

ARTICLE IV
GENERAL PROVISIONS

401 ORDINANCE GENERAL REGULATIONS

401:1

The provisions of this Ordinance shall be held to be the minimum requirements and shall apply uniformly to each kind or class of structure or land.

401:2

Where the conditions imposed by any provisions of this Ordinance upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements, shall govern.

401:3

This Ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the regulations of this Ordinance shall govern.

401:4

Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.

401:5

All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such structures, uses or land shall be located.

401:6

Any building permits issued prior to the effective date of this Ordinance shall be considered valid and the structure may be completed and used or occupied in accordance with plans, provided that the use or occupancy is on the basis for which building permit was originally designated and provided that construction is begun within sixty (60) days. Any such use which would become nonconforming by virtue of the passage of this Ordinance shall thereafter be considered nonconforming and subject to the provisions of this Ordinance.

401:7

Any structure or use lawfully existing at the time of adoption of this Ordinance may be continued except as hereinafter provided in the regulations concerning nonconforming uses in this Ordinance.

401:8

All land, property or territory hereafter to be annexed to West Traverse Township shall be considered to be in an A-1 District until otherwise classified.

401:9

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon such order of such official.

402 DISTRICT GENERAL REGULATIONS

402:1

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.

402:2

No part of a yard or other open spaces or off-street or loading space required about or in connection with any structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure or use.

402:3

In case of a lot having a side yard along any district boundary line, on the other side of which is a more restrictive district, said yard shall have a width of not less than that required for the more restrictive district.

402:4

No part of any required yard except a rear yard shall be occupied for any accessory use or structure or for the storage of vehicle(s), except as otherwise specified in this Ordinance.

402:5

On any corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and eight (8) feet above the established road grade within a triangle formed by the two (2) road right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.

402:6

On double frontage lots, a front yard as prescribed for the district as herein established shall be provided on both roads.

402:7

Every structure hereafter erected or relocated shall be on a lot abutting a public road, or an approved private road or road easement. All structures shall be so located as to provide safe and convenient access for servicing, fire protection and required off-road parking.

402:8

In any district, more than one structure housing a permitted or permissible principal use or a structure housing more than one permitted or permissible use may be erected or maintained on a single lot provided that all other requirements of this Ordinance shall be met for each structure or for each use as though each were on an individual lot.

402:9

In any R-1, R-1-A, A-1 and A-1-A District, a single family dwelling and permitted accessory structures may be constructed, altered or reconstructed on any single lot of record at the effective date of adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the Zoning District requirements for area or width or both. Minimum zoning district yard dimensions and requirements shall apply to construction and alterations. Reconstruction may be effected so long as yard dimensions are no less than those of the original structure, or within the minimum Zoning District yard dimensions and requirements. Variance of yard requirements other than those permitted above shall be obtained only through action of the Board of Appeals.

402:10

No residential dwelling unit shall have less than eight hundred (800) square feet of floor area, the sum of which shall be the area measured to the exterior face of exterior walls, having more than seven (7) feet, six (6) inches headroom and which may be made useable for human habitation excluding the floor area of basements, garages, accessory buildings, attics, unheated porches or breezeways and unenclosed porches. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building line, excluding garages, porches and accessory buildings.
(Revised 6/4/03)

402:11

The suffix "A" when added to any district shall restrict development in that district by specifically prohibiting any common wall building. A nonconforming building created by the application of the "A" district shall be rebuildable to the size at the time of the adoption of the "A" district. All provisions not in conflict with the suffix "A" prohibition shall remain in effect. (Adopted 10/13/98)

402:12

The use of trucks, trailers, semi-trailers or other similar vehicles for storage is prohibited in all Districts (effective 10/13/98). Trailers used by contractors for office and storage purposes are permitted for a reasonable length of time on a job site provided there is valid Zoning and Building permits for construction on the site and the trailer use is directly related to the construction on the property on which it is located. (Adopted 10/13/98)

402:13 ACCESSORY BUILDINGS (Adopted 06/04/03)

ACCESSORY BUILDINGS					
Lot Size	Less than 1 acre	1 to < 2 acres	2 to < 4 acres	4 to < 10 acres	10 acres or greater
# Accessory Buildings allowed over 150 sq. feet	One	One	One	Two	Three
# Accessory Buildings allowed 150 sq. feet or less	One	One	Two	Two	Two
Maximum Size of Accessory Building(s) sq. feet	600	864	1,200	1,600 if 1 1,100 each if 2	2,400 if 1 1,600 each if 2 1,200 each if 3
Maximum Height of sidewall	12 feet	14 feet	16 feet	16 feet	18 feet

ACCESSORY BUILDINGS 150 SQUARE FEET OR LESS: Accessory structures such as gazebos, pump houses, garden tool sheds or wood storage sheds are allowed as indicated in the above chart if:

1. Proper permits are obtained.
2. The structure is less than one hundred fifty (150) square feet, and
3. The height to the peak of the structure does not exceed twelve (12) feet.

LANDSCAPING AND/OR SCREENING: May be required depending on the size of the structure and/or the proximity of the structure to the property line, as determined by either the Zoning Administrator or the Planning Commission.

SETBACKS: Accessory buildings and structures shall meet the setbacks of the district, except as otherwise permitted in this Ordinance. Accessory buildings one hundred fifty (150) square feet or less in size shall meet a minimum of ten (10) feet setback, except as otherwise permitted in this Ordinance.

EXEMPTIONS: Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by a strict compliance with the

provisions of this Section, the Planning Commission may waive or modify said standards on a case by case basis subject to Planning Commission review and notifications to adjoining property owners within three hundred (300) feet.

402:14 OUTDOOR LIGHTING (Adopted 08/10/04)

PURPOSE: The purpose of this section is to eliminate or minimize glare, obtrusive light, light trespass and light pollution; conserve energy and resources while maintaining nighttime safety, utility, security and productivity; and curtail the degradation of the nighttime visual environment.

REGULATIONS: All outdoor lighting, whether for illuminating sites, walkways, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent property and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.

Section 402:15 Wind Energy Systems (WES's) (adopted 6/9/09)

A. Definitions – For purposes of this section, the following definitions shall apply:

ANEMOMETER TOWER or MET means a freestanding meteorological tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a WIND ENERGY SYSTEM

AMBIENT means the sound pressure level exceeded 90% of the time or L90

ANSI means the American National Standards Institute

dB(A) means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear

DECIBEL means the unit of measure used to express the magnitude of sound pressure and sound intensity

HAWT means a horizontal axis wind turbine tower or building mount; one type of WIND ENERGY SYSTEM. See also VAWT

IEC means the International Electrotechnical Commission

ISO means the International Organization for Standardization

LEASE UNIT BOUNDARY means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways

ON-SITE WIND ENERGY SYSTEM means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site

ROTOR means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind

SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling

SOUND PRESSURE means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver

SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB)

UTILITY GRID WIND ENERGY SYSTEM means a land use designed and built to provide electricity to the electric utility grid by use of wind and includes accessory uses such as but not limited to an ANEMOMETER TOWER, electric substation, and related appurtenances

VAWT means a vertical axis wind turbine tower or building mount; one type of WIND ENERGY SYSTEM. See also HAWT

WIND ENERGY SYSTEM means a land use for generating power by use of wind; use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical

equipment. This does not include wiring to connect the wind energy system to the grid. See also ON-SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM

WIND SITE ASSESSMENT SYSTEM means a land use using a MET or ANEMOMETER TOWER to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

B. Wind Energy Systems (WES's or WES singular) and wind site assessment systems may be located and permitted only if all of the following standards are complied with:

1. **Planning Commission Review.** The Planning Commission shall review all applications for Wind Energy Systems and Wind Site Assessment Systems. Notification of the review shall be sent to all property owners within 300' of the property boundary where the WES and/or Wind Site Assessment System is proposed.
2. **Minimum Site Area.** The minimum site area for a WES shall be as necessary to meet required setbacks and any other applicable standards of this ordinance.
3. **Setbacks.** All WES's shall be set back a distance equal to one and one-half times the height of the WES from the owner's property line (for on-site WES's) or from the property lines of adjacent non-leased properties including public rights-of-way (for utility grid WES's).
4. **Maximum Height.** The maximum height for On-site WES's and Wind Site Assessment Systems shall be sixty (60) feet from the ground to the top of the blade or tower, whichever is greater. The Planning Commission, following a duly noted Public Hearing and notification of every land owner within 300' of the parcel where the WES or Wind Site Assessment system will be located, may approve an increased height for On-site WES's and Wind Site Assessment Systems not to exceed one hundred twenty (120) feet, if the following conditions are met:
 - a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity and/or reduce turbulence.
 - b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the WES given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
 - c. The increased height will not result in increased intensity of lighting on the tower due to FAA requirements.

On-site WES or Wind Assessment System over 120 feet in height shall require a Special Use Permit according to Section 501 of this zoning ordinance, the system shall be treated as a Utility Grid System, and shall follow all requirements of Section 501:5.

The maximum height for Utility Grid WES's and Wind Assessment Systems shall be as described in Section 501:5 (8), "Height for Utility Grid System(s)".

5. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a Wind Energy System shall be no less than sixteen (16) feet. Additional clearance may be required by the Planning Commission if potential safety concerns are identified.
6. **Maximum Noise Levels.** Any proposed Wind Energy System shall produce sound pressure levels that are no more than fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for a WES.
7. **Maximum Vibrations.** Any proposed Wind Energy System shall not produce vibrations humanly perceptible beyond the property on which it is located.
8. **Shadow Flicker.** The facility shall be designed such that shadow flicker will not fall on, or in, an existing off-site dwelling. Shadow flicker expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:
 - 1) The flicker will not exceed 30 hours per year; and
 - 2) The flicker will fall more than 100 feet from an existing residence; or
 - 3) The traffic volumes are less than 500 vehicles per day on the roadway.
9. **Transmission Lines.** The on-site electrical transmission lines connecting the Wind Energy System to the public utility electricity distribution system shall be located underground.
10. **Interference with Commercial/Residential Reception.** Any Wind Energy Systems shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception.
11. **Landscaping.** Existing natural land forms on the site which effectively screen the base of the WES from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
12. **State or Federal Requirements.** Any proposed Wind Energy System or anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate Wind Energy Systems or other tall structures in effect at the time the permit is approved.
13. **Safety.** All WES's shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All WES's shall have lightning protection.
14. **Visual Impact.** All WES's shall meet the following requirements:
 - a. Each WES shall either be white or maintain a galvanized steel finish.¶

- b. Each WES shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - c. Each WES, except for anemometer towers, shall be monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. Anemometer towers may, for up to 3 years, be lattice type towers and may use guy wires.
 - d. Each WES shall be designed to aesthetically complement the color and design of any existing WES within a one-mile radius
- 15. On-site use WES's** On-site WES's are intended to primarily serve the needs of the consumer on the site of the WES. If the total height exceeds one hundred twenty (120) feet, a Special Use Permit is required and must follow the procedures in Section 501 of this zoning ordinance.
- 16. Utility Grid WES's** Utility Grid WES's are designed and built to provide electricity to the electric utility grid. Utility Grid WES's shall be considered a Special Land Use and require a Special Use Permit according to Section 501 of this zoning ordinance.
- 17. Complaint Resolution**: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude West Traverse Township from acting on a complaint.
-
-
-

403 SITE PLAN REVIEW

403:1 USES REQUIRING SITE PLAN REVIEW AND APPROVAL

Whenever a zoning permit is required for the erection of or an addition to a building, a site plan shall be required and approved by the Planning Commission prior to the issuance of a zoning permit. In addition, for all special land uses or whenever a parking or storage area is to be used or constructed, a site plan shall be required and approved before construction is started or, if no construction is to be undertaken, used for such purpose. This section does not apply to the erection of or an addition to a single family dwelling, a two family dwelling on individual lots, permitted roadside stand or accessory buildings and required motor vehicle parking for such one or two family dwellings. A site plan shall also be required for the erection or an addition to any major utility service facility, including the transportation, generating, processing, storing or transmission of petroleum, electricity, sanitary sewage, water, etc. including towers, rights-of-way, substations, pumping stations, regular stations and similar appurtenances, and any use located within an environmental area or high risk area as defined and determined under the provisions of the Shorelands Protection and Management Act (1955 P.A. 59: MCL 324:32301 and any amendment thereto).

A required site plan shall consist of the following and shall include the entire site proposed for improvement under the particular site plan with no unplanned areas on the particular site. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of a site and the development proposal, the Planning Commission may waive the requirement. Any such waiver shall be recorded in the Commission's minutes. Site improvements and development shall conform exactly to the approved site plans and supplemental drawings as approved by the Planning Commission.

403:2 GRAPHIC REQUIREMENTS FOR SITE PLANS

Site plans submitted in compliance with this Ordinance shall provide the following:

1. An application in the number of copies required by the township together with the same number of site plan drawings.
2. Be prepared by and carry the seal of the registered architect, landscape architect, land surveyor or professional engineer who prepared it. The Planning Commission shall have the authority to waive the requirements of a professionally prepared plan where it determines a sketch plan would be adequate.
3. Contain the legal description and zoning of the particular site and the zoning for adjacent properties.

4. Be drawn to a minimum scale of one (1) inch equals fifty (50) feet for less than five (5) acres and at one (1) inch equals one hundred (100) feet for five (5) acres or more, and shall contain a general location map at a scale of four (4) inches equals one (1) mile giving site location.
5. Date, north point, scale, property dimensions, street names, size in square feet or acres, and any other necessary identification information.
6. All existing and all proposed structures on the subject property, including signs, and lighting, other structures within one hundred (100) feet of the subject property, ingress and egress drives, roads and parking areas with spaces delineated and the height of all structures.
7. All existing easements, utility lines, rights-of-way and other services within and bordering the subject property.
8. Topography information based on USGS datum, or selected on site elevations. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.
9. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to whether existing or proposed. Whenever a tree or group of trees of three (3) inch caliper or greater is to be removed as part of the planned improvements, it or their location shall be shown on the site plan in dotted outlines and noted "to be removed".
10. The following information shall be required in addition to the applicable data requested above:
 - a. Locations and proposed method of screening.
 - b. Loading and unloading area.
 - c. Total floor area.
 - d. Typical floor plans.
 - e. Building elevations (front, side and rear views).
 - f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension and other data of all such equipment or machinery shall be indicated.

11. Generalized soil analysis data, which may include data prepared by the Emmet County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
12. No site plan or plat shall be approved unless it includes soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development when required.

403:3 IMPACT STATEMENT

Any Impact Statement shall accompany any application for site plan review and shall include the following:

1. A complete description of the proposed development including site land use characteristics, the number of lots or units and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income as applicable.
2. Expected demands on community services and how these services are to be provided, to specifically include school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
3. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

403:4 SITE PLAN REVIEW STANDARDS

In the process of reviewing the site plan, the Township Planning Commission shall consider:

1. The location and design of driveways and entrance features with respect to vehicular and pedestrian traffic.
2. The traffic circulation plan and off street parking with respect to public safety, onsite uses and adjacent properties.

3. Buffering techniques such as screening, fences, walls, greenbelts and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
4. Methods proposed to prevent property damage in critical environmental areas.

403:5 REVIEW FOR APPROVAL

Following the submittal of a site plan in accordance with the requirements of this Section, and any other rules governing site plan submittals in West Traverse Township, The Planning Commission shall approve, conditionally approve or reject the proposed development with reasons stipulated. The Planning Commission shall commence review of the site plan at its next regularly scheduled meeting provided a complete site plan is submitted at least ten (10) days prior to that meeting.

No land use, zoning compliance and/or building permits shall be issued except for uses that are in full compliance with the provisions and conditions specified in the site plan review process.

For developments regarded to be complex in terms of street patterns, housing density, questionable soil conditions, steep grades and similar conditions, the final approval of a site plan may be withheld pending consultation with a registered engineer, architect or township attorney.

(The following paragraph was added 6/4/03)

Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (For example: In instances of underground improvements, critical grading or slope change, complex curves, areas of critical tolerances or other practical difficulties) the Planning Commission may require the applicant provide a set of the approved plans bearing:

1. The seal of the project's engineer or architect; and
2. Certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.

403:6 IMPROVEMENT GUARANTEES

Any site improvements affecting screening devices, greenbelts, drainage structures or other special construction features that pertain to the approval of the site plan, either as required by the Planning Commission or as proposed by the developer or proprietor, may require a deposit with the Township Clerk of cash, a certified check, certificate of deposit or irrevocable bank letter of credit, whichever the proprietor selects, or a surety bond acceptable to the West Traverse Township, to insure the faithful completion of the improvements specified. The Township shall release funds for the payment of work as it is completed, subject to the township inspection and approval of the work. The amount of the deposit shall be set by the township based on reliable estimates of the cost of completing the work.

403:7 TIME LIMITS-SITE PLAN APPROVALS

A site plan shall be valid for a period of one (1) year from date of approval, unless the approved use or construction has started and proceeds to completion in accordance with the terms of such approval. The Planning Commission may grant an extension, thereof, for good cause shown for a period of time not to exceed one (1) year, under such terms and conditions as it shall determine to be necessary and appropriate.

404 PLANNED UNIT DEVELOPMENT (Adopted 06/08/04)

404:1 AUTHORIZATION

A PUD may be authorized in the A-1, A-1-A, R-1, R-1-A and R-2 Districts through the approval of a Special Land Use as regulated in Section 501 through 501:4 of this Ordinance, in addition to the requirements of this Section, 404.

404:2 INTENT

It is the intent of this special use to provide a more desirable living environment by retaining the rural and natural character of the township through the preservation of open spaces, woodlands, streams, ponds, water frontage, hills and similar natural assets. It is further intended that this permitted use encourage a more creative approach to residential development through the planned reduction or grouping of lots while maintaining the overall density of the zoning district. Planned Unit Developments (PUDs) must be structured and designed to advance the following goals:

1. To encourage a more imaginative planned community through the application of comprehensive land use planning techniques at the project level.
2. To provide for a controlled mix of compatible land use types when coordinated into an overall property use plan without the incidence of spot zoning.
3. To allow clustering of uses to reduce development costs and provide more protection for prime farmland, natural features, open spaces, historic resources and to enhance the character of the community.
4. To coordinate development and encourage efficiency with respect to land use, natural resources, energy, roads, pedestrian ways, public services and utilities.
5. To encourage a necessary balance between physical improvements, community needs and site amenities such as scenic views, open space, recreation areas and environmentally sensitive areas.
6. To encourage innovation in land use in variety and design, layout or type of structures constructed.
7. To allow more flexibility in land development with respect to building setbacks, building densities and other standard zoning requirements.

8. To encourage a unified and hence potentially more desirable development of large areas of land based on a Project Master Plan.
9. To provide a forum for communication between the developer, community officials and the public concerning PUD projects.

404:3 GENERAL PROVISIONS

In addition to all other requirements to which any Special Use must conform, any PUD shall meet the following standards:

1. The development shall be administered and developed as an integral unit by one or more proprietors who separately or collectively own the project.
2. Residential density shall not exceed the maximum for the zoning district in which it is located. In the A-1 and A-1-A Districts, the maximum density is one dwelling per two (2) acres. In the R-1 and R-1-A Districts, the maximum density is one dwelling per one (1) acre. In the R-2 District, the maximum density is one unit per 22,000 square feet.
3. The area dedicated to private roads may be included in the total site area for purposes of density calculations. The area dedicated to public roads shall be excluded.
4. For all area gained through the reduction or grouping of lots, an equal area shall be set aside for the exclusive common use of the lot owners, residents within the development, or for the general public. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
5. The proposed Planned Unit Development shall minimally meet all standards in Section 501 through 501:5, as well as federal, state, county and township laws or Ordinances including the provisions of this Ordinance except as specifically exempted.

404:4 PERMITTED USES AND STRUCTURES

Except as noted, PUD uses and structures may include any of the range of uses and structures allowed by right or by special use within the zoning district(s) where the PUD is proposed. Such uses may be placed either singularly or in combination. In approving a PUD with mixed uses, the Planning Commission may stipulate the sequence in which said uses, or portions thereof, are constructed.

Within any PUD, no structure shall hereafter be used, erected, converted or externally altered in whole or in part, if said use is not in accordance with the approved PUD plan.

404:5 AREA REGULATIONS

Except to the extent that a PUD or a portion of a PUD is subject to area regulations mandated by a state agency, all structures shall meet the following area regulations:

1. **Perimeter Setbacks:** The setback maintained along the perimeter of the PUD shall be at least a fifty (50) foot buffer strip. The Planning Commission may require a greater perimeter setback in order to assure that the use does not negatively impact adjoining property outside the PUD. The Planning Commission may also reduce the required perimeter setback on the road side upon finding that the reduced setback will not be detrimental to the public health, safety or welfare of future occupants of the PUD, the surrounding neighborhood or the township as a whole.

No parking areas shall be allowed in the perimeter setback. With the exception of access drive, non-motorized trails, lighting, sidewalks and curbing, the perimeter setbacks shall be landscaped and maintained. Access drive shall not be routed in the setback area like a perimeter road, but can go through or cross the PUD setback.

2. **Open Space:** A PUD project shall have open space of no less than thirty (30) percent of the entire project area. This required open space shall be dedicated to the public or set aside for the common use of the owners and users within the PUD. A covenant or deeded interest for this open space area shall be recorded with the County Register of Deeds so that it shall be assured of remaining undeveloped. Copies of recorded documents shall be filed with the zoning administrator.

Dedicated open space does not include parking lots, private or public roads or public right of ways, but may include flood plain areas and wetlands up to a maximum of twenty (20) percent of the required open space. In addition, landscaped areas devoted to perimeter setbacks can be included as dedicated open space.

3. **Height Regulations:** The height of all buildings and structures within a PUD project shall not exceed thirty-five (35) feet.

4. Other Dimensional Regulations: To promote creativity and flexibility in site design, the Planning Commission may, subject to the following limitations, alter the other dimensional regulation, as required by the zoning district, including, but not limited to minimum lot size, density and setbacks within the PUD project. Limitations are as follows:

- a. The Planning Commission may approve changes in dimensional regulations, if and only if it finds that the proposed dimensional regulations will not be detrimental to the public health, safety or welfare of future occupants of the PUD, the surrounding neighborhood or the township as a whole.
- b. Prior to approving a change in dimensional regulations, the Planning Commission may require the applicant to demonstrate through bonafide documentation, including but not limited to traffic impact studies, environmental impact studies, market needs assessments and infrastructure impact studies, which the change will not result in significant impacts to the PUD project and PUD occupants, the surrounding area and the township as a whole.
- c. Density increases may be approved for the creation and/or preservation of open space, the protection of the natural environment or for conservation of natural resources and energy. In no case shall densities be increased by more than fifteen (15) percent. The following table shall be used as a guide:

<u>Open Space</u>	<u>Density Increase</u>
30%	0%
35	5
45	10
55	15

Density bonuses are subject to Northwest Michigan Community Health Agency approval for water supply and sewage disposal.

- d. Required parking shall not be reduced by more than thirty (30) percent of the parking normally required of the proposed use. In no case shall detached single family dwellings have less than two (2) on site (off street) parking spaces. In reducing the required parking, the Planning Commission may require the reservation of a portion of the PUD site for future parking.

404:6 ENVIRONMENTAL DESIGN REQUIREMENTS

The Planning Commission may require that the site be designed to preserve and protect, to the greatest extent feasible, existing natural or unique features such as, but not limited to, mature trees, significant vegetation, waterways, steep slopes or scenic views. The Planning Commission may also require additional plantings to be added and maintained in order to minimize erosion potential or to increase aesthetic appearance of the development. Plantings that do not survive must be replaced no later than the next nearest planting season.

404:7 TRAFFIC CIRCULATION

Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access and separation of vehicles from pedestrians and enhance the overall physical design of the PUD. Emergency design and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

404:8 PRIVATE STREETS

Private streets must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radius. The following residential street standards shall be adhered to, unless the Planning Commission permits modifications. The Planning Commission may approve modifications to these private street standards if it finds that the proposed changes will not be detrimental to the public health, safety or welfare of future occupants of the PUD, the surrounding neighborhood or the township as a whole. All dead end streets shall have turnarounds adequate to serve emergency vehicles and snowplows.

Type of Street	Users Served	Required R-O-W (feet)	Width of Pavement (feet)
Residential dead end or Local Street	1-6 dwellings	30	20
	7-20 dwellings	35	20
	21-50 dwellings	40	20
Residential Collector	51-200 dwellings	66	22
Neighborhood Collector	Over 200 dwellings or commercial use	66	24

404:9 PRE-APPLICATION CONFERENCE

A pre-application conference shall be held with the Planning Commission and/or zoning administrator for the purpose of determining the eligibility of the proposed PUD application and to review the procedures and standards for PUD approval. The goals of the pre-application conference are to acquaint the township with the applicant's proposed development, assist the applicant in understanding new or additional information which the Planning Commission will need to effectively consider the application, confirm that the application and all supporting documentation is ready for a public hearing, and to acquaint the applicant with the Planning Commission's or Zoning Administrator's initial, but unofficial, response to the application. In no case shall any representations made by the Planning Commission or Zoning Administrator at the pre-application conference be construed as an endorsement or approval of the PUD.

1. Request for Pre-Application Conference: A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-application conference at a Planning Commission meeting. As part of the pre-application conference, the applicant shall submit ten (10) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation and proposed land use for the entire site.

404:10 PRELIMINARY PUD PLAN

The preliminary PUD plan can be more general than the final plan, but shall contain adequate information and detail for Planning Commission analysis. Ten (10) copies of the preliminary PUD Plan shall be submitted, plus five (5) reduced size copies suitable for reproduction on the township copier, along with a payment of a fee as established by resolution of the Township Board. At a minimum, the preliminary PUD plan shall contain the following:

1. Legal description of property.
2. A statement of the objectives of the planned development.
3. Explanation of the relationship of the PUD to the Township's Master Plan.
4. Phasing of all components of the project as well as future selling and/or leasing intentions.
5. Preliminary sign information, including location and size.
6. Required setbacks of the zoning districts.

7. An existing conditions map, including:
 - a. A property location map.
 - b. Property dimensions and boundaries.
 - c. Major tree stands and rock outcrops.
 - d. Water bodies (streams, rivers, lakes, ponds).
 - e. Generalized soil conditions.
 - f. Other natural features.
 - g. Human made features including existing roads within and bordering the project, buildings, easements and utilities.
 - h. All major environmental features, such as major stands of trees and other vegetation, wetlands (both regulated and unregulated), flood plains, drainage ways, outcroppings, slopes of ten percent (10%) or more gradient, and/or other surface features.
8. Location and type of proposed lighting on the site.
9. A site plan which meets the requirements of Section 403:2, graphic requirements for site plans.

404:11 FINAL PUD PLAN

Within a period of not more than one (1) year from the date of approval of a preliminary PUD plan, the applicant must present to the Zoning Administrator the final PUD development plan. A Public Hearing shall be held by the Planning Commission, following the regulations of 404:12. All requirements and provisions of Article V, Special Regulations, shall be complied with. The Planning Commission may permit both a preliminary and final PUD plan review to occur at the same meeting for simple, single use PUDs. No PUD project can be approved until a Final Master Plan has been reviewed and given final approval and recommendation by the Planning Commission to the Township Board, who shall be the final reviewing and approval agency.

Prior to Planning Commission final review, the applicant must submit copies of the preliminary plan to government review agencies, as applicable, to gain compliance with health laws, drain laws, environmental laws, as well as rules governing road construction. Local fire protection agencies must also be contacted prior to the Planning Commission final review.

Drawings and plans presented in a general fashion in the preliminary phase shall be presented in detail for the final plan. The final PUD plan shall meet the requirements of Section 403 Site Plan Review, include all the elements of the preliminary PUD plan, all the changes and/or conditions stipulated by the Planning Commission, plus all of the following:

1. Payment of a fee as established by resolution of the Township Board.
2. A narrative statement describing, at a minimum:
 - a. The objectives of the proposed PUD and how they relate to the intent of a PUD as described in Section 404:2 above.
 - b. The relationship of the proposed PUD to the Township's Master Plan.
 - c. Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase.
 - d. Proposed master deed, deed restrictions, covenants or similar legal instruments to be used within the PUD.
 - e. Location, type and size of areas to be dedicated for common open space.
 - f. Tabulation of land area ratios.
 - g. An impact statement meeting the requirements of Section 403:3 of the Ordinance.
3. Ten (10) copies of the development plan and one (1) reduced size copy suitable for reproduction on the township copier. If the PUD is to be developed in phases, the development plan shall show all phases. The development plan shall contain all of the following:
 - a. Applicant's name, address and telephone and/or fax numbers.
 - b. Name, address, telephone and fax numbers of the individual and firm who prepared the plan.
 - c. Name of development, scale of the plan drawing and north arrow.
 - d. Location, shape, area and dimension of the lot, lots or acreage to be used, including a legal description of the property and the tax identification number(s) for the property.

- e. Present zoning of the subject property and adjacent properties.
- f. All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned, including the proposed use(s) and width(s) of all rights-of-way and easements. If the project is proposed to have private streets, the Township Planning Commission may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Emmet County Road Commission.
- g. Location and total number of curb cuts, driveways, off street parking spaces and loading spaces, including the dimensions of a typical parking space and the location(s) of barrier free parking spaces.
- h. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- i. Location, dimensions and uses of all existing and proposed structures, walks, malls, open areas, walls, fences, screen plantings and/or other landscaping.
- j. Existing and proposed sewer, water and other utility lines, plus location and type of sewage treatment facility, water source and fire hydrants.
- k. Area of subject property to be covered by buildings.
- l. Location, size, height and orientation of all signs.
- m. Final plans for surface water drainage, including surface and subsurface facilities.
- n. Percentage of the total site devoted to open space and the proposed uses of that open space.
- o. Proposed PUDs that include residential uses shall include the following additional information:
 - i.) Minimum floor area of dwelling units.
 - ii.) Total number of dwelling units proposed.

iii.) Number of bedrooms per dwelling unit.

4. Final landscape plans.
5. Final building plans.
6. Final sign plans.
7. All common open space areas, greenbelts, transition areas and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.
8. All designated and required open space shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
9. The PUD's ownership, management and construction shall have been determined and documented and, where phased, a plan to demonstrate development continuity shall be presented.
10. All arrangements for design, construction, maintenance and operation of utility, septic or waste treatment systems, soil erosion and storm water control shall be presented.
11. On site circulation routes for vehicles, pedestrians, parking lots, bicycles and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.
12. Any existing or proposed deed restrictions, easements, agreements, condominium documents, deed restrictions, Articles of Incorporation or covenants pertinent to the project property shall be presented. Actual final filing of the documents need not occur until after final site plan review, but before a zoning permit is issued.
13. Site plans and applicable engineering drawings shall be sealed by a professional engineer, surveyor, architect or landscape architect.
14. Such other information regarding the development area that may be required to determine conformance with this Ordinance.

404:12 PUBLIC HEARING AND NOTICES

Following receipt of a complete preliminary application, the Planning Commission shall hold at least one (1) public hearing. A public hearing shall be held at both the preliminary and final PUD reviews. The Planning Commission, in certain cases as stipulated in Section 404:11 above, may allow the preliminary and final review to occur at the same meeting. Notice of the hearing shall adhere to the following standards:

1. Notice shall be given at least fifteen (15) days prior to the date of the hearing.
2. The notice shall be sent via first class mail or personal delivery to all owners of the property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property being considered for Planned Unit Development action, and to the occupants of all structures within three hundred (300) feet of the property being considered for Planned Unit Development action.
3. Such notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwellings, units or other spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
4. Contents of Notice: The notice shall:
 - a. Describe the nature of the Planned Unit Development application.
 - b. Describe the property which is the subject of the Planned Unit Development application.
 - c. State when and where the Planned Unit Development application will be considered.
 - d. Indicate when and where written comments will be received concerning the Planned Unit Development application.

404:13 PLANNING COMMISSION REVIEW OF FINAL PUD PLAN

Following the public hearing of the final PUD plan, the Planning Commission shall review the PUD application and shall table for more information, or recommend to the Township Board approval, denial or conditional approval. The Planning Commission's decision shall be in writing and shall include findings of fact, based on the evidence presented at the public hearing, on the standards.

404:14 STANDARDS FOR PUD APPROVAL AND WAIVER OF STANDARDS

A. General Standards:

1. The Planned Unit Development shall be consistent with the Township Master Plan.
2. The Planned Unit Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
3. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement.
4. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation, if dead, shall be replaced.
5. The Planned Unit Development shall not change the essential character of the surrounding area, unless such change is consistent with the Township Master Plan.
6. The Planned Unit Development shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff odors, light, glare or other nuisance.
7. The Planned Unit Development shall not place demands on public services and facilities in excess of current capacity, unless planned improvements which will increase the capacity sufficient to service the development have already been scheduled for completion.
8. The Planned Unit Development shall be designed to preserve public vistas and existing important natural, historical and architectural features of significance within the development.

9. The Planned Unit Development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.
10. The Planned Unit Development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.
11. The Planned Unit Development shall not result in greater storm water runoff to adjacent property after development than before development for up to a 50 year storm. The open space shall be provided with ground cover suitable to control erosion and vegetation that no longer provides erosion control shall be replaced.
12. The design of the Planned Unit Development shall exhibit a reasonably harmonious relationship between the locations of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
13. The design of the Planned Unit Development shall ensure that outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
14. The Planned Unit Development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services and drainage or erosion control.
15. A copy of the Development Plan, along with a copy of all related documentation, shall be delivered to the Fire Chief for his review as relates to Public Safety and Fire related issues. The Fire Chief shall have the responsibility to ensure all streets and access routes, public or private, are adequate for emergency vehicle turning radius, vehicle weight and vehicle size. In the event the Development Plan provides for a combination of four (4) or more dwellings, commercial and/or

industrial structures within any given area, the Fire Chief may require that an in-ground water holding tank be installed by the Developer(s), at their sole cost, for use by the Fire Department for fire suppression purposes. Additional water holding tanks may be required depending upon the overall size or volume of the proposed development. The Fire Chief shall provide the developer(s) specifications covering any required water holding tank(s).

16. The Planned Unit Development shall meet the standards of other governmental agencies, where applicable.
17. Where a proposed development is of sufficient complexity or there are circumstances where a reasonable visual inspection may not be able to confirm compliance with approved plans (for example, in instances of underground improvements, critical grading or slope change, complex curves, areas of critical tolerances or other practical difficulties), the Planning Commission may require the applicant provide a set of the approved plans bearing the seal of the project's engineer or architect and certification by the project's engineer or architect that the project has been completed in compliance with the approved plans.

B. Waiver of PUD Standards:

The Planning Commission and/or the Township Board may waive any of the standards for a PUD contained in Section 14 above where all of the following findings are documented along with the rationale for the decision:

1. No good public purpose shall be achieved by requiring conformance with the standards sought by the applicant to be waived.
2. The spirit and intent of the PUD provisions will still be achieved.
3. No nuisance will be created.

404:15 CONTINUING ADHERENCE TO APPROVED PUD APPLICATION

Any property owner who fails to develop and maintain an approved PUD according to the approved PUD application and conditions, if any, shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided in this Ordinance.

404:16 RECORDING OF ACTION

The applicant shall record an affidavit, acceptable to the township attorney, with the Emmet County Register of Deeds that contains the full legal description of the project site, specifies the date of final township approval, specifies the description or identification number which the township has assigned to the PUD project, and declares that all improvements will be carried out in accordance with the approved PUD application. If the Township approves an amendment to the PUD, the applicant shall record an amended affidavit acceptable to the township attorney that contains all of the information described above, describes the amendment, specifies the date the township approved the amendment, and declares that the improvements will be carried out in accordance with the approved PUD, as amended. Finally, all deed restrictions and easements shall be duly filed with the Emmet County Register of Deeds and copies of recorded documents filed with the zoning administrator.

404:17 PLANNED UNIT DEVELOPMENT PERMIT

Following final approval of a PUD application and submittal, to the zoning administrator, of all recorded documents required in Subparagraph 16 above, a permit may be obtained from the zoning administrator. The issuance of this permit, however, shall not relieve the applicant from complying with applicable county, state and federal permit requirements. The failure of the applicant to obtain any required county, state or federal permit shall render the PUD permit issued under this subsection void.

404:18 AMENDMENT OF AN APPROVED PUD

Amendments to an approved PUD shall be permitted only under the following circumstances:

1. The owner of property for which a PUD has been approved shall notify the zoning administrator of any desired change to the approved PUD.
2. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than twenty (20) feet.
 - c. Landscaping approved in the PUD plan that is replaced by similar landscaping to an equal or greater extent.

- d. Changes in floor plans that do not exceed five percent (5%) of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes related to items a. through e. above, required or requested by West Traverse Township, Emmet county or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval.
3. All amendments to a PUD approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised development plan showing the approved amendment. The revised development plan shall contain a list of all approved amendments and a place for the zoning administrator and applicant to sign and date all approved amendments.
 4. An amendment to an approved PUD that cannot be processed by the zoning administrator under 404:18, 2 above shall be processed in the same manner as the original PUD application.

404:19 EXPIRATION OF APPROVED PUD; EXTENSION

A. An approved PUD shall expire one (1) year following final approval by the Township, unless substantial construction has begun on the PUD project prior to that time or the property owner applies to the Planning Commission for an extension prior to the expiration of the PUD. The Planning Commission may grant one (1) extension of an approved PUD for an additional one (1) year period if it finds:

1. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner; and
2. The PUD requirements and standards that are reasonably related to the development have not changed.

B. If the PUD approval expires pursuant to subsection A. above, no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Township, following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the zoning classification of

the property which existed prior to the PUD approval as if no PUD approval had ever been granted.

404:20 PERFORMANCE GUARANTEE

A. In connection with the development of a PUD project, the Planning Commission may require the applicant to furnish West Traverse Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public improvements and site improvements.

B. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the PUD or which the applicant has agreed to construct even though located outside the PUD.

C. Site improvements mean landscaping, buffering and the completion of conditions imposed by the Planning Commission which are located within the PUD.

For the purposes of this subsection, the costs covered by the performance guarantee shall include all of the following:

1. The purchase, construction, and/or installation of the improvements.
2. Architectural and engineering design and testing fees and related professional costs.
3. An amount for contingencies consistent with generally accepted engineering and/or planning practice.

D. The performance guarantee shall be deposited with the township zoning administrator at or before the time the township issues the permit authorizing the PUD, or if the PUD has been approved in phases, then the performance guarantee shall be deposited with the township zoning administrator prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the PUD public and site improvements in accordance with the plans approved by the township.

E. Any cash deposit or certified funds shall be refunded for the PUD or each phase of the PUD in the following manner:

1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the PUD public improvements and site improvements.
2. Two-thirds (2/3) of the cash deposit after completion of two-thirds (2/3) of the PUD public improvements and site improvements; and

3. The balance at the completion of the PUD public improvements and site improvements.

G. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the PUD public improvements. If a PUD project is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this subsection for each phase of the PUD project. If an applicant has contracted with a third party to construct the public and site improvements and the third party has provided a bond meeting the requirements described above and the bond also names the township as a third party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this subsection.
