AGENDA
Park Township
Planning Commission Regular Meeting
October 9, 2019
6:30 p.m.

(Please turn off or set to silent mode all cellphones and other electronic devices)

1. Call to Order

2. Approval of Agenda

3. Approval of Minutes: Regular meeting September 11, 2019

4. New Business:
   a. Chief Gamby Fire Department Presentation
   b. Text Amendments
      i. Section 38-33(e) – Expiration of permits

      Anticipated Action: Provide direction to staff to revise and/or schedule for public hearing.

5. Old Business:
   a. Text Amendments
      i. Section 38-575(a)(5) and (b)(b) – Permitted signs in each zoning district (AG Agricultural and Permanent Open Space District)
      ii. Section 38-575(c)(1) – Permitted signs in each zoning district (C Districts)
      iii. Section 38-367 – Development requirements for PUDs with residential uses
      iv. Section 38-368 – Dedicated open space requirements (PUDs)
      v. Section 38-504 – Outdoor Ponds
      vi. Section 38-505 – Earth change regulations and permits
      vii. Section 38-184(8) – Use regulations
      viii. Section 38-214(6) – Use regulations
      ix. Section TBD – Firewood Sales
      x. Section TBD – Garage Sales

      Anticipated Action: Provide direction to staff to revise and/or schedule for public hearing.

6. Public Comments

7. Announcements
   a. Next meeting date November 13, 2019

8. Adjourn
1. Introduction

2. Types of Fire Departments
   - Career
   - Combination
   - Part-paid
   - Volunteer
   - Tribal – Casino funded / Private
   - State / Federal – DNR forestry division

3. Legal (authority to operate)
   - Public Act 33 of 1951 – Police/Fire Protection funding
   - Public Act 207 of 1941 – Fire Prevention code
   - Life Safety 101 – State of Michigan general Fire code

4. Funding
   - General Fund
   - Millage or special assessments
   - State / Federal

5. Department Overview
   - Established 1947
   - Stations
   - Staffing
   - Equipment
   - Insurance Services Office (ISO) Fire protection class
   - Service Provided
   - Plan, site review
   - Inspections and Preplans

6. Questions
Park Township Fire Department
Intent of Fire Preplan and Inspection Program

- This program provides fire safety personnel an opportunity to meet business owners/occupants of the community which they serve. It is our goal to provide you excellent service by identifying those activities, processes, or construction flaws which can lead to unwanted fires, and other types of accidents or emergencies.
- Our fire preplan and inspection is to help business owners/occupants comply with the Michigan Act 207 Fire Prevention Code, 2012 International Fire Code and the firefighters Right to Know, during these inspections, working to detect fire and life hazards and see that they are eliminated. This should result in fewer and less destructive fires.
- Our goal is to inspect businesses routinely with emphasis on high-hazard occupancy.
- This program familiarizes firefighters with the physical arrangement of Park Township buildings and the hazards therein. This knowledge will enable firefighters to respond to emergency situations more efficiently and with greater personal safety (also known as a pre-plan).
- When a business fails to meet a provision of the fire code, the owner will be notified and given reasonable time to fix the problem. A re-inspection will confirm that fire and life safety standards are met. When all normal enforcement efforts are exhausted without compliance, violations shall be pursued through legal action.
Park Township Fire Department
Inspection Form

Inspector: _______________ Badge #  

Date: __/__/20__

___ Preliminary sketch or inquiry
___ Zoning Board review
___ Planning Committee review
___ PUD requirements
___ Rough-in Inspection
___ Final Inspection
___ Site Visit

PROJECT INFO:

Name: ________________________________________________________________
Address: __________________________________________________________________
Holland, Michigan 49423 _____ 49424 _____

Developer / Builder:

Builder: ____________________________________________________________
Developer: __________________________________________________________
Architect: __________________________________________________________

Review / Field Notes:

- Project must be in compliance with International Fire Code (IFC) 2012
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________
- __________________________________________________________________

Anything omitted on this plan review is still subject to field inspections.
FIRE INSPECTION REPORT

Date: ____________________
Occupancy Name: ____________________
Address: ____________________
Owner/Manager: ____________________
Inspector: ____________________ Badge #: ____________________

Access & Premises:

1. Are address numbers for the building clearly visible from the street? 
   - Yes [ ] No [ ] N/A [ ]

2. Is the fire department access unobstructed? 
   - Yes [ ] No [ ] N/A [ ]

3. Is combustible or vegetation removed so as to not create a fire hazard? 
   - Yes [ ] No [ ] N/A [ ]

4. Is there maintained a minimum 3’ clearance around fire hydrants? 
   - Yes [ ] No [ ] N/A [ ]

5. Fire Department Connection (FDC) visible, accessible and in good condition? 
   - Yes [ ] No [ ] N/A [ ]

Egress Requirements:

1. Are the exit ways and doors easily recognizable, unobstructed, and maintained? 
   - Yes [ ] No [ ] N/A [ ]

2. Are exit signs maintained to original installation (illuminated or self-illuminated)? 
   - Yes [ ] No [ ] N/A [ ]

Fire Safety & Evacuation Plans:

1. If fire drills are required, are they conducted successfully at varying times and under varying conditions, and are the records maintained on the premises? 
   - Yes [ ] No [ ] N/A [ ]

2. If required, is the occupancy limit posted? (Near main entrance/exit) 
   - Yes [ ] No [ ] N/A [ ]
**Fire Extinguishers:**

1. Is the travel distance from all portions of the building less than 75’ to a fire extinguisher (30’ for Class K extinguishers for commercial kitchens)?
   - Yes ☐ No ☐ N/A ☐
2. Are all fire extinguishers visible and accessible (not blocked)?
   - Yes ☐ No ☐ N/A ☐
3. Are the fire extinguishers securely mounted?
   - Yes ☐ No ☐ N/A ☐
4. Have the fire extinguishers been serviced and tagged by a fire extinguisher company within the last 12 months?
   - Yes ☐ No ☐ N/A ☐

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**Fire Alarm System:**

1. If the building is equipped with a fire alarm system, has the required annual inspection of the fire alarm system been performed by a qualified fire alarm company?
   - Yes ☐ No ☐ N/A ☐
     Date of inspection: __/__/____
     By: __________________________

2. Are the fire alarm annual inspection results being sent to the fire department?
   - Yes ☐ No ☐ N/A ☐
3. Do they have a Knox box?
   - Yes ☐ No ☐ N/A ☐
4. Does the Knox box have the current key and contact information?
   - Yes ☐ No ☐ N/A ☐

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**Fire Suppression Systems:**

1. Is the top of storage maintained a minimum 18” below head deflectors in fire sprinkled areas (24” non-sprinkled building)?
   - Yes ☐ No ☐ N/A ☐
2. If applicable, has the required annual maintenance of the fire sprinkler system been performed in last year by a qualified sprinkler company?
   - Yes ☐ No ☐ N/A ☐
     Date of inspection: __/__/____
     By: __________________________

3. If the building has fire department connections, are they clearly marked, visible, and area maintained (36” x 36” x78’)?
   - Yes ☐ No ☐ N/A ☐
4. Do they have a sprinkler head box? Extra heads? Sprinkler head wrench?
   - Yes ☐ No ☐ N/A ☐
### Electrical:

1. Is emergency lighting maintained in working condition? 
2. Are all the electrical outlets, switches and junction boxes properly covered? 
3. Is the electrical system safe from any apparent shock and/or other hazards? 
4. Are the circuit breakers/fuses labeled so as to identify the area protected? 
5. Is the area maintained clear at least 30”x36”x78” in front of the electrical panel? 
6. Are extension cords used only for temporary use? 
7. Are extension cords/surge protectors clear of damage or any hazards?

### Housekeeping:

1. Are oily rags or similar materials stored in metal, metal-lined or other approved container equipped with tight fitting covers? 
2. Are combustible materials neat and orderly stored (removed from the building a minimum of once each working day)? 
3. Are safe clearances maintained between gas fired appliances (e.g. water heaters, furnaces, etc.) and combustible materials (min 18”)? 
4. Are portable space heaters equipped with automatic shut-off devices? 
5. Does portables space heaters have a 3 foot clearance from combustibles? 
6. Are portables space heaters plugged directly into an electrical receptacle? 
7. All holes in walls and ceilings are patched; ceiling tiles are in place and in good condition?

### Storage of Combustibles:

1. Is the storage of combustibles materials orderly? 
2. Are the boiler rooms, mechanical rooms and electrical panel rooms maintained from the storage of any combustible materials within
### Storage, compressed gas cylinders:

1. Are compressed gas containers secured to prevent falling or damage?
   - Yes [☐]  No [☐]  N/A [☐]

### Storage of Flammable and Combustible Liquids:

1. Are flammable and combustible liquids in proper safe containers?
   - Yes [☒]  No [☐]  N/A [☐]

2. Are liquids and quantities (above 30 gallons) listed on preplan form?
   - Yes [☐]  No [☐]  N/A [☐]

### Commercial Cooking:

1. In commercial cooking applications, has the hood suppression system been serviced in the last six months and is the hood cleaned at intervals?
   - Yes [☐]  No [☐]  N/A [☐]

   Date of inspection: ___/___/____

   By: ________________________________

2. Are class K extinguishers (for commercial kitchens) present, securely mounted, properly labeled, annually inspected?
   - Yes [☐]  No [☐]  N/A [☐]

3. Is there a manual actuation device within 20 feet of the hood?
   - Yes [☐]  No [☐]  N/A [☐]

4. Proper hood system installed / UL 300
   - Yes [☐]  No [☐]  N/A [☐]

### Elevator:

1. Does elevator control room have a Fire Extinguisher?
   - Yes [☐]  No [☐]  N/A [☐]

2. Emergency elevator control key present?
   - Yes [☐]  No [☐]  N/A [☐]

3. Emergency elevator door key in control room?
   - Yes [☐]  No [☐]  N/A [☐]

### Additional Comments:

- Not a complete list of fire code requirements
Fire Inspection Code

Access & Premises:

1. Address identification 505.1: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

2. Building and facilities 503.1.1: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 ft. of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. See exceptions;

3. Vegetation 304.1.2: Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises.

4. Clearance space around hydrants 507.5.5: A 3-foot clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

5. Visible location 912.2.1: Fire department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as approved by the fire chief.
Egress Requirements:

1. Exit Signs
   a. Continuity 1007.2: Each required accessible means of egress shall be continuous to a public way
   b. Exit sign 1011.1: Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel.
   c. Obstructions 1030.3: A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice.

2. Illumination 1006.1: The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.

Fire Safety & Evacuation Plans:

1. Evacuation drills
   a. Annually 405.1: Emergency evacuation drills complying with the provisions of this section shall be conducted at least annually in the occupancies listed in Section 405.2 or when required by the fire code official.

   b. Records 404.5: Fire safety and evacuation plans shall be available in the workplace for reference and review by employees, and copies shall be furnished to the fire code official for review upon request.

2. Posting of occupant load 1004.3: Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space.
Fire Extinguishers:

1. Travel distance
   a. Maximum travel distance: Table 906.3(1) 75ft
   b. Maximum travel distance commercial cooking 906.1.2: Within 30ft of commercial cooking equipment.

2. Visible and Accessible
   a. Conspicuous location 906.5: Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use.
   b. Unobstructed and obscured 906.6: Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.

3. Hangers and brackets 906.7: Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer’s installation instructions.

4. Certification
   a. Service professional 906.2.1: Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate issued by an approved governmental agency, or other approved organization for the type of work performed.
   b. NFPA 10: Fire extinguishers shall be subjected to maintenance at intervals of not more than 1 year.

Fire Alarm System:

1 and 2. Maintenance, inspection and testing 907.8.5: The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting, and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

3. Where required. 506.1 Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official.
4. Key box maintenance. 506.2 The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

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Fire Suppression Systems:

1. Ceiling clearance 315.3.1: Storage shall be maintained 2 feet or more below the ceiling in non-sprinkled areas of buildings or minimum of 18 inches below sprinkler head deflectors in sprinklered areas of buildings.

2. Sprinkler maintenance:
   a. Service personnel 904.1.1: Service personnel providing or conducting maintenance on automatic fire-extinguishing systems, other than automatic sprinkler systems, shall possess a valid certificate issued by an approved governmental agency, or other approved organization for the type of system and work performed.
   b. NFPA 25 5.2.1.1 Sprinklers shall be inspected from the floor level annually.

3. Fire department connections: 912.1 – 912.6
   a. Visible locations 912.2.1 Fire Department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or as otherwise approved by the fire chief.

4. Stock of Spare sprinklers: NFPA 13 2007 – 2016 6.2.9 thru 6.2.9.7.1
   a. A supply of at least six spare sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.
   b. The stock of spare sprinklers shall include all types and ratings installed and shall be as follows;
      1. For protected facilities having under 300 sprinkles – no fewer than six sprinklers.
      2. For protected facilities having 300 to 1000 sprinklers - no fewer than 12 sprinklers.
      3. For protected facilities having over 1000 sprinklers - no fewer than 24 sprinklers.
   c. One sprinkler wrench as specified by the sprinkler manufacturer shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.
Electrical:

1. Installation 604.1: Emergency and standby power systems required by this code or the International Building Code shall be installed in accordance with this code, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval.

2. Unapproved conditions 605.6: Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

3. Abatement of electrical hazards 605.1: Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

4. NEC 110.22: Each disconnecting means shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved.

5. Area maintained 605.3: A working space of not less than 30 inches in width, 36 inches in depth and 78 inches in height shall be provided in front of electrical service equipment. Where electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment.

6. Extension cords 605.5: Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords should be used only with portable appliances.

7. Extension cord maintenance 605.5.3: Extension cords shall be maintained in good condition without splices, deterioration or damage.
Housekeeping:

1. Spontaneous ignition 304.3.1: Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container. Contents of such shall be removed and disposed daily.

2. Waste accumulation prohibited 304.1: Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

3. Storage in buildings 315.3: Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

4. Listed and Labeled 605.10.1: Only listed and labeled portable, electric space heaters shall be used.

5. Prohibited areas 605.10.4: Portable, electric space heaters shall not be operated within 3 feet (914 mm) of any combustible materials. Portable, electric space heaters shall be operated only in locations for what they are listed.

6. Extension cords 605.10.3: Portable, electric space heaters shall not be plugged into extension cord.

7. Maintenance 703.1: The required fire-resistance rating of fire-resistance construction (including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials, applied to structural members and fire-resistant joint systems) shall be maintained. Such elements shall be visually inspected by the owner annually and properly repaired, restored or replaced when damaged, altered, breached or penetrated. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or similar movable entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer openings and holes made for any reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.
Storage of Combustibles:
1. Storage in buildings 315.3: Storage of materials in buildings shall be orderly and stacks shall be stable.
2. Equipment rooms 315.3.3: Combustible material shall not be stored in boiler rooms, mechanical rooms or electrical equipment rooms.

Storage, compressed gas cylinders:
1. Securing compressed gas containers, cylinders and tanks 5303.5.3: Compressed gas containers, cylinders and tanks shall be secured to prevent falling caused by contact, vibration or seismic activity.
   *Methods are listed after listed code*

Storage of Flammable and Combustible Liquids:
1. NFPA 1 66.9.4.1 Fire Code - Acceptable containers listed
2. *If not, add types and quantities

Commercial Kitchens:
1. Cleaning 609.3.3: Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals as required by Sections 609.3.3.1 through 609.3.3.3

<table>
<thead>
<tr>
<th>TYPE OF COOKING OPERATIONS</th>
<th>FREQUENCY OF INSPECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-volume cooking operations such as 24-hour cooking, charbroiling or wok cooking</td>
<td>3 months</td>
</tr>
<tr>
<td>Low-volume cooking operations such as places of religious worship, seasonal businesses and senior centers</td>
<td>12 months</td>
</tr>
<tr>
<td>Cooking operations utilizing solid fuel-burning cooking appliances</td>
<td>1 month</td>
</tr>
<tr>
<td>All other cooking operations</td>
<td>6 months</td>
</tr>
</tbody>
</table>

2. Portable fire extinguishers for commercial cooking equipment 904.11.5: Portable extinguishers shall be provide within 30 foot (9144 mm) travel distance of commercial-type cooking equipment. Cooking equipment involving solid fuels or vegetable or animal oils and fats shall be protected by a Class K rated portable extinguisher an accordance with Section 904.11.5.1 or 904.11.5.2 as applicable.
3. Manual system operation 904.11.1: A manual actuation device shall be located at or near a means of egress from the cooking area a minimum of 10 feet (3048 mm) and a maximum of 20 feet (6096 mm) from the kitchen exhaust system. The manual actuation device shall be installed not more than 48 inches (1200 mm) nor less than 42 inches (1067 mm) above the floor and shall clearly identify the hazard protected. The manual actuation shall require a maximum force of 40 pounds (178 N) and a maximum movement of 14 inches (356 mm) to actuate the fire suppression system.

4. Commercial Kitchen hoods 609.1 and 904.11: Commercial Kitchen exhaust hoods shall comply with the requirements of the International Mechanical Code. Pre-engineered automatic dry and wet-chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application.

**Note:** Kitchen hoods must have a 6 inch overhang over all gas fired grill surfaces, fryers, griddles or cooking appliance. Canopy hoods cover 90% cooking surfaces

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**Elevator:**

1. Where required 906.1: Portable fire extinguishers shall be installed in the following locations.
   (6.) Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the fire code official.

2 and 3. Access to standardized fire service keys 607.5.2 and 506.1: Access to standardized fire service Elevator keys shall be restricted to the following:
   - Elevator owners or their authorized agents
   - Elevator contractors
   - Elevator inspectors of the jurisdiction
   - Fire code officials of the jurisdiction
   - The fire department and other emergency response agencies designated by the fire code official

**Additional comments:**

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Park Township Fire Department
Fire Inspection Report

Type of Inspection: Rough In Final (Please circle)

Occupancy Name: _____________________________

Address: ________________________________

Owner/Manager: ________________________________

Commercial Cooking Equipment:

1. Hood sensor blower test: Failed Passed
2. Hood Exhaust smoke test: Failed Passed
3. Actuation of suppression system automatically shuts down the fuel or electrical power supply to the cooking unit: Failed Passed
4. Deep fryer operating temperature: ______ degrees
   - Pounds or gallons of oil: ______ lbs. or ______ gals.
5. Pull station test: Failed Passed
   - Manual actuation device located at or near a means of egress from cooking area but within 10 feet or max of 20 feet of cooking area: Failed Passed
   - Manual actuation device installed between 42 and 48” from floor Failed Passed
6. Pull station service tag: ____/____ date (every 6 months or annual if cooking unit is seasonal)

Inspector’s Signature: ___________________________ Date: ____/____/____

Park Township Fire Department
13 MOST COMMON VIOLATIONS

1. Address must be clearly visible from the street, at least 4" numbers, not script, and in contrasting color to the building.

2. Exit lights must be installed over all exit doors, hard wired with battery back up, and must be fully operational during all business hours.
   Most common problem is burned out light bulbs.

3. Emergency lighting must be hard wired, with battery back up, and must be illuminate all exits access ways.
   Most common problem is burned out light bulbs or discharged battery.

4. Fire extinguishers must be mounted in clear view and easily accessible, and must be serviced and tagged annually.
   Most common problem is service tag out of date or in discharged condition.

5. Electrical service panels and heat producing appliances must have 36" clearance to storage of any kind.

6. General housekeeping must be neat and orderly, storage and rubbish must be removed from aisle ways and exit access ways.

7. Dumpsters must be minimum of 15' from the building.

8. Compressed gas cylinders must be chained in place to prevent tipping.
   Most chains are in place but not used.

9. Extension cords are not to be used as permanent wiring, sufficient duplex outlets must be provided for all electrical appliances.

10. All electrical junction boxes must have proper covers in place.

11. Commercial kitchen suppressions systems must be serviced semi annually.

12. Commercial kitchen appliances, plus hood and duct system must be cleaned regularly and maintained free of grease accumulation.

13. Penetrations in walls and ceiling must be repaired.
   Most common problem is missing ceiling tiles.
Park Township Fire Department
Preplan and Inspection program

Detailed Preplans:

When conducting a preplan on a commercial building the following information will be gathered for the site map. The site map will include the following: Building name, layout, length, width, doorways, shutoff locations for utilities, hazard storage location, emergency shutoff, and other important information that should be noted. Icons have been created to standardize their identification. Also include nearby hydrants, streets, N,S,E,W direction. Site maps should be printed in color and on 8 x 11 paper.

Utilities Icons:

Gas Shut off
Electric Shut off
Water Shut off
Emergency Shut off (pumps, controllers etc.)
Fuel Storage tanks and locations (including propane, LP)
Hazardous chemical location
Park Township Fire Department
Building Fire Pre-plan

Prepared by: ___________________ #: _______ DATE: / / Station #: ___________________

Occupant Name: ___________________ Address: ___________________

Contact Name #1 ___________________ Phone Number (___) _____ - ________
Contact Name #2 ___________________ Phone Number (___) _____ - ________

Hours of operation: ___________________ Average number of employees: ___
Business Phone (___) _____ - ________

Type of Structure: ____________ Construction Class: ____________
Building Classification: ____________ Roof Construction: ____________
Roof Covering: ___________________

Length ________Ft x Width ________Ft = ________Sq. ft / 3 ________GPM=100%

100%_________Gpm  75%_________Gpm  50%_________Gpm  25%_________Gpm

Notes: ___________________

Address Side

Apparatus Needed: Engine 1521 _____ Pumper 1562_____ Rescue 1572_____ UTV 1531_____
1522 _____ 1523 _____ 1524 ____

Mutual Aid Needed: ___________________
Access Information

Main Access: __________________________  Roof Access: __________________________

Lowest Access: _______________________  Lock Box: __________________________

Alarm Panel: _________________________  Enunciator Panel: _______________________

Notes: _______________________________

Hydrant/ Water Information

Location _____________________________ GPM _________ Pipe Diameter ________

Location _____________________________ GPM _________ Pipe Diameter ________

Location _____________________________ GPM _________ Pipe Diameter ________

Draft site #1 _________________________  #2 __________________________

Notes: _______________________________

Protection Information

Sprinklers: __________________________  Fire Department Connection: _______________________

Standpipe: __________________________

Gas Shutoff: _________________________  Electrical Shutoff: _________________________

Water Shutoff: _______________________

Notes: _______________________________

Hazmat Information

Type: __________________________  Location _________________________ QTY ________

Type: __________________________  Location _________________________ QTY ________

Notes: _______________________________
Strategies by Priority

Life Safety

Incident Stabilization

Property Conservation
Park Township Fire Department
Building Fire Pre-plan

Prepared by: Name of inspector #: Badge number DATE: 00/00/0000 Station #: Station area (1 or 2)
Occupant Name: Business name Address: Street address, Holland, Michigan 49423 or 49424
Contact Name #1 Emergency contact person Phone Number (____) _______ -__________
Contact Name #2 Emergency contact person Phone Number (____) _______ -__________
Hours of operation: 0:00 am/pm – 0:00 am/pm Average number of employees: 000

Type of Structure: See attached
Construction Class: See attached
Building Classification: See attached
Roof Construction: See attached
Roof Covering: See attached

Length __________Ft x Width __________Ft = __________Sq. ft / 3 __________GPM=100%
100%_________ Gpm 75%_________ Gpm 50%_________ Gpm 25%_________ Gpm

Notes: Any special construction features not covered or obvious (heating and cooling mounted on roof etc.)

- List length and width of structure
- Location of interior walls
- Door openings interior and exterior
- Icons to show utilities (gas, electrical, water, cable etc.)
- Emergency shutoffs (pumps etc.)
- Direction (N,S,E,W)

Address Side

Apparatus Needed: Engine 1521 _____ Pumper 1562 _____ Rescue 1572 _____ UTV 1531 _____
1522 _____ Rescue 1571 _____ 1532 _____
1523 _____
1524 _____

Mutual Aid Needed: What departments we may want to call first and what type of equipment.
Access Information

Main Access: Where should we enter

Roof Access: How do we get to the roof

Lowest Access: Where is the basement steps

Lock Box: Where is it located

Alarm Panel: Where is the main panel

Enunciator Panel: Location of remote key pad

Notes: Any alarm codes or special instructions

Hydrant/ Water Information

Location__________________________GPM__________Pipe Diameter__________

Location__________________________GPM__________Pipe Diameter__________

Location__________________________GPM__________Pipe Diameter__________

Draft site #1 Location type (pond, stream, lake etc.)  #2 Location type (pond, stream, lake etc.)

Notes: Any notes of hydrants, private, or water locations for drafting

Protection Information

Sprinklers: Is the whole/part of the structure sprinkled  Fire Department Connection: Location

Standpipe: Location in the structure and type, size, etc.

Gas Shutoff: Location (multi- meters?)  Electrical Shutoff: Location (multi- meters?)

Water Shutoff: Location (multi- meters?)

Notes: List other important utility information about the structure

Hazmat Information

Type: Descriptive as possible

Location__________________________QTY__________

Type: Descriptive as possible

Location__________________________QTY__________

Notes: Any special considerations
Strategies by Priority

List details of what we need to do specific to this property for success, tower placement, access points, specialized equipment needed for a attack.

Life Safety

Incident Stabilization

Property Conservation
Type of Structure

1. Enclosed Building
2. Portable/mobile structure
3. Open Structure
4. Air supported structure
5. Tent
6. Open Platform (e.g. piers)
7. Underground structure (work area)
8. Connective structure (e.g. fences)
9. Other type of structure
Construction Class

- Type I - fire-resistive construction (walls, columns, beams, floors, and roofs made of non-combustible or limited combustible materials)

- Type II - non-combustible or limited combustible construction (similar to fire-resistive construction except that the degree of fire resistance is lower)

- Type III - ordinary construction (exterior walls and structural members constructed of non-combustible or limited combustible materials; interior structural members including walls, columns, beams, floors, and roofs completely or partially constructed of wood)

- Type IV - heavy timber construction (exterior and interior walls and their associated structural members made of non-combustible or limited combustible materials; other interior structural members including beams, columns, arches, floors, and roofs made of solid or laminated wood with no concealed spaces; wood must have dimensions large enough to be considered heavy timber)

- Type V - wood-frame construction (exterior walls, bearing walls, floors, roofs, and supports completely or partially of wood or other approved materials of smaller dimensions than those used in heavy timber construction)

- Precast Concrete

- Ordinary Construction

- Non-Combustible

- Heavy Timber

- Fire Resistive

- Brick/Wood

- Brick/Steel

- Brick

- Block

- Steel
Building Classification

- **Assembly**
  - A gathering of 50 or more persons for deliberations, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses.

- **Educational**
  - Educational purposes through the 12th grade by 6 or more persons.

- **Day Care**
  - 4 or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day.

- **Health Care**
  - Provide medical treatment to 4 or more patients.

- **Ambulatory Health Care**
  - 4 or more patients incapable of taking action for self-preservation under emergency condition without the assistance of others.

- **Detention and Correctional**
  - Occupants are mostly incapable of self-preservation because of security measures.

- **Lodging or Rooming Houses**
  - Provides sleeping accommodations for a total of 16 or fewer people.

- **Hotels and Dormitories**
  - Sleeping accommodations for more than 16 persons.

- **Apartment**
  - 3 or more dwelling units with independent cooking and bathroom facilities.

- **Residential Board and Care**
  - Used for lodging and boarding of 4 or more residents, not related by blood or marriage to the owners.

- **Mercantile**
  - Used for the display and sale of merchandise.

- **Business**
  - Occupancy used for the transaction of business other than mercantile.

- **Industrial**
  - Products are manufactured.

- **Storage**
  - Primary use is storage or sheltering.
Roof Construction

- Not Known
- Bow String
- Combination
- Heavy Timber – Glue Laminated
- Light Weight – Steel Truss
- Light Weight – Wood Truss
- Steel I Beam – Q Deck
- Wood
- Wood Truss – Joist I Beam

Roof Covering

- Not Known
- Rubber
- Rubber and Steel
- Rubber – Flat Area
- Asphalt Shingle
- Clay Tile
- Mop Tar
- Non-Combustible Metal – Tile
- Plastic Membrane
- Rubber
- Steel
- Wood Shake – Shingle
Certificate of Participation

Presents this to

Compliance on Park Township Fire Department’s fire inspection checklist

Presented on

Chief Scott Gamby

Park Township Fire Department
Occupancy Classifications

Tier I and Tier II

Tier I consists of the following occupancies as classified in the Fire Prevention Code*:

- Group A (Assembly Occupancies): A-1, A-2 and A-4
- Group R (Residential Occupancies): R-1, R-2, R-3 and R-4
  - State regulated facilities excluded

Tier II consists of the following occupancies as classified in the Fire Prevention Code*:

- Group A (Assembly Occupancies): A-3 and A-5
- Group B (Business Occupancies)
- Group F (Factory/Industrial Occupancies): F-1 and F-2
- Group S (Storage Occupancies): S-1 and S-2
- Group M (Mercantile Occupancies)
- Group U (Miscellaneous or Utility Occupancies)

The Fire Chief or designated code official shall review the classified properties while utilizing an approved assessment method. These assessments will allow changes and adjustments to the categorization of buildings, structures and properties contained in each Tier.

It is the goal of the Fire Department to inspect Tier I buildings, structures and properties on an annual basis, and Tier 2 buildings, structures and properties every two (2) years. The Fire Chief or designated code official may adjust this interval so that inspections may occur more or less often. This may be dependent on, but not limited to:

- the facility’s ability to demonstrate acceptable documented self-inspection processes, that are in accordance with the Fire Prevention Code
- limited or no violations of the Fire Prevention Code
- consistent documented inspection of fire and life safety systems for a period of no less than three years.

Those buildings, structures and properties which have difficulty in obtaining and maintaining compliance with the Fire Prevention Code may require more frequent inspections.

*refers to the 2012 International Fire Code
Building occupancy classifications refer to categorizing structures based on their usage and is primarily used for building and fire code enforcement. They are usually defined by model building codes, and vary, somewhat, among them. Often, many of them are subdivided. The following is based on the International Building Code; the most commonly used building code in the United States:

- **Assembly (Group A-1)** – Assembly uses, usually with fixed seating, intending for the production and viewing of performing arts or motion pictures. Examples: theaters, symphony and concert halls, television and radio studios Holland Seven, Park Theater, Knickerbocker Theater etc.

  (Group A-2) – Assembly uses intended for food and/or drink consumption. Example: Banquet halls, Casinos (gaming area), Nightclubs, Restaurants, cafeterias and similar dining facilities, Taverns and bars. Haworth Inn & Conference Center, New Holland Brewery, The Office, Parrots Lounge, Boat Works, Jackie’s Restaurant etc.

  (Group A-3) – Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A. Examples: Amusement arcades, Art galleries, Bowling alleys, Community halls, Exhibition halls, Funeral parlors, Gymnasiums (without spectator seating), Indoor swimming pools (without spectator seating), Lecture halls, Libraries, Museums, Places of religious worship, Pool and billiard parlors and Waiting areas in transportation terminals. Uptown Gallery & Frame shop, Century Lanes, Dykstra Funeral Homes, MVP Sports, Dow Center, Herrick Library, Holland Museum, Christ Memorial reformed Church, Central Wesleyan Church, Golden Eight ball etc.

  (Group A-4) – Assembly uses intending for viewing of indoor sporting events and activities with spectator seating. Examples: Arenas, Skating rinks, Swimming pools and tennis courts. Holland Aquatic Center, DeWitt Tennis Center, DeVos Field house, etc.

  (Group A-5) – Assembly uses intended for participation in or viewing outdoor activities. Example: Amusement park structures, Bleachers, Grandstands and Stadiums, Ray and Sue Smith Stadium (Holland Municipal Stadium), Van Andel Soccer Stadium (Hope College)
• **Business (Group B)** - places where *services* are provided (not to be confused with mercantile, below). Examples: banks, insurance agencies, government buildings (including police and fire stations), and doctor's offices. Macatawa Bank, 5/3 Bank, Sight and Sound, Holland Eye Surgery & Laser Center, Brian Hammond State Farm, 58th District Court etc.

• **Educational (Group E)** - schools and day care centers up to the 12th grade. Vanderbilt Academy, Holland High School, Rainbow Child Care Center, Toddlerville etc.

• **Factory (Group F)** - places where goods are manufactured or repaired (unless considered "High-Hazard" (below). Examples: factories and dry cleaners. Holland Hitch Company, Heinz, Lemon Fresh, Sheldon Cleaners, etc.

• **High-Hazard (Group H)** - places involving production or storage of very flammable or toxic materials. Includes places handling explosives and/or highly toxic materials (such as fireworks, hydrogen peroxide, and cyanide). Repcolite Paints Inc., Sherwin Williams, Holland Terminal (Ottawa Ave) etc.

• **Institutional (Group I)** - places where people are physically unable to leave without assistance. Examples: hospitals, nursing homes, and prisons. In some jurisdictions, Group I may be used to designate Industrial. Holland Hospital, Rest Haven, Freedom Village, Holland Police Station etc.

• **Mercantile (Group M)** - places where goods are displayed and sold. Examples: grocery stores, department stores, and gas stations. Meijer’s, Family Fare, Speedway, Quality Car Wash etc.

• **Residential (Group R)** - places providing accommodations for overnight stay (excluding Institutional). Examples: houses, apartment buildings, hotels, and motels. Wooden Shoe motel, Days Inn, Comfort Inn, Microtel Hotel, Harbor Village, Bay Pointe Apartments etc.
- **Storage (Group S)** - places where items are stored (unless considered High-Hazard). Examples: warehouses and parking garages. Uncle Bob’s Self Storage, Holland Hospital Parking Garage, Great Lakes Warehouse etc.

- **Utility and Miscellaneous (Group U)** - others. Examples: water towers, barns, towers. BPW - Water Towers, James DeYoung Power Plant etc.
OCCUPANCY LIMIT

NOTICE, FOR YOUR SAFETY, OCCUPANCY IS LIMITED TO:

- Persons w/tables and chairs only
- Persons w/chairs only
- Persons w/standing space only

KEEP POSTED UNDER PENALTY OF LAW

BY ORDER OF THE PARK TOWNSHIP FIRE DEPARTMENT

(PERSONS TO INCLUDE STAFF) NAME OF OCCUPANT OR BUSINESS
MEMORANDUM

To: Park Township Planning Commission  
From: Emma M. Posillico, AICP  
Date: October 2, 2019  
Re: Proposed Revisions to Section 38-492 Swimming Pools & Section 38-33(e) Expiration of Permits

As you may recall, at your September 11, 2019 meeting, we discussed the matter of retaining wall height when used to support an in-ground pool located in the rear yard of a waterfront lot. As mentioned, this matter was initially discussed by the Zoning Board of Appeals, and subsequently referred to the Planning Commission for your consideration. After your conversation outlining the existing regulations for pool wall height in the rear yard of waterfront lots, the Township Manager suggested that we provide recommended changes to the Ordinance language for your review. As such, attached are proposed revisions to Section 38-492 of the Zoning Ordinance. Specifically, we are proposing the following:

- To include a specific provision for retaining walls to be used as support walls for in-ground pools in rear yards of waterfront lots. While there was brief discussion at the September meeting regarding the soils of waterfront lots and if in-ground pools should even be permitted in such locations, it is our belief that waterfront lot owners are particularly committed to being able to install said pools.
- Further, we are recognizing that retaining walls shall be considered in the same manner as existing in-ground pool walls in rear yards of waterfront lots, and shall be no greater than 30 inches above grade.
- We are also proposing to add language that directly addresses the fact that retaining walls shall not create visual obstructions when utilized to support in-ground pools in the rear yards of waterfront lots.

Our intention for the proposed modifications is to clarify that when a permit application for an in-ground pool in the rear yard of a waterfront lot is submitted to the Zoning Administrator, it shall show the height of any proposed walls that support said pool. Any proposed walls, including retaining walls, shall not be greater than 30 inches above grade. Additional reasoning behind this language is to clarify that retaining walls used elsewhere on a property for landscaping or erosion control purposes are currently not regulated by Park Township, nor are they proposed to be regulated.

Pursuant to the direction of Manager Fink, we are also proposing to modify Section 38-33(e) Expiration of Permits of the Zoning Ordinance. It recently came to our attention that there is language in this section of the Zoning Ordinance pertaining to fees for the renewal of building permits. It is our recommendation that a fee structure be administered through resolutions passed by the Township Board. As such, it is our recommendation that the language in this section that describes the fee structure for renewing building permits be removed.

Attached is a copy of the relevant portions of Sections 38-492 and 38-33(e) proposed for revision along with our suggested modifications. As always, proposed deletions are shown in strikethrough text and proposed additions are shown in bold text. Also, attached is a copy of the proposed language in clean form.

The draft language has been scheduled for review at your October 9, 2019 meeting. If you have any questions, please let us know.
Emma M. Posillico
Associate Planner

cc: Howard Fink, Manager

Attachment
Section 38-33 (e) Expiration of permits.

A permit for any building or structure for which construction work has not begun within six months from the date of its issuance, or for which all construction work has not been completed within one year from the date of its issuance, shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable only on payment of an additional fee equal to 1/2 of the original permit fee. A renewed permit shall automatically expire if construction work has not begun within one year from the date of issuance of the original permit and shall also expire automatically if all construction work has not been completed within two years from the date of issuance of the original permit.

Sec 38-492 Swimming Pools

(a) No swimming pool (referred to as "pool" in this section) shall be constructed, erected or installed on any lands in the Township unless a permit therefor has first been obtained from the Zoning Administrator.

(b) The outside edge of the pool wall shall not be located nearer than four feet to any lot line; provided, however, that if any part of the pool wall is more than two feet above the surrounding grade level, then the outside edge of the pool wall shall not be placed nearer than 10 feet to any lot line.

(c) A pool of which any wall, including retaining walls designed to structurally support said pool, is greater than 30 inches above grade shall not be located in the required rear yard of a waterfront lot. Any fence used as a barrier for a pool located in the rear yard of a waterfront lot shall be a glass, or other see-through materials approved by the Zoning Administrator, type which results in minimal visual obstruction. Any retaining walls that structurally support a pool shall result in minimal visual obstruction of waterfront lots.
MEMORANDUM

To: Park Township Planning Commission  
From: Gregory L. Ransford, MPA  
Date: October 2, 2019  
Re: Revised Text Amendments – Signage, Planned Unit Developments, Ponds, Earth Changes, Firewood Sales, Garage Sales  

Pursuant to your direction at your September 11, 2019 meeting, attached are revisions to several proposed text amendments to the Park Township Zoning Ordinance (PTZO). They include revisions to temporary agricultural signage, temporary commercial signage, Planned Unit Developments, ponds, earth changes, firewood sales, and garage sales.

As you will recall, your direction generally included the following:

1. Agricultural signage – modify “business” to “Lot.” Allow a sign per lot meeting the minimum lot area but do not restrict one lot less than the minimum area.
2. Planned Unit Development – modify all open space references to “dedicated” open space. Add language to avoid exceptions such as “standard minimum lot area.”
3. Ponds – add public hearing language
4. Firewood sales – replace “storage of” with “structure or rack;” remove redundant language, and reference “face cord”
5. Garage sales – change period of time to three (3) months

It is important to note our revision to commercial signage, which was not pursuant to your direction. Following your meeting, we discussed the impact of the changes from the agricultural language to the commercial signage language by way of reference with Zoning Administrator Posillico. In her opinion, given that numerous businesses exist together on small lots, the language should permit signage for each business. Given this, we proposed the modification therein.

Lastly, after our additional review of Section 38-367(1) – Number of Dwellings Permitted of the PTZO, which is referenced within the second sentence of number two (2) above, we did not include language regarding a “standard minimum lot area” because only the R-4 and R-5 Zoning Districts contain varying lot areas, but both of which are based on a lot with or without public utilities. Given this, it did not seem necessary to reference “standard minimum lot area” when each “standard” minimum exists without variance, depending on the availability of public utilities.

That said, in the instance the Planning Commission desires to restrict the number of dwellings permitted within a Planned Unit Development to the lot area of the underlying zoning district without public utilities, we can draft such accordingly. Otherwise, we believe the remainder of the language achieves your direction.

**Anticipated Action**

Pending your review of the draft materials, the Planning Commission should provide direction to staff to either revise and return a third draft for review, revise and schedule the draft for public hearing, or schedule the draft as presented for public hearing.

The proposed amendments have been scheduled for your consideration at your October 9, 2019 meeting. If you have any questions, please let us know.
GLR
Planner

Attachment

cc: Howard Fink, Manager
1. **Agricultural Signage**

Section 38-575 – Permitted signs in each zoning district

(a)(5) One (1) or more temporary seasonal signs advertising business operations such as being “open” or the sale of products on the Lot where the sign is located. The collective total square footage of such signs shall not exceed an area of 64 square feet per business Lot, provided, however, that the Lot shall meet the minimum Lot area for the district and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than fifty (50) feet. Where temporary seasonal signs are located on one (1) or more legal non-conforming Lots advertising business operations, the collective total square footage of temporary seasonal signs throughout all of the Lots shall not exceed an area of 64 square feet and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than fifty (50) feet.

(b)(b) In the R-1 Rural Estates Residence District, one or more temporary seasonal signs advertising business operations such as being “open” or the sale of products on the Lot where the sign is located. The collective total square footage of such signs shall not exceed an area of 64 square feet per business Lot, provided, however, that the Lot shall meet the minimum Lot area for the district and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than fifty (50) feet. Where temporary seasonal signs are located on one (1) or more legal non-conforming Lots advertising business operations, the collective total square footage of temporary seasonal signs throughout all of the Lots shall not exceed an area of 64 square feet and no individual sign shall exceed an area of 32 square feet. All such signs shall be separated by no less than fifty (50) feet.

2. **Commercial Signage**

Section 38-575(c)1

In all “C” designated commercial zoning districts, signs shall be permitted only as follows:

(1) All signs permitted in the R-1 Rural Estate Residence District, subject to the same conditions, restrictions, and requirements as provided in the R-1 Rural Estate Residence District, except that political signs and real estate signs may be larger than permitted in the R-1 Rural Estate Residence District, but shall not be greater than 32 square feet in area, signs permitted by Section 38-575(b)(b) shall not exceed fifty percent (50%) of the dimensional provisions therein but may be permitted per business on a Lot, and home occupation signs are prohibited.

3. **Planned Unit Development**

Section 38-367 – Development requirements for PUDs with residential uses

For planned unit developments which will devote all or a portion of the site to residential use, the following requirements shall apply, in addition to the requirements of Section 38-366:

(1) Number of dwellings permitted. An area which is requested for approval to a PUD shall only be developed in accordance with the density determined by using the minimum lot size required by
the current zoning district for the area for residential uses according to the requirements of Section 38-367(2).

(2) **Formula to determine number of dwellings on net buildable acreage.** The number of dwellings which may be constructed within a PUD shall be determined as follows:

a. Determine gross site acreage. The gross site acreage may include the public road right-of-way(s) to which the site abuts only if the legal description for the land includes the road right-of-way(s).

b. Subtract all the areas of existing wetlands, creeks, streams, ponds, lakes, or other water bodies, floodplains, critical dunes, and slopes of 20% or greater.

c. If requested by the Planning Commission or the Township Board, the determination of the existence of wetlands or floodplain areas on a parcel shall be demonstrated through a written determination by the Michigan Department of Natural Resources, or by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission or the Township Board and in compliance with the standards for wetlands or floodplains established by the Michigan Department of Natural Resources at the time of the review.

d. Subtract acreage proposed to be devoted to nonresidential uses, except those areas proposed for, but not limited to, parks, playgrounds, and dedicated open space, which shall not be subtracted.

   i. Facilities proposed for, but not limited to, community buildings, indoor recreational facilities, and similar facilities shall be considered nonresidential uses and shall be subtracted to determine net buildable acreage.

   ii. Streets, alleys, drives, or similar improvements internal to the site designed for the circulation of traffic, with or without a right-of-way, shall be subtracted to determine net buildable acreage. The area for these improvements shall be calculated using a width of no less than 66 feet by their total length. Driveways generally perpendicular to the Street, alley, drive, or similar improvement shall not be included within this calculation.

e. The number of acres remaining shall be the net buildable acreage.

f. Multiply the net buildable acreage by the number of dwelling units per acre that results using the minimum residential lot size required by the current zoning district.

(3) **Additional dwellings.** Additional dwellings above those authorized by Section 38-367(1) and (2) may be allowed at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional dedicated open space, beyond that required by Section 38-368, which would result in a significant recognizable benefit to the Township and residents of the PUD. In considering whether the PUD will result in a significant recognizable benefit to the Township and the residents of the PUD, the Planning Commission and Board shall consider whether the PUD includes one or more of the following items as well as similar items:

a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities, with the exception of golf courses.

b. Additional landscaping to preserve or enhance the views along the roadway.

c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.

d. Provision of additional unique dedicated open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.
e. Provision of a public or private community water and/or sanitary sewer system.

f. If additional dwelling units are to be allowed, the maximum number of dwelling units shall be determined according to the formula in Section 38-367(2)a and f by utilizing the gross site acreage. In no case shall the number of dwelling units exceed that allowed by this subsection.

(4) Mixed-use developments.

a. Where a mix of commercial, residential, or other combinations of land uses are proposed for one PUD, the density of the residential portion of the PUD site shall be calculated based upon the net buildable acreage of only that portion of the site where residential uses are permitted by the underlying zoning district.

b. The formula to determine additional dwellings for a mixed-use PUD shall be based upon the gross site acreage of only that portion of the PUD site where residential uses are permitted by the underlying zoning district.

Section 38-368 – Dedicated open space requirements

(a) A PUD with residential uses shall provide and maintain the following minimum amount of dedicated open space in accordance with the standards of this article. The Planning Commission shall have the discretion to recommend to the Township Board more than the minimum amount of dedicated open space required by the following, if such recommendation is made pursuant to the Planning Commission finding that the purpose and the objectives of the PUD District as required by Section 38-363 are met.

(1) For land zoned AG, a minimum of 40% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.

(2) For land zoned R-1, R-2 or R-3, a minimum of 20% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.

(3) For land zoned R-4 or R-5 and not served with public or private sewer, a minimum of 20% of the gross site area devoted to residential use shall permanently be preserved as dedicated open space. For land zoned R-4 or R-5 and served with public or private sewer, and for those uses proposed for multifamily development, a minimum of 15% of the gross site area devoted to residential use shall be permanently preserved as dedicated open space.

(4) For land zoned R-4 or R-5 and proposed for manufactured housing community, the regulations of Article IX of this chapter regarding minimum dedicated open space shall apply.

(b) Areas not considered dedicated open space. The following land areas shall not be considered, allowed, or approved as dedicated open space for the purposes of this section:

(1) The area within any public or private road easement or right-of-way or within Streets, alleys, drives, or similar improvements pursuant to Section 38-367(2)d.ii of this Ordinance.

(2) Any easement for overhead utility lines, unless adjacent to qualified dedicated open space.

(3) Only 50% of the area of any existing floodplain, streams, wetlands, lakes, ponds, and slopes which are 20% or greater shall be counted as dedicated open space.

(4) The area within a platted lot or site condominium lot.

(5) The area of required setbacks or required distances between buildings.

(6) Proposed detention and retention ponds. Stormwater management facilities such as rain gardens, bioswales, vegetated filter strips, constructed wetlands, and similar facilities may be considered, allowed, or approved as dedicated open space upon recommendation of the Planning Commission and approval by the Township Board based upon a review of the purpose and objectives in Section 38-373 and the standards in Section 38-373(i).

(7) Community drain fields if such areas are not completely underground.

(8) Any area devoted to a golf course.
(9) Landscaping buffers and greenbelts as required by ordinance.

4. Ponds/Earth Changes

Section 38-504 – Ponds

(a) Required authorization. No pond shall be constructed, erected, installed, located, deepened, expanded, reconstructed, or widened unless it has first been authorized, as is provided in this section, by either the Zoning Administrator or by the Planning Commission. If an existing pond is to be expanded or widened beyond its existing footprint, the pond shall be brought into full compliance with all requirements of this section. If an existing pond is to be reconstructed within its existing footprint (e.g., deepened, cleaned out, etc., but not expanded or widened), the pond shall not be required to be brought into full compliance with all requirements of this section; provided, however, that an existing pond that is reconstructed within its existing footprint shall have a slope no steeper than 1:3. For purposes of this subsection, the term "existing pond" means a pond that was constructed, erected, installed, or otherwise located on a lot prior to February 10, 2000. All ponds that are constructed, erected, installed, or otherwise located on a lot on or after February 28, 2000, must, at all times, comply fully with all requirements of this section, including, without limitation, if and when the pond is deepened, expanded, reconstructed, or widened.

(b) Application. An application for authorization of a pond shall be made to the Township. The application shall include the following:

(1) The name of the person who will be the owner of the pond. If the owner of the pond will be someone other than a natural person, the application shall indicate the name of the president/chief executive officer of the firm, association, partnership, joint venture, corporation, limited liability company, or other equivalent entity that will be the owner of the pond. If the owner of the pond will be a trust or an estate, the application shall indicate the name of the trustee or personal representative.

(2) The location of the proposed pond or the existing pond that is to be deepened, expanded, reconstructed, or widened.

(3) A statement of purpose or use of the pond.

(4) The safety precautions to be taken to protect those persons making use of the pond or who might be in danger thereby. These safety precautions shall address not only those persons who are anticipated to utilize the pond and its adjoining lands but also any third parties who may elect to utilize the pond and its adjoining lands without authorization from the owner.

(5) A survey map shall containing the following:
   a. The dimensions of the pond.
   b. The distances from the pond to the parcel's boundaries, to any existing or proposed structures on the parcel, to any septic system, to any existing ponds, lakes, streams or other watercourses located within the parcel and/or on adjacent properties, and to any buildings and structures on adjacent parcels.

(6) Drawings of the pond prepared by an engineer licensed by the state showing or otherwise stating the following information:
   a. The depth of the pond.
   b. The surface area of the pond at the normal water elevation.
   c. The surface area of the pond that meets the minimum depth requirement contained in Subsection (d)(6)b of this section.
   d. The contour of the pond's side slopes and of the area in the general vicinity of the pond.
e. The volume of soil to be excavated for the pond and the volume of that soil which will be kept on the site of the pond.
f. Plans regarding excavation for the pond, including equipment access and the placement of soil on the parcel, if applicable.
g. Landscaping to be installed around the pond, including any berms, fencing or screening.
h. The effect of the pond on the water table of the parcel to be occupied by the pond, the water table of parcels in the vicinity of the pond, and on the quality and quantity of water available from wells on parcels in the vicinity of the pond. This information and analysis shall specifically address the consequences of any dewatering planned in conjunction with the construction, erection, installation, expansion, reconstruction, deepening, or widening of an out-door pond. In its discretion, the Planning Commission may require that the engineer's statement concerning the matters included in Subsection (b)(6)h of this section state that it can be relied upon by the Township and by the owners of all lands within the vicinity of the pond.
i. Provisions for maintenance of the pond, including equipment such as bubblers, aerators, fountains, etc., and the method of filtration and treatment of the pond water, if applicable.

(7) A soil borings report showing soil borings on the proposed site of the pond. There shall be a minimum of one soil boring for each full pond acre for the first five acres of pond coverage and, thereafter, one additional soil boring for each additional five acres or fraction thereof of pond coverage, i.e., six borings for a pond with coverage of more than five acres but no more than 10 acres, seven borings for a pond with coverage of more than 10 acres but no more than 15 acres, etc. All soil borings shall be reasonably distributed so as to give comprehensive coverage of the proposed pond area and shall be at least to the anticipated depth of the pond in the vicinity where the soil boring is taken. A geotechnical engineer licensed by the state shall prepare the soil borings report.

(8) A statement concerning the hours of operation relating to the construction of the pond and the duration of the pond construction project.

(9) Drawings showing the low water clearance level over stumps and other materials constituting an underwater hazard.

(10) Such additional information as the Zoning Administrator or the Planning Commission may request in order to evaluate the application.

(c) Procedure. The following procedures shall apply to applications for ponds.

(1) An application for pond approval for a pond that is less than 1 1/2 acres in size, covers less than 25% of the area of the lot on which it is to be located, and is the only pond on the lot shall be considered and decided by the Zoning Administrator. In considering the approval of such a pond, the Zoning Administrator may, in his discretion, waive any of the application requirements contained in Subsection (b)(6) and/or (b)(7) of this section. The Zoning Administrator may, in his discretion, decline to make a decision on a pond approval application and refer the decision thereon to the Planning Commission. No pond shall be approved pursuant to this subsection unless the pond meets all of the restrictions and requirements contained in Subsection (d) of this section.

(2) An application for pond approval for a pond that is not subject to Zoning Administrator consideration and approval pursuant to Subsection (c)(1) of this section shall be heard and decided by the Planning Commission as a special use. No pond shall be approved pursuant to this subsection unless the pond meets all of the restrictions and requirements contained in Subsection (d) of this section.
Restrictions and requirements. The following restrictions and requirements shall apply to all ponds and ponds may only be located as follows:

1. Landscaping and visual enhancement of the parcel: all zoning districts.
2. Recreation, swimming and boating: AG, R-1, R-2, R-3, R-4, R-5 and C-2 Zoning Districts only as an accessory use to a permitted principal use of the parcel.
3. Livestock watering and fish production for commercial purpose: AG Zoning District only.
4. Wildlife habitat, not used for any commercial purposes: all zoning districts.
5. Source of water for irrigation, spraying or fire suppression: AG Zoning District and for a planned unit development if included as an approved accessory use in the planned unit development.
6. Stormwater retention, detention, or drainage: all zoning districts.
   (a) The pond shall comply with all of the yard requirements for the zoning district in which it is located. As part of the authorization of a pond, the Zoning Administrator or the Planning Commission may approve the location of a pond in a front yard.
   (b) Each pond shall have a required depth over a minimum of 15% of the area of the pond as follows:

<table>
<thead>
<tr>
<th>Pond Size (acres)</th>
<th>Required Depth (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or smaller</td>
<td>10 or more</td>
</tr>
<tr>
<td>Larger than 1</td>
<td>15 or more</td>
</tr>
</tbody>
</table>

-c If the Planning Commission determines that compliance with the required depth requirement of this subsection is not necessary to maintain acceptable water quality in the pond, then the Planning Commission, in its discretion, may waive the required depth requirement of this subsection.
   (d) The side slopes (contour) of a pond shall be constructed and maintained below normal water level with a slope no steeper than 1:6 until a depth of three feet and thereafter with a slope no steeper than 1:3.
   (e) The side slopes (contour) of a pond shall be constructed and maintained above the normal water elevation with a slope no steeper than 1:6 for a minimum distance of 10 feet measured along the slope from the normal water elevation. This ten-foot area shall be maintained with stone, rock, sand, or other similar materials.
   (f) All stumps and other materials that could constitute an underwater hazard shall be removed; provided, however, that stumps and other materials need not be removed if there is at least a ten-foot clearance between the stump or other underwater material and the normal water elevation of the pond.
   (g) The discharge pipe from any pond without a direct outlet to an established drain shall have the drain size designed and engineered by an engineer licensed by the state and approved in writing by the Ottawa County Drain Commissioner. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon the land of another and no pond shall be wholly or partially emptied upon any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited.
   (h) No water drawn from a governmentally owned or operated water system shall be used in connection with the filling or operation of a pond.
   (i) If any sand, topsoil, gravel, or other such material is to be removed from the parcel on which the pond will be located, all requirements of this article and all other Township
ordinances, rules, and regulations shall be complied with as well as all requirements of all county, state, and federal ordinances, statutes, laws, rules, and regulations.

(j) No pond located on land that is not included in a subdivision, site condominium, or other residential development consisting of multiple building sites shall be located closer than 75 feet from the exterior boundary of the land on which it is located. No pond located inside a subdivision, site condominium, or other residential development consisting of multiple building sites shall be located closer than 75 feet from the outside boundary of the subdivision, site condominium, or other residential development, consisting of multiple building sites. However, if written consent is obtained and provided to the Township from the adjoining landowner, the Zoning Administrator (if he is considering and deciding on the pond application) or the Planning Commission (if it is considering and deciding on the pond application) may, in approving a pond, permit a setback of less than 75 feet in either of the two situations described in this subsection, subject, however, to a minimum setback of 25 feet in any event.

(e) Standards. In considering approval of a pond, the Zoning Administrator and the Planning Commissions shall consider the following standards:

1. Whether all other permits or approvals from other governmental units or agencies have been obtained; for example, approval of the Ottawa County Drain Commissioner for any ponds that would come under the jurisdiction of that office and any approval/permit that may be under Part 301 of the Natural Resources and Environmental Protection Act (MCL § 324.30101 et seq.).
2. The location of the pond on the parcel and its proximity to adjoining parcels.
3. The potential for the pond to become a safety hazard for adjoining property or the public.
4. The number of other ponds on the parcel or in the vicinity of the parcel.
5. The character, nature and size of the pond and its effect on the parcel, including the effect on other appropriate uses of the parcel.
6. The potential for the pond to result in stagnant water or insect breeding so as to become a nuisance.
7. The effect of the pond on adjacent properties, on wells and the water table in the vicinity and on the health, safety and welfare of the public.

(f) Conditions for authorization. In giving its authorization, the Zoning Administrator or the Planning Commission may:

1. Require financial assurance for the completion of the pond project within the time set in the issued building permit. The financial assurance shall be in the form of cash or a letter of credit acceptable to the Planning Commission and which shall permit the Township to access such funds to enable the Township to remedy a violation of the authorization and the issued building permit. The Planning Commission shall determine the amount of such bond or letter of credit at the time of authorization.
2. Require proof of liability insurance in amounts acceptable to the Planning Commission, which shall be in place at the time the building permit is issued and shall be maintained until the pond construction project is completed.
3. Require that the pond be enclosed with a wall, fence, or other type of enclosure. Such wall, fence, or other type of enclosure shall not be less than four feet above the grade line. The wall, fence, or other type of enclosure shall be designed so there are no openings of such a nature or size as to permit any child to pass through or under the fence, wall, or other type of enclosure except as a gate or door, and shall be of a type not readily climbable by children. All gates or doors leading to a pond, except a door in any building forming a part of the enclosure, shall be kept closed when no one is present on the lot on which the pond is
located and such gates and doors shall be fitted with a positive latching device which will automatically latch them when said gate or door is in a closed position.

(4) Require the construction, installation, operation, maintenance, and repair of bubblers, aeration equipment, fountains, or similar devices intended to maintain and enhance the pond water quality.

(5) Impose such other conditions or require such modifications in the plans for the pond as are determined reasonable and necessary for the protection of the health, safety and welfare of the general public.

(g) Responsibility. By applying for approval of the pond, applicant shall be deemed to have consented to and agreed to all of the following:

(1) That the applicant and all parties at any time owning or having any interest in the premises on which the pond is located agree that they shall, at no time, petition for the establishment of a lake board pursuant to Part 309 of Public Act No. 451 of 1994 (MCL § 324.30901 et seq.), and they shall, at no time, petition for or otherwise investigate any other legal proceeding under any federal or state statute or other provision of federal or state law which would result in the imposition of an assessment, charge or other financial responsibility on the Township in connection with the pond. Without limiting the generality of the immediately preceding sentence, applicant and all parties at any time owning or having any interest in the premises on which the pond is located shall at no time petition for the maintaining of normal height and level of waters, maintenance, improvement, or development of the pond for fishing, wildlife, boating, swimming, algae and other vegetative controls, or for any other recreational or agricultural use.

(2) That the applicant has designed and engineered the pond and applicant assumes all responsibility with respect to the adequacy of its design, the adequacy of any outlet, the safety of the pond with respect to adjoining landowners and the public generally, and all other aspects of the ponds' construction, erection, installation, location, repair, maintenance, expansion, widening, reconstruction, or deepening.

(3) That the applicant shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Township and its officers, board, Planning Commission, Zoning Board of Appeals, employees, and agents against any and all claims, damages, demands, expenses, liabilities, and losses of any character or nature whatsoever arising out of or resulting from the construction, erection, installation, location, maintenance, repair, reconstruction, deepening, expanding, or widening of the pond, including, but without limitation, any liability to third parties on account of any negative effect caused by the pond on the water table of parcels of land in the vicinity of the pond. The indemnification obligation provided in the preceding sentence shall include the payment of all reasonable attorneys' fees and other expenses of defense.

The provisions of this subsection shall be included as part of the application for a pond and the applicant shall be required, as a condition of making an application for a pond, to accept and agree to all of the provisions of this subsection.

(h) Building permit. Upon authorization and compliance with all conditions, the Zoning Administrator shall issue a building permit for the pond construction project. The building permit shall be valid for a period of one year, provided that the permit may be renewed prior to its expiration date by the Zoning Administrator for a period not exceeding an additional six months.

(i) Garden/landscaping ponds. This section shall not apply to small garden and/or decorative landscaping ponds having a permanent liner with an aggregate surface area of 150 square feet or less.
(j) Verification of compliance. Upon completion of the pond, the engineer who prepared the drawings of the pond as required in Subsection (b)(6) of this section, unless that requirement has been waived by the Zoning Administrator pursuant to Subsection (c)(1) of this section, shall certify that the pond has been constructed, erected, installed, located, deepened, expanded, reconstructed, or widened in accordance with the application and the Zoning Administrator or the Planning Commission approval. The engineer’s certification shall be made within 30 days of the completion of the pond and prior to the utilization of the pond for its intended purposes. The Zoning Administrator may, in his discretion, require a review by the Township’s engineer, at the sole cost and expense of the applicant, to verify such compliance. In such circumstance, the applicant shall deposit with the Township a fee in the amount of the reasonable anticipated cost of the Township Engineer’s review. If the advanced payment of fees exceeds the actual expense of the Township Engineer’s review, the Township shall return the entire or unused portion of the deposit to the applicant. If the advanced payment is insufficient to pay the actual expense of the Township Engineer’s review, then the applicant shall promptly pay the Township the balance of the engineering expense.

Section 38-505. Earth change regulations and permits.

(a) Permit required. Except as exempted under Subsection (e) of this section, no earth change shall be conducted on any parcel of land unless such earth change has been authorized by and is in compliance with a permit issued pursuant to this section. For purposes of this section, the term "earth change" means a man-made change in the natural or existing cover or topography of land, including without limitation, the excavating, mining, removing, importing, moving, filling, stockpiling, depositing and/or storing of topsoil, subsoil, sand, gravel, clay, aggregate, stone, sludge, ash and/or any similar materials and resources.

(b) Application for permit. An application for an earth change permit shall be filed with the Zoning Administrator. An application fee, as established by the Township Board from time to time, shall be paid when the application is filed. Such application shall contain the following information and documentation:

1. The name and address of the applicant. If the applicant is not an individual, the name and title of a contact person for the applicant shall be provided.
2. If the applicant is not the owner of the parcel, the name and address of the holder of record title and the nature of applicant’s interest in the parcel shall be stated.
3. A survey and legal description of the parcel for which the earth change permit is sought.
4. A statement together with a map that details the specific nature and extent of the proposed earth change activity including the following:
   a. The type of materials involved in the proposed earth change.
   b. A fair and reasonable estimate of the number of cubic yards of materials involved and description as to what volume of materials are to be excavated from, removed from, imported onto, moved on and/or stored on the parcel as part of the proposed activities.
   c. A map depicting the proposed contours of the parcel upon completion of the earth change activities and showing the location of the proposed earth change activities in relation to the boundaries of the parcel and to buildings, septic systems, existing bodies of water and watercourses, both on the parcel and on adjacent lands.
   d. The location and type of any fencing or other screening to be located on the parcel during the earth change activities.
   e. The proposed landscaping and/or revegetation to secure and stabilize the ground and any slopes during and at the completion of the earth change activities.
(f) A description of the type and amount of equipment proposed to be employed in the earth change activities.

(g) The points of ingress and egress for the parcel and the route the applicant intends to use in transporting materials to and/or from the parcel. The location and size of aprons and scrub pads, if any are proposed, shall be detailed, together with a cleaning and maintenance plan. Aprons and scrub pads may be required as a condition to issuance of the permit and, if so, they shall be constructed of concrete or asphalt with scrub pads having a minimum length of 100 feet from the road onto the parcel and a minimum width of 12 feet and with aprons having a minimum radius of 25 feet, unless the Planning Commission determines other dimensions under the circumstances of the project.

(h) Any proposed road signage for "slow trucks," "truck crossings," etc.

(i) Proposed hours of operation.

(j) Duration of earth change activities.

(5) Information regarding approvals and/or permits required under any other federal, state, local government or agency.

(6) Information regarding financial assurance (in the form of a bond or letter of credit) to be provided to the Township to ensure compliance with the permit.

(c) Action on application. If the Zoning Administrator determines the application to be complete, the application will be forwarded to the Planning Commission.

(1) In making its decision, the Planning Commission shall consider the following standards:

(a) The nature of the proposed earth change, including without limitation, whether materials are to be excavated and removed from, or imported to, or moved upon the parcel and the purpose for the proposed earth change, together with the clearing of the land.

(b) The size of the parcel.

(c) The effect of such earth change on neighboring parcels and whether such earth change can be conducted in a manner harmonious with the neighboring uses.

(d) The potential of the earth change to create safety concerns or hazards, to cause problems with noise, fumes, dust, lights and vibrations, to create erosion problems, to alter the groundwater table in the vicinity, to cause flooding or diversion of water, to result in the creation of sand blows, stagnant water pools, bogs and other similar problems affecting the adjacent properties and environment in the vicinity.

(e) The change in the topography and loss of natural resources.

(f) The types of trucks and other equipment to be used and the potential for traffic congestion, damage to roads, noise and debris, and safety hazards resulting from trucks and equipment used in the earth change activities.

(g) Whether the earth change activities comply with all applicable federal, state, county and local laws, ordinances, rules, regulations permits and requirements.

(2) The Planning Commission may approve, approve with appropriate conditions, or deny the application for an earth change permit and shall state the findings and conclusions for its decision. The Planning Commission shall have the right subsequently to impose additional conditions of approval or to amend any conditions of approval if reasonably necessary to achieve the purposes of the zoning chapter and/or address any change in circumstances or problems; provided that, such action shall not be taken without notice to the applicant and a hearing pursuant to Section 38-36.

(3) If the Planning Commission approves, with or without conditions, the issuance of the earth change permit, it shall also establish the appropriate amount and type of financial assurance
to be provided by the applicant to ensure compliance with the permit and to make funds available to the Township to correct any noncompliance.

(d) Issuance of permit. Upon approval of the Planning Commission, the Zoning Administrator at the request of the applicant shall issue an earth change permit. The issuance and the permit are subject to the following conditions:

1. The applicant must request and obtain the permit within six months from the date of approval by the Planning Commission; otherwise the approval is null and void and reapplication is required.
2. At the time the permit is requested, the applicant shall provide the required financial assurance.
3. At the time the permit is requested, the applicant shall provide proof of adequate comprehensive general liability insurance and such insurance shall be maintained during the earth change activities.
4. The permit shall allow only those earth change activities specified in the terms and provisions of the application, as modified and/or supplemented by any conditions of approval made by the Planning Commission, which terms, provisions and conditions shall be deemed included in the permit without further recitation.
5. The permit issued shall not be transferable or assignable by the applicant, unless an application to approve such transfer or assignment is made and the Planning Commission, after a hearing, approves the transfer or assignment, which approval may be with appropriate conditions. The permit, including all terms, provisions and conditions, shall be binding upon the applicant, parties having an interest in the parcel and any successors or assigns.
6. The permit shall be issued for the duration of the earth change activities as approved in the decision of the Planning Commission; provided however, that no permit shall be issued for a period exceeding three years. Prior to expiration of the initial permit period, the applicant may request the, in its discretion, to grant an extension of the permit not to exceed one year. Such request will be subject to the laws, ordinances, rules and regulations then in effect and, there is no assurance or commitment for approval of such request under the laws and circumstances that may exist.

(e) Exemptions from permit requirements.

1. The following earth change activities do not require a permit, but are subject to the provisions of Subsection (e)(2) of this section:
   a. Up to 2,500 cubic yards of topsoil, subsoil and sand may be removed from or imported to a parcel for purposes of the construction of a building or structure on the parcel.
   b. Topsoil or sand may be moved from one part of a parcel to another area of the same parcel.
2. Exempted earth changes shall comply with the following standards:
   a. The earth change shall not create or cause a safety hazard, erosion by wind or water, alteration of groundwater tables and other similar problems.
   b. The earth change shall not cause or create sand blows, stagnant water pools, bogs or any similar type circumstances that cause injury to adjoining properties.
   c. The earth change shall not cause a significant change in the natural topography or have an adverse or destructive impact on the environment or a natural resource.
   d. The earth change shall not result in traffic congestion, road safety hazards or other similar problems.

(f) Violations. A violation of this section or of any term, provision or condition of an approval granted and/or permit issued under this section shall constitute a violation of this chapter, and in addition
to the remedies provided in this chapter, the Zoning Administrator may issue a stop work order and/or may revoke or cancel any permit in the manner provided in Section 38-33(f).

(g) Relation to ponds. The requirements of this section are in addition to and separate from any requirements, approvals and permits relating to the creation of ponds under Section 38-504.

Section 38-184 – Use regulations

(8) – Removal and processing of top soil, sand, gravel, or other such minerals when authorized by the Planning Commission in accordance with Section 38-505.

Section 38-214 – Use regulations

(6) – Removal and processing of top soil, sand, gravel, or other such minerals when authorized by the Planning Commission in accordance with Section 38-505.

5. Firewood Sales

Firewood Sales

The sale of firewood is considered a seasonal temporary use within any zoning district and is subject to the following conditions.

A. All firewood sales are limited to firewood that has been cut from the parcel or lot where the firewood is to be sold. A person may not sell firewood that has been cut from a parcel or lot other than the lot where the firewood is to be sold.

B. Firewood sales must be conducted in a manner that does not create a traffic hazard or nuisance to neighboring properties.

C. Storage of firewood must be stacked in a neat, compact and orderly manner to avoid creating a harborage for animals, rodents or other pest infestation or other hazard to the public safety and welfare. Firewood must be stored as a face cord in one (1) or more structures or racks that is are at least three (3”) inches above the ground, not more than forty-eight (48”) inches in height, and not more than eight (8”) feet in length.

D. Any signs advertising the sale of firewood must conform to the signage provisions of the zoning district in which the property is located.

6. Garage Sales

Garage Sales

Garage sales, rummage sales, yard sales, moving sales, and similar activities are considered temporary accessory uses within any residential zoning district and are subject to the following conditions.

A. Any garage sale, rummage sale or similar activity will be allowed without a temporary Zoning Permit for a period not to exceed four (4) days within a six (6) month period. Any such activities operating for a period of time in excess of four (4) days will require a temporary Zoning Permit from the Zoning Administrator.

B. All such sales must be conducted a minimum of thirty (30”) feet from the front lot line and a minimum of fifteen (15”) feet from the side lot line.
C. No signs advertising such sales may be placed upon a public right of way or other public property. All signs advertising such sales must be placed upon private property with the consent of the owner of the private property and must be removed within twenty-four (24) hours of the conclusion of the sale or similar activity.