931

(H) A certified municipal, township, or county building 1932
department having jurisdiction, or the superintendent, as 1933
appropriate, shall review any plans, drawings, specifications, 1934
or data described in this section that are submitted to it or to 1935
the superintendent. 1936

(I) No owner or persons having control as an officer, or 1937
as a member of a board or committee, or otherwise, of a building 1938
to which section 3781.06 of the Revised Code is applicable, and 1939
no architect, designer, engineer, builder, contractor, 1940
subcontractor, or any officer or employee of a municipal, 1941
township, or county building department shall violate this 1942
section. 1943

(J) Whoever violates this section shall be fined not more 1944
than five hundred dollars. 1945

Sec. 3791.043. (A) As used in this section: 1946

(1) "Application" means the application to the certified 1947
municipal, township, or county building department having 1948
jurisdiction, or the superintendent of industrial compliance, to 1949
review plans, drawings, specifications, or data described in 1950
section 3791.04 of the Revised Code, for inspections, and for 1951
certificates of completion. 1952

(2) "Architect" has the same meaning as in section 4703.20 1953
of the Revised Code. 1954

(3) "Reviewing authority" means the certified municipal, township, or county building department having jurisdiction, or the superintendent of industrial compliance. 1955
1956
1957

(4) "Engineer" means a person registered as a professional engineer under Chapter 4733. of the Revised Code. 1958
1959

(5) "Conflict of interest" includes having any financial interest in, or being employed by the applicant, other than as a plan reviewer or inspector under this section, or a business that has a financial interest in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of, or any involvement in the making of plans or specifications for, the project subject to plan review or inspection. 1960
1961
1962
1963
1964
1965
1966
1967

(B) Except as otherwise provided in division (C) of this section, to the extent practicable, a reviewing authority shall do both of the following: 1968
1969
1970

(1) Complete its review and make a determination on plans, drawings, specifications, or data described in section 3791.04 of the Revised Code, within a number of days after receipt of the application determined by the board of building standards in accordance with division (I) of this section; 1971
1972
1973
1974
1975

(2) Provide inspection services within a number of days after receipt of the application determined by the board of building standards in accordance with division (I) of this section. 1976
1977
1978
1979

(C) (1) Within a number of days after receiving an application determined by the board of building standards in accordance with division (I) of this section, the reviewing authority shall determine whether the application is complete 1980
1981
1982
1983

and provide written notice to the applicant of that 1984
determination. 1985

(2) If the reviewing authority determines that the 1986
application is complete, the notice shall include an indication 1987
as to whether the reviewing authority has the capacity to meet 1988
the deadlines prescribed by division (B) of this section. 1989

(3) If the reviewing authority determines that the 1990
application is not complete, the notice shall identify the 1991
specific items that are needed in order for the application to 1992
be complete. The date such notice is sent to the date the 1993
applicant submits a complete application do not count in 1994
determining compliance with the deadlines prescribed by division 1995
(B) of this section. In addition, the reviewing authority may 1996
extend those deadlines by a number of additional days determined 1997
by the board of building standards in accordance with division 1998
(I) of this section for the purpose of reviewing revisions to an 1999
application or any associated documents for completeness. 2000

(4) If the reviewing authority determines that the 2001
personnel employed or contracted by the reviewing authority are 2002
unable to meet the deadlines prescribed by division (B) of this 2003
section, the applicant may retain, at the applicant's own 2004
expense, an architect or engineer to perform the plan review or 2005
inspection within the architect's and engineer's scope of 2006
practice and in accordance with this section. If the applicant 2007
elects to retain an architect or an engineer, all of the 2008
following apply: 2009

(a) The applicant shall notify the reviewing authority. 2010

(b) The reviewing authority shall reduce the applicable 2011
fee by fifty per cent and, if the applicant has remitted the fee 2012

already, refund the excess to the applicant. 2013

(c) The applicant shall submit a copy of the architect's 2014
or engineer's plan review or inspection report to the reviewing 2015
authority within a number of days after its completion 2016
determined by the board of building standards in accordance with 2017
division (I) of this section. The plan review and report shall 2018
include the affidavit required under division (D) (2) of this 2019
section and any documents required by the reviewing authority to 2020
verify that the permit applicant has secured all other 2021
governmental approvals required by law. 2022

(5) If the reviewing authority states its intent to 2023
complete the required plan review or inspection services within 2024
the time prescribed by division (B) of this section, or within 2025
an extended period of time mutually agreed upon by the applicant 2026
and the reviewing authority, and the reviewing authority fails 2027
to complete such plan review or inspection services in that 2028
time, the reviewing authority shall issue the applicant a 2029
project initiation permit to allow the applicant to begin work 2030
on the project, provided that the initial phase of work is 2031
compliant with Chapters 3781. and 3791. of the Revised Code and 2032
any rule made under those chapters. The reviewing authority may 2033
do either or both of the following: 2034

(a) Limit the scope of a project initiation permit; 2035

(b) Limit the areas of the site to which the project 2036
initiation permit applies. 2037

(D) (1) An architect or an engineer performing a plan 2038
review under this section shall review the plans, drawings, 2039
specifications, or other data described in section 3791.04 of 2040
the Revised Code to determine compliance with Chapters 3781. and 2041

3791. of the Revised Code and all rules made under those 2042
chapters. Any plan review or inspection conducted by an 2043
architect or an engineer under this section shall be no less 2044
extensive than plan reviews or inspections conducted by the 2045
reviewing authority. 2046

(2) Upon reviewing the application or conducting the 2047
inspection, the architect or engineer shall prepare an affidavit 2048
certifying all of the following under oath in accordance with 2049
applicable professional standards of care: 2050

(a) The affiant is duly authorized to conduct a plan 2051
review or inspection pursuant to this section, holds the 2052
appropriate credentials set forth in this section, and does not 2053
have a conflict of interest with respect to the applicant. 2054

(b) Whether the plans or the subjects of the inspection 2055
comply with all applicable requirements of Chapters 3781. and 2056
3791. of the Revised Code and all applicable rules made under 2057
those chapters; 2058

(c) In the case of plans submitted for review, whether the 2059
plans conform with any plans previously approved for that 2060
project and do not alter such plans already approved for that 2061
project, except as set forth in the plans submitted for review 2062
pursuant to this section. 2063

(3) An architect or an engineer may perform any plan 2064
review or inspection required by a reviewing authority, 2065
including inspections for footings, foundations, concrete slabs, 2066
framing, electrical, plumbing, heating, ventilation and air 2067
conditioning, or any other inspection necessary or required to 2068
determine compliance with applicable requirements and for the 2069
issuance of a building permit by the reviewing authority 2070

provided that the plan review or inspection is within the scope 2071
of the architect's or engineer's area of competency. 2072

(4) If an architect or engineer conducts an inspection 2073
under this section, upon completion of the inspection, the 2074
architect or engineer shall submit a copy of the architect's or 2075
engineer's report to the reviewing authority. The reviewing 2076
authority shall accept the report without requiring further 2077
inspection by the inspectors or other personnel employed or 2078
contracted by the reviewing authority, unless the reviewing 2079
authority notifies the architect or engineer in writing, within 2080
a number of days after the submission of the report determined 2081
by the board of building standards in accordance with division 2082
(I) of this section, that it finds the report incomplete or the 2083
inspection inadequate. The written notice shall include a 2084
written description of the deficiencies and specific 2085
requirements that have not been adequately addressed. If the 2086
reviewing authority does not provide such written notice within 2087
the number of days after submission of the report determined by 2088
the board of building standards in accordance with division (I) 2089
of this section, the reviewing authority is deemed to have 2090
accepted all determinations of the architect or engineer in the 2091
report and, if merited by such determinations, the inspection 2092
shall be approved. 2093

(5) An applicant shall not retain an architect or engineer 2094
that has a conflict of interest with respect to the applicant to 2095
conduct a plan review or inspection under this section. An 2096
architect or engineer shall not conduct a plan review or 2097
inspection under this section for any applicant with respect to 2098
which the architect or engineer has a conflict of interest. 2099

(E) (1) Within a number of days after receiving both an 2100

application and a report from an architect or engineer under 2101
this section, as determined by the board of building standards 2102
in accordance with division (I) of this section, the reviewing 2103
authority shall either issue the requested permit or provide 2104
written notice to the applicant identifying the specific plan 2105
features that do not comply with Chapters 3781. and 3791. of the 2106
Revised Code or rules issued pursuant to those chapters, 2107
including citations to the applicable code sections or rules. If 2108
the reviewing authority does not provide a written notice of the 2109
plan deficiencies within the time required by this division, the 2110
application is deemed approved as a matter of law, and the 2111
reviewing authority shall issue the permit within a period 2112
determined by the board of building standards in accordance with 2113
division (I) of this section. 2114

(2) If the reviewing authority provides a written notice 2115
of plan deficiencies to the applicant, the date such notice is 2116
sent to the date the applicant responds to the notice do not 2117
count in determining compliance with the deadline prescribed by 2118
division (E) (1) of this section. The applicant may respond to 2119
the notice by submitting revisions to correct the deficiencies 2120
or additional information that demonstrates compliance with the 2121
applicable code sections or rules. 2122

(3) If the applicant submits revisions or additional 2123
information to address the plan deficiencies previously 2124
identified, the reviewing authority shall, within the remainder 2125
of the period prescribed by division (E) (1) of this section plus 2126
a number of additional days determined by the board of building 2127
standards in accordance with division (I) of this section, 2128
either issue the requested permit or provide a second written 2129
notice to the applicant stating which previously identified plan 2130
features remain noncompliant, including citations to the 2131

applicable code sections or rules. If the reviewing authority 2132
does not provide the second written notice within the time 2133
required by this division, the application is deemed approved as 2134
a matter of law, and the permit shall be issued by the reviewing 2135
authority within a period determined by the board of building 2136
standards in accordance with division (I) of this section. If 2137
the applicant revises the plan in a way that necessitates new 2138
approvals from the reviewing authority, the applicant shall 2139
obtain such approvals before submitting a revised application. 2140

(4) If the reviewing authority provides a second written 2141
notice of plan deficiencies to the applicant within the time 2142
required by division (E) (4) of this section, the applicant may 2143
respond by submitting additional revisions to correct the 2144
deficiencies or additional information that demonstrates 2145
compliance with the applicable code sections or rules. For 2146
responses submitted after the first revision, the reviewing 2147
authority shall, within the remainder of the period prescribed 2148
by division (E) (1) of this section plus an additional number of 2149
days determined by the board of building standards in accordance 2150
with division (I) of this section, do one of the following: 2151

(a) Issue the requested permit; 2152

(b) Provide written notice to the applicant stating which 2153
of the previously identified plan features remain noncompliant, 2154
including citations to the specific code sections or rules that 2155
apply; 2156

(c) Deny the application. 2157

(F) The applicant may initiate an expedited appeal under 2158
section 3781.21 of the Revised Code if any of the following 2159
apply: 2160

(1) The reviewing authority issues a third written notice 2161
to the permit applicant as provided in division (E) of this 2162
section. 2163

(2) The reviewing authority denies the application. 2164

(3) The reviewing authority notifies the architect or 2165
engineer submitting an inspection report that it finds the 2166
report incomplete or the inspection inadequate. 2167

(G) Upon issuance of applicable permits under this 2168
section, the reviewing authority is discharged and released from 2169
any liabilities, duties, and responsibilities imposed by this 2170
section, or in common law, from any claim arising out of, or 2171
attributed to, plans reviewed under this section. 2172

(H) Nothing in this section authorizes any private 2173
professional provider to issue a certificate of occupancy. 2174

(I) The rules adopted by the board of building standards 2175
under section 3781.10 of the Revised Code shall prescribe all 2176
applicable deadlines, timelines, or time periods required under 2177
this section and section 3791.043 of the Revised Code. 2178

Sec. 5552.02. (A) Except as provided in divisions (C) and 2179
(D) of this section, for the purposes of promoting traffic 2180
safety and efficiency and maintaining proper traffic capacity 2181
and traffic flow, a board of township trustees may adopt, by 2182
resolution, regulations for the management of access onto 2183
township roads in the unincorporated area of the township in 2184
accordance with sections 5552.05 and 5552.06 of the Revised 2185
Code. As part of those regulations, the board may require 2186
permits, including interim and temporary permits, for the 2187
construction, reconstruction, use, and maintenance of any point 2188
of access from public or private property onto those township 2189

roads. If the board adopts regulations that require permits, the 2190
regulations shall include standards that will be used for the 2191
approval or denial of a permit. Any regulations regarding the 2192
approval or denial of a permit shall specify a reasonable period 2193
for the approval or denial and shall provide that a failure to 2194
approve or deny, in whole or in part, any permit, license, or 2195
other approval sought within that period shall constitute a 2196
granting of approval for the permit, license, or other approval. 2197

Notwithstanding anything to the contrary in this division, 2198
a board of township trustees of a township other than an urban 2199
township may not adopt regulations authorized by this division 2200
until the date that is one year after ~~the effective date of this~~ 2201
~~section~~ October 24, 2002, and then only if the county does not 2202
adopt or initiate the process of adopting regulations under 2203
division (B) of this section within that one-year period. If the 2204
county initiates the process of adopting regulations under 2205
division (B) of this section within that one-year period but 2206
does not actually adopt regulations under division (B) of this 2207
section within two years after ~~the effective date of this~~ 2208
~~section~~ October 24, 2002, the township may adopt regulations 2209
authorized by this division on or after the date that is two 2210
years after ~~the effective date of this section~~ October 24, 2002. 2211

(B) For the purposes of promoting traffic safety and 2212
efficiency and maintaining proper traffic capacity and traffic 2213
flow, the board of county commissioners may adopt, by 2214
resolution, regulations for the management of access onto county 2215
and township roads in the unincorporated area of the county in 2216
accordance with sections 5552.04 and 5552.06 of the Revised 2217
Code. As part of those regulations, the board may require 2218
permits, including interim and temporary permits, for the 2219
construction, reconstruction, use, and maintenance of any point 2220

of access from public or private property onto those county and 2221
township roads. If the board adopts regulations that require 2222
permits, the regulations shall include standards that will be 2223
used for the approval or denial of a permit. Any regulations 2224
regarding the approval or denial of a permit shall specify a 2225
reasonable period for the approval or denial and shall provide 2226
that a failure to approve or deny, in whole or in part, any 2227
permit, license, or other approval sought within that period 2228
shall constitute a granting of approval for the permit, license, 2229
or other approval. 2230

The same county regulations that apply to county roads 2231
shall apply to township roads. Except as provided in divisions 2232
(C) and (D) of this section, upon their effective date, the 2233
county regulations shall apply to all county and township roads 2234
in the unincorporated area of the county. 2235

(C) On or after the appropriate date provided in division 2236
(A) of this section for adopting regulations under that 2237
division, the board of township trustees of a township other 2238
than an urban township may adopt the regulations authorized by 2239
that division. If such a board of township trustees adopts 2240
regulations, and a board of county commissioners later adopts 2241
regulations under division (B) of this section that apply to the 2242
same township roads, then, one year after the effective date of 2243
the county regulations, the regulations adopted by the board of 2244
township trustees shall be void, and the regulations adopted by 2245
the board of county commissioners shall apply to those township 2246
roads. However, the board of township trustees may establish an 2247
earlier date for the county regulations to take effect and the 2248
township regulations to be void by adopting a resolution 2249
establishing an earlier date and sending a certified copy of 2250
that resolution to the board of county commissioners. 2251

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

~~(E)~~ (E) (1) Any county regulations adopted under this section shall be, to the extent possible, consistent with county zoning regulations and coordinated with any existing township zoning regulations. Any township regulations adopted under this section shall be, to the extent possible, consistent with any county or township zoning regulations in effect in the township.

(2) Any county or township regulations adopted or modified under this section shall not establish standards that are stricter than the corresponding state and federal regulations for similar points of access from public or private property onto similar public streets and highways.

Sec. 5552.12. A board of county commissioners or board of township trustees that adopts access management regulations under section 5552.02 of the Revised Code shall require any necessary traffic studies related to the construction,

reconstruction, use, and maintenance of any point of access from 2282
public or private property onto those county and township roads 2283
to be reviewed not later than forty-five days after the permit 2284
application is submitted. 2285

Section 2. That existing sections 122.06, 303.02, 303.05, 2286
303.12, 303.15, 519.02, 519.05, 519.12, 519.15, 711.09, 713.10, 2287
713.12, 3781.10, 3791.04, and 5552.02 of the Revised Code are 2288
hereby repealed. 2289

Section 3. That sections 303.161 and 519.171 of the 2290
Revised Code are hereby repealed. 2291

Section 4. A county or township that has an existing 2292
comprehensive plan on the effective date of sections 303.02 and 2293
519.02 of the Revised Code as amended by this act shall update 2294
the plan to comply with the requirements in those sections as 2295
amended not later than one year after those sections take 2296
effect. A county or township that adopts its first comprehensive 2297
plan under section 303.02 or 519.02 of the Revised Code as 2298
amended by this act after the effective date of those sections 2299
shall comply with those sections. 2300

Section 5. The General Assembly hereby urges municipal 2301
corporations to adopt a comprehensive plan in accordance with 2302
section 713.021 of the Revised Code. In the case of cities that 2303
have an existing comprehensive plan, the General Assembly hereby 2304
urges those cities to update their comprehensive plan to include 2305
the goals and provisions specified under section 713.021 of the 2306
Revised Code. 2307

Section 6. The repeal and re-enactment of sections 303.161 2308
and 519.171 of the Revised Code, and the strike through and 2309
reinsertion of language in sections 303.02 and 519.02 of the 2310

Revised Code, is in response to *Akron Metro. Hous. Auth. Bd. of* 2311
Trs. v. State, 2008-Ohio-2836 (10th Dist.) and *Living Trust v.* 2312
Concord Twp., 2012-Ohio-981 (11th Dist.), which determined that 2313
the language was enacted in violation of Article II, Section 15 2314
of the Ohio Constitution. Re-enacting sections 303.161 and 2315
519.171 of the Revised Code in this act, and striking through 2316
and reinserting the language in sections 303.02 and 519.02 of 2317
the Revised Code in this act, is intended to eliminate the 2318
constitutional infirmity identified in those cases and to 2319
reaffirm the language as it resulted from S.B. 18 of the 125th 2320
General Assembly. 2321