
MEMORANDUM – OFFICE OF THE VILLAGE MANAGER

TO: Village of Northport Planning Commission

FROM: Jered Ottenwess, Village Manager/Zoning Administrator

DATE: March 6, 2026

RE: Zoning Administrator Report and Agenda Summary

3. Public Hearing – Special Use Permit for Short-Term Rental at 375 W Third Street

Packet: 375 W Third Street SUP Binder; Resolution 2026-2

I have reviewed the application materials pursuant to Zoning Ordinance Article 19.04 Site Plan Requirements and deemed them sufficient. The Zoning Ordinance stipulates that the Planning Commission shall review each application to determine that each proposed Special Use meets the standards in Article 18.04.1 and 18.05.20.

To approve a Special Use Permit, the Planning Commission must find that:

- The applicant has met all applicable ordinance standards (especially Article 18.04).
- The proposed use is reasonable, well-sited, and not injurious to surrounding properties or the Village.
- Any conditions imposed are directly related to mitigating potential harms or ensuring conformance.

When a zoning ordinance lists a use as permitted by Special Use Permit, courts presume that the use is not inherently detrimental, as long as it meets the stated conditions.

I have provided my findings on the proposed Special Use with respect to each of the standards below from Zoning Ordinance Articles 18.04.1 and 18.05.20.

18.04.1. General Standards. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:

a. Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.

Finding: The proposed Special Use is a single-family detached structure that is consistent with the character of the general vicinity. The proposed use will not change the essential character of the area in which it is proposed.

b. Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.

Finding: A single-family detached structure would not be hazardous to existing uses. A short-term rental use is not per se hazardous or disturbing and courts have required municipalities to show documented evidence substantiating such a claim if it is used as a basis for denying a Special Use Permit. I am not aware of such evidence in the Village of Northport.

c. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, water and sewage facilities and schools.

Finding: The proposed use would be served adequately by essential public facilities and services. Water and sewerage services are available.

d. Not create excessive additional requirements at public cost for public facilities and services.

Finding: The proposed use is not expected to increase demand on roads, water, sewer, or emergency services beyond what is typical for a residential property. Parking is provided onsite in accordance with ordinance standards.

e. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

Finding: The proposed use does not involve emissions or storage of hazardous materials, nor does it involve activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

f. Be consistent with the intent and purpose of the Zoning District in which it is proposed to be located.

Finding: The Zoning Ordinance allows Transient Lodging as a Special Use in all zoning districts. Therefore, the proposed use is considered consistent with the intent of the district.

g. Be in conformance with the Village Master Land Use Plan.

Finding: There is no language in the Master Plan that prohibits this use, and the allowance of Transient Lodging in all districts reflects the Village's interpretation of the Plan's goals, including promoting a flexible housing stock and seasonal economic resilience.

18.04.2. Conditions and Safeguards

a. The Planning Commission may stipulate conditions necessary to insure that public services and facilities affected by a proposed land use activity will be capable of accommodating increased services and facility needs caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility of with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for land or activity under consideration and be necessary to insure compliance with those standards. The conditions imposed with respect to the approval of the land use or activity shall be recorded in the record or the approval of action and remain unchanged except upon

- the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.*
- b. Bond for Compliance. In authorizing a Special Use Permit the Planning Commission or the Zoning Administrator may require that a bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the granting of the Special Use Permit.*

18.05.20. Short-Term Rentals

- a. Short-term rentals include single-family dwelling units that are rented to individuals for a fee. The length of a short-term rental is between one (1) day and thirty (30) days.*
- b. The exterior of the dwelling shall appear as a standard single-family rental, with one (1) primary entrance.*
- c. Sufficient parking for the rental use shall be provided on the property.*
- d. The short-term rental shall have designated location for boats, bikes, jet ski, and personal watercraft.*
- e. A contact person, who resides year-round in Leelanau County, shall be available 24-hours a day, seven (7) days per week for the purpose of responding promptly to the complaints regarding the conduct of occupants of the short-term rental unit.*

Finding: the proposed Special Use as proposed is consistent with the above standards as indicated in their STR application and on the SUP site plan.

Recommendation: the Planning Commission shall consider the application based on the review provided here and your interpretation of the standards in the Zoning Ordinance. I have prepared a resolution to either approve, approve with conditions, or deny the Special Use Permit. The Planning Commission may also require that a “bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the granting of the Special Use Permit.” As part of its action on the proposed Special Use Permit application, the Planning Commission should state as part of its resolution whether the application meets or does not meet all applicable requirements in the Zoning Ordinance and approves, approves with conditions, or denies the Special Use Permit, and if approved with conditions, what those conditions are.

4. Public Hearing – Zoning Map and Text Amendments

Packet: Resolution 2026-3 Binder, Zoning Map and Text Amendment Staff Report Memo

Please refer to the attached Staff Report Memo and Resolution.

8a. Zoning Administrator Report

- **April 28 at 5:30 PM at the Northport School: Housing Workshop** including presentations from Leelanau Township, Village of Northport, and New Community Vision
- No Land Use Permits issued since my last report.
- STR registrations are in full swing. I have registered 21 to date for 2026. I estimate there will be about 45 operating, registered STRs this year.

- 10798 North Shore Drive has not applied for a Special Use Permit application for Short Term Rental use. At this point they may not be able to operate as an STR this season (at least not early on) and I hope no enforcement action will be necessary.
- Village Council discussed **concept plans for the 7th Street and High Street parcels** at their Work Session on March 5. The consultant we are working with, IDF, will prepare a rendering based on the preferred concept for each site. Village Council did not make a decision about their preferred concept by consensus and they plan on continuing to review and discuss the concept plans, presumably revisiting the issue in April. The concept plans and report are available in the meeting Dropbox and I encourage to review, discuss with me, and provide feedback as you wish.
- Village Council also discussed the **STR ordinance**. I proposed minor modifications to the ordinance that (1) institute a registration fee to cover administrative costs (2) create a registration deadline annually of April 30 and (3) make definitions consistent with the Zoning Ordinance. Trustees indicated their support by consensus and I will prepare an ordinance amendment for the March 19 Regular Meeting. Trustees suggested that they may wish to revisit the issue of creating a cap on the total number of STRs and/or an overlay district to restrict STRs to the lakeshore in the near future.

9a. Master Plan

Packet: Pending

Chair Gale and Trustee Cavendish have continued working on draft sections of the Master Plan, which I anticipate will be available prior to or at the meeting for further discussion.

I met recently with representatives from two of the small firms that completed the Village of Empire Master Plan: Place Strategies and Placecraft, both out of Traverse City. I was impressed with their philosophy, approach, and willingness to work with us at any time during the process. The Planning Commission may wish to consider further if and to what extent these firms may be involved in the process moving forward.

9b. Capital Improvement Plan

Packet: Draft CIP

Background: I have completed a draft CIP following several discussions. The narrative portions are complete and incorporated with the spreadsheet plan. I moved two projects – boat washing station and marina ADA access – to the “Other” category because of a lack of detail related to the project scope and because my impression is those are lower priority projects. I have also made minor adjustments to estimated costs for a few projects to improve accuracy.

Discussion: If the Planning Commission is satisfied with the draft document, we can schedule for action in April and/or revise further.

9c. Rezoning – R-2 S Shoreline Residential District

Packet: R-2 S Analysis REVISED

Background: Since our last discussion I analyzed shoreline district parcels with respect to their minimum buildable width, which can be defined as minimum horizontal distance between

opposing side setback lines within the buildable envelope, measured perpendicular to the orientation of a reasonably sited principal building.

Analysis: The revised parcel analysis demonstrates that replacing the current minimum lot width standard in the R-2 S District with a minimum buildable width standard would significantly reduce the number of newly created nonconforming parcels while maintaining reasonable dimensional control.

If applied to the existing shoreline parcels today, the current R-2 S lot width requirement would render approximately twenty-five (25) parcels nonconforming. By contrast, a minimum buildable width standard of fifty (50) feet would result in only five (5) nonconforming parcels. Importantly, all five of those parcels are already nonconforming under the underlying R-2 District's fifty-foot minimum lot width requirement. In other words, the buildable width approach does not create new nonconformities beyond those that already exist.

If the minimum buildable width were increased to sixty (60) feet, an additional five to seven parcels would become nonconforming, for a total of approximately ten to twelve. Even at that threshold, the overall number of affected parcels remains substantially lower than under the current R-2 S dimensional framework.

This analysis illustrates that a buildable width standard functions as a more precise regulatory tool. Rather than controlling shoreline parcels solely through gross lot width, it regulates the practical building envelope while preserving flexibility for irregular shoreline configurations. It also minimizes the expansion of nonconforming status along South and North Shore Drive, which supports long-term zoning stability and reduces administrative complexity.

Discussion: Based on feedback we can move forward with other aspects of Shoreline Form District or consider further how to regulate parcel width and the potential for lot splits.

9d. Public Participation Plan

Packet: Public Participation Plan REVISED, Village of Elk Rapids Public Participation Plan

Background: Chair Gale and Planning Commissioner Scott have started revising the PPP. Chair Gale asked me to revise the document based on their initial review and feedback. The result of that effort is a reformatted and revised PPP based on the previous iteration.

I think it may be worthwhile to consider completely rewriting the plan. During my research I noticed that the Village of Elk Rapids recently adopted a PPP in August 2025, which I believe is a solid document, better than the PPP adopted by the Village of Northport for the following reasons:

- Clearer structure: Elk Rapids follows a logical order (purpose → stakeholders → engagement methods → implementation). Northport's jumps between sections and repeats ideas.
- Cleaner writing and formatting: Elk Rapids reads like a finished policy document; Northport has awkward phrasing and subpar writing.

- Stronger connection to planning processes: Elk Rapids ties participation directly to planning actions (Master Plan, zoning, redevelopment). Northport reads more like a general communications guide.
- More usable engagement framework: Elk Rapids describes participation tools clearly and when they might be used. Northport's toolbox matrix is confusing and poorly organized.
- Better feedback and transparency: Elk Rapids emphasizes documenting and reporting engagement results. Northport focuses mostly on gathering input without clearly showing how it informs decisions.

Discussion: please provide feedback regarding the revisions made to date and whether to continue revising the current PPP or consider more substantial revisions.