

**EMPIRE VILLAGE PLANNING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, MARCH 5, 2024**

The Empire Village Planning Commission held a regular meeting on Thursday, March 05, 2024, in the Empire Township Hall.

ROLL CALL –Bacon, Chase, Collins, Deering, Ellibee and Schous present. Ford was excused. Zoning Administrator Hall was also present.

APPROVAL OF MINUTES - Motion by Deering, supported by Bacon to recommend approving the minutes of regular meeting 02/06/2024. AYES: 6, NO: 0. MOTION PASSED.

TREASURER’S REPORT – Chase summarized the revenue and expenditure report for period ending 02/29/2024. No major expenses to report.

ADDITIONS/CHANGES TO THE AGENDA – None.

CONFLICT OF INTEREST – None.

PUBLIC COMMENT & CORRESPONDENCE – Walton summarized the work that has been completed on the Short-Term Rental Committee and will be giving recommendations on STR zoning and police power ordinances.

ZONING ADMINISTRATOR’S REPORT – Hall submitted the March 2024 ZA staff report. He recommends that the ZBA meet at least once per year to review bylaws and other housekeeping items. John Collins is the Planning Commission representative that serves on the Zoning Board of Appeals.

PLANNER REQUEST FOR PROPOSALS REVIEW

Bacon and Ellibee submitted RFP language to solicit planning services for the Village’s Master Plan Update. The draft proposal included selection process, requirements, background, scope of work, project deliverables, and proposal requirements. Timelines to complete the required planning tasks were laid out. The professional services budget was discussed and should be increased to accommodate the awarded planning contract. **Motion by Deering, support by Chase to request a budget amendment increase from Village Council for professional services in the amount of \$10,000. AYES: 6, NO: 0. MOTION PASSED.** The RFP will be finalized at the next planning meeting on April 2nd.

RECREATION PLAN REQUIREMENTS

A checklist of DNR recreation plan requirements consisting of specific information and public participation was reviewed. These requirements must be included in the adopted plan in order to get final DNR approval. Schous noted the importance of the checklist so that the requirements do not get ‘lost’ while simultaneously updating the Master Plan and Recreation Plan. This checklist and the “Guidelines for the Development of Community Parks and Recreation Plans” handbook should be consulted while the Planning Commission works on updating both plans.

AMENDING THE ZONING ORDINANCE TO ALLOW FOR SHORT-TERM RENTALS IN RESIDENTIAL DISTRICTS

Schous explained that there is a STR committee actively working on creating a police power ordinance for STRs. Schous asked ZA Hall if any changes in the ZO need to occur to permit short-term rentals. Hall explained that Zoning Ordinances are written in a permissive manner. Uses are permitted by right or by special use. Currently, the ZO does not list STR's as a permitted use, which implies that they are prohibited. Hall referred to a MSU Extension publication explaining the differences between police power and zoning ordinances and stated that police power ordinances regulate activities taking place on a property. In his opinion, if STR's are to be regulated, a police power ordinance is the way to do it.

Chase commented that it does get confusing because the Zoning Ordinance does allow for childcare centers, banks, etc. and those are activities. Schous asked, if STR's are not permitted in the Zoning Ordinance, how does creating a police power ordinance correlate? Hall stated it is the same way that the Village allows for temporary events such as the Farmers Market, or an ordinance to regulate fireworks.

Bacon asked Hall how he answers calls when asked if STRs are allowed. He states that the ZO does not currently permit STRs and encourages the caller to reach out to Village Council because the Village of Empire has historically been a STR friendly community. Bacon explained that there are currently around 53 STRs in the Village and is concerned that anyone considering building or buying a house is being told that they are not permitted. Bacon wondered why if a police power ordinance regulates STRs without considering permissiveness, and the Zoning Ordinance permits them, how do the two contradict each other? Hall summarized that if you allow for STRs in the Zoning Ordinance, the Village ZO will contradict a police power ordinance if one is adopted down the road.

LAND DIVISION ORDINANCE NO. 103

Hall summarized the issues that occurred with the last lot split approval. He also noted that there are not any definitions and forces the use of common definitions. Hall believes the land division ordinance needs clarity, expansion in a few areas and definitions. Commissioners discussed the platted subdivisions that exist in the Village. Commissioners are tasked with assessing Halls' recommendations and amend Ordinance 103 as needed. Hall will distribute ordinances from other municipalities as a starting point.

COMMITTEE REPORTS – Bacon noted that the Leelanau County Planning Commission provided minutes from their review of the proposed text amendment to the Light Industrial District. Bacon commented on the Village Council budget and the STR committee. Bacon also reported on a tentative real estate purchase for a new village office.

PUBLIC COMMENT – Meg Walton commented that Michigan Association of Planners has a website where planning RFPs can be viewed.

PLANNING COMMISISON MEMBERS AND CHAIRPERSON COMMENTS – Chase will not be in attendance at the next regular meeting.

ADJOURNMENT – There being no further business, the meeting adjourned at 8:57 PM.

Alacia Acton, Recording Secretary

These minutes were approved at the April 2, 2024, Village of Empire Planning Commission meeting.