

1 VILLAGE OF PAW PAW PLANNING COMMISSION  
2 MEETING MINUTES  
3 REGULAR MONTHLY MEETING  
4 THURSDAY, FEBRUARY 1, 2024 7:00 PM  
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6 The regular monthly meeting of the Village of Paw Paw Planning Commission was held at the  
7 Paw Paw Township Hall Chamber located at 114 N. Gremps Street, Paw Paw, Van Buren  
8 County, Michigan.  
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10 I. CALL TO ORDER:

11 The meeting was called to order by Chair Larson at 7:00 PM.  
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13 II. ROLL CALL:

14 Members Present: Kathleen Larson - Chair  
15 Emily Hickmott - Secretary  
16 Tom Palenick  
17 Michael Pioch  
18 David Bogen  
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20 Members Not Present: Ashley Nottingham - Village Trustee, excused  
21 Jeff Brown, excused  
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23 Others Absent: Tricia Anderson, AICP, Village Planner (Williams & Works)  
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25 III. APPROVAL OF THE AGENDA: MOTION

26 Commissioner Pioch moved, with support from Commissioner Bogen, to approve the  
27 agenda as proposed for the February 1, 2024, regular Planning Commission Meeting.  
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29 Motion carried unanimously.  
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31 IV. JANUARY 4, 2024 MINUTES: MOTION

32 Commissioner Bogen moved, with support from Commissioner Hickmott, to approve the  
33 proposed minutes for the January 4, 2024, regular Planning Commission Meeting  
34 minutes draft.  
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36 Motion carried unanimously.  
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38 V. PUBLIC COMMENT

39 Donna McQueen of 833 N. Kalamazoo St. commented that she wanted to check that the  
40 correction David McQueen had requested be made to the December 7, 2023 Planning  
41 Commission Meeting minutes at the January 4, 2024 Planning Commission Meeting.  
42 Commissioner Hickmott, requesting Chair Larson's permission, read David McQueen's  
43 public comment from the December 7, 2023 Planning Commission Meeting minutes. Mr.  
44 McQueen said he was pleased with the correction.

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VI. NEW BUSINESS

No new business on the agenda.

VII. OLD BUSINESS

A. REVIEW REVISIONS TO DRAFT SHORT-TERM RENTAL ORDINANCE AMENDMENT

1. AMENDMENT TO GENERAL CODE OF ORDINANCES

Chair Larson requested that the first usage of “IPMC”, on page 5, be written out. On page 8, number 7 includes “or” before “information” that should be removed.

The Commission discussed whether or not it is necessary to include a requirement in the ordinance for short-term rentals (STR) to include a landline phone for safety reasons. Commissioner Palenick noted that this could be useful for calling emergency services. Several commissioners noted landline phones as uncommon in homes. Commissioner Hickmott shared that many STRs are rented through online services and require utilizing the internet to access the home and contact the owner during stays, asserting that most folks would have a smartphone or other internet-capable device that could contact emergency services. Mr. McQueen shared that cellphones have location data that is shared with emergency services. Commissioners Pioch and Palenick noted that prominently posting the STR address should be sufficient to connect occupants with emergency services. The ordinance requires prominent posting of the STR address on page 7, and the commission agreed this was sufficient verbiage.

Commissioner Bogen inquired about the inclusion of “accessory dwelling unit” on page 7. Chair Larson recalled that the Village Council considered accessory building size ordinance amendments and later considered missing middle housing ideas. It was some of the commissioners' memories that no vote was taken on the Planning Commission's proposal to approve accessory dwelling units (ADU). The Commission agreed that they hope the Village Council considers ADUs again. Commissioner Palenick shared that ADUs were approved in Paw Paw Township. Commissioner Bogen suggested not defining ADUs in the STR ordinance since they are not approved in the Village. Chair Larson noted that Commissioner Brown had wondered why ADUs were mentioned if they are not allowed in the comments he submitted via email to the commissioners in January. Commissioner Hickmott suggested that “unless deemed an accessory dwelling unit, as defined in this ordinance,” be removed from page 7, 2C. The commission agreed with the

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suggestion, and Chair Larson noted that this would remove #1 from the definitions on page 1.

Commissioner Bogen sought clarification of what “long term rental” is, as referenced on page 3, 3A. Chair Larson noted that it is a rental over 29 consecutive days.

Chair Larson noted the thoroughness of the ordinance, pointing to the inclusion of “house sitting” on page 3, 3C.

Commissioner Bogen inquired as to how the Americans with Disabilities Act (ADA) fits into STRs. Commissioner Pioch indicated that he doesn’t think ADA building compliance applies to private, residential homes. Commissioner Bogen noted that if STRs are not used as public accommodation, they would not be subject to ADA. The commission noted a need to ask Ms. Anderson. Commissioner Hickmott shared that Ms. Anderson indicated via email that she was available to take a phone call from the commission during the meeting. The commission agreed to compile all of their questions from their Old Business items before calling Ms. Anderson.

Commissioner Bogen wondered how the STR ordinance applies across different zoning districts and if it is similar to Bed & Breakfasts. Chair Larson and Commissioner Pioch expressed that STRs would be permitted in all districts. Commissioner Palenick shared that Bed & Breakfasts are a separate classification.

Chair Larson inquired if the commission had previously agreed to measure distance in the ordinance in miles or minutes, noting that on page 4, 1Ai. reads: “If the owner does not reside within 20 miles of the dwelling unit, the owner shall name a local agent.” Commissioner Palenick confirmed that miles were chosen because they are not situation dependent like time measurements are.

Chair Larson confirmed that the commissioners had completed their discussion of the Amendment to General Code of Ordinances apart from the one question for Ms. Anderson regarding ADA compliance of STRs.

2. AMENDMENT TO ZONING ORDINANCE

The Planning Commissioners reviewed the Amendment to the Zoning Ordinance. They agreed that it looks ready for Village attorney review and the next stage of the amendment process.

132 B. REVIEW OF THE FINAL DRAFT OF THE MOBILE FOOD VENDING  
133 ORDINANCE

134 The Planning Commission reviewed the Mobile Food Vending Ordinance.  
135 Commissioner Bogen inquired as to whether food trucks would need to get a  
136 permit to operate. Chairperson Larson indicated in the affirmative. Chairperson  
137 Larson, in reference to page 1, section 2 Mobile Food Vending definition,  
138 indicated that she does not see a problem with uncontained options and asked  
139 the commissioners if they saw a need for “fully enclosed” in the definition.  
140 Commissioner Hickmott requested an example of an uncontained option.  
141 Commissioner Pioch indicated that one example could be a grill and tent in a  
142 parking lot. The definition and inclusion of “trailers” was discussed.  
143 Commissioner Bogen inquired as to why there is a discrepancy in the reference  
144 to 300ft on page 4, 2b. and a reference to 100ft on page 5, E1b. Chairperson  
145 Larson proposed editing page 4, 2b. To remove “...any other known mobile food  
146 vending operations within three hundred (300) feet;” Commissioner Bogen  
147 proposed removing page 4, 2b. and page 5, E1b completely. Commissioner  
148 Hickmott proposed removing page 4, 2b. but leaving page 5, E1b. Discussion  
149 was had and consensus was to remove page 4, 2b. but leave page 5, E1b.  
150 Chairperson Larson and Commissioner Bogen raised the issue of whether  
151 schools and churches would be beholden to the ordinance the same way private  
152 businesses would. The commission agreed to ask the Village Planner. The  
153 commissioners also agreed to ask the Village Planner about whether or not fees  
154 should be addressed in this ordinance.

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156 The Commissioners agreed that they had compiled all of their questions from  
157 reviewing the three ordinances in their packet. Commissioner Hickmott called  
158 Village Planner, Ms. Anderson. Commissioner Hickmott inquired as to how the  
159 Americans with Disabilities Act (ADA) may or may not fit into the Short-Term  
160 Rental ordinance. Ms. Anderson indicated that the act does not apply to existing  
161 homes being used as residences, as in the case of short-term rentals. The ADA  
162 applies to new buildings and commercial buildings. Commissioner Hickmott  
163 inquired if schools and churches would be beholden to the ordinance the same  
164 way private businesses would. Ms. Anderson indicated that churches are private  
165 property and therefore treated like businesses under the mobile food vending  
166 ordinance. Schools are quasi-public institutions that are under State jurisdiction.  
167 Ms. Anderson recommended that the Village attorney be asked about this to be  
168 certain of how to proceed, as the need arises. Chairperson Larson asked Ms.  
169 Anderson to inquire with her colleagues about the matter as well. Commissioner  
170 Hickmott asked if the fees for the short-term rental permits and the mobile food  
171 vending permits ought to be addressed in these ordinances. Ms. Anderson  
172 indicated in the affirmative. Commissioner Pioch found the reference to fees on  
173 page 4 of the Short-Term Rental Ordinance Amendment. Chairperson Larson  
174 inquired if the language would be similar in the Mobile Food Vending Ordinance.  
175 Ms. Anderson indicated in the affirmative and pointed to the language on page 3.

176 The consensus was that no edits regarding fees were needed in either  
177 ordinance. Chairperson Larson indicated that the commission is ready to  
178 schedule a public hearing for both of the ordinances in March.

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181 VIII. PLANNING COMMISSION MEMBER COMMENTS

182 Chairperson Larson shared that the Village received a grant that can be used to update  
183 the master plan and ordinances.

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185 IX. STAFF/CONSULTANT COMMENTS

186 None.

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188 X. ADJOURNMENT

189 8:45 PM

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*Emilly A. Hickmott*

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Emilly Hickmott, Village of Paw Paw Planning Commission  
Recording Secretary

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# REVISED Village\_Paw\_Paw\_Planning\_Commission\_Minutes\_1\_February\_2024

Final Audit Report

2024-03-12

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