

ARTICLE X ADMINISTRATIVE AND LEGISLATIVE PROCEDURES

SECTION 1001 ZONING CERTIFICATE

- 1001.01 Zoning Certificate Required.** No person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Elizabeth Township, Miami County, Ohio without first obtaining a zoning certificate. No zoning certificate shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this zoning resolution, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A zoning certificate shall be required for all residential structures, all principal structures and uses, all accessory structures unless otherwise specified, all specified accessory uses, and all temporary uses. A zoning certificate shall not be required for the use of land for agricultural purposes, for buildings or structures exclusively used for agricultural purposes, or for structures required in the provision of essential services by a public utility.
- 1001.02 Application For Zoning Certificate.** A written application and site plan for a zoning certificate shall be submitted to the Zoning Inspector on forms provided by Elizabeth Township. The following information shall be required:
- A. Name, address, and phone number of applicant.
 - B. Date.
 - C. The name of the subdivision and the lot number or other information necessary to establish the location of the lot.
 - D. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon.
 - E. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indicating dimensions, including building height.
 - F. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit.
 - G. A permit from the Miami County Health Department or Ohio Environmental Protection Agency for on-site wastewater disposal, where applicable, indicating the location of primary and secondary leaching field locations.
 - H. The proposed parking plan and number and location of proposed off-street parking or loading spaces.
 - I. A plan for screening when applicable.
 - J. A statement by the applicant attesting to the truth and exactness of all information supplied on the application.
 - K. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date.
 - L. Such other information as may be necessary to determine conformance with this zoning resolution.
 - M. A fee as established by the Township Trustees.
- 1001.03 Processing Zoning Certificate Application.** Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this zoning resolution. If the application is approved, the Zoning Inspector shall issue a zoning certificate. One (1) copy of the application shall be returned to the applicant by the Zoning Inspector after he/she shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a zoning certificate, he/she shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this zoning resolution.
- 1001.04 Required Coordination With ODOT.** In the event an application involves land within three hundred (300) feet of the center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said center line

with any public road or highway, the Zoning Inspector shall require a third application for a Zoning Permit and send it to the Director of the Ohio Department of Transportation by registered mail for review. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning certificate. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at such time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this zoning resolution, issue the zoning certificate.

SECTION 1002 CONDITIONAL USE PERMITS

1002.01 Conditional Use Permit Required. As applicable to any use listed as a conditional use within a zoning district, no person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Elizabeth Township, Miami County, Ohio without first having a conditional use permit granted by the Board of Zoning Appeals.

1002.02 Application For Conditional Use Permit. A written application and site plan for a conditional use permit shall be submitted to the Zoning Inspector on forms provided by Elizabeth Township. At a minimum, the following information shall be required:

- A. Name, address, and telephone number of applicant.
- B. Date.
- C. The lot, name, and number or legal description of the property.
- D. Description of existing zoning district.
- E. Description of the proposed conditional use.
- F. A site plan of the proposed site for the conditional use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed conditional use meets the intent and requirements of this zoning resolution.
- G. A plan for screening when applicable.
- H. A narrative statement discussing the merits of the proposal.
- I. Such other information as may be required by the Board of Zoning Appeals.
- J. A fee as established by the Township Trustees.

1002.03 Processing Of Conditional Use Applications. The Board of Zoning Appeals shall hold a public hearing within twenty (20) days from the receipt of the application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within Elizabeth Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use. Written notice of such hearing shall be mailed by the Chair of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas.

1002.04 Approval of Conditional Uses. The burden of proof for granting a conditional use permit shall rest with the applicant. In granting any conditional use permit, the Board of Zoning Appeals may prescribe such conditions and restrictions as may be necessary to comply with the standards in this section and the intent purpose of this zoning resolution. Violation of such conditions and restrictions, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this zoning resolution and punishable under Article 12 Section 1203. Under no circumstances shall the Board of Zoning Appeals authorize a conditional use to allow a use prohibited expressly or by implication within the zoning district in which the property in question is located.

- 1002.05 Conditional Use Standards.** Conditional uses may be permitted provided that such uses shall be found to comply with the following standards and all other applicable requirements as set forth in this zoning resolution:
- A. The use is so designed, located and proposed to be operated so that the public health, safety, morals and general welfare will be protected.
 - B. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
 - C. The use is operated in a manner that will not cause pollution of either underground water or surface water and will not have a detrimental impact to the underground water supply of the area.
 - D. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located.
 - E. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
 - F. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately.
 - G. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - H. Adequate landscaping and screening are provided, as required.
 - I. Adequate off-street parking, loading, and/or waiting spaces are provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - J. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined for planned unit development.
 - K. The use is compatible with the standards, objectives, and policies of the Miami County Comprehensive Plan.
 - L. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations.
 - M. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.
- 1002.06 Expiration Of Conditional Use Permits.** A conditional use permit shall be deemed to authorize only one (1) particular conditional use. The conditional use permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the conditional use permit.

SECTION 1003 APPEALS AND VARIANCES

- 1003.01 Appeals.** Appeals to the Board of Zoning Appeals concerning interpretation or administration of this zoning resolution may be taken by any person aggrieved or by any officer or bureau of Elizabeth Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

- 1003.02 Stay of Proceedings.** An appeal stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.
- 1003.03 Variances.** The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest or the intent of this zoning resolution where, owing to special conditions, a literal enforcement of the provisions of this zoning resolution would result in unnecessary hardship, or in the case of area variances only, practical difficulties. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.
- 1003.04 Application.** A variance from the terms of this zoning resolution shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:
- A. Name, address, and telephone number of applicant.
 - B. Legal description of the property.
 - C. Description of nature of variance requested.
 - D. A narrative statement demonstrating to the satisfaction of the Board of Zoning Appeals that the requested variance conforms to the standards set forth in Section 1003.05.
 - E. A fee as established by the Township Trustees.
- 1003.05 Standards For Granting Variances.** Variances may be granted provided that such uses shall be found to comply with the following standards:
- A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of this zoning resolution were to be carried out.
 - B. The conditions upon which the application for variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property in the same zoning district.
 - C. The purpose of the variance is not based exclusively upon a desire to increase financial gain.
 - D. The alleged difficulty or hardship is caused by strict interpretation of this zoning resolution and has not been created by any persons presently having an interest in the property.
 - E. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - F. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- 1003.06 Granting of Variances.** Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this zoning resolution would result in unnecessary hardship. The burden of proof for granting a variance shall rest with the applicant. In granting any appeal or variance, the Board of Zoning Appeals shall make written findings of fact and may prescribe such conditions and restrictions as may be necessary to comply with the standards in this section and the intent purpose-of this zoning resolution. Violation of such conditions and restrictions, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this zoning resolution and punishable under Article 12, Section 1203. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use prohibited expressly or by implication in the zoning district in which the property in question is located.

1003.07 Processing Appeals and Variances. The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

- A. Published Notice. Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within Elizabeth Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.
- B. Mailed Notice. Written notice of such hearing shall be mailed by the Chair of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

1003.08 Action and Effective Date. The Board of Zoning Appeals shall take action on the application within thirty (30) days after the public hearing. The order or decision of the Board of Zoning Appeals shall become effective upon the signing of it by the Chairperson and upon receipt by the applicant. Delivery may be made by certified mail, personal or residence service by the Zoning Inspector, Miami County Sheriff, or other persons designated by the Board of Zoning Appeals.

SECTION 1004 AMENDMENTS AND ZONING DISTRICT CHANGES

1004.01 Necessity of Amendments. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Township Trustees may, by resolution after receipt of recommendations from the Zoning Commission, and subject to the procedures provided by law, amend, supplement, change, or repeal this zoning resolution and district boundaries or classification of property.

1004.02 Initiation Of Amendments. Amendments to this zoning resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Board of Township Trustees.
- C. By filing of an application by at least one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment.

1004.03 Application For Amendment. A written application for a text or map amendment shall be submitted to the Zoning Inspector on forms provided by Elizabeth Township. At a minimum, the following information shall be required, in triplicate:

- A. Name, address, and telephone number of applicant.
- B. Date.
- C. Legal description of the property.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Zoning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Commission may require.
- I. Proposed amendment to the text.
- J. A list of all property owners within two hundred (200) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case.
- K. A statement on how the proposed amendment relates to the Miami County Comprehensive Plan.
- L. A fee as established by the Township Trustees.

- 1004.04 Required Sign.** All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two (2) or more streets, that street with the greater average traffic flow. Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING". "PUBLIC HEARING SCHEDULED FOR (month, date, and time)" and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.
- 1004.05 Transmittal To County Planning Commission.** Within five (5) days after the adoption of a motion by the Zoning Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and map pertaining to the case in question to the Miami County Planning Commission. The Miami County Planning Commission shall recommend the approval, denial, or modification to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.
- 1004.06 Coordination With Other Jurisdictions.** In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Planning Commission or the Zoning Commission of that jurisdiction. If the adjacent political subdivision has no zoning regulations in effect, the letter shall be forwarded to the township or municipal clerk of such jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Zoning Commission.
- 1004.07 Required Coordination With ODOT.** Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said center line with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of the Ohio Department of Transportation. The Zoning Commission may proceed as required by law. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that he shall proceed to acquire any land needed, then the Board of Township Trustees shall refuse to approve the zoning. If the Director of the Ohio Department of Transportation notifies the Board of Township Trustees that acquisition at such time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.
- 1004.08 Zoning Commission Public Hearing.** The Zoning Commission shall schedule a public hearing after the adoption of their motion, transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.
- 1004.09 Notice Of Zoning Commission Public Hearing.** Before the required public hearing, notice shall be given by the Zoning Commission by at least one (1) publication in a newspaper of general circulation within the Township at least ten (10) days before the date of said hearing. The content of such notice shall be in accordance with Section 519.12 (C) or 519.12 (D) of the Ohio Revised Code, as applicable.
- If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within two hundred (200) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing On the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. The content of such notice shall be in accordance with Section 519.12 (C) of the Ohio Revised Code.

- 1004.10 Recommendation Of Zoning Commission To Trustees.** Within thirty (30) days after the required public hearing, the Zoning Commission shall forward such recommendation to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.
- 1004.11 Township Trustees Public Hearing.** Upon receipt of the recommendation from the Zoning Commission, the Board of Township Trustees shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Zoning Commission.
- 1004.12 Notice Of Trustees Public Hearing.** Notice of the required public hearing shall be given by the Board of Township Trustees by at least one (1) publication in a newspaper of general circulation within the Township. Said notice shall be published at least ten (10) days before the date of the required hearing. The content of such notice shall be in accordance with Section 519.12 (F) or (G) of the Ohio Revised Code, as applicable.
- 1004.13 Action By Township Trustees.** Within twenty (20) days after the required public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required.
- 1004.14 Effective Date.** Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.
- 1004.15 Referendum Petition.** The content and form of such referendum petition shall be in accordance with Section 519.12 (H) of the Ohio Revised Code. The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The petition shall be certified to the Board of Elections not less than seventy-five (75) days prior to the election at which the question is to be voted upon.
- 1004.16 Effect of Referendum Vote.** No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 1005 PROCEDURE FOR APPROVAL OF PLANNED DEVELOPMENT DISTRICT

- 1005.01 Required Approval Procedure.** All requests for approval of a Planned Development District shall be at the election of the property owner. All applications for the approval of a planned development district shall be processed in accordance with the provisions of this section.
- 1005.02 Pre-Application Meetings.** The applicant shall meet with the Zoning Commission and the Miami County Planning Commission prior to the submission of the preliminary plan. The purpose of these meetings is to discuss, both early and informally, the relationship of the plan to this zoning resolution, the Miami County Comprehensive Plan, Miami County Subdivision Regulations, and the physiography, the thoroughfare, drainage, water, and wastewater systems of Elizabeth Township.

1005.03 Contents of Application for Approval of Preliminary Plan. An application for preliminary plan approval for the planned development shall be filed with the Chair of the Zoning Commission by at least one (1) owner of property for which the planned development is proposed. At a minimum, the application shall contain the following information filed in triplicate:

- A. Name, address, and phone numbers of the applicant and all property owners within the proposed development, evidence of unified control of the entire area of the development, and tentative agreement of all owners to proceed with development according to plan or to provide adequate sureties for completion.
- B. A map or maps indicating the relation of the proposed development to the surrounding area. As appropriate to the development proposed, such map or maps shall demonstrate access to major streets, and community facilities, and show the approximate location and sizes of existing public sewers, water lines and storm drainage systems.
- C. Name, address and phone number of registered surveyor, registered engineer and/or professional urban planner assisting in the preparation of the preliminary development plan.
- D. A legal description of the property.
- E. A description of existing uses both upon and surrounding the site.
- F. A map illustrating the existing zoning districts within and surrounding the site.
- G. A topographic data map drawn to a scale of one hundred (100) feet or less to one inch by a registered surveyor and/or engineer showing boundary lines, easements, ground elevations, and wooded areas, streams, lakes, marshes, flood plains, soil types, and other physical conditions affecting the site.
- H. A preliminary development plan and report presenting, in generalized form, the proposed residential density; the proposed circulation pattern including all public and private streets; proposed off-street parking or loading areas; a preliminary layout of lots, land uses, and the location of all principal structures; the general location of utility installations and easements; proposed parks and other community spaces; and other information which the Zoning Commission deems necessary.
- I. A proposed schedule for the development of the site.
- J. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.
- K. A written statement by the developer setting forth the reasons why in his opinion, the planned unit development would be in the public interest and would be consistent with the statement of intent and purpose of this zoning resolution and the general criteria for approval of developments.
- L. A fee as established by the Township Trustees.

1005.04 Review and Action on Preliminary Plan by Zoning Commission and Township Trustees. Within thirty (30) days after it is filed, the Zoning Commission shall review the preliminary plan to determine if it is consistent with the intent and purpose of this zoning resolution, and approve it in principle, with or without conditions, or disapprove it. The Zoning Commission shall determine if the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. In addition, the approval in principle of the preliminary plan by the Township Trustees shall be necessary before the applicant may submit a final plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of lots, or engineering feasibility.

1005.05 Final Plan. After approval in principle of the preliminary plan, the applicant may submit a final plan to the Zoning Commission. The final plan shall be in general conformance with the preliminary development plan approved in principle. Five (5) copies of the final development plan shall be submitted.

1005.06 Contents of Application for Approval of Final Plan. An application for approval of the final plan shall be filed with the Chair of the Zoning Commission by at least one (1) owner of property for which the planned unit development is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for final development plan. At a minimum, the application shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site including soil types, major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. A map or maps in the form required by the Subdivision Regulations for Miami County, Ohio for recording the final plat or subdivision; the location and proposed density of dwelling units, nonresidential buildings; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and the anticipated timing for each unit; tabulation of the number of acres in the proposed project for various uses; the number of housing units and bedrooms proposed by type of housing; estimated nonresidential population where appropriate; and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
- D. Engineering feasibility studies and plans showing necessary water, sewer, and storm drainage installations; waste disposal facilities; street improvements, and the nature and extent of earth work required for site preparation and development.
- E. The site plan, showing buildings, various functional use areas, circulation, and their relationship.
- F. Preliminary building plans, including floor plans and exterior elevations.
- G. Landscaping plans.
- H. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

1005.07 Approval Process of Final Plan. The approval process for the final plan by both the Zoning Commission and the Township Trustees shall be in accordance with the district amendment procedure outlined in Article 10, Section 1004.

1005.08 Supplementary Conditions and Safeguards. In approving any planned development district, the Township Trustees may prescribe appropriate conditions and safeguards, in conformity with this zoning resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this zoning resolution and punishable under Article 12, Section 1203.01, of this zoning resolution.