

REASONABLE CONDITIONS MAY BE REQUIRED WITH THE APPROVAL OF A PUD PERMITTED BY DISCRETIONARY DECISION. THEY MAY INCLUDE CONDITIONS NECESSARY TO INSURE THAT PUBLIC SERVICES AND FACILITIES AFFECTED BY A PROPOSED LAND USE OR ACTIVITY WILL BE CAPABLE OF ACCOMMODATING INCREASED SERVICE AND FACILITY LOADS CAUSED BY THE LAND USE OR ACTIVITY PROTECT THE NATURAL ENVIRONMENT AND CONSERVE NATURAL RESOURCES AND ENERGY, TO INSURE COMPATIBILITY WITH ADJACENT USES OF LAND AND TO PROMOTE THE USE OF LAND IN A SOCIALLY AND ECONOMICALLY DESIRABLE MANNER..

FEES. THE COUNTY MAY CHARGE REASONABLE FEES SUFFICIENT TO COVER THE COSTS OF ADMINISTRATION OF ZONING APPLICATIONS, INSPECTIONS, APPEALS, REZONING REQUESTS FROM PROPERTY OWNERS OR OTHER APPLICANTS, APPLICATIONS FOR LAND USE, SPECIAL LAND USE, PLANNED UNIT DEVELOPMENT AND CONDOMINIUM PROJECT PERMITS, SUBDIVISION PLAT APPROVAL, ZONING AMENDMENTS, VARIANCES AND OTHER ADMINISTRATIVE RELIEF. THESE FEES ARE NON-REFUNDABLE, EVEN WHEN AN APPLICATION OR APPEAL IS WITHDRAWN BY THE APPLICANT.

ESCROW DEPOSIT. IF THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, OR ZONING ADMINISTRATOR DETERMINES THAT THE BASIC ZONING FEES WILL NOT COVER THE ACTUAL COSTS OF APPLICATION REVIEW, OR IF THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, OR ZONING ADMINISTRATOR DETERMINES THAT REVIEW OF THE APPLICATION AND/OR PARTICIPATION IN THE REVIEW OR APPEAL BY A QUALIFIED PROFESSIONAL, ENGINEER, ATTORNEY, OR OTHER PROFESSIONAL IS NECESSARY, THEN THE APPLICANT SHALL DEPOSIT WITH THE COUNTY TREASURER SUCH ADDITIONAL FEES IN AN AMOUNT DETERMINED BY THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, OR ZONING ADMINISTRATOR EQUAL TO THE ESTIMATED ADDITIONAL COSTS. THE ADDITIONAL ESTIMATED AMOUNT OF ZONING FEES SHALL BE HELD IN ESCROW IN THE APPLICANT'S NAME AND SHALL BE USED SOLELY TO PAY FOR ADDITIONAL COSTS. IF THE AMOUNT HELD IN ESCROW BECOMES LESS THAN TEN PERCENT (10%) OF THE INITIAL ESCROW DEPOSIT OR LESS THAN TEN PERCENT (10%) OF THE LATEST ADDITIONAL ESCROW DEPOSIT AND REVIEW OF THE APPLICATION OR DECISION ON THE APPEAL IS NOT COMPLETED, THEN THE PLANNING COMMISSION, ZONING BOARD OF APPEALS, OR ZONING ADMINISTRATOR MAY REQUIRE THE APPLICANT TO DEPOSIT ADDITIONAL FEES INTO ESCROW IN AN AMOUNT DETERMINED BY THE PLANNING COMMISSION, OR ZONING BOARD OF APPEALS TO BE EQUAL TO THE ESTIMATED COSTS TO COMPLETE THE REVIEW OR DECIDE THE APPEAL. FAILURE OF THE APPLICANT TO MAKE ANY ESCROW DEPOSIT REQUIRED UNDER THIS ORDINANCE SHALL BE DEEMED TO MAKE THE APPLICATION INCOMPLETE OR THE APPEAL PROCEDURALLY DEFICIENT OR DEFECTIVE THEREBY JUSTIFYING THE DENIAL OF THE APPLICATION OR THE DISMISSAL OF THE APPEAL. ANY UNEXPENDED FUNDS HELD IN ESCROW SHALL BE RETURNED TO THE APPLICANT FOLLOWING THE FINAL ACTION ON THE APPLICATION OR THE FINAL DECISION ON THE APPEAL. ANY ACTUAL COSTS INCURRED BY THE COUNTY IN EXCESS OF THE AMOUNT HELD IN ESCROW SHALL BE BILLED TO THE APPLICANT AND SHALL BE PAID BY THE APPLICANT PRIOR TO THE ISSUANCE OF ANY PERMIT OR THE RELEASE OF A FINAL DECISION ON AN APPEAL.

PROPERTY INFORMATION:

PARCEL NUMBER 10-		
ADDRESS/LOCATION:		
LOT SIZE:	ZONING DISTRICT:	NUMBER OF ACRES:
LEGAL DESCRIPTION:		

1. **ACTION REQUESTED:** I/We, the undersigned, do hereby request that the Benzie County Planning Commission approve the following Planned Unit Development (PUD). _____

2. STATE PROPOSED USES OF THE LAND DEVELOPER INTENT AND OBJECTIVES, PHYSICAL, SOCIAL AND ENVIRONMENTAL:

3. STATE PROPOSED BENEFITS OF THE PUD TO THE PHYSICAL, SOCIAL AND ENVIRONMENTAL CONDITIONS OF BENZIE COUNTY)

5. SITE PLAN: ATTACHED AS EXHIBIT _____ (Check with the Zoning Administrator for the number of copies required) A dimensioned, accurate survey or drawing of the property by a licensed professional engineer, licensed professional surveyor or licensed architect, may be submitted on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale not more than fifty (50) feet to the inch, and containing the following information:

Attached Not Attached

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. Property Owners and applicants' names addresses and phone numbers |
| <input type="checkbox"/> | <input type="checkbox"/> | B. Preparer's name and address |
| <input type="checkbox"/> | <input type="checkbox"/> | C. Date, north arrow, and location map |
| <input type="checkbox"/> | <input type="checkbox"/> | D. Legal description |
| <input type="checkbox"/> | <input type="checkbox"/> | E. Plat/Condominium Name |
| <input type="checkbox"/> | <input type="checkbox"/> | F. Lot Numbers |
| <input type="checkbox"/> | <input type="checkbox"/> | G. Property Lines, including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat |
| <input type="checkbox"/> | <input type="checkbox"/> | H. Zoning classification of site and surrounding properties |
| <input type="checkbox"/> | <input type="checkbox"/> | I. Name, location and width of streets, alleys, sidewalks, drives, easements and utilities |
| <input type="checkbox"/> | <input type="checkbox"/> | J. Existing buildings and improvements on and adjacent to the subject parcel within 50 feet |
| <input type="checkbox"/> | <input type="checkbox"/> | K. Required setback lines, R.O.W. lines and any variance to be requested |
| <input type="checkbox"/> | <input type="checkbox"/> | L. Proposed building use, shape, dimensions, locations, lot area, floor coverage, lot coverage percentage, building height and elevations and exterior building materials. Note: site must be self contained. |
| <input type="checkbox"/> | <input type="checkbox"/> | M. Existing environmental characteristics of the site, i.e. topography, soils, vegetative cover including all existing natural features including trees (specifically identifying the location and type of individual trees of 10-inch diameter or larger and clusters and types of smaller vegetation)and woods, drainage, streams, creeks or ponds, lakes, wetlands, etc., on site and within five hundred (500) feet, <u>with an indication as to which will be retained and which removed or altered by earth changes</u> . The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change. |
| <input type="checkbox"/> | <input type="checkbox"/> | N. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. |

- O. The method to be used to serve the development with water and sanitary sewer facilities.
- P. Floodways and flood plains on or in the vicinity of the subject property.
- Q. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two (2) feet vertical. Show bench mark location and location of site retained water with calculations and the method to be used to control drainage on the site and from the site.
- R. Written documentation prepared by a registered civil engineer indicating that the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff occurring before development (for a storm with a twenty-five (25) year frequency and a twenty-four (24) hour duration).
- S. Required number, proposed number and location of parking spaces, maneuvering lanes, driveways, loading areas, and their dimensions and proposed points of access to the site from public streets and alleys. Minimum parking space as required in Article XX of the Benzie County Zoning Ordinance. A written statement that layout will not adversely impact the flow of traffic within the development or to and from the adjacent street(s).
- T. Proposed location of walkways, recreational areas, open space, screen walls, and greenbelts
- U. Proposed landscaping that insures proposed uses are buffered from one another and from existing public and private property, and to create a pleasant pedestrian scale outdoor environment.
- V. Outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject or neighboring properties.
- W. Type, direction and intensity of outside lighting
- X. Vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- Y. Any other information necessary to establish compliance with the Ordinance.
- Z. All existing important natural, historical and architectural features within the development.

If any items are marked "Not Attached", attach explanation, by letter, as Exhibit _____

6. IF A SPECIAL OR CONDITIONAL USE IS ALSO REQUESTED, EXHIBIT _____ IS ATTACHED SHOWING THAT THE REQUIREMENTS OF THE BENZIE COUNTY ZONING ORDINANCE WILL BE COMPLIED WITH. SPECIAL LAND USE _____

_____ ATTACHED _____ NOT ATTACHED _____ I HAVE ATTACHED A WRITTEN EXPLANATION, BY LETTER OF WHY I HAVE NOT INDICATED COMPLIANCE AS EXHIBIT _____

7. AN ADDITIONAL WRITTEN IMPACT/ENVIRONMENTAL STATEMENT IS ATTACHED AS EXHIBIT _____, CONTAINING THE FOLLOWING INFORMATION:

- | Attached | Not Attached | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. The number of people to be housed, employed, projected visitors or patrons and vehicular and pedestrian traffic. |
| <input type="checkbox"/> | <input type="checkbox"/> | B. Phasing of the project including ultimate development proposals. |
| <input type="checkbox"/> | <input type="checkbox"/> | C. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that |

would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.

- D. An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.
- E. The Planned Unit Development will be designed so that the plan provides for the proper expansion of existing infrastructure and will not create excessive additional requirements or public cost for public facilities and services. (Attach letters from: Health Dept., Sheriff Dept., Fire Dept., School System, etc.)
- F. Impact of development on local streets, natural environmental features, schools and utilities. (attach letters of approval from: Road Commission, DEQ (wetlands, creeks) and any pertinent court orders)
- G. The Development will not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to the property.
- H. The Development will not disrupt air drainage systems necessary for agricultural uses.
- I. The Planned Unit Development will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare, odors, noise, dust, smoke, vibration, light encroachment, or waste.
- J. General description of deed restrictions or master deed, if any.
- K. Proposed financing
- L. Market and economic feasibility.
- M. Such other information pertinent to the development or use.
- N. Proposed phases of the development
- O. The method(s) to be used to preserve important natural, historical and architectural features within the development.

If any items are marked "Not Attached", attach written explanation, by letter, and attach as Exhibit ____.

8. ALL PUDS WITH DESIGNATED OPEN SPACE; HISTORICAL, UNIQUE, OR SIGNIFICANT HABITATS; AND PUBLIC OUTDOOR, RECREATIONAL AREAS SHALL HAVE A MECHANISM APPROVED BY THE COUNTY PLANNING COMMISSION TO ENSURE THAT THE RESOURCE OR OPEN SPACE USE IS PRESERVED IN PERPETUITY, SUCH AS A CONSERVATION EASEMENT OR DEED RESTRICTION.

Attached Not Attached

- A. Deed restrictions (Subdivisions) and/or Master Deed (Condominium) shall be filed with the County Register of Deeds, shall run with the land in perpetuity, and shall be enforceable by both the property owner(s) and the County.
- B. Conservation easements shall be conveyed to an approved public agency or non-profit organization and shall be enforced by the holder for public benefit. The conservation easement shall state the permitted and restricted activities to be approved in perpetuity by the easement holder and shall contain the following information:
 1. A completed conservation easement agreement that is signed by the easement grantor and holder.
 2. An appraisal, signed and notarized by a licensed appraiser, that identifies each restrictive and permissive regulation of the easement and the effect the regulation will have on the value of the property in relation to the property's value prior to the granting of the easement.

3. A copy of the site plan, that shows the location, extent and type of areas included in the conservation easement. Include a copy of the Master Deed if a Condominium or variation thereof.

9. IN THE EVENT THE PROPOSED PROPERTY IS IN AN ENVIRONMENTALLY SENSITIVE AREA (INCLUDING, BUT NOT LIMITED TO Sand Dune Formations, High Risk Erosion Areas, Wetlands, Sensitive Riverine Areas, Inland Lakes, Crystal Lake Overlay District Lake Michigan, Floodplain Areas, Steep Slopes, Natural River District(Betsie River),etc., THE APPLICANT WILL COMPLY WITH ARTICLE XXII “ENVIRONMENTAL PROVISIONS” OF THE BENZIE COUNTY ZONING ORDINANCE AS FOLLOWS:

- | Attached | Not Attached | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | A. MDEQ permit for shoreline retaining wall. |
| <input type="checkbox"/> | <input type="checkbox"/> | B. No more than forty (40%) percent of trees that are six (6") inches in diameter (measured at 1 foot above ground level) shall be removed. |
| <input type="checkbox"/> | <input type="checkbox"/> | C. Cutting shall be done in such manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening. |
| <input type="checkbox"/> | <input type="checkbox"/> | D. All trees intended to remain standing and undamaged shall be clearly marked on the proposed site plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | E. All structures and roads shall be set back at least ten (10) feet from the trees identified on the site plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | F. Wherever feasible, groups or clumps of trees shall be preserved to encourage survival of the root zone. |
| <input type="checkbox"/> | <input type="checkbox"/> | G. Stormwater will be controlled so that runoff does not occur on adjacent roads, rights-of ways or other properties. |
| <input type="checkbox"/> | <input type="checkbox"/> | H. Stormwater runoff will be controlled in accordance with the Soil Erosion and Sedimentation control Act., PA 347 of 1972 as amended |
| <input type="checkbox"/> | <input type="checkbox"/> | I. Site drainage will be controlled so that runoff of stormwater will not adversely affect neighboring properties or the surface water quality of the County's lakes and streams. |
| <input type="checkbox"/> | <input type="checkbox"/> | J. Stormwater and sedimentation control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff after development does not exceed the rate prior to development (for a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration. |
| <input type="checkbox"/> | <input type="checkbox"/> | K. All developments shall be designed, constructed and maintained to protect the water quality of the County's lakes and streams and sensitive land areas. |

10. I HAVE REVIEWED AND UNDERSTAND ARTICLE XIX “SIGN REGULATIONS” AND WILL COMPLY WITH SAME AS SHOWN ON EXHIBIT _____ . (Provide an elevation with height, width and description of sign).

11. THE FOLLOWING ADDITIONAL EXHIBITS, DATA AND SUPPORTING DOCUMENTATION ARE ATTACHED HERETO:

A. _____

B. _____

C. _____

- 13. I understand the County Planning Commission may consult with an attorney, a professional engineer, a professional planner, or a professional surveyor concerning compliance, and that such costs may be assigned to me and that if final approval is granted, a permit recognizing such approval will not be issued until such costs have been paid in full.
- 14. I hereby certify that I am the owner of the proposed property or have enclosed a document certifying that I am acting as the owner's agent, and that all information set forth or attached hereto is accurate, complete and truthful to the best of my knowledge.

Date: _____

Witnessed:

 (Type or Print Name)

 (Type or Print Name)

 Signature

 Printed or typed name and title

STATE OF MICHIGAN)
) ss
 COUNTY OF BENZIE)

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

 _____, Notary Public
 Benzie County, State of Michigan
 My Commission Expires: _____

DATE: _____

Witnessed:

 (Type or Print Name)

 (Type or Print Name)

 Signature

 Printed or typed name and title

STATE OF MICHIGAN)
) ss
COUNTY OF BENZIE)

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

_____, Notary Public
Benzie County, State of Michigan
My Commission Expires: _____

Revised 5/22/08

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