



CASS COUNTY PLANNING COMMISSION

Dan Stutsman
Richard Palmisano
Edwin Johnson III

David Kring
Annie File
Char Hiemstra

Jayne Bailey
Roseann Marchetti
Dianna McGrew

CASS COUNTY PLANNING COMMISSION REGULAR MEETING

July 5, 2023 at 4:00 PM
Cass County Building
120 N. Broadway
2nd Floor Conference Room
Cassopolis, MI 49031

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MINUTES**
 - a. April 26, 2023 Regular Meeting Minutes**
 - b. May 24, 2023 Regular Meeting Minutes**
 - c. June 7, 2023 Special Meeting Minutes**
- 4. UNFINISHED BUSINESS**
 - a. MASTER PLAN - Continued**
- 5. NEW BUSINESS**
 - a. Calvin Township Zoning Ordinance Amendments**
 - i. Solar Energy Regulations**
 - ii. Keeping of Animals/Kennel Regulations**
- 6. OTHER BUSINESS**
- 7. ADJOURNMENT**

CASS COUNTY PLANNING COMMISSION

Minutes of April 26, 2023

1. The meeting was called to order by Dan Stutsman at 4:01 PM.
2. **Members Presents:** Annie File, Dan Stutsman, Char Hiemstra, Richard Palmisano, David Kring, Dianna McGrew, Jayne Bailey, and Roseann Marchetti. **Members Absent:** Edwin Johnson III. **Others Present:** Eileen Glick from Milton Township and Linda McGregor from Howard Township.
3. **Approval of Agenda:** Motion made by Annie File to approve the agenda, seconded by Richard Palmisano and motion carried.
4. **Approval of Minutes:** Motion made by Richard Palmisano to approve the minutes, seconded by David Kring and motion carried.
5. **Discussion on Parks and Recreation Board vacancy** – David Kring can no longer represent the Planning Commission on the Parks and Recreation Board (member needed per State statute) due to conflicts in his schedule. Jayne Bailey expressed interest in being the representative. A motion was made by Roseann Marchetti to appoint Jayne Bailey to the Parks and Recreation Board as the Planning Commission representative per State statute. Seconded by Richard Palmisano and motion carried.
6. **Milton Township** – The Board agreed that the rezoning is consistent with ordinances. The State Highway Department is involved with the stoplight at Gumwood and US 12. A motion was made by Richard Palmisano to approve the rezoning submission, seconded by Dianna McGrew and motion carried.
7. **Howard Township** – Howard Township opted out of Recreation. Ordinance to caregiver must live in and not outdoor grow. A motion was made by Roseann Marchetti to approve, seconded by Richard Palmisano and motion carried.
8. **Home Occupation Business** – ATF guidelines must be followed. A-j rules and regulations are the bones of the Ordinance. A motion was made by Roseann Marchetti to approve, seconded by Dianna McGrew and motion carried.
9. **Hedges and Fences** – Do not need to be regulated by the State. They have regulations on fences, walls on corners and visions. Remove privacy screen for Ordinances. A motion was made by Dianna McGrew to approve, seconded by Roseann Marchetti and motion carried.
10. **Master Plan** - Roseann Marchetti reported that Carl Baxmeyer has the demographics. Not sure on options for getting information to the people. Some items for Solid Waste need to be added to the Master Plan.
11. **Adjournment** - Meeting adjourned at 4:45.

Respectfully Submitted,

Char Hiemstra, Secretary

CASS COUNTY PLANNING COMMISSION

May 24, 2023 Meeting Minutes

1. The Meeting was called to order by Dan Stutsman at 4:00 pm
2. **Members Present:** Annie File, David Kring, Roseann Marchetti, Richard Palmisano, Char Hiemstra, Dan Stutsman, Jayne Bailey, Edwin Johnson III. **Members Absent:** Dianna McGrew. **Others Present:** Carl Baxmeyer
3. Minutes of April 2023 Meeting were not in packet so were not voted upon. Will be included in next Regular Meeting packet.
4. Stutsman moved, Palmisano seconded, CARRIED, to have new business proceed old business on the agenda. All were in favor.
5. Johnson III moved, File seconded, CARRIED, to approve rezoning request for Pokagon Township.
6. Master Plan Update
 - a. Carl Baxmeyer, Master Plan Coordinator, requested update on whom would be included in master plan. As of today, Pokagon Twp, Wayne Twp, Volinia Twp and the Village of Vandalia will be included. Carl advised that there would be no additional charge for mapping the townships and village. After some discussion it was decided that the opportunity to be included in Master Plan has now closed to any other townships.
 - b. Roseann M passed around the copies of Commitment Agreements for the Townships and Village. Four Municipalities will pay \$1500 each for the project.
 - c. Recycling and solid waste management state guidelines will be included in Master Plan.
 - d. Palmisano asked if there was any issue and whether lakes and water rights should be included. It was noted that that was covered by State guidelines.
 - e. A thought to be included: We support the Right to farm Act in agreement with MDARD.
 - f. County vision: commercial support to be included in Master Plan.
 - g. Focus on removing as much duplication as possible.
 - h. Carl will delve into Chapter 3 (survey, goals, and objectives) at the next meeting. It was decided that we will have additional work sessions. The first one will be held on June 7th at 4:00 PM. This will be a Special Meeting and will need to be publicized.
7. Palmisano moved, Johnson III seconded, CARRIED, to adjourn the meeting at 4:59 PM. All were in favor.

Respectfully Submitted,

Char Hiemstra



CASS COUNTY PLANNING COMMISSION

PLANNING COMMISSION SPECIAL MEETING MINUTES

June 7, 2023

The regular meeting of the Cass County Planning Commission was called to order in the Kincheloe Room of the Cass County Building by D Stutsman at 4:15 p.m.

Roll call found the following members present: David Kring X, Annie File Abs, Char Hiemstra X, Dan Stutsman X, Dianna McGrew Abs, Edwin Johnson III X, Richard Palmisano X, Jayne Bailey X and Roseann Marchetti X.

Absent: Annie File and Dianna McGrew

Approval of Agenda 1st R Marchetti, 2nd D Kring.

Approval of Minutes 1st _____ 2nd _____. Minutes were not in packet. Include in June 28th 4pm

MP= master plan

Business: ***Carl Baxmeyer joined us for a workshop to continue to fine tune the Master Plan. We were advised that Newburg Twp. Would now like to be a part of our plan. C Hiemstra made a motion to allow them if they pay Wightman \$1000. Up front. Then the \$1500 contribution fee for their share would be paid by Cass County. R Marchetti 2nd the motion. Motion carried.***

Discussion of MP: ***As a group we discussed Suggested Combined and attempted to pare down/streamline repetitive objectives. Hopefully to clarify the Counties stance on the objectives.***

It was also suggested that we change the heading of Growth Management to Managed Growth. No decision or vote was taken.

Group reminded of Meeting on June 28th at 4pm

Adjournment: Motion by R Palmisano, 2nd by D Kring to adjourn the meeting.

Respectfully Submitted,
Charlene Hiemstra

Calvin Township
Office of Zoning Administration
&

Code Compliance Officer

65656 Burg Rd

Sturgis, Mi. 49091

Douglas M. Kuhlman, Zoning Administrator/Code Compliance Officer

Tel: (269)-651-3130

Email: municipalzoning@gmail.com

June 23, 2023

Cass County Planning Commission

RE: Text Amendments

To Whom It May Concern

Attached, please find proposed text amendments to the Calvin Township Zoning Ordinance regarding solar energy regulations. The public hearing was held on June 22, 2023. At the conclusion of the meeting, it was with a unanimous 5-0 recommendation to recommend forwarding this to the Cass County Planning Commission and the Calvin Township Board for approval of such amendments. There was no public in the audience. This ordinance has been recently reviewed by the St. Joseph County Planning Commission and adopted in several township in St. Joseph County.

I will await the 30 day requirement as required under Section 125.3307 of the Michigan Zoning Enabling Act (Act 110 of 2006) before forwarding the attached on to the Calvin Township Board for final approval. If the Cass County Planning Commission can advise me of the date of this meeting, The Calvin Township Board is requesting that I be present for this meeting.

If you have any questions, feel free to contact me. If you would like me to attend this meeting, I would be willing to check my schedule for availability. If my attendance is requested, please advise me of the date and time of such meeting.

Respectfully Submitted,



Zoning Administrator

**TOWNSHIP OF CALVIN
CASS COUNTY, MICHIGAN**

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

DRAFT NO. V-2

An Ordinance to amend the Calvin Township Ordinance’s Article II, “Definitions” to add “Solar Energy”; to amend Article IV “General Provisions” to add a section labeled “Large Solar Energy Systems”; to amend Article V “Special Land Use Permits” to add a section labeled “Large Solar Energy Systems”; to amend Article III “Zoning Districts and Map” by adding to section C at the bottom “S-1. Solar Overlay District”; to amend Article III ”Zoning Districts and Map”, by adding additional language; to amend Article III “Zoning Districts and Map” by adding language to section 301; to amend Article V, “Special Land Use Permits” by adding a section labeled “Accessory Use Small Scale Solar Energy System”; and to provide an effective date and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF CALVIN,

CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE II “ DEFINITIONS”

A new term and definition entitled “Solar Energy: is hereby added to Article II “Definitions” of the Calvin Township Zoning Ordinance to read as follows:

“**202.113.1 Solar Energy.** The following definitions shall apply to solar energy provisions in this Ordinance:

Accessory Ground-Mounted Solar Energy System: A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use on the site.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Building-Integrated Solar Energy System (“BIPV”): A solar energy system that is an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Dual Use: A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:

- Pollinator Habitat: Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites. Alternatively, the Tier 2 Pollinator Scorecard developed by the Rights-of-Way as Habitat Working Group can be used to evaluate pollinator habitat and management practices.
- Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (eg. bird habitat) or providing specific ecosystem services (eg. carbon sequestration, soil health).
- Forage for Grazing: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- Agrioltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- Dual Use: Does not include the use of solar arrays on parcel or lots that already have an established use such as dwellings, commercial buildings, etc.

Ground-Mounted Solar Energy System: A solar energy system mounted on support posts, like a rack or pole that are attached to or rest on the ground.

Large Solar Energy System: A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery, or consumption of the generated energy with a capacity greater than one megawatt (MW).

Maximum Tilt: The maximum angle of a solar array (ie., most vertical position) for capturing solar radiation as compared to the horizon line.

Minimum Tilt: The minimal angle of a solar array (ie., most horizontal position) for capturing solar radiation as compared to the horizon line.

Non-Participating Parcel(s): One or more existing lots or parcels for which there is not a signed lease or easement for development of a principal-use SES associated with the applicant project.

Participating Parcel(s): One or more lots under a signed lease or easement for development of a principal-use SES associated with the applicant's project.

Photovoltaic (PV) System: A semiconductor material that generates electricity from sunlight.

Principal-Use Solar Energy System: A commercial, ground-mounted solar energy system that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Principal-Use (Large) Solar Energy System: A Principal-Use SES generating more than 5,000 KWH/5MW for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Accessory-Use (Small) Solar Energy System: An accessory SES generating up to and including 5,000KWH/5MW per month installed and used for the primary purpose of serving an individual residence or structure; with any minor generated excess available to place on the grid.

Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the Cass County Register of Deeds to be the owner of a particular property shall be presumed to be the person who owns or is in control of that property.

Repowering: Reconfiguring, renovating, or replacing an SES to maintain or increase the power rating of the SES within the existing project footprint.

Roof-Mounted Solar Energy System: A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure.

Small-Scale Solar Energy Collector: A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which it is erected. It may be comprised of the following: building-integrated photovoltaic systems ("BIPV"), ground-mounted solar energy collectors, and/or building-mounted solar energy collectors.

Solar Array: A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy (electric energy or other energy) system that collects solar radiation.

Solar Carport: A solar energy system of any size that is installed on a structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System (SES): A photovoltaic system or solar thermal system for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance building(s), but does not include any temporary construction offices, substation(s) or other transmission facilities between the SES and the point of interconnection to the electric grid.

Solar Thermal System: A system of equipment that converts sunlight into heat.

UL Listed: Refers to the Underwriters Laboratory product certification database.

Utility Scale Solar Energy System: A Large Solar Energy System that meets one or more of the following:

- A. It is primarily used for generating electricity for sale, distribution of site to an authorized public utility or other firm for use in the electrical grid.
- B. The total surface area of all solar collector surfaces exceeds one-thousand five hundred (1,500) square feet; and/or
- C. It is not considered an accessory use or structure by the Township Zoning Administrator.

Weed: Native or non-native plant that is not valued in the place where it is growing.

Wildlife-Friendly Fencing: A fencing system with openings that allow wildlife to traverse over or through a fenced area.”

SECTION II

AMENDMENT TO ARTICLE IV “GENERAL PROVISIONS”

A new subsection identified as Section 414 is hereby added to Article IV “General Provisions” of the Calvin Township Zoning Ordinance to read as follows:

“Section 414 Large Solar Energy Systems: Large Scale Solar Energy Systems are permitted only in the Solar Overlay Zoning District. Classification as defined by this Ordinance, refer to Section 506 “Large Solar Energy System(s).”

SECTION III

AMENDMENT TO ARTICLE V “SPECIAL LAND USE PERMITS”

A new section identified as Section 506, is hereby added to Article V “Special Land Use Permits” to read as follows:

“**Section 506** Large Solar Energy System(s).

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.

- B. Application Escrow Account: An escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use for a Large Solar Energy System. The monetary amount deposited by the Applicant in escrow with Township shall be the amount of \$ 15,000.00 (fifteen thousand), to cover all reasonable costs and expenses associated with the Special Land Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Legal Counsel, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning process for the application. Such escrow amount shall be in addition to any filing or application fees applicable to special land use applications as established by resolution. At any point during the Special Land Use review process, the Township may require that the Applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the Applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the Applicant refuses to do so within thirty (30) days, the

Special Land Use process shall cease unless and until the Applicant makes the required additional escrow deposit. Any applicable zoning escrow Resolutions or other Ordinances adopted by the Township must also be complied with by the Applicant. The Township shall provide a summary of all account activity to the Applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Land Use shall be returned in a timely manner to the Applicant.

- C. Compliance with the State Construction Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the State Construction Code (consisting of Building, Electric, Mechanical and Plumbing Codes) as administered and enforced by Calvin Township as a condition of any Special Land Use under this section. In the event of a conflict between the Local Building Code and National Electric Safety Code (NESC), the more restrictive shall apply.
- D. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic testing Laboratories (“EIL”), Underwriters Laboratories (UL), National Fire Protection Association (NFPA), and the National Electrical Code (NEC) or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- E. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet in height.
- F. Setbacks: All above-ground components of the large solar energy system; all buildings and solar arrays, shall be setback a minimum of fifty (50) feet from all exterior property lines, existing public roads, and railroad rights-of-way; as well as from all bodies of water, delineated wetlands, or other protected land or water. In addition, a setback of two-hundred and fifty (250) feet shall be required from any parcel line of a property containing an existing residential structure. Contiguous parcels which are all part of a single Large Solar Energy Project need not maintain side yard setbacks for the panels/array so long as the planning commission approves the elimination of the side yard setback in its statement of conditions.

- G. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations. Setbacks must be complied with.
- H. Screening and Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be at least four (4) feet in height. Barbed wire, razor wire and electric fencing are not permitted. The perimeter of Large Solar Energy System shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to following requirements:

The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy, dead, or dying plant or tree material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first. In case of a question, the Township Zoning Administrator shall make the determination as to whether a plant or tree must be replaced.

1. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season to ensure planting takes place. The Township may call the Board if plantings are not timely completed and use the proceeds to accomplish the required plantings. After all plantings have occurred, the Township shall return the financial guarantee.
 2. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Land Use may be subject to revocation.
- I. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or all other information that may be required by

authorities having jurisdiction for electrical operations and the safety and welfare of the public.

- J. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty (60) dBA as measured at the exterior property boundary or the existing right-of-way line.
- K. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- L. Distribution Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- M. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use. Under the plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to seventy-two (72) inches below-grade shall be removed off-site for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original topography within three hundred and sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure return to prior use is possible upon restoration. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.
 - 1. Continuing Security for Decommissioning: If any Large Solar Energy System is approved for construction under this Section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work required to decommission the

project as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and non-cancelable. The amount required for decommissioning security shall be reviewed by the Planning Commission every two (2) years from the date of issuance of zoning approval. Failure to submit any additional charges shall be construed as a violation of the Special Exception Use Permit.

2. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Land Use.

- N. General Standards: The Planning Commission shall not approve of any Large Solar Energy System Special Land Use unless it finds that all of the general standards for Special Exception Land Uses contained in Article V of the Calvin Township Zoning Ordinance, as amended, are met.
- O. Township Board Oversight: Upon Planning Commission approval, the record of approval, finding of fact and any conditions shall be forwarded to the Township Board for consideration at its next available meeting. The Township Board may require a development agreement with the Applicant, which shall be in the form of a contract signed by both parties. The decommissioning agreement may be a part of the development agreement, or it may be in a separate document. The Township Board has the authority to consider and approval all proposed agreements, and to authorized the supervisor or his/her designee to sign on behalf of the Township.
- P. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairperson of the Planning Commission and authorized representative of

the Applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the Applicant's authorized representative.

- Q. Approval Time Limit and Extension: Special Land Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Land Use and Site Plan approvals shall be considered null and void. If construction begun prior to the expiration date established by Township Board approval, the Special Land Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the Applicant prior to the expiration date established by Township Planning Commission approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- R. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with inspections at the Applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- S. Annual Reports: The Large Solar Energy System operator shall submit an annual report to the Planning Commission by no later than October 1st of each year. The annual report shall document the amount of electricity produced each month for the reporting period in units of Megawatt-hours. The annual report shall list all complaints received regarding the Large Solar Energy Systems along with the status of the complaint resolution and the actions taken to mitigate the complaints. The report shall also contain a certification that the estimated decommissioning costs have not changed, and that any surety bond is still valid. If said report does not contain such certification, then the report shall include an update cost estimate for decommissioning and proof of a new and updated surety bond.
- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Land Use, or that it poses a safety hazard, the Zoning Administrator, or his/her designee, shall provide

notice to the Applicant of the safety hazard. If, after a reasonable cure period (not to exceed seven (7) days), the safety hazards are not corrected, the Applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, Applicant shall immediately shut down the Large Solar Energy System must be shut down, and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within forty-eight (48) hours of such request. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County or State agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County and/or State requirements regarding the use and/or repair of County roads or State highways.

- V. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances and the Michigan Land Division Act which includes MCL 560.102. In the case of such land division requirements the following will apply:
 1. The property on which the Large Solar Energy System is planned shall be exempt from the parcel size requirement of the Township Zoning Ordinance.
 2. The property on which the Large Solar Energy System is planned shall be exempt from the road frontage requirement of the Township Zoning Ordinance.
 3. The property on which the Large Solar Energy System is planned land shall be exempt from the 4 to 1 rule requirement of the Land Division Act and Township Zoning Ordinance.
 4. If such land division creates a landlock parcel, a dedicated easement of forty (40) feet in width for the purpose of ingress and egress must be recorded.

5. If the Large Scale Solar Energy System on a portion of a parcel is decommissioned and no longer in use, the land division approval shall be eliminated, and the parcel returned to a single parcel.
- W. Transfer of Ownership: Any and all conditions that have been approved as a part of the approval process, shall remain in place in the event of transfer of ownership, or sale of the property. Any change of conditions would have to be recommended by the Calvin Township Planning after a public hearing is held to the Calvin Township Board for approval.
- X. Security: Lock boxes and keys shall be provided at locked entrances for emergency personnel access. The Township shall be provided with a list of emergency contacts for the site. Such list shall be updated as needed by the owner and/or administrator of the Large Solar Energy System to ensure that said list always contains current and correct contacts.
- Y. Glare and Reflection: The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto roads or private roads.
- Z. Storage: If solar storage is included as part of the Large Solar Energy System, said storage must be placed in a security container or enclosure when in use in accordance with applicable laws and regulations, and when no longer used, shall be disposed of in accordance with applicable laws and regulations. Security containers or enclosures must also be in compliance with any and all local and state ordinances and codes.
- AA. Submittal Requirements:
1. Site Plan Requirements and Standards: (Site Plan Drawing and Supporting Materials) All applications for a Large Solar Energy Systems must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer, architect or land surveyor licensed in the State of Michigan, displaying the following information:
 - a. All requirements for site plan application contained in Articles IV Section 409 and Article V, Section 501 of the Calvin Township Zoning Ordinance.
 - b. All parcel lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.

- c. Names of owners of each lot or parcel within Calvin Township that is proposed to be within the Large Solar Energy System.
- d. A vicinity map showing the location of all surrounding land uses and existing buildings on parcels included in the proposed Large Solar Energy System.
- e. The location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.
- f. Horizontal and vertical (elevation) scaled drawings with dimensions that show the location of the Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above-ground structures and utilities on the property.
- g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one-hundred (100) feet of all exterior property lines of the Large Solar Energy System.
- h. Proposed setbacks from the Solar Array(s) to all existing and proposed structures, road right-of-ways (public or private), property lines shall be consistent with Article III.
- i. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.
- j. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Cass County Road Commission or the Michigan Department of Transportation approval and shall be planned so as to minimize the use of lands for that purpose.
- k. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

- l. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.
- m. Planned lightening protection measures.
- n. Additional detail(s) and information as required by the Special Land Use requirements of the Calvin Township Zoning Ordinance, or as required by the Planning Commission.
- o. Notarized written permission or copy of lease or deed establishing that the property owner authorizes the use of the property for a Large Solar Energy System.
- p. Documentation of the pre-construction soil types and conditions. If the USDA Natural Resources Conservation Service Soil survey(s) is not available, provide agricultural soil test information and/or obtain from Michigan State University Extension.

BB. Operational Plan: An Applicant for a Large Scale Solar Energy System shall prepare and submit an operational plan supported by the following:

1. Full Project Operational Plan. In addition to those requirements and procedures established in Articles IV, Section 409 and Article V, Section 501 any site plan must show the following:
 - a. A project description and rationale which identifies the type, size, rate power output, performance, safety and noise characteristics of the system, including the transmission line/grid connection for the project, and which identifies the project construction time frame, project life, development phases (and potential future expansions).
 - b. Estimated construction jobs and estimated permanent jobs associated with the development.
 - c. Photos and/or renditions of the project that graphically demonstrate the visual impact of the project, including, but not limited to, setbacks and proposed landscaping.

- d. Any impacts on surface water quality and any impacts to county drains and/or established natural or private drainage features in the area.
 - e. Any solid or hazardous waste generated by the project.
 - f. Any emergency and normal shutdown procedures, and any potential hazards to adjacent properties, public roadways and to the general public that may be created.
 - g. A fire suppression plan as required by this Ordinance.
 - h. An operations plan describing the operation of the Large Solar Energy System, including, but not limited to, the proposed technology, type of Solar Panels, and maintenance schedule.
 - i. Environmental Impact analysis if required by this Ordinance.
 - j. Proof of public liability insurance for at least two (2) million (\$ 2,000,000.00) dollars covering the Large Solar Energy System and the property owner.
2. Existing Conditions Site Plan. The Operational Plan shall include a site plan of existing conditions and shall show:
- a. Existing property lines and property lines extending one-hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - b. Existing public and private roads, showing widths of the roads and any associated easements.
 - c. Location and size of any known wells (including any abandoned wells), sewage treatment systems and dumps.
 - d. Existing buildings and any impervious surfaces.
 - e. Topography at five (5) foot intervals and source of contour interval. A contour map of the surrounding properties may also be required.
 - f. Existing vegetation (list type and percent of coverage, ie. Grassland, plowed field, wooded areas, etc.).
 - g. Waterways, watercourses, lakes and public water wetlands.

- h. Wetland boundaries, if applicable.
 - i. The 100-year flood elevation and Regulatory Flood Protection Elevation, if available.
 - j. Floodway, flood fringe, and/or general flood plain district boundary, if applicable.
 - k. The waterfront boundary, if any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway.
 - l. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the ordinary high-water level and the highest known water level.
 - m. If any portion of the project is located along a natural or man-made lake, river, stream, pond or other waterway, the toe and top of any bluffs within the project boundaries.
 - n. Mapped soils.
 - o. Surface water drainage patterns.
3. Solar Panels Operation and Site Plan. In addition to those requirements and procedures established in Article IV, Section 409 and Article V, Section 501 any site plan of proposed solar panels must show the following:
- a. Location and spacing of Solar Panels.
 - b. Location of access roads.
 - c. Planned location of underground or overhead electric lines connecting the Large Solar Energy System to the building, substation or other electric load.
 - d. New electrical equipment other than at the existing building or substation that is the connection point for the Large Solar Energy System.
 - e. Proposed erosion and sediment control measures.
 - f. Proposed storm water management measures.

- g. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).
- h. A site lighting photometric plan for the Large Solar Energy System.
- i. Proposed sign to be posted at the Large Solar Energy System, along with its proposed dimensions, location and manner of display.

SECTION IV

AMENDMENT TO ARTICLE III “ZONING DISTRICTS AND MAP”

- A. Article III Zoning Districts and Map ”Districts Established” is hereby amended by adding the following to Section 310 S-1 “Overlay Districts” at the bottom of the list thereon:

“310 S-1 Solar Overlay District”.

- B. Article III “Zoning Districts and Map”, Section 303 is hereby amended by adding the following language:

“There is hereby created a Solar Overlay District identified as S-1, the purpose of which is to facilitate the establishment of utility-scale solar energy collector systems by providing standards for their placement, design, construction, operation, monitoring, modification, and removal consistent with public safety, while minimizing negative impacts on adjacent and area property, and while promoting the Township’s goals of preserving agricultural lands and open spaces. Minimizing loss of rural character and open spaces and the desire to preserve farms and agricultural-based activities are strongly supported in the Master Plan. To promote the preservation of the Township’s rural character and agricultural heritage, the lands included in the Utility-Scale Solar Energy Collector Systems Overlay District are limited to portions of the Township that may not presently be used for agricultural purposes or production, are within reasonable proximity to existing major transportation infrastructure, and are within reasonable proximity to existing electric power transmission infrastructure including substations, utility easements, and transmission lines.

The Solar Overlay District is the only district in which a Large Scale Solar Energy System is authorized as a Special Land Use. As an overlay district, the Special Land

Use is allowed, subject to the submittal and Special Land Use requirements contained in this Ordinance. The underlying land use and zoning district is retained and shall apply to all parcels and portions of parcels that are not part of a Large Scale Solar Energy System Special Land Use.

Such overlay district has been designated in an area of the township that is located near a utility substation. Such area has been calculated to allow for a suitable area for utility solar array(s) in a specific area while protecting the rural character and residential area within the Township. Said size and area of the parcel will be considered as it was described as of January 1, 2023.”

- C. Article III, Section 301 “District Boundaries” is hereby amended by the additional language, to be titled “District Boundaries of Solar Overlay District”.

“District Boundaries of Solar Overlay District. The Solar Overlay District (S-1) is established within the purple boundaries of the attached map. All other areas of Calvin Township have been considered and have been deemed incompatible for solar and/or wind renewable energy sites.”

Insert Solar Overlay District Map

SECTION V

AMENDMENT TO ARTICLE V “SPECIAL LAND USE PERMITS”

Article V, “Special Land Use Permits”, hereby adds a new section 507 as titled

“Accessory Use Small Scale Solar Energy System” and to read as follows:

“SECTION 507 Accessory Use Small Scale Solar Energy System.

Small scale solar is designed to either ground-mount or roof-mount solar array(s) for personal use whether residential or commercial (private business) shall follow the Township Zoning Ordinance as it relates to accessory uses, and or accessory buildings or structures.

Accessory Use Small Scale Solar Energy Collectors Systems

1. Applicability. This section applies to any system of small-scale personal use solar energy collector systems. This section does not apply to utility-scale solar energy collector systems. Nothing in this section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

2. General requirements.

- a. Applications. In addition to all other required application contents as listed in Article IV, Section 409, Article V Section 501 equipment and unit renderings, elevation drawings, and plot plans or site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated excepted in compliance with this section. If such small-scale solar energy collector system to be designed as a roof-mount system on a dwelling, building or structure, such small-scale solar energy collector system shall have stamped engineer licensed in the State of Michigan.
- b. Glare and Reflection. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads or private roads.
- c. Installation.
 - i. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes and other applicable Township, State and Federal requirements.
 - ii. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
- d. Power lines. On site power lines between solar panels and inverters shall be placed underground.

- e. Abandonment and Removal. A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.
3. Solar-Thermal Systems. These systems may be established as accessory uses to principal uses in all zoning districts.
4. Building-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
- a. Maximum Height. The maximum height of the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three (3) feet.
 - b. Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
5. Ground-Mounted Solar Energy Collectors. These systems may be established as accessory uses to principal uses in all zoning districts subject to the following conditions:
- a. Location.
 - i. Rear and Side Yards. The unit may be located in the rear or side yard but shall be subject to the setbacks for accessory structures.
 - ii. Front Yard. The unit may be located in the front yard only if located no less than one-hundred and fifty (150) feet from the front line.
 - b. Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.

- c. Vegetation. All vegetation underneath solar energy infrastructure shall be properly maintained as to not block access to solar collectors and in accordance with the noxious weed ordinance.
- d. Maximum Number.
 - i. Residential Uses. There shall be no more than one (1) ground-mounted solar energy collector unit per principal building on a lot.
 - ii. Agricultural, Commercial, and Industrial Uses. There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
- e. Maximum Size.
 - i. Residential Uses. There shall be no more than one percent (1%) of the lot area up to one-thousand five hundred (1,500) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
 - ii. Agricultural, Commercial and Industrial Uses. There shall be no more than ten-thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system unless a larger system is approved in accordance with this section.
- f. Maximum Height.
 - i. Residential Uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
 - ii. Agricultural, Commercial and Industrial Uses. The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
- g. Minimal Lot Area. Two (2) acres shall be the minimum lot area to establish a ground-mounted solar energy collector system.

- h. Screening. Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.
- i. Applicants requesting ground-mounted solar energy collectors shall demonstrate the system's projected electricity generation capability, and the system shall not exceed the power consumption demand of the principal and accessory land uses on the lot. However, larger systems may be approved if greater electricity need is demonstrated to power on-site buildings and uses."

SECTION VI

EFFECTIVE DATE AND REPEAL OF ORDINANCES

This Ordinance shall take effect eight (8) days following publication, following adoption.
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Michelle Anderson, Clerk
Calvin Township
18727 Mt. Zion St.
Cassopolis, MI 49031

Calvin Township
Office of Zoning Administration
&

Code Compliance Officer

65656 Burg Rd

Sturgis, Mi. 49091

Douglas M. Kuhlman, Zoning Administrator/Code Compliance Officer

Tel: (269)-651-3130

Email: municipalzoning@gmail.com

June 23, 2023

Cass County Planning Commission

RE: Text Amendments

To Whom It May Concern

Attached, please find proposed text amendments to the Calvin Township Zoning Ordinance regarding keep of animals and kennel regulations. The public hearing was held on June 22, 2023. At the conclusion of the meeting, it was with a 4-1 vote to recommend forwarding this to the Cass County Planning Commission and the Calvin Township Board for approval of such amendments. There was no public in the audience. This ordinance has been recently reviewed by the St. Joseph County Planning Commission and adopted in several township in St. Joseph County.

I will await the 30 day requirement as required under Section 125.3307 of the Michigan Zoning Enabling Act (Act 110 of 2006) before forwarding the attached on to the Calvin Township Board for final approval. If the Cass County Planning Commission can advise me of the date of this meeting, The Calvin Township Board is requesting that I be present for this meeting.

If you have any questions, feel free to contact me. If you would like me to attend this meeting, I would be willing to check my schedule for availability. If my attendance is requested, please advise me of the date and time of such meeting.

Respectfully Submitted,



Zoning Administrator

TOWNSHIP OF CALVIN

COUNTY OF CASS

STATE OF MICHIGAN

ORDINANCE NO.

Adopted:

Effective:

V-1

An ordinance to amend certain provisions of the Calvin Township Zoning Ordinance so as to repeal kennel language and to insert language for the keeping of animals; add new definitions regarding keeping of animals; provide general provisions for the keeping of animals; provide requirements for special land use for the keeping of animals; provide a schedule of use for districts for animal housing; to repeal and to insert language for sanctions; to provide an effective date and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I

AMENDMENT TO ARTICLE II “DEFINITIONS”

Article II, Section 201, subsection 202.8, 202.9 and 202.62 are hereby repealed in their entirety and the word “reserved” is replaced, and a new subsection labeled 202.8.1 is added to add a new definition entitled “animal, keeping of”.

“Animal, keeping of. The following definitions shall apply to keeping of animals in this Ordinance:

Animals, Bait: An animal that is confined or unconfined where the objective is for another animal to bite and tear to subdue, incapacitate, or kill such animal. This activity is also commonly defined as a blood sport. Animals raised for any other reason that may be deemed inhuman or unethical for the sake of the animal.

Animal, Nuisance: An animal running at large on public or private property, other than that of its owner or keeper, whose behavior constitutes a nuisance. Nuisance behavior shall include, but not be limited to:

- a. making physical contact with a person or other animal in a harassing manner;
- b. urination, defecation, or otherwise causing damage to inanimate private or public property;

- c. trespassing on school grounds; or
- d. having been verified as being repeatedly at large.

Exceptions: An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by;

- a. an illness or injury suffered by the animal at the time of the act;
- b. the negligent or reckless conduct of any person to whom the act is directed;
- c. lawful hunting while the animal is under the control of its owner or custodian; or
- d. defense of the animal's owner, or members of the owner's family or household, or their property.

Animal Breeding: The process of selective mating of animals with desirable genetic traits, to maintain or enhance these traits in the future generation. Animals may be bred for commercial, agricultural, or personal purposes.

Animal Breeding Facility: A facility or location where animal breeding activities take place.

Animal Broker: A person engaging in the act of purchasing animals from breeders with the intent to re-sell or transport these animals to another commercial operation such as a pet shop.

Animal Camp: An alternative to a traditional commercial dog boarding facility known as a Boarding Kennel. Animal camps are designed so animals can play and socialize throughout the day both indoors and outdoors with supervision by humans, in order to provide less stressful experiences to the animal than a traditional boarding facility. Services at an Animal Camp are provided in exchange for a fee or payment.

Animal Control Officer: Any person employed or appointed by the Township, for the purpose of enforcing this Ordinance or state statutes pertaining to animals, or the Cass County Sheriff/Animal Control Officer.

Animal Fighting: A location where two (2) or more animals are placed in a confined, injured, tortured, or killed.

Animal Hoarding: The keeping of more than six (6) animals, including Family Pets, without provisions to properly house or care for them, failure to receive a special land use permit for the keeping of more than six (6) animals on private property, or failure to act on animals' deteriorating conditions, diseases, starvations, or death.

Animal Hospital: A building or place used for diagnosing or surgically or medically treating animals whether or not animals are kept on the premises for the purpose of treatment.

Animal Laboratory: A facility designed to produce or purchase animals for the purpose of research, testing or teaching.

Animal Park: A zoo or other facility which animals are housed with enclosures, displayed to the public in which they may also breed. Animal parks may also include areas of municipal, public use or private parks that are designed for the socialization and exercise of animals in a designated area.

Animal Sanctuary: A facility, either on commercial or private property, on which more than six (6) animals (of each species commonly referred to as house pets or Family Pets) are brought to live, to be protected, and are provided with convalescent care for the rest of their lives. Unlike animal shelters, sanctuaries do not seek to place animals with individuals or groups in new homes, instead maintaining each animal until its natural death or until it is humanely euthanized. Any Sanctuary facility shall be incorporated as a nonprofit organization, or affiliated with a nonprofit organization that promotes animal welfare.

Animal Shelter or Rescue: A facility operated by Cass County and licensed through the Michigan Department of Agriculture and Rural Development (MDARD) for the impoundment and care of animals that are found in the streets or at large, animals that are otherwise held in violation of a municipality or county ordinance or state law, or animals that are surrendered to the facility. Animal Shelter or Animal Rescue may also mean a facility operated by a person, Humane Society, Society for the prevention of cruelty to animals, or any incorporated nonprofit organization for the care and/or rescue of homeless animals. In both cases, the intent of the Animal Shelter is not to keep animals on the property indefinitely, but to find new homes for each animal.

Exotic Species: Any animal whose natural habitat is outside the continental United States, excluding non-venomous reptiles and fish.

Family Pet: An animal kept for companionship or other personal reasons. Species of Family Pets covered by this Ordinance include the following:

- a. Dogs: *Canis lupus familiaris* (puppies are considered dogs at birth in this Ordinance);
- b. Cats: *Felis catus* (kittens are considered cats at birth in this Ordinance);
- c. Rabbits: Order Lagomorpha;
- d. Ferrets: *Mustela putorius furo*;
- e. Pot-bellied pigs: *Sus Scrofa*;
- f. Any of the class of Aves (birds) that are caged and otherwise kept inside the residence;
- g. Any of the class of Aves (birds) kept under the owners or caretakers control and within properties that are zoned Rural Residential or Agricultural by the Township's Ordinance, further providing that those birds are not free to leave the property;
- h. Any of the order of Rodentia (such as mice, rats, gerbils, hamsters, chinchillas and guinea pigs);
- i. Any of the class of Reptilia (such as non-venomous snakes, lizards, and turtles excepting those not native to the United States);

- j. Any of the class of Amphibian (such as salamanders, frogs, toads excepting those not native to the United States); and
- k. Any order of Erinaceomorpha (such as hedgehogs and moon rats).

Groomers: A facility or location for both the hygienic care and cleaning of an animal as well as a process by which an animal's physical appearance is enhanced for showing or other types of competition. Such facility may perform such services for financial remuneration.

Kennel, Boarding: Any establishment where dogs, puppies, or other animals are kept for the purpose of boarding for remuneration for any part of a 24-hour period. This includes veterinary hospitals and clinics or grooming shops that advertise boarding services other than for grooming, for treatment, diagnostic, or recuperative purposes.

Kennel, Commercial Animal: Any premises on which three (3) or more animals of any species of Family Pets, six (6) months of age or older are kept temporarily or permanently for commercial uses such as breeding, boarding, for sale, or the rendering of services for profit. This shall not apply to livestock, animal shelters, or animal sanctuaries.

Law Enforcement Officer: Any person employed, elected, or appointed by the People of the State of Michigan, by the County, or any municipality, whose duty it is to preserve law enforcement or to make arrest or to enforce the law and includes game, fish and forest fire wardens and members of the State law enforcement and conservation officers.

Owner: A person who owns (with proof acceptable to Animal Control or law enforcement officer) or harbors a dog or other animal for ten (10) days or more; any person having a right to the property where such dog or other animal is kept; any person who permits the dog or other animal to remain on or about any premises for ten (10) days or more occupied by such person(s).

Pet Shop: A commercial operation where animals are sold or offered for sale, exchange or transfer.

Veterinarian: A licensed and accredited practitioner of veterinary medicine.

SECTION II

AMENDMENT TO ARTICLE V “SPECIAL LAND USE PERMITS” BY REPEALING SECTION 502.5 LANGUAGE AND REPLACE WITH NEW LANGUAGE, SECTION 502.5 “KEEPING OF ANIMALS”; SECTION 502.6 “KEEPING OF LIVESTOCK”; and SECTION 502.7 “EXEMPTIONS”

Article V, Section 502.5 is hereby repealed and amended to read as follows: Section 502.5 labeled “Keeping of Animals”, new section, Section 502.6 labeled “Keeping of Livestock”, Section 502.7 labeled “Exemptions”, Section 502.8 labeled “Keeping of Animals, Special Use Designations” with the following language:

“502.5 KEEPING OF ANIMALS:

1. Family Pets shall be limited to the maximum number existing dwelling units in the Township which is generally no more than two (2); however, if more than two (2) are desired, as long as all other county, state and federal laws are complied with, additional domesticated household pets will be permitted up to a maximum of six (6) animals. Small, caged birds and animals may be excluded from this limitation.
2. Family Pets shall be permitted indoors. Fencing or another type of physical restraint shall be required if Family Pets are kept outside or allowed to run outdoors.
3. **If kept outside, Owners shall prevent their animals, including Family Pets, from causing a nuisance or disturbance to adjacent property owners by reason of noise, odor, waste, or trespass on private property.**
4. Family Pets kept inside of a principal dwelling unit are not required to obtain Special Land Use permit unless he number of animals exceeds six (6) animals, or written complaints have been received from neighboring property owners.
5. The keeping of more than six (6) Family Pets on any property requires a Special Land Use permit. However, this limit may be exceeded for a period of four (4) months after the birth of a litter of dogs or cats, provided that no more than two (2) litters of animals shall be allowed on a premises within any consecutive twelve (12) month period, and that these litters shall not be offered for sale. All such animals shall be prohibited in any area of the Township if they create a nuisance by reason of odors or noise.
 - a. **The Planning Commission will require a public hearing for a Special Land Use permit for the keeping of more than six (6)**

Family Pets, but may waive the fee for the Special Land Use permit at their discretion.

6. Family Pets that are also used for Animal Breeding or for other commercial uses shall be considered a Home Occupation and shall be subject to Special Use Requirements of his Ordinance.
7. All animals kept on the subject property shall be kept in compliance with all federal, state and local laws and regulations concerning feeding, water, cleanliness, prevention of danger and disease, ventilation and light, proper exercise, veterinary care, shelter, and structural integrity of shelters. Wherever multiple laws or regulations apply, the more restrictive ordinance or regulation shall prevail.
8. As defined in “Article II, Section 202.8.1 Definitions” of this ordinance Animal Hoarding, Animal Fighting, Animal Laboratories, and facilities to train or keep Bait Animals are strictly prohibited in all zoning districts.
9. Licenses, vaccinations records, and other similar records related to the keeping of animals shall be maintained for all animals on the property, and shall be made available for review during inspections.
10. Large domestic animals which are used essentially for 4-H, contest, riding, educational or other special purpose as individual animal specimens are permitted in Agricultural Production, Agricultural-Residential, and Single Family Residential Zoning Districts at the rate of one (1) on a minimum of five (5) acres for the first animal and one (1) acre for each additional animal.
11. Enforcement. Any Sheriff’s Deputy, Law Enforcement Officer, Animal Control Officer, Zoning Administrator, or Township designee may issue and serve infraction citations if they have reasonable cause to believe that person has committed a violation of this Ordinance.
 - a. Any Officer described in Section 502.5, subsection 11 above may enforce St. Joseph County Animal Control Ordinance, Section 13.12 concerning Confiscation of Victimized Animal, and Section 13.13 Investigation.

502.6

KEEPING OF LIVESTOCK:

1. The Michigan Generally Accepted Agricultural Management Practices (GAAMP’S) are used to determine standards for care of Livestock.
2. Keeping of Livestock is only permitted in Agricultural Districts

502.7

EXEMPTIONS:

For the purpose of this Ordinance the following animals and facilities are exempted from this Ordinance.

1. Livestock or animals within a farm operation. "Livestock" for the purpose of this Ordinance shall be as defined under the Licensing Livestock Dealers Act, Public Act 284 of 1937, MCL 287.121(b). "Farm Operation" shall be as defined under the Right to Farm Act, Public Act 93 of 1981, MCL 286.427(b). Bee colonies are also considered livestock.
2. Animals registered for the purpose of 4-H.
3. A State of Michigan Licensed Animal Hospital.
4. A Federal, State or Local Animal Control Facility or Shelter.

502.8

Keeping of Animals, Special Use Designations.

- A. The following conditions apply to any Animal Breeding Facility, Animal Camp, Animal Park, Animal Shelter, Animal Sanctuary, Boarding Kennel, Commercial Animal Kennel, or Private Residence with more than six (6) Family Pets. These designations are collectively described as "Animal Special Uses".
 - i. No Animal Special Uses will be permitted in any residential subdivision
 - ii. A Special Land Use Permit shall be required for all Animal Special Uses, **in compliance with Sections B and C below.**
 - iii. Fencing or containment is required for animals that are kept out of doors.
 - iv. Screening for noise control is required for animals that are kept out of doors (ie. privacy fence).
 - v. Any facility used for Animal Special Uses Shall be required to provide a report of a licensed veterinarian's findings on the conditions and quality of animal facilities used on the property to any Officer inspecting said property. The veterinarian's report shall be dated not more than twelve (12) months from the date of the Officer's request.
 - vi. Any holder of a Special Land Use permit issued for Animal Special Uses covered by this section, who determines that a disease has been present on such property within the past forty-five (45) days, must contact the owners or persons in

control of any animals that was on the property of said disease. Such disease and notifications must be documented, and a copy of such documentation shall be provided to the St. Joseph County Animal Control and the Township Zoning Administrator. Proof that the animal(s) were properly treated must also be submitted. Failure to make such notification shall constitute grounds for revocation of the Special Land Use permit.

- vii. The property owner shall comply with all federal, state or local regulations. Receipt of violations from any other agency, including police, fire, animal control, state or federal, shall constitute grounds for revocation of the Special Land Use permit.
- viii. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

B. Additional Application Requirements for Special Land Use Permit:

- 1. The site plan submitted as part of the application for the Special Land Use permit shall include a detailed drawing that includes:
 - a. Shows all buildings on the property (including dimensions and square footage);
 - b. Clearly identifies any building(s) that will be used for kennel operations;
 - c. Shows all enclosures which the animal(s) will be kept (including overall size, size of each separately enclosed area, height, construction materials, proposed floor or ground materials, etc.). Enclosure sizes must be in accordance with the standards set forth by the Michigan Department of Agriculture;
 - d. Shows all shelters that will be provided for the animals (including size and construction materials);
 - e. Shows the distance between all buildings and enclosures used as part of the kennel and the property lines of the subject property; and
 - f. Shows compliance with setback, frontage, and size requirements of the appropriate underlying zoning district.

2. The Special Land Use permit shall specify the maximum number of animals that may be kept on the subject property.
3. A plan detailing maintenance and cleaning of the kennel areas shall be submitted along with the Special Land Use application, which shall include a description of how the kennel areas will be cleaned and maintained a schedule for cleaning, and plans for animal waste removal and disposal.
 - a. If the plan is approved and a permit issued, the kennel operator's adherence to this plan shall be a condition of maintaining the permit. A record of actual maintenance and/or cleaning performed with regard to the kennel areas shall be kept and made available during any inspections.
 - b. All health records of the animals must be kept up to date and available for review.

C. Specific Special Land Use Conditions :

1. **Commercial Kennels, Animal Breeding Facilities, and Animal Parks**
 - a. None of these facilities shall qualify as a home occupation.
 - b. Existing kennels **licensed at the time of adoption of the St. Joseph County Animal Control Ordinance, as amended (September 4, 2012)**, shall be considered nonconforming.
 - c. Any Commercial Kennel, Animal Camp and/or Boarding Kennel, Animal Breeding Facility, or Animal Park is considered an accessory use upon approval of a Special Land Use permit from the planning commission.
 - d. An applicant applying for and receiving a Special Land Use permit for an animal operation consents to reasonable inspections (including unannounced inspections) of the kennel operation by the Township's Ordinance Enforcement Officer and/or Zoning Administrator, St. Joseph County Animal Control Officer, or any state or federal agency. Refusal to allow an inspection shall constitute grounds for revocation of the Special Land Use permit.
 - e. A kennel permit may be revoked if a condition exists which will endanger the health of the community or if

the kennel is, in the opinion of the Law Enforcement Officer, not in compliance with this Ordinance. Commercial Kennels and Animal Breeding Facilities shall not be permitted or allowed by the planning commission when the barking or natural sounds made by such animals, the odor, or any other type of activity would be a nuisance or offensive to any other property owners affected by such activity.

- f. Property owner must show proof of liability insurance in the amount of one-million dollars (\$ 1,000,000.00) clearly indicating liability protection covering the Township. Such insurance must also indicate that such coverage also covers that activity covered under the Special Land Use permit and includes coverage for animal bites or other injuries caused from such animal. Such insurance must always be maintained.
- g. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.
- h. Additional Controls for Animal Breeding Facilities:
 - i. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain a valid kennel permit from St. Joseph County Animal Control. A copy of said permit must be submitted to the Township Zoning Administrator.
 - ii. The owner and/or operator of a kennel participating in Animal Breeding for commercial purposes shall maintain the following additional records:
 - a). A photograph of each animal used for the purpose of breeding labeled with the name, age, and sex of the animal and the date the animal as acquired.
 - b). The date of each breeding event along with the names of the animal breed.
 - c). The date any animals are born along with the names of the parents, the number of female animals in the litter,

and the number of male animals in the litter.

- d). All veterinary and/or medical records related to the animals being bred and offspring.
- e). Each animal shall be microchipped and recorded with the St. Joseph County Animal Control department.
- f). Sale information for each animal sold, including the following:
 - i). Date of sale;
 - ii). Date of birth of the animal and the mother's name;
 - iii). Name and Address of the new owner.

2. **Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility.**

- a. A facility that keeps animals for humane animal care for a term greater than three (3) months per calendar year shall require a Special Land Use permit from the planning commission. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**
 - i. Municipal facilities including Animal Control Facilities shall be exempt from the registration fees specified in (a) above.
- b. Any Animal Sanctuary, Animal Shelter or Rescue, or Animal Protection Facility shall be incorporated as a nonprofit organization, **or affiliated with a nonprofit organization that promotes animal welfare.**
- c. Any owner or operator shall be certified by Michigan State University Animal Care Program, Purdue University Canine Care Certified or other comparable program approved by the planning commission.

3. **Family Pets, more than six (6).**

- a. Within thirty (30) days of acquiring a seventh (7th) animal, the owner of said animals shall initiate the application process for a Special Land Use permit.
- b. **The fee for the Special Land Use permit shall be based on the total number of animals on the property and shall be determined by the planning commission.**

- c. All dogs over six (6) months of age kept as Family Pets or in a Private Animal Kennel, must be licensed with St. Joseph County Animal Control department, per Michigan state law and St. Joseph County Animal Control Ordinance.
- d. An Owner must present their dog’s license when requested by an Officer.

SECTION III

**AMENDMENT TO ARTICLE III AR-AGRICULTURAL PRODUCTION DISTRICT
ZONING CLASSIFICATION**

Article III, Section 305, subsection 305.3,G to repeal and read as follows:

“G. Reserved.

J. Animal kennel home (private).”

SECTION IV

**AMENDMENTS TO ARTICLE III AR-AGRICULTURAL RESIDENTIAL DISTRICT
ZONING CLASSIFICATION**

Article III, Section 306, subsection 306.3 the following new subsections designated T through CC are hereby added, subsection 306.3,D it repealed and to read “Reserved”.

“A. T. Animal Breeding Facility

U. Animal Camp

V. Animal Control Shelter

W. Animal Hospital (Veterinary)

X. Commercial Animal Kennel

Y. Animal Kennel Home (Private)

Z. Animal Park

AA. Animal Protection Center

BB. Animal Sanctuary

CC. Animal Rescue Facility

- CC. Groomers
- B. D. Reserved.”

SECTION V

AMENDMENT TO ARTICLE III RESIDENTIAL DISTRICT (MEDIUM DENSITY)
ZONING CLASSIFICATION

Article III, Section 307, subsection 307.3 the following new subsections designated as H through L are hereby added to and read as follows:

- “H. Animal Kennel Home (Private)
- I. Animal Protection Center
- J. Animal Sanctuary
- K. Animal Rescue Facility
- L. Groomers.”

SECTION VI

AMENDMENT TO ARTICLE III, B-BUSINESS/COMMERCIAL ZONING DISTRICT
CLASSIFICATION

Article III, Section 308, subsection 308.3 “Uses Permitted by Special Land Use Permit the following new subsections designated as BB through GG are hereby added to and read as follows:

- “BB. Animal Hospital (veterinary).
- CC. Animal laboratory.
- DD. Kennel, commercial.
- EE. Animal protection facility.
- FF. Animal breeding facility.
- GG. Animal control shelter.”

SECTION VII

SANCTIONS

Article VI, Section 605, subsection 605.3 “Municipal Civil Infraction” to repeal the entire section and amend with the following language:

“Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense within 3-year period*	\$ 75.00	\$ 500.00
-2 nd Offense within 3-year period*	\$ 150.00	\$ 500.00
-3 rd Offense within 3-year period*	\$ 325.00	\$ 500.00
-4 th or More Offense within 3-year period*	\$ 500.00	\$ 500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Calvin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$ 500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VIII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on the 8th day after publication or on such later date as may be required by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Michelle Anderson, Clerk
Calvin Township
18727 Mt. Zion St.
Cassopolis, MI 49031
www.calvintownship.com

CASS COUNTY PER DIEM/MILEAGE REPORT

BOARD/COMMISSION: CASS COUNTY PLANNING COMMISSION

MEETING DATE: July 5, 2023

PER DIEM: 101-701-712.000

MILEAGE: 101-701-860.000

EMPLOYEE INFORMATION / ATTENDANCE RECORD				
Vendor No.	Name	Per Diem	Mileage	SIGNATURE
100522	Richard Palmisano	\$34.00	65.5 X 11.2 = \$7.34	
100523	David Kring	\$34.00	65.5 X 39.4 = \$25.81	
	Roseann Marchetti			
83286	Char Hiemstra	\$34.00	65.5 X 2.8 = \$1.83	
	Edwin Johnson III	WAIVED	WAIVED	
100600	Anne File	\$34.00	65.5 X 13 = \$8.51	
99199	Dianna McGrew	\$34.00	65.5 X 6.2 = \$ 4.07	
100521	Dan Stutsman	\$34.00	65.5 X 24.0 = \$15.72	
100570	Jayne Bailey	\$34.00	65.5 X 15.4 = \$ 10.09	

CHAIR SIGNATURE

DATE