



4393 Collins Road  
Rochester, MI 48306  
(248) 651-9260  
(248) 601-0106 (FAX)  
www.paintcreektrail.org

## Application for Limited Use Permit

### Private Access to the Paint Creek Trail

Description of Limited Use Requested:

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Date Submitted: \_\_\_\_\_

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Address or General Location: \_\_\_\_\_

Property ID(s): \_\_\_\_\_

Reason for Request: \_\_\_\_\_

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Application Submission Requirements:

- 1) Existing Site conditions;
- 2) Site Plan;
- 3) A landscape plan (if applicable)
- 4) Drawings of structures (if applicable)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please submit form with required attachments to:

Paint Creek Trailways Commission  
4393 Collins Road  
Rochester, MI 48306

Or

manager@paintcreektrail.org



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## Limited Use Permit Checklist

### Paint Creek Trailways Commission

#### PROCEDURE

An application for a limited use permit shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended by the Paint Creek Trailways Commission unless a time waiver is granted to the applicant. Additional requirements are as follows:

- A. Request for limited use permits shall be filed with the Paint Creek Trailways Commission Manager on an official application form. The request shall be considered as being officially submitted when all the information requirements are satisfied. In cases where an application is judged to be incomplete, the Paint Creek Trailways Manager or their designee shall notify the applicant, in writing, of what information must be provided for the application to be deemed complete within fifteen (15) business days of the date of submission.
- B. Upon receipt of said application, the Paint Creek Trailways Commission Manager will submit the application to the Licensing Committee. The Licensing Committee will conduct a study and report its findings and make recommendations to the Paint Creek Trailways Commission.
- C. The Paint Creek Trailways Commission shall consider possible effects of the proposed permit. Its judgement shall be based upon, but not limited to, the following factors:
- (1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Paint Creek Trailway.
  - (2) The proposed use is or will be compatible with present and future land uses of the area.
  - (3) The proposed use conforms with all performance standards contained within each City's or Township's Code.
- D. The Paint Creek Trailways Commission and Paint Creek Trailways Manager shall have the authority to request additional information from the applicant.
- E. Unless excused by the Paint Creek Trailways Commission Chair, the applicant or a representative thereof shall appear before the Paint Creek Trailways Commission in order to answer questions concerning the proposed request.
- F. The Paint Creek Trailways Commission shall make findings of fact and recommend such actions or conditions relating to the request as they deem necessary. Such recommendation shall be in writing and accompanied by the report and recommendation of the Licensing Committee, and shall be entered in and made part of the permanent written record of the Paint Creek Trailways meeting.
- G. The Paint Creek Trailways Commission shall act upon the limited use permit within sixty (60) days from the date of submission of a complete application, unless an extension has been provided.

- H. Upon receiving the report and recommendation of the Licensing Committee, the Paint Creek Trailways Commission shall have the option to set and hold a public hearing if deemed necessary, shall make recorded findings of fact and may impose any condition it considers necessary to protect the public health, safety and welfare.
- I. Approval of a request shall require passage by a majority vote of the Paint Creek Trailways Commission.
- J. Whenever an application for a limited use permit has been considered and denied by the Paint Creek Trailways Commission, a similar application for the limited use permit affecting substantially the same property shall not be considered again by the Paint Creek Trailways Commission for at least six (6) months from the date of its denial; and a subsequent application affecting substantially the same property shall likewise not be considered again by the Paint Creek Trailways Commission for an additional six (6) months from the date of the second denial unless a decision to reconsider such matter is made by a majority vote of the Paint Creek Trailways commission.

### **GENERAL PERFORMANCE STANDARDS**

As may be applicable, the evaluation of any proposed limited use permit request shall be subject to and include, but not be limited to, the following general performance standards and criteria:

- K. The site drainage system shall be subject to the review and approval of the City or Township Engineer if deemed necessary by the Paint Creek Trailways commission.
- L. The landscaping appearance and functional design of the site shall not be so dissimilar to the existing area so as to cause a blighting influence.
- M. The architectural appearance and functional design of any structure shall not be so dissimilar to the existing area so as to cause a blighting influence.
- N. The use and site shall be in compliance with any Federal, State or County law or regulation that are applicable and any related permits shall be obtained and documented to the City or Township the property is contained within.
- O. Additional Stipulations. All conditions pertaining to a specific site are subject to change when the Paint Creek Trailways Commission upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

### **REVOCACTION**

The Paint Creek Trailways Commission may recommend, and may direct, the revocation of any limited use permit for cause upon determination that the authorized limited use is not in conformance with the conditions of the permit or is in continued violation of the Zoning Ordinance, City Codes, Township Codes, or other applicable regulations. The Paint Creek Trailways Commission shall initiate an application and the Paint Creek Trailways Manager shall notify the responsible person that they have an opportunity to show cause why the permit should not be revoked. The Paint Creek Trailways Manager shall provide the responsible person a copy of the proceedings and findings of the Paint Creek Trailways Commission.

### **PERMIT MODIFICATIONS**

Holders of a limited use permit may propose modifications to the permit at any time. No changes in the approved plans or scope of the limited use shall, however, be undertaken without prior approval of those changes by the Paint Creek Trailways Commission.

### **EXPIRATION**

Unless the Paint Creek Trailways Commission specifically approves a different time when action is officially taken on the request, limited use permits which have been issued shall expire without further action by the Paint Creek Trailways

Commission unless the applicant commences the authorized use within one (1) year of the date the limited use permit is issued; or, unless before the expiration of the one (1) year period; the applicant shall apply for an extension thereof by completing and submitting a request for extension. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the limited use permit. A request for an extension not exceeding one (1) year shall be subject to the review and approval of the Paint Creek Trailways Manager. Should a second extension of time or any extension of time longer than one (1) year be requested by the applicant, it shall be presented to the Paint Creek Trailways Commission for a decision.

**SITE IMPROVEMENT PERFORMANCE AGREEMENT AND FINANCIAL GUARANTEE**

Prior to Paint Creek Trailways Commission consideration of a limited use permit request, the applicant, as may be applicable, shall guarantee to the Paint Creek Trailways Commission the completion of all improvements as shown on the approved plan and as required by the limited use permit approval.

**Information Requirement Checklist**

The information required for all limited use permit applications generally consists of the following items and shall be submitted unless waived by the Paint Creek Trailways Manager. Plans must be submitted in both hard copy and electronically.

A. Site boundaries, buildings and structures shall be identified on site with a survey, depicting the following:

- \_\_\_\_\_ 1. Scale of plan (engineering scale only, at one (1) inch equals fifty (50) feet or less.
- \_\_\_\_\_ 2. North point indication.
- \_\_\_\_\_ 3. Existing boundaries with lot dimension and area.
- \_\_\_\_\_ 4. Existing site improvements.
- \_\_\_\_\_ 5. All encroachments.
- \_\_\_\_\_ 6. Easements of record.
- \_\_\_\_\_ 7. Legal description of the property.
- \_\_\_\_\_ 8. Ponds, lakes, springs, rivers or other waterways bordering on or running through the subject property.