

**VILLAGE OF EMPIRE
PLANNING COMMISSION SPECIAL MEETING
WEDNESDAY, DECEMBER 13, 2023, AT 7 PM
EMPIRE TOWNSHIP HALL
10088 W. FRONT STREET**

CALL MEETING TO ORDER

ROLL CALL

ADDITIONS OR CHANGES TO THE AGENDA

CONFLICT OF INTEREST

CORRESPONDENCE

PUBLIC COMMENT

1. Presentation by Renovare re: New Village Office
2. Recreation Plan
3. Sample of a Zoning Ordinance amendment to specifically allow rentals in residential zones
4. Recommendation of 2 PC members to the Short-term Rental Special Committee

PUBLIC COMMENT

PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS

ADJOURNMENT

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

Planning Commission – Recreation Plan (data and significant project updates)

Planning Commissioners:

Below are the recommended data updates (census, financials and studies) that should be made to the Recreation Plan. The other big update made was the inclusion of the ADA accessible walking path at Shalda Park. The final recommendation was to include a statement about the plan to include a complete review and update of the Recreation Plan as part of the 2024 Master Plan.

No changes were recommended to the goals, etc. If approved, these will be incorporated into the Recreation Plan.

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Community Descriptions

Village of Empire is a community of **363** year-round residents (**2021** American Community Survey) occupying **1.1** square mile of land abutting Lake Michigan.

While the year-round population has, traditionally, remained mostly static, between 2020 and 2021, the Village's year-round population rebounded from a low of 325 to 362, a 11.7% increase.

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with a median age of **59.7** years, compared to Michigan's median age of **39.8** years.

The 2022 Network Northwest Seasonal Population Study for Northwest Lower Michigan does not drill down to the Village or Township level, however, the report states "Leelanau County experiences the greatest change between the off-season and on-season of any county in the region. The total population grows by a staggering 126%, topping out at 60,094 individuals in the month of July."

This growth is driven by a large number of part-time residents and overnight visitors. The part-time population accounts for over 20% of the total population in the months of June, July, and August, the largest share of any county. The number of overnight visitors in Leelanau County approaches 26,000 individuals, most of whom stay in traditional accommodation businesses.

Administrative Structure:

Remove: statement about ad hoc recreation committee. Insert: **Both the Village Council and the Planning Commission offers suggestions regarding park policies and projects. Both entities seek input from community members regarding recreation matters.**

Table 1.1 Village Revenue and Recreation Expenditures, 2019-2023

VILLAGE REVENUE (Audited Numbers)					
FY ENDING February 28	2019	2020	2021	2022	2023
Village Revenue	\$655,266	\$677,919	\$700,838	\$722,317	\$815,995
RECREATION EXPENDITURES (Audited Numbers)					
Recreation	\$ 95,173	\$87,835	\$89,126	\$103,768	\$100,766
Source : Village of Empire Audits					

Funding

Table 1-1 illustrates recreation spending for the past 5 years, in comparison to the Village's revenue. For FY 2023, more than \$100,000 in recreation and culture were expended, demonstrating that the Village government does routinely allot funding for recreational purposes.

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A seasonal boat launch ramp (recently upgraded in 2017) located at the north end of the public beach consisting of five (5) ramp units together measuring 150' x 146'.

Shalda Park

Size: 12.2 acres

Service Area: Village/Township ADA Rating: 3*

Walking Path .5 miles ADA Rating: 5

Shalda Park is an “active” park that received \$150,000 DNR grant in 2021 to build an ADA accessible walking path with fitness stations allowing for an ADA rating of 5 for that section of the park. Also included in the Park are facilities for organized sports, including baseball and tennis. While a long-term goal is an ADA compliant footbridge that would provide access to the Natural Area while protecting the creek banks from erosion, in 2023, a rudimentary trail starting at the southeast corner of Shalda Park and extending to the Conservancy land was created. This path is not ADA accessible and was completed as a joint project using volunteers from the Village of Empire and the Leelanau Conservancy. Additional recommended improvements include floodlights for the baseball field and miscellaneous improvements to existing facilities. Input also suggested that the park may need additional promotion and/or improvements to encourage its use among residents and others, by offering facilities such as pickleball courts, a gazebo, and new/upgraded and accessible playground facilities.

Recreational Amenities include: ½ mile ADA accessible walking path and fitness equipment, ball fields (2) with backstop, fenced outfield and dugouts; tennis courts (2, unlit); children’s play area; storage building; restroom facilities (2, one ADA compliant), landscape buffer, drinking fountains.

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Under trails

In 2022, the Planning Commission and Village Council updated the Transportation Plan.

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Add sentence: The Planning Commission will include a complete review and update of the Recreation Plan as part of the 2024 Master Plan update.

Regarding Recreation Plan updates -

Message from DNR:

Galloway, Alexandria (DNR) gallowaya@michigan.gov

11/15/2023 12:54 PM

To: m.bacon@villageofempire.com Copy: deputyclerk@villageofempire.com

Hi Maggie,

I am Alex, the Grant Coordinator for the northwest lower peninsula and Village of Empire.

We do not require an active Recreation Plan on file for current or past grant compliance. The grants require submittal of the Post Completion reports every 5 year for any grant assisted parks and projects that were completed. If you chose not to update the entire plan, you can just email me the post completion forms and fulfill the requirement ("Maggie's note: please note, the Village Office has met that requirement for the Shalda Park grant).

The Recreation Plan is only required if the village anticipates applying for a Land and Water Conservation Fund or Trust Fund grant on April 1, 2024 (or April 1 of whatever year they wish to apply).

Best,

Alex

Planning Commissioners:

During the discussion of the Short-Term Rental Committee report at a recent Council meeting, the issue of whether Short Term Rentals are “allowed” in a residential area came up. Our Zoning Administrator indicated to the committee that – regardless of our long-standing practice to allow STR in any zoning district – if strictly enforced, our current zoning ordinance does not allow them in residential zones.

It is important to be clear: Nothing in this suggested revision is intended to limit the Village’s authority to regulate Long-term Rentals, Seasonal Rentals or Short-Term Rentals, either in this Zoning Ordinance or a separate ordinance duly adopted by the Village. This would be to allow our long-standing practice to continue.

Thank you.

Maggie Bacon

3.?? Recognition of Traditional Treatment of Seasonal and Long-Term Rentals As Allowed Residential Uses

(Not sure where or if this belongs anywhere: Census Bureau definitions:

- a. Part-Time Residents: People who own a second home in the region. This is a seasonal home that is intended for occupancy primarily during certain seasons of the year)**

Nothing in this section is intended to limit the Village’s authority to regulate Long-term Rentals, Seasonal Rentals or Short-Term Rentals, either in this Zoning Ordinance or a separate ordinance duly adopted by the Village.

Long-Term, Seasonal and Short-Term Rentals of Dwelling Units Are Residential Uses.

Rental of a Dwelling Unit for a period greater than nine (9) months is a Long-term Rental. It is a residential use and does not constitute a commercial use, regardless of whether the lessor earns a profit from such a rental or rentals.

Rental of a Dwelling Unit for a period from thirty (30) days up to nine (9) months is a Seasonal Rental. It is a residential use and does not constitute a commercial use, regardless of whether the lessor earns a profit from such a rental or rentals.

Rental of a Dwelling Unit for a period from two (2) days up thirty (30) days is a Short-Term Rental is a residential use and does not constitute a commercial use, regardless of whether the lessor earns a profit from such a rental or rentals.

Consistent with the Village's historical treatment of Long-term Rentals, Seasonal Rentals and Short -Term rentals as residential uses and this Ordinance's definitions of Single-Family Dwelling, Two-Family Dwelling, Dwelling Unit, and Family:

1. The meaning of a Dwelling Unit accommodating "one family either permanently or transiently" includes a Dwelling Unit's use as a Long-term Rental, Seasonal Rental or Short-Term Rental, although each lessee's "one family" may not be related to a prior or successor lessee's "one family" or the owner's family.

2. Status as a Dwelling Unit, Single Family Dwelling or Two-Family Dwelling is not altered by successive rentals (Long-term, Seasonal or Short-Term) of the dwelling unit or units to families separate from each other or the owner's family.

Except as may be clarified by the above, this section does not alter:

3. this Ordinance's definitions of Family, Dwelling Unit, Single-Family Dwelling or Two-Family Dwelling; or

4. uses allowed or not allowed, with or without a special permit, in the Village's various residential districts.

Possible Definitions

Short-Term rentals are the use of a dwelling to provide rental accommodations to short-term guests defined as a guest occupying the dwelling from 2 to 30 days.

Seasonal rentals are the use of a dwelling to provide rental accommodation to guests occupying the dwelling from 30 days to 9 months.

Long term rentals are the use of a dwelling to provide rental accommodation to guests occupying the dwelling for more than 9 months out of a calendar year?