

**Minutes, Paw Paw Planning Commission
Regular Meeting, February 4, 2021**

- | | | |
|----|---|---|
| 1. | The Planning Commission meeting of Thursday, February 4, 2021 convened at 7:00 p.m. Chairperson Larson presiding. The Planning Commission meeting was conducted through electronic remote access. | Meeting Convened |
| 2. | Present: Larson, Bogen, Brown, Hellwege, Jarvis, Palenick, and Pioch.
Also Present: Village Planning Consultant, Rebecca Harvey.

Chairperson Larson welcomed new Planning Commission member Hellwege. | Members Present |
| 3. | Motion by Pioch, supported by Bogen, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Bogen, supported by Palenick, to approve the minutes of the regular Planning Commission meeting of January 7, 2021, as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no Public Hearing Item is scheduled for consideration. | Public Hearing
Items |
| 7. | Larson stated that no New Business is scheduled for consideration. | New Business |
| 8. | Larson stated that the next item for consideration is the proposed amendment of Secs 42-370, 42-401 (c), and 42-3, Zoning Ordinance to establish building design standards for residential accessory buildings and clarify waterfront lot requirements. | Ongoing Business:
Text Amendments -
Accessory Buildings/
Waterfront Lots |

She noted that the public hearing on the proposed amendments was held on December 3, 2020 whereafter the Planning Commission recommended approval of the proposed amendments as presented. Larson advised that, after consideration of the proposed amendments, Village Council has requested clarification of the setback standard for waterfront lots set forth in the Sec 42-401 footnotes (Subsection 3).

Harvey noted that she revised Subsection 3 in response to Village Council questions, and has included a 'Waterfront Lots' diagram for further clarification. She noted the further addition of a 'high water line' graphic in Sec 42-3 – Definitions. Harvey referenced Draft #3 of the proposed amendments provided in the meeting material.

Planning Commission review of the revised Subsection 3 ensued wherein the application of the setback standards to various land use scenarios was discussed. Larson stated that after further consideration of the proposed text/graphic, she is supportive of limiting accessory buildings to side/rear yards.

She questioned if the existing Schedule of Regulations (Section 42.401) is correct; namely regarding the setback standards for the R-M District. Harvey was requested to confirm the impact of the changes regarding setbacks on waterfront lots to the existing setback requirements within the R-M District.

Planning Commission members agreed on the value of the ‘Waterfront Lot’ graphic provided and supported including the graphic in the Zoning Ordinance.

Motion was then made by Pioch, **supported** by Jarvis, to recommend Village Council approval of the proposed amendment of Sec 42-401 (c) – Schedule of Regulations, as revised, including the ‘Waterfront Lot’ graphic, and the proposed amendment of Sec 42-3 – Definitions, as revised to include the ‘High Water Line’ graphic. All members present voting yes. The **motion carried**.

It was clarified that the proposed amendment of Sec 42-370 remains as recommended on December 3, 2020.

9. Larson stated that the next item for consideration is continued discussion of the fencing standard set forth in Sec 42-405(c)(3) and the use of barbed wire fences in the Village. She reminded that the matter was first discussed in November, 2020, and the Planning Commission had declined to approve the use of barbed wire fencing at the VBCO storage building and requested Village Council feedback prior to considering an amendment of the fence standard.

**Ongoing Business:
Fence Standards**

Larson stated that the Village Council thereafter requested the Planning Commission consider an amendment of Sec 42-405(c)(3) that would allow the use of barbed wire fencing at facilities similar to the County storage building, while still limiting general use of barbed wire fencing in the Village.

She noted that the Planning Commission had engaged in lengthy discussion of the Council’s request in January and had noted the following points of consensus:

- Discretion for allowing barbed wire fencing should not be available in the review process; it should be clearly allowed/disallowed.
- A ‘protective measures fencing’ standard should be considered instead of reference to ‘barbed wire fencing’.

- 'Protective measures fencing' should be defined to clarify if it includes barbed wire fencing. (photos should be used)

Harvey was then directed to prepare draft text addressing 'protective measures fencing' for review in February.

Harvey referenced the Planning Commission Memo provided, highlighting the literature review, sample ordinance approaches regarding 'protective measures fencing', and visual examples of 'protective measures fencing'. She presented three text amendment options allowing for limited use of barbed wire fencing (as requested) and a text amendment option involving 'protective measures fencing'.

Pioch opined that the existing fencing provision and the three options allowing for limited use of barbed wire fencing do not solve the problem of opening up the Village to ill-placed fencing. Larson agreed, adding that the question of what constitutes 'public safety' remains. Bogen also expressed agreement, noting that barbed wire fencing is not that secure and that 'protective measures fencing' offers more effective fencing options.

Palenick noted his concern with using a 'police only' approach in allowing barbed wire fencing since future locations of law enforcement facilities are unknown and could be undesirable for use of such fencing. He stated that the 'protective measures fencing' appears to offer options that are equally, if not more, effective, but questioned the cost of such fencing. Hellwege agreed, indicating support for the 'protective measures fencing' approach but felt price checking was a needed next step.

Pioch, Larson, Bogen, Palenick and Hellwege voiced a preference for the text amendment option for 'protective measures fencing' and support for an investigation of associated costs.

Jarvis stated that she feels the path being pursued by the Planning Commission is not responsive to the request by Village Council. She encouraged that the Commission instead focus on the three text amendment options that allow limited use of barbed wire fencing and move forward language for same as requested.

Larson stated that she feels a well-reasoned position on the use of barbed wire fencing in the Village with a discussion of security fencing alternatives would be helpful in allowing Village Council to move forward on this request. Harvey was directed to prepare a report that outlines the pros/cons of allowing barbed wire fencing in the Village; the concerns with attempting to allow barbed wire fencing only for specific land uses; how 'protective measures fencing' can serve as an option to barbed wire fencing; and the costs associated with such an option. It was requested that the report be scheduled

for review in March.

10. No member comments were offered.

11. No staff comments were offered.

12. There being no further business to come before the Commission, the meeting was adjourned at 8:26 p.m.

Member Comments

**Village Manager/
Planning Consultant**

Adjournment