

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
May 2, 2022

Regular Meeting called to order at 7:00 p.m. by Chairman Ziegler

Roll Call: Vicki Scott, Clerk

Present: Picot, Stencel, Macksey, McCombs, Fulton, Ziegler, (Morris @7:02 p.m)
(Kaatz @7:06 p.m.)

Absent: Huepenbecker

Others Present: A. Sutton, L. Adams, P. Muoio, D. Zielinski, D.Picot,
Huepenbecker (on phone), James Gresock, and 2 residents

Approval of Agenda:

Motion by Macksey, seconded by McCombs, to approve the agenda as presented.

All ayes

Motion carried

Approval of Minutes:

Motion by Picot, seconded by Stencel, to approve the minutes of April 4, 2022, as presented.

All ayes

Motion carried

Public Comment: None

**Morris arrived at 7:02 p.m.

Zoning Administrator's Report:

Sutton explained the zoning administrator's report. Stencel asked about the STR on Dallas St. and where we are with the Superstand. Sutton answers questions.

Motion by Picot, seconded by Morris, to accept the zoning administrator's report.

All ayes

Motion carried

**Kaatz arrived at 7:06 p.m.

Old Business:

1. **Discuss and revise the Auburn Hills Electric Vehicle Charging Station Ordinance to fit Lexington -**

Picot explained we should be getting ahead of this earlier rather than later. Auburn Hills has done a great job with their EV ordinance. Picot asked the board if everyone is on board on moving forward with creating this ordinance. Board agreed to look into this. Kaatz suggested having a location before creating an ordinance. Lengthy discussion follows on location and who would be responsible for these EV charging stations. Macksey asked what the Council's position was on this issue. Fulton explained the

Council asked to look into funding. Kaatz asked where this fits in with our Master Plan. Discussion follows. Morris explained if we don't create an ordinance, we could end up with a situation of too many EV stations with limiting parking. Kaatz asked if this is the best use of planning funds.

Picot explained it will be more costly if we don't get in front of this. Kaatz explained the Council's position was for Planning to look into identifying funding sources for EV charging stations. Discussion follows. Picot suggested moving forward with reviewing Auburn Hills ordinance. Discussion follows on Auburn Hills ordinance. Morris asked to have the Auburn Hills ordinance sent to him electronically. Board members agree to put this item on June's agenda.

New Business:

1. Motion to approve PC budget proposal for request -

Picot explained the attached recommended 2022-2023 budget. The zoning administrator's hours and wages were incorporated in this budget. Discussion follows.

Motion by Morris, seconded by Stencel, to amend the line item of contract services to \$1,000.00 for a total proposed budget of \$26,550.00.

Roll call:

Ayes: Morris, Stencel, Fulton, Picot, Kaatz, McCombs, Macksey, Ziegler

Nays:

Motion carried

2. Appoint training officer –

Motion by Ziegler, seconded by Picot, to appoint Jamie McCombs as training officer.

Roll call:

Ayes: Ziegler, Picot, Stencel, Fulton, Morris, Kaatz, Macksey, McCombs

Nays:

Motion carried

3. Gresock land use permit –

Gresock asked for a reapproval of the original land use permit which expired due to covid. The permit was for increasing the square footage of the house. Discussion followed on the sketch that was submitted with the new permit. Planning commission asked for a new drawing showing the proper dimensions with setbacks on what is being proposed before any approval process. Sutton explained the recommendation of our professional planner states this has to come back to the Planning Commission for review before approval.

Ziegler explained the hand out tonight is for a training opportunity for anyone on the board who is interested.

Public Comment

- David Zielinski commented on the EV charging stations and electric bikes.
- Peter Muoio commented on locations for EV charging stations.
- Larry Adams commented on Tesla EV charging stations.
- Dave Picot commented on the survey results.

Adjournment - Motion by Picot, seconded by Morris, to adjourn at 8:52 p.m.

Respectfully submitted,
Vicki Scott

**Zoning Administrator Report
Village of Lexington
May 31, 2022**

Outlined below are the activities of the Zoning Office from **April 20, 2022 – May 31, 2022**.

1. Land Use Permits (issued):
 1. Residential – 2
 1. Deck/Patio/Fence- 7209 Lester
 2. Patio- 7356 Lester
 2. Commercial – 0
 3. MHP – 2
 1. Shed- 5203 Main St #167
 2. Driveway- 5203 Main St #64
 4. Industrial –0
2. Land Use Permits Pending or in Discussion
 1. Residential – 1
 1. Fence- 7311 Lake St
 2. Commercial –1
 1. Super Stand- Reconsidering Plans with property
 3. MHP –0
 4. Industrial –0
3. Sign Permits – Issued - 0

Handled several meetings and phone calls servicing various inquiries and answering a variety of questions, including communications and/or meetings with:

- 5573 Washington - Variance for Fence
 - 5628 Washington- Fence
 - Trinity Episcopal- Sign
 - Several Short Term Rental discussions and research on if a parcel is able to be a STR
4. Blight-
 1. Five issued violations for overgrown grass

*Short Term Rental approved for 5795 Main St.

Village of Lexington

Sanilac County, Michigan

Rezoning Application

Applicant	Date Filed: <u>1/14/2001</u>
Name(s): <u>D. Jeffrey Duracko</u>	Property Tax I.D. # _____
Address: <u>5453 Main Street</u>	Current Zoning Designation: <u>CBD</u>
Post Office: <u>P.O. Box 178</u>	Current Use: <u>Grocery Store</u>
Day Phone: <u>810 359-5180</u>	Proposed Zoning Designation: _____
Evening Phone/Cell: <u>810 404 3485</u>	Proposed Use: <u>Same</u>

1. Name, address and phone number of every person, firm or corporation having interest in the land:

D. Jeffrey Duracko
5823 Lakeshore Rd
Lexington, MI 48450

2. Legal Description and Street Address: Attach a copy of the most recent deed, land contract, purchase agreement and/or the last tax bill.

3. Site Plan: Attach to each copy of this application a drawing of the dimensions and placement of the land, open spaces and structures involved. Include the existing zoning classification of all abutting land within 300', and all public and private right-of-ways and easements bounding and intersecting the property.

4. Current Property Use: Describe, in detail, the use of the land at issue for which the rezoning is sought:

Retail Grocery Store

5. Prospective Use: Describe, if decided, the perspective use of the property seeking the rezoning. Attach a copy of the zoning requirements of the prospective zoning designation (All uses permitted by right as well as conditional uses).

Same use for property for the last 35 years
Retail Grocery Store

*Further inquiries may be directed to the applicant upon review of the application and documents attached.

[Signature]
Applicant(s) Signature

To be completed by Village Staff:

Application received by Village: _____ By: _____
Fee of \$ _____ Received on: _____
Hearing scheduled for: _____ Newspaper Posting on: _____
Notice to abutting resident properties mailed on: _____
Planning Commission recommendation made on: _____
Village Council action on: _____
Amending Ordinance published on: _____

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3.10.3. Re-application.

Whenever an application for an amendment to this Ordinance has been denied by the Village Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred sixty five (365) days, unless, upon recommendation by the Zoning Administrator, the Planning Commission determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
3. The new application is materially different from the prior application.

3.10.4. Criteria for Amendment of Zoning District Map.

In considering any petition for an amendment to the official zoning districts map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies and objectives of the Village Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. The capacity of Village's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Village.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand.
8. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.



3.10.5. Protests.

Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to the zoning ordinance which is the object of the petition shall be passed only by a two-thirds (2/3) vote of the Village Council. The protest petition shall be presented to the Village Council before final council action on the amendment, and shall meet signatory requirements of the following subparagraphs (1) or (2):

1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
2. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land in the proposed change.

For the purposes of the subsection, publicly-owned land shall be excluded in calculating the twenty (20) percent land area requirement.

SEC. 3.11 CONDITIONAL REZONING

3.11.1. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act, Public Act 110 of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

3.11.2. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.



7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

3.11.3. Planning Commission Review.

The Planning Commission, after public hearing and consideration of the standards for approval set forth in Section 3.11.5, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

3.11.4. Village Council Review.

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the standards for approval set forth in Section 3.11.5. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with the Michigan Zoning Enabling Act, refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

3.11.5. Criteria.

In reviewing an application for the rezoning of land where there is an offer of conditions, the Planning Commission and Village Council shall consider the criteria outlined in Section 3.10.4 of this Ordinance.

3.11.6. Approval.

1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.



- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be recorded with the Register of Deeds of Sanilac County by the owner with a copy of the recorded document provided to the Village within forty-five (45) days of its recording.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the owner with the Register of Deeds of Sanilac County. The owner shall provide a copy of the recorded document to the Village within forty-five (45) days of the date of its recording. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- 3.11.7. Compliance with Conditions.**
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.



3.11.8. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 36 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if:

1. it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
2. the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy; and
3. the written request shall be made to the Village Council requesting the extension within 6 months of the end of the 36 month period.

3.11.9. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 3.11.8 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

3.11.10. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 3.11.9 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Village Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

3.11.11. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Section 3.11.8 above or during any extension thereof granted by the Village Council, the Council shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

3.11.12. Village Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

3.11.13. Failure to Offer Conditions.

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.



Steering Committee notes
For the June 2022 Planning Commission meeting

The master Plan Steering Committee met on May 26th to analyze responses to the recent survey. The committee feels the survey is representative of those that take an interest in Lexington community affairs, and we thank participants for their important guidance.

The survey asked responders to rank in importance what or where a first effort should be made to implement the master plan. Downtown amenities and the waterfront captured a stronger interest than did business growth, tourism and housing. Responders were not saying that business, tourism and housing were unimportant, but that the strongest positive affect on the community in the near term would come from downtown and waterfront improvements.

A downtown public square (with bathrooms) is very appealing to responders and dovetails with the desire for enhancements that reinforce a compact and walkable town center. Down at the lake, responders hoped for more open space to support activity, and also wished for it to be easier to get there. This would include the harbor area, of course, and include the other lake access points as well.

Other interests on the important and urgent list and supported with written comment include:

- Add a variety of year round housing choices that would presumably support a year round economy.
- Attract small business.
- Fill the trailer park.
- Find parking solutions.
- Calm traffic. (no small task, but vital to a thriving pedestrian oriented town center)
- Electric vehicle charging.

A 20 year plan needs a beginning. Villagers have reinforced, with their comments, some important and urgent ways to get us going. The Steering Committee is mindful of the need for continued good quality government services and a healthy and up to date infrastructure that will adequately support our future ambitions. As we look beyond the short term, we will work to develop strategies for realistic and well chosen growth opportunities that are achievable if we work together.

Our next task over the next couple weeks is to go through the action items listed in the back of the master plan and select those that apply to downtown and waterfront so we can settle on a select few things and get going.

ELECTRIC VEHICLE INFRASTRUCTURE

DRAFT Amendment to the Zoning Ordinance (updated 5/17/2022)

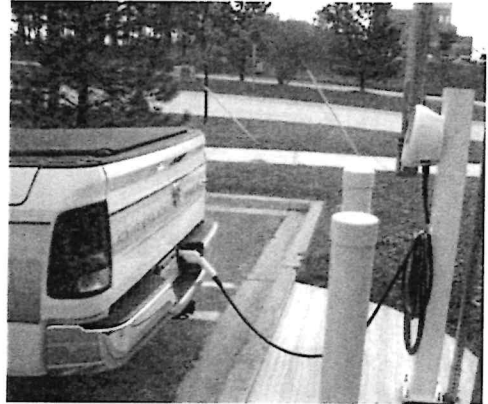
Electric Vehicles (EVs) have entered the market and are available to consumers in all 50 States. The Village of Lexington recognizes the importance of supporting this emerging innovation

Automakers have clearly identified that to support the mass production of EVs, municipalities will need to enable and promote the necessary charging infrastructure demanded by potential customers. Thus, advanced planning at all governmental levels is critical to support the early adoption of EVs and spur private sector investment.

EVs need a much different type of fueling network than gasoline engine vehicles. This new fueling system will be based on a clustering of strategically placed charging stations at homes, workplaces, and retail stores, instead of the traditional quick ‘in and out’ fueling system used with gas stations today.

Companies like GM, Ford, and Nissan believe the market will develop over time and all three have made bold public predictions that electric vehicles will be a dominant form of transportation in the future. We anticipate that higher gas prices, advancements in battery storage, lower electric vehicle costs, and significant public/private investment in technology and infrastructure will rapidly increase EV market share.

We envision EV charging stations becoming as commonplace as ADA barrier-free spaces at major workplaces and retail centers. The following ordinance is a small step that the Village of Lexington has taken to prepare for the future by setting policy and removing the red tape and bureaucratic uncertainty involved with installing a network of public and private EV charging stations.



SEC. 5.29 ELECTRIC VEHICLE INFRASTRUCTURE

5.29.1 Intent.

The intent of this section is to:

- facilitate and encourage the use of electric vehicles and expedite the establishment of a convenient, cost-effective electric vehicle infrastructure.
- preserve a pedestrian-oriented use pattern in mixed-use zones.
- encourage town center patronage.

5.29.2 Definitions For the purposes of this Section, the following definitions shall apply

Accessible Electric Vehicle Charging Station An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

Battery Charging Station An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

Battery Electric Vehicle Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Charging Levels The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- a. Level-1 is slow charging. Voltage includes the range from 0 through 120.
- b. Level-2 is medium charging. Voltage is greater than 120 and includes 240.
- c. Level-3 is fast or rapid charging. Voltage is greater than 240.

Electric Vehicle Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes:

- a. Battery electric vehicle
- b. Plug-in hybrid electric vehicle

Electric Vehicle Charging Station A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Electric Vehicle Charging Station – Private Restricted Use An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric Vehicle Charging Station – Public Use An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Village Office or Tierney Park parking lot) or (2) privately owned and available to visitors of the use (e.g., grocery store parking).

Electric Vehicle Infrastructure Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

Electric Vehicle Parking Space Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Non-Electric Vehicle Any motor vehicle that does not meet the definition of an electric vehicle.

Plug-In Hybrid Electric Vehicle An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

5.29.3 Permitted Locations

1. Level-1 and Level-2 electric vehicle charging stations are permitted in every zoning district when accessory to the primary permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Zoning Administrator.
2. Level-3 electric vehicle charging stations are permitted in the AG, GC, I-MU districts, when accessory to the primary permitted use. Installation shall be subject to permit approval administered by the Zoning Administrator.
3. If the primary use of the parcel is the retail electric charging of vehicles, installation shall be subject to Special Land Use approval and located in zoning districts AG, GC, I-MU
4. Electric vehicle charging stations are expressly forbidden in any road right-of-way.

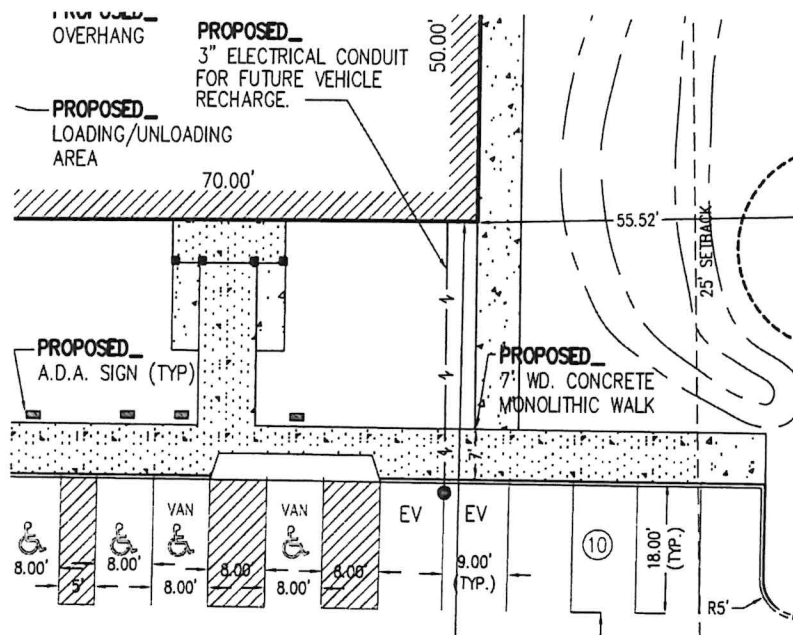
5.29.4 Readiness Recommendations

1. **Residential To** proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and close to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

Commentary: Industry experts have advised that 60% to 70% of electric vehicle charging will occur at the owner's home at night. Retrofitting a home for electric vehicle charging is considerably more expensive than the cost of including the capacity at the time of construction. To minimize the unnecessary cost to retrofit a home, the village considers electric vehicle readiness in new home construction a high priority.

2. **Non-Residential To** proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. No recommendation is made as to the number of spaces required for any given parcel. Owner self-interest and market forces will guide landowners to adequately provide for electric vehicle charging as best suits current and future use of the site and to preserve property value.

Commentary: If the property owner decides not to install the battery charging stations at the time of initial construction, this approach allows for the stations to be installed in the future without costly or cost-prohibitive retrofits. The intent of this subsection is to encourage sites to be "roughed-in" with the installation of electrical stubs at planned electric vehicle charging station locations and conduit run from the power source to the station location to support future installation.



Example Site Plan - "Rough-In" of Electric Vehicle Charging Stations

5.29.5 General Requirements for Multi-Family Residential and Non-Residential Development

1. Parking

- a. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces as required by this ordinance.
- b. Public electric vehicle charging stations are reserved for charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

2. **Accessible Spaces.** It is strongly encouraged, but not required, that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located close to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

3. **Lighting.** Site lighting shall be provided where an electric vehicle charging station is installed unless charging is for daytime purposes only.

4. Equipment Standards and Protection

- a. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located to not impede pedestrian travel or create trip hazards on sidewalks.
- b. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in place of bollards if the battery charging station is setback a minimum of 24 inches from the face of the curb.
- c. All equipment and installation procedures shall conform to all relevant building codes and comply with all requirements of the Americans with Disabilities Act.

5. **Usage Fees** The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

6. Signage

- a. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information relate-

- b. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner, signage to this intent is to be prominently displayed.
- 7. Maintenance: Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

The MUNICIPAL CODE of ORDINANCES will need an addition.

ELECTRIC VEHICLE INFRASTRUCTURE

This amendment allows for the removal of vehicles by the Village of Lexington that are illegally parked in designated electric vehicle (EV) charging stations.

The amendment to the Code essentially states that the Police Department may provide for the removal of a vehicle if the vehicle is: 1) not an EV, or 2) an EV that is not charging in accordance with the posted signs.

This provision addresses the “worst-case” scenario of a vehicle parked in an EV charging station for a prolonged period. The Police Department, in partnership with the Zoning Office, will utilize informational flyers and notices to educate motorists who mistakenly park in these reserved spaces. Voluntary compliance will be the Village’s primary goal.

Industry experts have advised that these restrictions are important to help the growth of the EV industry and consumer confidence in the product. If these reserved parking spaces are misused, then EV drivers will lose confidence in the reliability of the overall network.



DRAFT Amendment to the Municipal Code of Ordinances

Chapter 66

TRAFFIC AND VEHICLES

Article II Stopping, Standing, and Parking

Sec 66-8

When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this subsection, “charging,” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

4. Lexington Village Manager.
 5. Such other parties recognized by the Commission as representing an important interest in the Village.
- C. Attendance. If any member of the Commission (other than ex-officio members) is absent from three consecutive regularly scheduled meetings without prior notice or being excused, then that member shall be considered delinquent. Delinquency shall be grounds for the Village Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The recording secretary, or acting secretary in the absence of the recording secretary, shall keep attendance records and shall notify the Village Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the Village Council can consider further action allowed under law or excuse the absences.
- D. Training.
1. Each member shall have attended at least four (4) hours of training in planning and zoning during the member's current term of office. Other than ex-officio members, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University, MEDC, a County Planning Commission or similar organization.
 2. The Chairperson shall appoint a Training Officer at the first regularly scheduled meeting of the Planning Commission each calendar year and assign a budget for this purpose. The Training officer shall serve a one-year term to:
 - a. Develop and administer programs, activities, and materials that expand the knowledge base of current commission members on planning and zoning.
 - b. Inform potential new commission candidates of skill sets and backgrounds that are especially compatible and helpful to planning and zoning service.
 - c. Provide relevant community documents to new members and assign a current commissioner as a mentor for successful orientation.
 - d. Document commissioner training and inform the secretary for inclusion in the annual report to Council.
 - e. Attend the annual conference of the Michigan Association of Planners to learn about ideas, practices, and issues relevant to Lexington land use and share the information with the Commission. A maximum of one-half of the assigned annual training budget is available to pay for registration, travel, lodging, and meals associated with attendance.
- E. Conflict of Interest:
1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. Issuing, deliberating on, voting on, or reviewing an issue concerning him or her.

Vicki Scott

From: Jamie McCombs <jamie.mccombs@gmail.com>
Sent: Tuesday, May 31, 2022 9:16 AM
To: Vicki Donnan
Subject: Fwd: Renewable Energy Academy: Bus Tours and Nuts & Bolts Workshops

Please include in PC packet, also PC by-laws page 2, D. Training I & 2. Will discuss with Mike .

----- Forwarded message -----

From: **Jamie McCombs** <jamie.mccombs@gmail.com>
Date: Mon, May 30, 2022 at 9:26 AM
Subject: Fwd: Renewable Energy Academy: Bus Tours and Nuts & Bolts Workshops
To: Jackie Huepenbecker <Streisand5@aol.com>

----- Forwarded message -----

From: **Neumann, Bradley** <neuman36@msu.edu>
Date: Wed, May 25, 2022 at 2:01 PM
Subject: Renewable Energy Academy: Bus Tours and Nuts & Bolts Workshops
To: Neumann, Bradley <neuman36@msu.edu>

Greetings,

As a registrant for the MSU Extension program '**Planning & Zoning for Solar Energy Systems: A Guide for Michigan Local Governments**' you are eligible for two additional educational opportunities:

The first opportunity is a Mobile Tour of solar and wind energy facilities. Experiencing renewable energy projects will provide you with knowledge to write ordinances that include meaningful placement, setback, and screening requirements. There are ***two dates and locations to choose from: Lansing area on Thursday, June 23; and Clare area on Tuesday, June 28.*** These are full day tours with check-in at 8:30am, bus departing promptly at 9am, and arriving back by 5pm. Light lunch and refreshments are included. Cost is \$35.

Registration for each Renewable Energy Mobile Tour is limited to 20 people from the Planning & Zoning for Solar Energy Systems training series. Registration is provided through the Michigan Association of Planning at:
<https://miapa.memberclicks.net/msurenrenewableenergytour>

What to Expect with the Mobile Tours:

- This mobile tour provides participants with an opportunity to walk around wind and solar farms and ask questions of representatives.
- As these are industrial settings, participants should wear closed-toe shoes and long pants.
- We plan to have lunch outside at a park.
- Please understand that since we will be outside, the ground may be rough, slippery, or uneven.
- As participants will be outside, please bring a rain jacket, hat, sunscreen, or bug spray as necessary.
- On the day of the tour, participants should plan to meet the bus between 8:30am and 9am. Parking for the day is free. There will be restrooms available prior to departure and on the bus.
- The bus will depart promptly at 9am. We will return to the location around 5pm.
- The chartered buses are air conditioned and have a restroom on board.
- On the bus, there will be time to network with fellow participants. There will be some presentations made on the bus and handout materials will be distributed. The bus is equipped with a microphone and sound system.

The second opportunity is a series of virtual ‘Nuts and Bolts’ Workshops. These live sessions via Zoom are for you to work on plans, ordinances, and policies with knowledgeable experts. Topics will include rooftop solar, solar on agricultural land, wind site standards, and much more. The intent of these specific sessions is to provide a clinic like experience where participants can ‘Ask the Expert’. There is no charge. Information and registration for this opportunity is available at: <https://miapa.memberclicks.net/renewable-energy-academy-deep-dive-courses---summer-2022>

If you have questions regarding other Renewable Energy Academy opportunities, please reach out to Michigan Association of Planning (MAP) staff at avansen@planningmi.org or ajordan@planningmi.org or call 734-913-2000.

Sincerely,

-The MSUE Solar Zoning Team (Wayne, Harmony, Charles, Brad, and Mary), UofM Graham Sustainability Institute (Sarah and Gavin), and MAP (Amy and Amy)

Brad Neumann, AICP

Senior Extension Educator

Michigan State University Extension

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Michigan State University occupies the ancestral, traditional and contemporary lands of the Anishinaabeg – Three Fires Confederacy of Ojibwe, Odawa and Potawatomi peoples. In particular, the university resides on land ceded in the 1819 Treaty of Saginaw. We recognize Michigan’s 12 federally recognized Native Nations, historic Indigenous communities in Michigan, Indigenous individuals and communities who live here now, and those who were forcibly removed from their homelands. In offering this land acknowledgement, we affirm Indigenous sovereignty, history and experiences.