

Miami Township Zoning Commission
Submission Requirements – Major Modification

1. **Completed Application Form** (including signed Procedures and Information document)
 - a. Form must be signed by **ALL** owners of property proposed for rezoning or modification. This means **ALL** individuals listed on the recorded deed.
 - b. Form must be notarized.
 - c. Form must be typed or entered on computer.
 - d. Only one copy of the application form is required.
2. **Survey of the Tract** (Existing Conditions) – 5 full-size (to scale) copies, 13 reduced size sets (either 11"x17" or 8.5"x11"), and 1 electronic PDF copy shall be provided by the applicant.

A survey of the area to be rezoned or approved under a final development plan shall be prepared by a registered surveyor, engineer, or architect of the State of Ohio and be stamped or sealed with the endorsement of the person preparing the plans. The survey shall include the following:

- a. Changes necessary to the survey submitted with the preliminary or final development plan. If no previous survey has been filed, then a survey meeting the preliminary plan standards should be prepared.
3. **Completed Plot Plan & Drawings** (Proposed Features) – 5 full-size (to scale) copies, 13 reduced size sets (either 11"x17" or 8.5"x11"), and 1 electronic PDF copy shall be provided by the applicant.

A plot plan of the area to be affected by the major modification shall be prepared by a registered surveyor, engineer, or architect of the State of Ohio and be stamped or sealed with the endorsement of the person preparing the plans. Landscaping should be shown on a separate sheet, if it would otherwise obscure necessary information on the plot plan. Major modification requests must detail the area to be modified. The previously approved preliminary or final development plot plan should be utilized to show features outside of the modification area. The plot plan shall include the following for the area to be modified:

- a. In the case of residential developments, a notation regarding any proposed changes to the overall density proposed and any changes to the location of proposed lots, dwellings units, etc.
- b. The location and arrangement of all proposed buildings, storage areas, refuse collection areas, fences, etc. Proposed use of each building should be shown on plan.
- c. The location and dimensions of all proposed and required setbacks for buildings and parking areas should be shown with a continuous line or similar marking.

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- d. Location of all proposed parking areas, loading areas, walks, drives and paved areas of any kind. Proposed traffic circulation pattern should also be indicated for all commercial projects.
 - e. Location of all proposed open spaces, parks, playgrounds or other recreational facilities and areas.
 - f. The location, quantity, species, and size of all proposed landscaping.
 - g. The location of all existing trees or other vegetation to be preserved. Indicate construction limits or other areas that will be kept and marked as off-limits to equipment or other work.
 - h. The percentage and location of all impervious surface areas.
 - i. The percentage of building coverage.
 - j. A color rendering or elevation drawing of all proposed buildings.
 - k. Location, size, and height of any proposed signs (indicate if a variance from the resolution is requested), building signage should be shown on elevation drawings.
 - l. Location, height, type, and coverage area of all proposed exterior lighting.
 - m. Location of all proposed storm water detention or retention facilities.
 - n. Numerical information, such as number of parking spaces, lot density, housing units, etc. should be shown in a table on the first page of drawings. Location and proposed dimension of any street landscaping buffers and stream or river buffers.
 - o. Proposed front, rear, and side setbacks for all buildings and parking areas shall be indicated in a table and shown on the plan drawing.
 - p. A title, date, scale, and north arrow must be provided on each drawing.
 - q. Any additional information desired by the applicant or requested by the Zoning Commission or Board of Trustees.
4. **The application fee**, payable to: Miami Township
5. A **Final File Copy** (1 full size to scale set and 1 electronic PDF copy) must be submitted after approval is obtained. This plan must detail any required conditions, such as buffers, building restrictions, covenants, etc., clearly on the plan sheet. This plan will be kept in the file as the approved plan and all items agreed to and approved by the Zoning Commission and/or Board of Trustees must be built and/or regulated as shown and approved by the Board of Trustees.

APPLICATION FOR MAJOR MODIFICATION

MIAMI TOWNSHIP ZONING COMMISSION

2700 LYONS ROAD
MIAMISBURG OH 45342
433-3426

FOR MTZC USE ONLY: CASE NO. _____ DATE FILED _____

PLEASE TYPE INFORMATION – USE ADDITIONAL SHEETS AS NECESSARY

Applicant _____
Address _____
Owner(s) or Lessee(s) of land located at _____
hereby makes application for approval of a major modification for ALL
OR phase / section _____ of the area covered by a preliminary/final development plan under
zoning case _____ and currently zoned _____ .

I. DESCRIPTION AND/OR LOCATION OF LAND

A. The area of land sought for modification contains _____ (acres) or (sq ft) and is located along the north south east west (circle appropriate direction) side of _____ (street) (road) or (avenue), approximately _____ feet north south east west (circle approximate direction) of _____ (street) (road) or (avenue).

B. The area of land for consideration is further described on MICRO# _____ and/or Deed Book # _____ Page# _____ and is located in Section _____ Town _____ and Range _____ Miami Township, Montgomery County, Ohio.

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II. DEVELOPMENT DATA.

		ENTIRE DEVELOPMENT		PORTION REPRESENTED BY MAJOR MODIFICATION REQUEST	
A.	Total Land Area		_____ acres or _____ sq. ft.		_____ acres or _____ sq. ft.
B.	Residential				
1.	Total Land Area		_____ acres or _____ sq. ft.		_____ acres or _____ sq. ft.
2.	Total Floor Area		_____ sq. ft.		_____ sq. ft.
3.	Number of Dwelling Units				
4.	Types of Dwelling Units (Indicate Here and on Development Plan)				
5.	Number of 1 bedroom units:				
	Number of 2 or more bedroom units:				
6.	Average Size of Dwelling Unit				
7.	Building Height (Indicate Here and on Development Plan)				
8.	Density: Sq. Ft. of Land Area per Dwelling Unit				
9.	Building Coverage (Percent)				
	Percent Open Space Per Unit				
	Impervious Surface Area Coverage Percent				
10.	Number of Parking Spaces (surface and enclosed) 9 x 18	Required	_____	Required	_____
		Proposed	_____	Proposed	_____
C.	Nonresidential				
1.	Total Land Area		_____ acres or _____ sq. ft.		_____ acres or _____ sq. ft.
2.	Total Floor Area		_____ sq. ft.		_____ sq. ft.
3.	Floor Area by Use				
4.	Types of Uses (Indicate Here and on Development Plan)				
5.	Building Height (Indicate Here and on Building Plan)				
6.	Building Coverage (Percent)				
	Impervious Surface Area Coverage Percent				
7.	Number of Parking Spaces (surface and enclosed) 9 x 18	Required	_____	Required	_____
		Proposed	_____	Proposed	_____

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III. DEVELOPMENT PLAN APPROVAL

The applicant shall prepare a definitive statement on how this Major Modification will maintain compliance with each of these particular requirements.

1. Describe here or attach your schedule of development for this portion of the project. The development must be substantially completed within the period of time specified.

2. What covenants, easements, or other provisions are provided in the planned development to protect the public health, safety, morals, and general welfare? (These may include such items as utility and drainage easements, homeowner's association rules, or landscape buffers and other design criteria. All easements, buffers, etc. must be shown clearly on the plan drawing.)

3. Traffic control signals must be provided without expense to Montgomery County when the County Engineer determines that such signals are required to prevent traffic hazards or congestion in adjacent streets. Please provide any comments.

4. The streets and driveways on the site of the proposed development must be adequate to serve the residents or occupants of the proposed development. How does your proposal meet this standard?

5. Adequate access roads, or entrance and exit drives, shall be provided and shall be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. How does your proposal meet this standard?

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6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses. How does your proposal meet this standard?

7. Any part of a Planned Development not used for structures, parking and loading areas, or access ways, shall be landscaped, designated as permanent open space or otherwise improved. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)

8. When business or manufacturing structures or uses in a Planned Development District abut a Residential District, screening shall be provided as stated in the zoning resolution. Additional screening may be required in order to meet the other standards in this application. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)

9. A business or manufacturing structure in a Planned Development District cannot be located nearer than one hundred (100) feet to a residential building. How does your proposal meet this standard? (Plan drawing must clearly show compliance with this standard.)

IV. OTHER COMMENTS

1. What is the relationship of the proposed use to adjacent properties and land uses?

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2. The Planned Development must comply with Montgomery County storm water requirements. How does your proposal meet this requirement?

3. What provisions have been or will be made for the care and maintenance of common open space and/or recreational facilities? (Attach copies of any restrictive covenants to be recorded and also any proposed bylaws and articles of incorporation for entity responsible for common open space.)

4. Please list any other pertinent information that you feel should be taken into consideration regarding this request.

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AFFIDAVIT – Attach additional signature pages, if needed

Before completing this application and executing the following affidavit, it is recommended that this application be discussed with the Staff of the Miami Township Zoning Commission. All persons listed on the recorded deed, **must** sign this affidavit.

OWNER AND APPLICANT’S AFFIDAVIT

STATE OF OHIO
COUNTY OF MONTGOMERY

(I/We) _____
being duly sworn, depose and say that I am/we are **all** the owner(s)/lessee(s) of land included in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respects true and correct to the best of my/our knowledge and belief.

(signature)

(signature)

(mailing address)

(mailing address)

Phone: _____

Phone: _____

Subscribed and sworn to before me this _____ day of _____, 2____.

Notary Public

Person to be contacted for details, other than above signatory:

(name) (address) (phone)

Zoning Commission Procedures & Applicant Information

Submission Process for a Rezoning, Preliminary Development Plan, Final Development Plan, and Major Modification of Planned Development Request

- **Pre-Application Meeting** with the Staff of the Miami Township Planning & Zoning Department (Recommended). The Staff is under no obligation to provide a formal recommendation at the time of the pre-application meeting, and any formal staff recommendation will be made only upon submission and review of a completed application. No statement made by Staff is binding on either the Zoning Commission or the Board of Trustees.
- **Submission of Completed Application.** All documents and plan drawings must be submitted at this time. (See Submission Requirements Sheet)
- **Montgomery County Planning Commission Review.** Materials are forwarded to the county planning commission for review and formal recommendation if required or otherwise deemed necessary by Miami Township. You may contact the County at 225-4351 for the dates and times of their meetings. Materials may also be forwarded to other departments and outside agencies/organizations as required or deemed appropriate by Staff.
- **Legal Notices are Prepared** and placed in the newspaper and/or mailed to residents as required by the Miami Township Zoning Resolution.
- **Staff Report is Prepared** and submitted along with application materials to the Miami Township Zoning Commission.

Hearing by Zoning Commission

- The case is placed on the agenda by the Staff. The chair of the Zoning Commission may modify the order in which cases are heard at his/her discretion.
- The Zoning Commission opens the case.
- All speakers should speak only to the Zoning Commission and the Chairman may establish a time limit on speakers. Upon request, the chair may authorize questions of the Staff.
- A staff report is presented by one of the members of the Planning & Zoning Department. This will include a reading of the Montgomery County Planning Commission recommendation, if such recommendation was required for the case.
- The applicants or their representative presents the case to the Zoning Commission.
- Proponents of the case are given an opportunity to speak.
- Opponents of the case are given an opportunity to speak
- The Zoning Commission will close the public hearing and enter into deliberations on the case. Planned Development requests may require a review of the Findings of Fact standards of Article 31.
- The Zoning Commission will recommend to the Board of Trustees that the case be approved, denied, or approved with modifications or conditions.
- Once the Zoning Commission has taken final action; the case, along with the recommendation of the Zoning Commission, is forwarded to the Board of Trustees.

Depending upon the request, legal notices must again be mailed and placed in the newspaper for the Trustee's hearing.

Hearing by Board of Trustees

- The Staff places the case on the agenda. The President of the Board of Trustees may modify the order in which cases are heard at his/her discretion.
- The Board of Trustees opens the case.
- All speakers should speak only to the Board of Trustees and the President may establish a time limit on speakers. Upon request, the President may authorize direct questions of the Staff.
- A staff report is presented by one of the members of the Planning & Zoning Department. This will include a reading of the Montgomery County Planning Commission recommendation, if such recommendation was required for the case. The Zoning Commission recommendation will be read.
- The applicants or their representative presents the case to the Board of Trustees.
- Proponents of the case are given an opportunity to speak.
- Opponents of the case are given an opportunity to speak
- The Board of Trustees will close the public hearing and enter into deliberations on the case. Planned Development requests may require a review of the Findings of Fact standards of Article 31.
- The Board of Trustees will vote to approve, deny, or approve with modification the Zoning Commission recommendation. A unanimous vote of the Board of Trustees is required to overturn or modify the Zoning Commission recommendation.
- If the Board of Trustees ultimately approves the case, the change will become effective thirty (30) days from the date of approval. Final Development Plans and modifications to planned developments not involving a rezoning are effective immediately upon approval by the Board of Trustees.

Additional Information

Each applicant and property owner should review the latest comprehensive planning documents and zoning resolution available for the area proposed for rezoning or modification prior to submittal of an application.

The application, and any other relevant information, may be submitted to outside agencies and organizations, both public and private, that the Staff, Zoning Commission, or Board of Trustees desire to have review said materials. These may include, but are not limited to, the Ohio Department of Transportation, Montgomery County, local school districts, and local utilities. This review in no way removes the applicant's responsibility to ensure compliance with the rules and/or regulations of any of these outside agencies or organizations.

The staff of Miami Township may drive by the property and take photos of the property. Aerial photography of the site may also be utilized in reviewing an application.

All materials submitted as part of this application are public record and will be made available for review upon request of any interested party.

Inaccurate or incomplete information provided with or within the application package may delay the processing of the application and/or delay any scheduled public hearings. The Zoning

Commission and/or Board of Trustees may table the case due to missing or incomplete information.

Applicants are expected to attend all public hearings regarding the application, and a failure to appear could result in the postponement of action on the application, and final action will be left to the discretion of the Zoning Commission or Board of Trustees within the constraints of the Miami Township Zoning Resolution.

I/we the undersigned owners and applicants do hereby declare that I/we have read the information provided within this application packet and have initialed each page. I/we further understand that each request is unique and may require additional information.

Signature of Owners and Applicants

Date

I/we (___ do ___ do not) authorize the staff, Zoning Commission, and Board of Trustees members to enter the property for the purpose of this case and to take photographs as necessary.

Signature of Owners

Date

