

## Town of La Pointe Planning and Zoning Town Plan Commission Regular Monthly Meeting Minutes Approved

**Wednesday, February 1, 2023, 4:30 PM**

Members present: Suellen Soucek, Chair; Mike Stark, Vice chair; Paul Wilharm, Jim Peters via phone.  
Samantha Dobson @ 4:35

Staff present: ZA Ed Schaffer, TA Michael Kuchta

Public present: Charley Brummer, Paul Brummer

**I. Call to Order/Roll Call**

Chair calls meeting to order @ 4:30. Roll call reflects members present as indicated above.

**II. Public Comment:** No public comment

**III. Approval of Previous Minutes**

**a. Town Plan Commission Regular Monthly Meeting January 4, 2023** Stark motions, Wilharm seconds. All Aye. Motion passes

**b. Town Plan Commission Special Meeting January 9, 2023** Stark motions, Wilharm seconds. All aye. Motion passes.

**c. Public Hearing Minutes January 4, 2023** Stark motions, Wilharm seconds. All aye. Motion passes.

**IV. Zoning Administrator's report and update**

**a.** ZA reported that there is nothing to add that is not in the written report.

**V. Old Business**

**a. Evan Erickson CSM #3244 Discussion / make recommendation to TB** Stark moves to recommend that TB to approve CSM #3244, Wilharm seconds. All aye. Motion passes.

**b. Rental ordinance review.** Chair highlighted the following changes for the record:

**Under definitions:**

**(12) DWELLING, MULTI-HOUSEHOLD:**

A dwelling on one lot containing separate living units for two (2) to four (4) households, but which may have joint services or facilities or both. Specifically:

- A dwelling on one (1) lot containing separate living units for two (2) to four (4) households in one (1) structure (e.g., duplex, triplex or fourplex).
- Or two (2) dwellings on one (1) lot containing separate living units, totaling not more than four (4) units combined, each on a permanent foundation.
- Or three (3) separate tiny house dwellings on one (1) lot, each containing one (1) living unit on a permanent foundation, neither living unit of which is larger than 500 square feet.

Multi-household dwellings must meet the required lot area minimums of the underlying district, unless modified by a conditional use permit or planned unit development [see Technical Memorandum #3]. Multi-household dwellings are not considered accessory dwellings.

**Under Section 3.1 General Conditions:**

6. Events (e.g., weddings) on rental properties are a permitted use only in Zoning District C-1; properties in other Zoning Districts must obtain a Conditional Use Permit. The Conditional Use

Permit would allow up to four (4) events in the Rental Permit year; other conditions may be placed upon use of the property. Advertising of events is allowed only after the Rental Property has obtained a permit to hold Events. Any documented violation of conditions will result in the revocation of the Rental Permit and the Conditional Use Permit. In the absence of documented violations, a Designated Town Agent may administratively renew the Conditional Use and Rental permits each year.

### **Under Section 3.2 Long-Term Rentals**

1. Long-term rentals are listed as a Permitted Use in designated Zoning Districts. Reference Section 2 (20) of this Ordinance.
2. Long-term rentals must obtain a yearly Permit, an inspection through the Town of La Pointe and, if on a private well, a water analysis through the Ashland County Health Department.
3. The La Pointe inspection, by the Fire Department or designated agent, will:
  - A. Require that a fire extinguisher, smoke alarm, and CO2 detector are functioning and located properly.
  - B. Require that the unit provides proper egress.
  - C. Require that any driveway complies with the requirements of the Town's "Private Driveway Private Roadway Ordinance."
  - D. Make recommendations, as appropriate, for professional audit of electrical and heating systems.

### **Under Section 3.3 Short-Term Rentals**

1. Short-term rentals are considered commercial inn-keeping activities and, as such, are listed as a Conditional Use in designated Zoning Districts except C-1, where they are listed as a Permitted Use. Reference Section 2 (21) of this Ordinance.
2. Short-term rental permits issued before adoption of this revised ordinance, and renewals of record issued prior to June 15, 2023, remain eligible for annual renewal in future years without applying for a Conditional Use Permit, unless the yearly permit lapses or the property changes ownership. Reference Sections 3.1.3 and 3.1.4.
3. Short-term rentals must obtain a yearly Permit and inspection through the Ashland County Health Department and, if on a private well, a water analysis.  
Short-term rentals must display recycling and solid-waste disposal information provided by the Town's Materials Recovery Facility, and have adequate facilities for guests to separate solid waste from recyclable materials.  
For public safety purposes, short-term rentals must have a functional land-line or internet-based telephone service in the rental dwelling, display the fire number of the property in a prominent location inside the rental dwelling, and comply with the requirements of the Town's "Private Driveway Private Roadway Ordinance."
4. Short-term rentals must provide evidence of current liability insurance with limits of at least \$1,000,000.00 per occurrence; the certificate of insurance must list the Town of La Pointe as an additional insured.

TB (5) TPC (5) Clerk (1) File (1) Email: Town Administrator; Assistant Administrator; Clerk; Deputy Clerk; La Pointe Shop

*[ZA note: The draft ordinance also proposes revisions in Sections 1.4 (Designation) and 1.5 (Interpretations and Definitions); Definitions 1 (Apartment), 5 (Camping Unit), 14 (Employee Housing), 16 (Event), and 26 (Tiny House); Sections 3.1.2, 3.1.3, and 3.1.4 (General Conditions); Section 3.7 (Multi-Household Dwellings); Section 3.9 (Accessory Dwellings); Section 3.10 (Incidental Dwellings); Section 5.1 (Permit Process); and the Appendix (Zoning District Use Matrix).]*

Wilharm motioned to send this draft of the “Ordinance to Regulate Rental Properties” to the Public Hearing, provided the attorney has no issues with it, Dobson seconds. Stark commented that he is not in favor of having Conditional Use Permits for new Short-Term Rentals. Peters explained that it would give neighboring property owners a chance to voice concerns before permits are issued. All voted aye, motion passed.

**c. Comprehensive Plan.** TA stated that the Steering Committee is working on the draft and that they plan on having it ready two weeks prior to the public hearing.

**VI. Commissioner updates**

- a. Fire Numbers.** Wilharm talked about a phone meeting with Lang Enterprises; TA summarized that the current grid should work with small changes.
- b. Hartzell expandable condominium.** Nothing to update
- c. Zoning re-write (Wilharm/Peters).** On hold
  - i. Definitions.** Almost complete
  - ii. Schedule update and further review** – on hold

**VII. Future Agenda Items**

- a.** Rental Ordinance - Review and discussion
- b.** Dog park
- c.** Fire Numbers
- d.** Hartzell expandable condominium
- e.** Comprehensive Plan

**VIII. Extended Public Comment.** No public comment

**IX. Next Scheduled Meeting:** Wednesday March 1, 4:30 p.m.

**X. Adjournment** Chair adjourns at 4:55 p.m.