TEXT AMENDMENT REVIEW
PC04-19-41, Village of Empire
Text Amendment- Wireless Telecommunications

Reviewing Entity: Leelanau County Planning Commission
Date of Review: April 23, 2019

Section 1: General Information
Date Request Received: April 9, 2019
Last Day of Review Period: see Note below

Note: According to the Michigan Planning Enabling Act, ‘Plans’ are submitted to the county by municipalities (including villages) for review. However, under the Michigan Zoning Enabling Act, ‘zoning ordinances’ or ‘zoning ordinance amendments’ are not required to be submitted by a village to the county for review. This information was passed along to the Village after the text amendments were emailed to staff. The Village Zoning Administrator responded and asked that the county provide a review.

Requested Action: Review and comment on a proposed amendment to Section 3.14 and Section 7.13 of the Village of Empire Zoning Ordinance.

Applicant: Empire Village Planning Commission

Section 2: Proposal
See Appendix for a copy of the proposed text amendment regarding Wireless Telecommunications Towers and Antennas.

Section 3: Other Planning Input
Township Plan: The current Village Master Plan (listed as ‘Draft’ on the website) states on page 19: “High-Tech Infrastructure Wireless and broadband is becoming increasingly important in creating a competitive environment for new economic investment. Greater coverage of telecommunications and high-speed internet are critical in today’s business operations: high-tech, high-speed Internet infrastructure is a “must-have” in accommodating the interconnected, innovative nature of new economic growth. Residents have expressed the need for updated and faster broadband infrastructure available to the Village.”

Under Goals & Objectives: Public Infrastructure, page 53 it states:

- Continue to examine the feasibility of implementing Village-wide infrastructure to address growth and encourage economic development including, but not limited to, sanitary sewers and septic disposal options, public washrooms, greenspaces, high speed communications infrastructure for home/business, etc.

Leelanau General Plan: The Leelanau General Plan (2012) Chapter 9-4 lists the following Action Statement:

“Local governments should adopt zoning and subdivision regulations which require the placement of utilities below ground in all cases where practically feasible, and deal with placement, construction, collocation, modification and abandonment of wireless service facilities.”
Township Planning Commission:
A public hearing was held on April 2, 2019. Following the public hearing, the township planning commission passed the following motion:

*Bacon moved to forward the telecommunication tower ordinance as amended to the County Planning Commission, Schous seconded. All in favor, motion carried.*

Section 4: Analysis
Compatibility
A. Is the proposed text compatible with other language in the zoning ordinance?  
Yes

B. Are there any issues with the proposed text (such as poor wording, confusing text, unenforceable language, etc.)?  
See Section 5 – Staff Comments (below).

C. Do the land uses or other related dimensional standards (height, bulk, area, setback, etc.) in the proposed text amendment(s) conflict with the existing zoning ordinance?  
No

Issues of Greater Than Local Concern
A. Does the proposed text amendment(s) include any issues of greater than local concern? Please list.  
No

Comparison with Local Plans or Ordinances
A. Do the contents in the proposed text amendment(s) conflict with the community’s plan? Please list. 
No

Comparison with County Plans or Ordinances
A. Do the contents in the proposed text amendment(s) conflict with the General Plan? Please list. 
No

Current and Proposed Zoning District:
For Current text, Link to the Village Zoning Ordinance at: [https://www.leelanau.cc/empvlgord.asp](https://www.leelanau.cc/empvlgord.asp)

Section 5: Staff Comments

Empire Village has proposed changes to Section 3.13 and 7.13, for Wireless Telecommunications Towers and Antennas. Villages are not required under the Michigan Zoning Enabling Act to send zoning amendments to the county for review. However, two proposed amendments were received by staff and the Village Zoning Administrator requested a review by the county. The county’s review will be provided to the Village within 30 days of the date of receipt.

The proposed changes to Section 3.13 (Permitted Uses (Towers)) and 7.13 (Telecommunication Towers, Antennae and Facilities) clarify the requirements for Wireless Telecommunications Towers and Antennas. The proposed amendment spells out the different types of uses and when site plan review is required. The amendments add new definitions, language for a Special Use Type 1 and Special Use Type 2, and spell out the permit process, review process, abandonment of Antennas and Towers, and pre-existing towers and nonconforming uses.
Staff offers the following suggestions/comments on the proposed text amendment:

Page 1 of the proposed text, under Section 1 – delete ‘he’ in the sentence so it reads: “….of the the Village of Empire Zoning Ordinance as follows:”.

The current zoning ordinance lists Section 3.13 – Permitted Uses (Towers), and Section 3.14 – Antenna Co-location on an Existing Tower or Structure. Is the current Section 3.14 being amended or perhaps deleted? Requirements in the current Section 3.14 appear to be covered by these proposed amendments.

Section 4 Communication Towers, a. – insert the words ‘shall be’ in the 2nd line to read: “…on a contiguous parcel and setback shall be not less than two (2) times…..”

Section 17, b) notes the cost for a Type 1 Special Use Permit. Staff suggests removing these Fees from the Village Zoning Ordinance and instead insert them into a Fee Schedule adopted by the Council. Item 17 b) can reference the Fee Schedule. This way, fees can be reviewed on a regular basis by the Village Council and changes can be made without going through the process of a zoning ordinance amendment which would be required if the Village wanted to modify the Fees listed in the zoning ordinance. Staff offers the same suggestion for Section 20, b).

The Village has proposed amendments which will provide more clarity in the overall application and permitting process for these types of Uses and where they will be allowed, as well as new definitions.
Appendix - Proposed Amendment and Submittal from Empire Village
Hi Trudy,

Please see attached for two proposed amendments to the Empire Village Zoning Ordinance, one regarding signs and one regarding telecommunications towers. These are being forwarded to you for review by the County Planning Commission. Also attached are the minutes from the 4/2/2019 Empire Village PC meeting, where a public hearing was held on both proposed amendments and additional discussion was held by PC members, culminating with motions to send them both up to the county level for review.

Please let me know if there is anything else you need. I've copied Chris Grobbel, the Empire Village PC Zoning Administrator, on this e-mail, if you have any questions for him.

Thank you,

Dana Boomer
Recording Secretary
Empire Village Planning Commission
Section 1: Village of Empire hereby amends Section 3.13 and 7.13 of the Village of Empire Zoning Ordinance as follows:

Purpose. This Section is intended to allow for communication towers and ancillary facilities within Village of Empire in conformance with the Michigan Zoning Enabling Act, P.A. 143 of 2012, MCL 125.3514, as amended; the Federal Communications Act of 1996, Public Law No. 104-104, 110 Stat. 56 (1996); 47 U.S.C. 151, as amended; the federal Middle Class Tax Relief and Job Creation Act (i.e., the Spectrum Act) of 2012, Title VI, Subtitle D, Section 6409; associated administrative rules1 and state and federal court rulings. Any terms used in this Article but not specifically defined within this Ordinance shall be used as defined by state and federal statutes, rules and court findings.

The goals of this Ordinance are to protect residential areas and land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Village of Empire shall give due consideration to the Village of Empire Zoning Ordinance, Zoning Map, and existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.

1. Definitions. (amends Article 2: Definitions) As used in this Ordinance, the following terms shall have the meanings set forth herein:

a. Alternative Tower Structure: Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

b. Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio and television frequencies, wireless telecommunication signals or other communication signals, excluding Ham or amateur radio, emergency communications, and radar signals.

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c. **Backhaul Network**: The lines that connect a provider’s towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

d. **Collocate** means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

e. **Communication tower and facilities** means wireless communication, broadband, licensed or unlicensed, terrestrial or satellite, including commercial mobile, private mobile, broadcast, and public safety services, as well as fixed wireless broadband, and other communication services.

f. **Equipment Compound** means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

gh. **FAA**: Federal Aviation Administration.

i. **FCC**: Federal Communications Commission.

j. **Height**: When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.

k. **Preexisting Towers/Antennas**: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance.

l. **Tower**: Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio, television, and similar communication purposes, including self-supporting lattice towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto, but excludes Ham or amateur radio, emergency communications, and radar signals.

m. **Wireless Communications Equipment** means the set of equipment and network components used in the provision of communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

n. **Wireless Communications Support Structure** means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole or building.

2. **Applicability.**

a. **New Towers and Antennas**: All new towers or antennas in the Village of Empire shall be subject to these regulations.
b. Amateur Radio Station Operators/Receive Only Antennas: This Ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station, Ham operator, or antenna that is used exclusively for signal reception.

c. Pre-existing Towers or Antennas: Pre-existing towers and preexisting antennas shall not be required to meet the requirements of this Ordinance.

3. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Village of Empire Planning Commission. The following shall be required as part of the application:

   a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance;
   b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and un-platted residentially zoned properties;
   c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of Village of Empire, or within three miles of the border thereof, including specific information about the location, height, and design of each tower;
   d. Landscape plan showing specific native plant materials;
   e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening;
   f. Description of compliance with all relevant sections of this Wireless Telecommunication Towers and Antennas Ordinance.

4. Communication Towers. The following standards will be required for all Communication Tower Facilities:

   a. Communication towers shall be located centrally on a contiguous parcel and setback not less than two (2) times the height of the tower measured from the base of said tower to all points on each property line or leased area boundary.
   b. All guy wires/cables and anchors shall meet the zoning setback standards of the district.
   c. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower’s structural integrity.
   d. The proposed height meets FCC and/or FAA regulations.
   e. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.
f. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a “stealth” design.

g. All new towers shall be constructed in such a manner so as to provide collocation of at least five (5) additional antennae. Depending on tower height, additional collocated antennae may be required by the Village. These antennae sites shall be made available at a fair market value to third parties on a need for basis to anyone wanting to mount commercial communication equipment. No new construction will be approved, unless it can be demonstrated that space on existing towers is unavailable or unsuitable.

h. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

i. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (i.e., no longer used) as determined by the Zoning Administrator.

j. The proposed height meets FCC and FAA regulations so that the tower does not have lights, or the Planning Commission makes a finding it is more desirable to have a single taller tower to avoid multiple unlit towers.

k. All towers lighted and unlighted shall not be located closer than two (2) miles from another tower.

5. **Tower Design:** Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

6. **Signs:** No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

7. **Lighting:** Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.

8. **Fencing:** A tower shall be enclosed by security fencing not less than six (6) feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

9. **Landscaping:** A buffer of native plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum
buffer shall consist of a landscaped strip at least fifteen (15) feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Village Council. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as tower sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

10. **Annual Report.** Applicant will provide the Village of Empire Zoning Administrator with an annual report identifying owner and co-locators, due by January 1\textsuperscript{st} of each calendar year.

11. **Appurtenant Equipment and Buildings.** The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable construction code and zoning requirements.

12. **Antennas mounted on utility poles, light poles or towers.** The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by a native evergreen hedge or other suitable native vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

13. **Permitted Use.** Wireless communications equipment is a permitted use in the Industrial District if the following requirements are met:

   a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

   b) The existing wireless communications support structure or existing equipment compound is compliance with the Village of Empire Zoning Ordinance.

   c) The proposed collocation will not do any of the following:

      (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10\% of its original height, whichever is greater.

      (ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

      (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.
d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Village of Empire Planning Commission.

e) This Section shall not be interpreted in any way to regulate Michigan State Police radio or 911 communication towers and associated facilities.

15. **Special Use Type 1**

If wireless communications equipment is collocated and the structure is in compliance with zoning, but a) increases the height of the structure more than 20 feet or 10% (whichever is greater); b) increases width more than necessary; c) increases the existing compound area over 2,500 square feet, and d) does not comply with previous approval, the application may be handled as a special use permit.

16. **Special Use Type 1 Requirements:**

An application for a communication tower and/or associated facilities shall include:

a) a site plan in accordance with Article 5: Site Plan review of the Village of Empire Zoning Ordinance; and

b) other information as required by the Planning Commission.

17. **Special Use Type 1 Review Process:**

a) The Zoning Administrator shall within fourteen (14) business days determine if a Type 1 Special Use permit communication tower and/or associated facilities application is administratively complete pursuant to this Ordinance. The results of such assessment by the Zoning Administrator shall be communicated in writing to the applicant within said 14 business days. A Type 1 special use permit application not determined to be administratively complete or administratively incomplete within said 14 business days of the application being received shall automatically be deemed as administratively complete.

b) Fee for Type 1 Special Use permit shall not be more than the actual cost to process the application, or $2,500, whichever is less. This fee does not preclude any other required fees for Planning Commission review of this matter, e.g., meeting fees, etc.

c) Planning Commission action on a Type 1 Special Use permit application for wireless communications (i.e., approve, deny, approve with conditions) shall be taken within sixty (60) days of a complete application and be supported by substantial evidence. If such action has not taken place within sixty (60) days, the Type 1 Special Use permit shall be considered approved as submitted. Any condi-
ations of approval must directly relate to the existing zoning ordinance, other local ordinances, and applicable state and federal law.

18. **Special Use Type 2**

   If wireless communications equipment is not being collocated on an existing structure, the communications tower and/or associated facilities application shall be handled as a Type 2 special use permit.

19. **Special Use Type 2 Requirements:**

   An application for a communication tower and/or associated facilities shall include:

   a) a site plan in accordance with Article: Site Plan review of the Village of Empire Zoning Ordinance; and

   b) other information as required by the Planning Commission.

20. **Special Use Type 2 Review Process:**

   a) The Zoning Administrator shall within fourteen (14) business days determine if a Type 2 Special Use Permit communication tower and/or associated facilities application is administratively complete pursuant to this Ordinance. The results of such assessment by the Zoning Administrator shall be communicated in writing to the applicant within said 14 business days. A Type 2 special use permit application not determined to be administratively complete or administratively incomplete within said 14 business days of the application being received shall automatically be deemed as administratively complete.

   b) Fee for Type 2 special use permit shall not be more than the actual cost to process the application, or $2,500, whichever is less. This fee does not preclude any other required fees for Village review of this matter, e.g., meeting fees, etc.

   c) Planning Commission action on a Type 2 Special Use permit application for wireless communications (i.e., approve, deny, approve with conditions) shall be taken within sixty (60) days of a complete application and be supported by substantial evidence. If such action has not taken place within sixty (60) days, the Type 2 special use permit shall be considered approved as submitted. Any conditions of approval must directly relate to the existing zoning ordinance, other local ordinances, and applicable state and federal law.

21. **Removal of Abandoned Antennas and Towers:** An antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from Village of Empire notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within
said ninety (90) days shall be grounds to remove the tower or antenna at the own-
er’s expense. If there are two or more users of a single tower, then this provision
shall not become effective until all users cease using the tower.

22. **Nonconforming Uses:**

   a. **No Expansion of Nonconforming Use:** Towers that are constructed, and antennas
      that are installed, in accordance with the provisions of this Ordinance shall not be
deeled to constitute the expansion of a nonconforming use or structure.

   b. **Pre-existing Towers:** Pre-existing towers shall be allowed to continue their usage
      as they presently exist. Routine maintenance (including replacement with a new
tower of like construction and height) shall be permitted on such pre-existing tow-
er. New construction other than routine maintenance on a pre-existing tower shall
comply with the requirements of this Ordinance.

**Section 2: Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable.
Should any part, clause, sentence, paragraph or section of this Ordinance be found invalid or un-
constitutional for any reason by any court of competent jurisdiction, any such decision shall not
affect the validity of the reminder of this Ordinance.

**Section 3: Savings clause**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this
Ordinance takes effect are saved and may be consummated according to the law in force when
they were commenced.

**Section 4: Effective date**

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as
the full text or as a summary thereof) in a newspaper of general circulation in the Village of Em-
pire.

**Section 5: Adoption**

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called
and held on the ____ day of __________, 2019.
Section 6: Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within thirty (30) days after adoption.

_________________________________________
Wayne Aylsworth, President, Village of Empire

_________________________________________
Derith Smith, Clerk, Village of Empire

Adoption date:
Publication date:
Effective date:

CERTIFICATION

I, Derith Smith, the Clerk for Village of Empire, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Ordinance adopted by the Village of Empire Council at a regular meeting held on ____________, 2019. The following members of the Village of Empire Council were present at the meeting:

The Ordinance was adopted by the Village of Empire Council with ___ members of the Council voting in favor (______________________________) and ___ voting against (______________________________).

A copy of the Ordinance or a summary thereof was published in the Leelanau Enterprise and Traverse City Record Eagle on ________________.

_________________________________________
Derith Smith, Clerk, Village of Empire
The Empire Village Planning Commission (PC) held a public hearing on Tuesday, April 2, 2019 at the Empire Township Hall, 10088 Front Street, Empire, MI.

**CALL REGULAR MEETING TO ORDER** – Chair Phil Deering called the public hearing to order at 7:00 pm.

**ROLL CALL** – Todd Avis, Sue Palmer, Maggie Bacon, Peter Schous, Rollie Groening, and Phil Deering present. Dana Boomer, Recording Secretary, and Chris Grobbel, Zoning Administrator, present. Frank Clements absent.

Deering covered the purpose of the public hearing, which was to hear public comment on the proposed zoning ordinance amendments for signs and telecommunication towers. He then opened the floor for public comment.

Chet Salisbury commented that he is concerned as to whether the new sign ordinance allows multiple signs listing tenants for large, multi-tenant buildings. This is a concern for the State Savings Bank building, where there are 16 suites, but only room on the current sign for 6-7 tenants.

Bacon and Grobbel covered the regulations in the proposed ordinance for signs for multi-tenant buildings. There are provisions to allow signs for all businesses in a multi-tenant structure, all posted on the same signboard.

Bea Salisbury asked if all current signs are grandfathered, and whether repairs can be made to them. Grobbel stated that all existing signs are grandfathered, and they can be repaired and maintained. If a major change is wanted for the sign, such as adding lighting, making the sign larger, etc., the sign would need to be brought into compliance with the current ordinance.

Mary Sharry asked about lighting, and how this will affect the night sky. Grobbel and Bacon read the appropriate sections of the draft ordinance, which require lights to be directed downwards, and have other restrictions on lighting.

Bea Salisbury asked about the provision that the village does not take responsibility for the structural adequacy of the sign or the right to construct the sign. Grobbel explained the reasoning for this wording, which is a generic provision.

Chet Salisbury stated that he had someone ask to put a telecommunication tower on his property, and he turned them down. He thought it might be worth the money to the village to put a tower on the village property. Deering replied that no one has approached the village about this.

Deering closed the public hearing at 7:13 pm.
The Empire Village Planning Commission (PC) held a regular meeting on Tuesday, April 2, 2019 at the Empire Township Hall, 10088 Front Street, Empire, MI.

CALL REGULAR MEETING TO ORDER – Chair Phil Deering called the meeting to order at 7:13 pm.

ROLL CALL – Todd Avis, Sue Palmer, Maggie Bacon, Peter Schous, Rollie Groening, and Phil Deering present. Dana Boomer, Recording Secretary, and Chris Grobbel, Zoning Administrator, present. Frank Clements absent.

APPROVAL OF MINUTES – Motion by Avis, second by Palmer, to approve March 5, 2019 special meeting minutes as presented. All in favor, motion carried.

TREASURER’S REPORT – Groening presented the treasurer’s report. The fiscal year started March 1. The only expenses so far have been PC wages.

ADDITIONS/CHANGES TO THE AGENDA – Bacon asked to add Consumers Energy to the agenda under New Business.

CONFLICT OF INTEREST – None

PUBLIC COMMENTS & CORRESPONDENCE – None

ZONING ADMINISTRATOR’S REPORT – Grobbel distributed the March ZA Report, and summarized the report, and his actions over the month. The PC briefly discussed the ZA report.

NEW BUSINESS –

Election of Officers –

Groening moved, Schous seconded to elect Phil Deering as chairman. Roll call vote: Groening: aye, Palmer: no, Bacon: no, Schous: aye, Avis: no, Deering: aye. With a tie vote, the motion failed.


Bacon moved, Avis seconded to elect Phil Deering vice chairman. All in favor, motion carried.

Palmer moved, Deering seconded to elect Peter Schous secretary. All in favor, motion carried.

Bacon moved, Avis seconded to elect Rollie Groening treasurer. All in favor, motion carried.

It was determined that Deering will continue to run this meeting, and Palmer will take over at the May meeting. Schous will delegate all secretarial duties to Boomer, as recording secretary.
Consumers Energy – Bacon requested that the PC allow Consumers Energy to come in front of the PC with a presentation in either June or July, perhaps at 6 pm, to discuss issues with power in the village, including the possibilities for underground power. The PC had a consensus to move the June meeting to 6 pm and have a presentation from Consumers Energy on the agenda.

UNFINISHED BUSINESS

**Zoning Ordinance Amendments (Telecommunication Towers and Signs)**

The PC first discussed the changes to the Zoning Ordinance regarding Telecommunication Towers. Palmer asked for a minor change to the language regarding ham operators, making sure that they are allowed to have both receiving and broadcasting antennas, as this is federal law. Avis is concerned about this section allowing large receiving antennas for TV. Grobbel stated that this section is only concerned with ham operators, not TV antennas, but he will insert a paragraph in the ordinance banning large TV antennas that have the potential to fall onto neighboring properties. Palmer asked for the correction of typos.

**Bacon moved to forward the telecommunication tower ordinance as amended to the County Planning Commission, Schous seconded. All in favor, motion carried.**

The PC then discussed the changes to the Zoning Ordinance regarding Signs. Palmer asked for definitions for “alley sign” and “mansard roof” to be added, as these are mentioned in the ordinance but not defined. Palmer asked why churches are exempt; Grobbel stated that churches cannot be regulated in any way. Palmer also stated that there were typos that she will forward to Grobbel.

Palmer asked if this will continue to be a stand-alone ordinance or be re-integrated into the Zoning Ordinance. Grobbel favors re-integrating it into the Zoning Ordinance, both from a planning and zoning perspective and from a reference perspective. However, the PC will need to decide which approach they will recommend to the VC, and it will be up to the VC to make a final decision. Groening asked if it would be possible to make these changes but leave the document as a stand-alone for long enough to determine if any further changes need to be made. Grobbel stated that this would be possible, but he still strongly recommends re-integrating this document into the Zoning Ordinance. The PC discussed this and other aspects of the proposed sign ordinance.

**Bacon moved to forward the sign ordinance as amended to the County Planning Commission, Schous seconded. All in favor, motion carried.**

Grobbel will make the changes to the ordinances, forward the updated documents to Boomer and Boomer will send them, along with the draft minutes, to the County Planning Commission.

**Master Plan Update** – Comments on the Master Plan have been submitted by MDOT and the County Planning Commission. The PC reviewed these comments. There are some portions of the comments that could take lengthy discussion. Grobbel stated that the four areas required by the state are Transportation, Economic Development, Zoning, and Blighted Areas – the transportation plan is the main one not addressed in the current draft of the Master Plan.
The PC determined to add a section in the Master Plan that acknowledges and refers to the full Transportation Plan. There were some comments that were simply referring to typos; the PC had consensus to fix these.

The PC worked through further comments from the County Planning Commission and MDOT. In addition, there is still a photo in the MP (on page 8) that is not from Empire; this needs to be fixed. There are other minor factual errors that will need to be fixed before the final draft, including population numbers. Bacon pointed out a few spots where statistics could be more focused on Empire, rather than the county or the general area. The PC discussed other areas that need minor changes.

Bacon has contacted Networks Northwest; Michael Woods is no longer working for NNW, and Sarah Lucas is only working part time. Bacon has requested to get an editable version of the Master Plan document, even in MS Publisher. The PC discussed the need to have this document in a format that the village can edit, both for this version and for future reviews of the Master Plan.

The PC extensively discussed changes to the housing and short-term rentals language, in multiple sections of the document, and how focused the PC should be on these issues. The PC continued the discussion of other minor changes to the MP, based on comments from County Planning, MDOT, and the PC members. The PC would like to see version of the current and future land use maps with clearer colors.

Bacon and Boomer will coordinate with NNW and the village office to continue the attempt to get an editable version of the MP document, and make the changes as discussed tonight. The next step would be to pass a resolution to hold a public hearing on the MP, but Bacon is uncomfortable with setting the public hearing until the final version of the MP has been distributed to and reviewed by the PC. The PC agreed, and will finalize their review at the May meeting and discuss a public hearing at that time.

**Transportation Plan** – An updated version of the Transportation Plan was not distributed prior to the April meeting, this will be done prior to the May meeting and it will be discussed at that meeting.

**Review of Zoning Ordinance** – The PC discussed further amendments to the Zoning Ordinance. Palmer would like to hear from Grobbel regarding other weaknesses he sees in the ZO. The PC will also continue its review of the ZO audit by NNW.

**COMMITTEE REPORTS** – None

**VILLAGE COUNCIL REPORT** – Bacon reported that there was a presentation on short-term rentals at the VC meeting, as well as a presentation by a medical marijuana group. The village opted out of recreational marijuana dispensaries.

**PUBLIC COMMENTS** – Soni Aylsworth stated that he was under the impression that NNW had agreed to provide the Master Plan in a MS Word format. It is ridiculous that the village cannot edit the document currently. He will assist Bacon in any way that he can in getting this document in an easily-editable format. NNW should have had all of the necessary parts of the document in place before their contract was finished.
PLANNING COMMISSION MEMBERS AND CHAIRPERSON COMMENTS – Bacon agreed with Aylsworth, and stated that this is part of the reason that she has not thought that NNW did the best job possible on this document.

ADJOURNMENT – There being no further business, Bacon moved that the meeting be adjourned at 9:00 pm. Palmer seconded. The meeting was adjourned.

Respectfully submitted,

Dana Boomer, Recording Secretary
Village of Empire Planning Commission

THE EMPIRE VILLAGE PLANNING COMMISSION MEETS ON THE FIRST TUESDAY OF EACH MONTH FOR A REGULAR MEETING. ITEMS TO BE CONSIDERED AT THE MEETING MUST BE RECEIVED FOR PLACEMENT ON THE AGENDA BY 4:00 P.M. ON THE WEDNESDAY PRECEDING THE MEETING.

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