

# AMENDMENT 02-2023

## CASS COUNTY

## REGULATIONS

## FEBRUARY 2023

TABLE OF CONTENTS WERE PAGE 2/ NOW PAGE 1.

**FORMATTING CHANGES WITH SPACING AND FONT ACCOUNT FOR MOST OF THE ADDITIONAL PAGES.**

DEFINITIONS – PAGE - 10 OLD/13 NEW – ADDED - BREW PUB, BREWERY.

DEFINITIONS - PAGE 36/44 - CHANGED STORAGE FACILITY TO STORAGE FACILITY INDOOR.

DEFINITIONS - PAGE-36/45 - REMOVED STORAGE UNIT/ADDED - STORAGE, SELF STORAGE, OR MINI STORAGE WAREHOUSE. ADDED - STORAGE FACILITY OUTDOOR.

DEFINITIONS – PAGE - 41 – ADDED - SHORT TERM RENTALS.

PAGE 46/58 - SECTION - 4.21 FEES - ADDED “S” CONDITIONAL USE COMMERCIAL SOLAR - \$3000.00, NEIGHBORHOOD SOLAR - \$1500.00

PAGE 47/61 – SECTION - 5.01 - DISTRICTS, USE – REMOVED - RMUD.

PAGE 48/62 - SECTION 5.04 - LAND USE CATEGORIES MATRIX EXPLANATION – ADDED - “G”- IF THE MATRIX IS IN CONFLICT WITH THE ZONING TEXT, THEN THE SPECIFIC ZONING DISTRICT TEXT SHALL RULE.

PAGE 49/64 MATRIX – REMOVED - SINGLE FAMILY DWELLINGS RESTRICTED TO THE LIVING FACILITIES FOR THE FAMILY, RELATIVES, OR PERSONS OWNING, OPERATING OR EMPLOYED THEREON.

PAGE 51/66 - MATRIX - GENERAL COMMERCIAL-ADDED RENTAL CABIN- “C”-AG.

NOTES - MAXIMUM SIZE 500 SQUARE FEET, OCCUPANCY LESS THAN 30 DAYS.\*

ADDED - SHORT TERM RENTAL “C” AG, TA, R, REC/AG – \*NOTES - SEE DEFINITION.\*

CHANGED - STORAGE UNIT TO INDOOR STORAGE UNIT - TA, C, I/AG.

\*NOTES - WITHIN ½ MILE OF A HARD SURFACE ROAD.\*

CHANGED - WINERY WITH TASTING ROOM FACILITIES TO WINERY/ BREWERY, DISTILLERY WITH TASTING ROOM FACILITIES. “C”- AG, TA, REC/AG, COMM/AG, “P”- C, I, IND/AG.

52/67 – MATRIX - INDUSTRIAL CHANGED STORAGE FACILITY TO OUTDOOR STORAGE FACILITY “C”- C, IND/AG, “P”- I. \*NOTES - WITHIN ½ MILE OF A HARD SURFACE ROAD.\*

PAGE 71, 72 – NEW - SECTION 5.06 CONTINUES - MINIMUM AREA, SETBACKS, HEIGHT AND DENSITY REQUIREMENTS.

TREE SETBACKS, BUILDING DENSITY NO CHANGE.

CSCS – SETBACK FROM COUNTY ROAD CHANGED FROM 120 FT TO 50 FT.

DEFINITIONS - PAGE 53/68 - SEPARATED CSCS AND NEIGHBORHOOD SOLAR.

COMMERCIAL SOLAR - "C" - AG, TA, I, I/AG.

NEIGHBORHOOD SOLAR - "C" - AG, TA, I, I/AG.

## **SECTION 5.07 AGRICULTURAL DISTRICT -**

REMOVED - COMPATIBLE USE CATEGORIES.

ADDED - PERMITTED PRINCIPAL USES.

REFORMATTED PERMITTED CONDITIONAL USES WITH REFERENCES TO SECTION 8 - SUPPLEMENTAL REGULATIONS. EXISTING CUPS WERE RECATEGORIZED WITH THEIR OWN SUBSECTIONS.

ADDED - "P" - SHORT TERM RENTAL.

ADDED - "Q" - RENTAL CABIN.

PAGE 75 - RESIDENTIAL ACREAGE CLUSTER DEVELOPMENT NOW HAS ITS OWN SECTION - 5.07.01 – ONCE THE ALLOWABLE SPLITS HAVE BEEN APPROVED THE REMAINDER OF THE LAND WILL BE PLATTED IN AN "AGRICULTURAL PRESERVATION EASEMENT".

- PAGE 75 – SECTION - 5.07.2 - WINDROW COMPOSTING – NO CHANGES.
- PAGE 76 – SECTION - 5.07.3 – TURNED AERATED PILES (TAP) - NO CHANGES.
- PAGE 77 – SECTION - 5.07.4 - COMMERCIAL COMPOST FARM OPERATION - NO CHANGES.
- PAGE 77 - SECTION 5.07.5 - KENNELS - NO CHANGES.
- PAGE 77 - SECTION 5.07.6 - RESIDENTIAL ACREAGE DEVELOPMENT- CLARIFIED LANGUAGE - SUBSECTION "A" FOR ¼ SECTION OF ¼ SECTION.
- PAGE 78 - ADMINISTRATIVE ACCESSORY USES - SUBSECTION "F"- STORAGE CONTAINERS ARE LIMITED TO 1/20 ACRES WITH A MAXIMUM OF 5 CONTAINERS PER PARCEL.

- PAGE 78 - OTHER APPLICABLE PROVISIONS - REFORMATTED WITH REFERENCES, NO CHANGES.

## PAGE 64/79 - TA - TRANSITIONAL AGRICULTURAL DISTRICT

REMOVED - COMPATIBLE USE CATEGORIES.

ADDED - PRINCIPAL PERMITTED USES.

RECATEGORIZED - PERMITTED CONDITIONAL USES WITH REFERENCES TO APPLICABLE SECTIONS. ADDED - CSCS.

PAGE 81 - RESIDENTIAL ACREAGE CLUSTER DEVELOPMENT NOW HAS ITS OWN SECTION - 5.08.01 – ONCE THE ALLOWABLE SPLITS HAVE BEEN APPROVED THE REMAINDER OF THE LAND WILL BE PLATTED IN AN “AGRICULTURAL PRESERVATION EASEMENT”.

PAGE 81 – SECTION - 5.08.2 - WINDROW COMPOSTING - NO CHANGES.

PAGE 82 – SECTION - 5.08.3 TURNED AERATED PILES (TAP) - NO CHANGES.

PAGE 83 – SECTION - 5.08.4 - COMERCIAL COMPOST FARM OPERATION - NO CHANGES.

PAGE 83 - SECTION 5.08.5 – KENNELS - NO CHANGES.

PAGE 83 – SECTION - 5.08.6 - DOG PARKS - NO CHANGES.

PAGE 64/84 - SECTION - 5.08.7 - RESIDENTIAL ACREAGE DEVELOPMENT-CLARIFIED LANGUAGE - SUBSECTION “A” FOR ¼ SECTION OF ¼ SECTION.

## **PAGE 68/86 – SECTION - 5.09 R - RESIDENTIAL DISTRICT**

REMOVED - COMPATABLE USE CATEGORIES.

ADDED - PERMITTED PRINCIPAL USES.

PERMITTED CONDITIONAL USES – ADDED -“D” SHORT TERM RENTALS - SEE DEFINITION.

PAGE 87 – ADDED -“G”- NEIGHBORHOOD SOLAR CONVERSION SYSTEM - REFER TO SECTION 8.21.

PAGE 88 - OTHER APPLICABLE PROVISIONS ADDED - REFERENCE SECTIONS.

## **PAGE 70/90 - COMMERCIAL DISTRICT**

REMOVED - COMPATABLE USE CATEGORIES.

ADDED - PERMITTED PRINCIPAL USES.

PAGE 91 - REMOVED – WIND ENERGY CONVERSION SYSTEMS.

PAGE 92 – ADDED - SECTION-5.10.1 KENNELS.

OTHER APPLICABLE USES – ADDED - SETBACK REQUIREMENTS WITH REFERENCE SECTIONS.

## **PAGE 71/93 - SECTION 5.11 I - INDUSTRIAL DISTRICT**

**REMOVED** - COMPATIBLE USE CATEGORIES.

**ADDED** - PERMITTED PRINCIPAL USES.

PERMITTED CONDITIONAL USES.

**ADDED** - SECTION 5.11.1 WINDROW COMPOSTING.

**ADDED** - SECTION 5.11.2 TURNED AERATED PILES (TAP).

**ADDED** - SECTION 5.11.3 COMMERCIAL COMPOST FARM OPERATION.

**ADDED** - SECTION 5.11.4 KENNELS.

OTHER APPLICABLE USES – **ADDED** - SETBACK REQUIREMENTS WITH REFERENCE SECTIONS.

## **PAGE 74/99 - SECTION 5.12 REC/AG - RECREATIONAL AGRICULTURAL DISTRICT**

**REMOVED** - COMPATABLE USE CATEGORIES.

**ADDED** - PERMITTED PRINCIPAL USES.

PERMITTED CONDITIONAL USES.

**ADDED** - “E” - SHORT TERM RENTALS-SEE DEFINITION.

**ADDED** - “F” - RENTAL CABIN - 500 SQUARE FTT, OCCUPANCY LESS THAN 30 DAYS.

**ADDED** - “K” - WINERY/BREWERY/DISTILERY WITH TASTING ROOM FACILITIES.

**ADDED** - “O” - CAMPING/CAMPGROUNDS - REFER TO SECTION-8.07.

**ADDED** - “R” - DOG PARK - REFER TO SECTION-5.12.4.

**ADDED** - SECTION 5.12.1 WINDROW COMPOSTING.

**ADDED** - SECTION 5.12.2 TURNED AERATED PILES (TAP).

ADDED - SECTION 5.12.3 KENNELS.

ADDED - SECTION 5.12.4 DOG PARK.

ADDED - SECTION 5.12.5 RESIDENTIAL ACREAGE CLUSTER DEVELOPMENT.

ADDED - SECTION 5.12.6 RESIDENTIAL ACREAGE DEVELOPMENT.

## **PAGE 77/105 IND/AG INDUSTRIAL/ AGRICULTURAL**

REMOVED - COMPATIBLE USES CATEGORIES.

ADDED - PERMITTED PRINCIPAL USES.

ADDED - SECTION 5.13.1 WINDROW COMPOSTING.

ADDED - SECTION 5.13.2 TURNED AERATED PILES (TAP).

ADDED - SECTION 5.12.4 COMMERCIAL COMPOST FARM OPERATION.

OTHER APPLICABLE USES –

ADDED - SETBACK REQUIREMENTS WITH REFERENCE SECTIONS.

## **PAGE 81/111 COMM/AG COMMERCIAL/ AGRICULTURAL DISTRICT**

REMOVED - COMPATABLE USE CATEGORIES.

ADDED - PERMITTED PRINCIPAL USES.

ADDED - 5.14.1-WINDROW COMPOSTING.

ADDED - SECTION 5.15.2-TURNED AERATED PILES (TAP).

ADDED - OTHER APPLICABLE USES – ADD - SETBACK REQUIREMENTS WITH REFERENCE SECTIONS.

## **PAGE 85/118 FLOODPLAIN DISTRICT (OVERLAY DISTRICT)**

SECTION 6.03.4 STANDARDS FOR FLOODPLAIN DEVELOPMENT

**ADDED** – 6 - APPURTENANT STRUCTURES - READ FROM PAGE.

## **PAGE - 219 - SECTION 8.21.05 COMMERCIAL SOLAR CONVERSION SYSTEMS**

THIS NEW SECTION INCLUDES:

- SUBSECTION “A” - APPLICABILITY.
- SUBSECTION “B” – SITE DEVELOPMENT STANDARDS.
- SUBSECTION “C” – SUBMITTAL REQUIREMENTS.
- SUBSECTION “D” – COMPLIANCE WITH OTHER REGULATIONS.
- SUBSECTION “E” – DECOMMISSIONING.

# PLANNING RATIONALE:

The bulk of the additional pages are due to formatting.

As presented there are a few minor definition changes and additions.

In the matrix an additional page was added for all setbacks.

Short term rentals were added to cover Air B&Bs and VRBOs (Vacation Rental by Owners).

Rental cabin was added to benefit property owners with short term hunting or fishing accommodations. 500 square feet limit and less than 30 day rentals.

The administrative lot splits in AG (1/40) and T/A (1/20) upon BOC approval will be reviewed by Planning staff and the Planning Commission. More descriptive language was added to explain how this will be done.

As presented CSCS was retained in T/A and was correspondingly added to the T/A text. The Planning department does acknowledge that in August of 2021 the Cass County BOC voted not to allow this in T/A. The Planning decision was made to recommend this again with more restrictive setbacks and screening due to residential density. Other motivating findings of fact:

- Individual property rights and protection of the tax base through the nameplate capacity tax plus possible higher return on investment from Solar. This nameplate capacity tax is collected by the state on any CSCS facility and would provide substantial additional revenues for local schools. Normal Ag assessments are also collected on the land that a CSCS facility is located on.
- Needed connection points for transfer to the grid are generally found in T/A.
- Land is easily converted back to farming.
- Minimal noise and traffic after completion.

The more restrictive setbacks and screening are some of the most restrictive in the state.

### Planning Commission's recommendation motions and votes:

Mueller made a motion to approve keeping the 300 foot setbacks in TA Transitional Agricultural district and changing the setbacks in Agricultural zoning district to 150 feet. Seconded by Staben. A roll call vote was taken with the following votes: Tesar – nay; Dennis – aye; Sullivan – aye; Oehlerking – aye; Staben – aye; Mueller – aye; Felthousen – aye; Widick – aye; Crofoot – aye. Motion to recommend carried with an **8 to 1 vote. Tesar's opinion is that setbacks should be the same in both AG and TA.**

Mueller made a motion to change the right-of-way setback to 50 feet from the centerline of a County Road and/or Highway and change the right-of-way setback to 75 feet on a U.S. or State designated highway. Seconded by Dennis. A roll call vote was taken with the following votes: Crofoot – aye; Oehlerking – aye; Tesar – aye; Mueller – aye; Dennis – aye; Felthousen – aye; Sullivan – aye; Widick – aye; Staben – aye. Motion to recommend carried with a **9 to 0 vote.**

Mueller made a motion to approve the increased screening in Transitional Agricultural district to include the extra 75 feet on each side of the house in all directions. Seconded by Tesar. A roll call vote was taken with the following votes: Tesar – aye; Mueller – aye; Dennis – aye; Felthousen – aye; Sullivan – aye; Widick – aye; Oehlerking – aye; Crofoot – aye; Staben – aye. Motion to recommend carried with a **9 to 0 vote.**

### **Opposition to this land use are as follows:**

- Visual impact from residential properties.
- Possible negative impacts on the environment.
- Are panels recyclable or do they end up in the waste stream.
- Is solar the best use for prime agricultural ground.
- Negative impact on residential property values.

Tesar made a motion to shift the Administrative Subdivision to an Administrative hearing for the AG (1 per 40 acres) and the TA (1 per 20 acres) that would go before the Planning Commission for approval. Seconded by Mueller. A roll call vote was taken with the following votes: Althouse – aye; Tesar – aye; Oehlerking – aye; Staben – nay; Mueller – aye; Widick – aye; Crofoot – nay. Motion to recommend carried with a 5 to 2 vote. Staben’s and Crofoot’s opinion should expand deed restriction to not allow building on remaining parcel.

Mueller made a motion to approve the packet of rules and regulations as presented in the updated February 2023 document. Seconded by Crofoot. A roll call vote was taken with the following votes: Crofoot – aye; Oehlerking – aye; Tesar – aye; Mueller – aye; Dennis – aye; Felthousen – aye; Althouse – aye; Widick – aye; Staben – aye. Motion to recommend carried with a 7 to 0 vote.