

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – May 16, 2023

1. CALL TO ORDER AND ROLL CALL

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 pm.

PRESENT: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn, Chad Learned

ABSENT: None

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

A motion was offered by Learned to approve the agenda as presented. The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn, Learned
- Nay: none
- Abstain: none

4. APPROVAL OF MINUTES

A motion was offered by Sanders to approve the minutes from the regular meeting held on March 21, 2023, as presented. The motion was supported by Felcyn.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn, Learned
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS:

a. Marihuana Permits- Annual Review- Tom Palenick.

Tom Palenick provided an overview of four marihuana operations. There were no formal complaints submitted to the Township. However, there was one break-in at Royal Weed. No action was requested of the Planning Commission.

Felcyn asked about the sign at Misty Mee and why it is not operational. He also said his wife complained about White Flower once, and it was addressed quickly.

Palenick stated that there are seven other operations that will be reviewed at a later date.

There was a general discussion regarding the Planning Commission's recommended zoning text amendment, which was forwarded to the Board in 2022. The Board has not yet taken action on it but will do so in the upcoming weeks.

b. Short-Term Rental Discussion

Palenick stated that a jurisdiction must work to enforce the prohibition of short-term rentals (STR) or adopt an ordinance to regulate them. Palenick stated that the Board would like to develop regulations and have SAFEbuilt inspect and permit STRs.

Hover asked if fees would cover SAFEbuilt's expenses, and it was clarified that fees would need to cover the costs to the Township.

Learned requested that the Township accommodate existing operators to give them sufficient time to secure a permit. Learned also recommended a two-tier approach to permit fees which would have a reduced fee for owners who rented their primary residence on occasion.

Felcyn asked why regulation was a priority, and Palenick stated that the Township could be held liable if accidents occurred.

Chairman Kerby agreed with rental inspections. Learned stated that most of the issues result from lake property STRs.

Learned made several suggested changes to the draft ordinance, and Jirousek supplemented the list. The Planning Commission discussed the recommended changes, and it was agreed that a memo would be provided to the Board and Township Attorney with an itemized list of recommendations and questions:

1. The applicant can propose building occupancy, but the inspector should provide a final determination regarding occupancy.
2. A landline should be available to ensure that the location of 911 callers can be determined by emergency services.

3. A local contact should be within 45 minutes of the rental property to address issues and complaints.
4. Inspections of the property should be allowed within 10 days of the Township's request.
5. A two-tier fee system should be adopted that reduces fees for primary residents of the rental property if they have a homestead exemption.
6. If a permit is revoked, an applicant must wait 12 months to reapply for a new STR permit.
7. Trash service must be provided and screened, and it is recommended that dumpsters be prohibited.
8. Quiet hours should be set from 11:00 pm to 7:00 am.
9. The minimum rental term should be seven days.
10. In compliance with Ordinance 271, accessory dwelling units shall be rented for terms no less than 30 days.
11. The need for commercial insurance was questioned.
12. Waterfront property STRs should include regulations concerning lake usage.
13. A boundary survey should be included at the STR so that a renter understands the limits of the property.
14. The ordinance effective date, or date when permits are required, should be scheduled far out enough to allow existing STR owners to secure their permits without interrupting their rental season.
15. Local agent responsibilities should be expanded and clarified.
16. Homestays, where the owner-occupant is present and where only a portion of the home is rented should be exempt from this ordinance.

c. Recreational Vehicle Parking Discussion

The Planning Commission discussed the desired scope of recreational vehicle parking regulations. Some members felt that temporary parking of recreational vehicles was acceptable, while others felt it could be problematic if not properly regulated. All felt permanent living in a recreational vehicle on a vacant property should be prohibited. Jirousek will expand the proposed regulatory framework to provide various options and scenarios for regulation, and this issue will continue to be discussed.

7. ADDITIONAL PUBLIC COMMENT

- Nate Smallcombe did not support long-term recreational vehicle living on vacant property.

8. ADDITIONAL DISCUSSION

- Learned suggested that the Township purchase new plat books for Planning Commission members.
- Hover and Felcyn felt that we needed video capabilities for Planning Commission meetings.

9. ADJOURNMENT

Learned made a motion to adjourn the meeting at 7:40 pm. The motion was supported by Chairman Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn, Learned
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP
Township Consulting Planner
May 18, 2023

Approved: June 20, 2023