

**Village of Lexington  
Public Hearing and  
Planning Commission Regular Meeting  
7227 Huron Avenue, Lexington MI  
Monday, January 7, 2019  
7 PM**

**Call to Order Public Hearing:** Mike Ziegler

**The purpose of the hearing is to take comments on**

**Short Term Rentals** to update Section 5.25.1 to clarify how the distance between short term rentals shall be measured and section 5.25.2.2 to delete the cost of fees from the ordinance.

**Changeable Signs** to add language to Sections 8.4 and 8.11 to regulate changeable signs

**Call to Order Regular Meeting:** Mike Ziegler

**Roll Call:** Beth Grohman

Members: Ziegler    Stencil    McCombs    Reinhard    Macksey  
                 Kaatz    Picot    Morris    Huepenbecker

**Approval of Agenda:**

**Approval of Minutes:** Dec. 3, 2018 Regular Meeting & Dec. 17, 2018 Special Meeting **Pages 1-3**

**Public Comment:** (3 minute limit)

**Zoning Administrator's Report** **Page 4**

**Old Business** **Pages 5-14**

1. Recommend revision of short term rental ordinance to Council
2. Recommend adding language to regulate changeable signs to the zoning ordinance to Council
3. Update on Community Master Plan Schedule with Smith

**New Business**

1. Election of Officers:    Chairperson  
   Vice Chairperson  
   Secretary
2. Set schedule of meetings for 2019
3. Presentation of PC Annual Report to Council at their Regular Meeting (1-28-2019)

**Public Comment:** (3 minute limit)

**Adjournment:**

VILLAGE OF LEXINGTON  
Planning Commission Regular Meeting  
Monday, December 3, 2018  
7 p.m.

**Public Hearing Called to Order:** 7:00 p.m. by Chairperson Mike Ziegler

**Roll Call** by Beth Grohman, Clerk

**Present-** Stencel, Picot, Morris, Huepenbecker, Ziegler

**Absent** – McCombs, Reinhard, Macksey, Kaatz

**Others Present** –Beth Grohman, Holly Tatman, Jerry Dawson

**Approval of Agenda:** Motion by Huepenbecker, seconded by Stencel, to approve the agenda as presented.

All Ayes

Motion carried

Kaatz entered meeting at 7:03 p.m.

**Approval of Minutes** – Motion by Huepenbecker, seconded by Stencel, to approve the minutes of November 5, 2018 as presented.

All Ayes

Motion carried

**Public Comment** – None

**Zoning Administrator Report** – No permits issued in November. One sign request for the Marathon Station. Dawson requested input from members on how to proceed with the permit. Members agreed Dawson should move forward with approval of the sign request. Dawson gave an update on the house at 7280 Jefferson Street home and 7282 Wayne Street. County to do an inspection on the Wayne Street house. Dawson also discussed the new HUD rules for mobile home placement.

Motion by Morris, seconded by Stencel, to accept the Zoning Administrator Report as presented.

All Ayes

Motion carried

**Old Business:**

**1. Approve Changes to Short Term Rental Ordinance –**

- a. **Distance allowable between STR units** - Discussion on the 300 ft distance. Recommendation to lower the distance to 200 ft. Distance should be measured from property line to property line. Motion by Morris, seconded by Kaatz, to approve the revised ordinance as currently written with the understanding that the strike out 5.25.4 is eliminated and review of the ordinance in one year to determine if it is serving its intended purpose and all other changes would apply.

Roll Call

Ayes- Morris, Kaatz, Picot, Huepenbecker, Ziegler

Nays- None

Abstain- Stencel

Motion carried

Motion by Kaatz, seconded by Ziegler to set the Public Hearing for January 7, 2018.

All Ayes

Motion carried

**b. Cost for renewing license and requirement for renewal** – Motion by Huepenbecker, seconded by Ziegler to set the renewal fee at \$25.

Discussion – Increase the renewal fee to \$50

Huepenbecker amended the motion, Ziegler supported the amendment.

All Ayes

Motion carried

### **New Business:**

**1. Recommendation Regarding Marihuana Facilities in the Village** – Motion by Morris, seconded by Huepenbecker, to recommend to Council an ordinance to prohibit marihuana establishments in the Village.

All Ayes

Motion carried

**2. Illuminated Sign Permit Request** – Discussion under Zoning Administrator Report.

**3. Consider Language to Add Restrictions to Illuminated Signs Permitted in our Ordinance** – Discussion on setting a public hearing for Village resident and business owner's input on electronic changeable signs. Stencel stated the feedback they received from the customers at the A & W was against the electronic signage. Motion by Huepenbecker, seconded by Ziegler, to approve a public to amend the sign ordinance to prohibit electronic changeable message signs.

Discussion

Huepenbecker amended the motion adding electronic changeable message signs that change more than once a month, with the approval of the Village Attorney.

Amendment supported by Ziegler.

Discussion

Roll call

Ayes- Huepenbecker, Ziegler, Picot, Stencel, Morris, Kaatz

Nays – None

Motion carried

**Public Comment** – None offered

**Adjournment** - Motion by Kaatz, seconded by Stencel, to adjourn at 8:51 p.m.

All Ayes

Motion Carried

Beth Grohman  
Village Clerk

VILLAGE OF LEXINGTON  
Special Planning Commission Meeting  
Monday, December 17, 2018  
5:30 p.m.

**Special Meeting Called to Order:** Chairperson Mike Ziegler

**Roll Call** by Beth Grohman, Clerk

**Present-** Stencel, Huepenbecker, Picot, Morris, Ziegler

**Absent –** McCombs, Reinhard, Macksey, Kaatz

**Others Present –**Beth Grohman, Holly Tatman, Jerry Dawson

**Approval of Agenda:** Motion by Picot, seconded by Huepenbecker, to approve the agenda as presented.

All Ayes

Motion carried

**Public Comment –** Picot – Thanks to Mike Fulton for making a space on the commission. Glad to be back.

**Business:**

- a. **Sign Ordinance –** Review of draft ordinance sections 8.4 and 8.11 changeable signs. Amendments made. Motion by Morris, seconded by Huepenbecker to recommend approval and schedule Public Hearing for January 7, 2019 for Sign ordinance and Short Term Rental amendments.

Roll Call

Ayes- Morris, Huepenbecker, Stencel, Picot, Ziegler

Nays- None

Motion carried

- b. **Planning Commission Annual Report –** Review of annual report. Addition of proposed language to report. Motion by Huepenbecker, seconded by Stencel, to Recommend approval to Council the Planning Commission annual report with noted changes.

All Ayes. Motion carried

**Public Comment –** None

**Adjournment -** Motion by Huepenbecker, seconded by Morris, to adjourn at 6:03 p.m.

All Ayes

Motion Carried

Beth Grohman

Zoning Administrator Report

December 2018

Land Use Permits

1 addition

1 sign

Meeting with HUD Inspector regarding mobile home set up requirements.

7282 Wayne Street House - Inspection completed by the County Inspectors

In contact with Steven Fick regarding home 7280 Jefferson. He has contracted VanDyke Construction. VanDyke has cleaned up property and closed in the doors and windows.

Been in contact with Shane, the Cadillac House contractor regarding 5510 Main Street and future plans. Been assured as soon as the plans are ready they will contact the Village.

Followed up on complaints on Jefferson and Henry Streets.

One violation letter sent out regarding signage. Owner will comply.

## Draft Update Short Term Rentals

Page 16

### Section 2.2 Definitions.

**Short-term rental.** The rental of a residential dwelling or a portion of a dwelling for compensation (including but not limited to financial and monetary exchanges, barter, borrow, care or similar compensation) for a term of less than 30 days **at least three (3) times per year.**

Pages 41-50

### Section 4.4 Purposes and Uses within Zoning Districts

*Add Short Term Residential Rental as a conditional use in:*

4.4.2. R-1A, Single-Family Residential District, Low Density

4.4.3. R-1B, Single-Family Residential District, Medium Density

*Add Short Term Residential Rental as a permitted use in the following sections, but Section 5.25 does not apply when it is a permitted use:*

4.4.7. C-1, Local Service District

4.4.8. C-2, General Commercial District

4.4.9. CBD, Central Business District

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### Section 5.25 Short-Term Residential Rentals in Residential Districts

#### 5.25.1. Intent and Purpose

Short term rentals within the Village of Lexington are necessary because of the limited availability of lodging; however, it is important to strike a balance between the interests of the community residents, community business owners, visitors to the community and property owners wishing to engage in short-term residential rentals. While these short-term rentals bring many benefits to the community, they can simultaneously create concerns surrounding issues of traffic, parking, congestion, litter and noise and they were in violation of the R-1A and R-1B zoning ordinances.

As of this date, most if not all of the short-term residential rentals are located in those areas zoned as R-1A and R-1B with the majority located east of M-25 near Lake Huron. Many of these rentals are very close together creating the potential to jeopardize the single family neighborhood character; therefore, for purposes of maintaining the small town character of our Village, short-term rentals will be ~~limited to one every 300 feet and~~ comprise a maximum of five percent (5%) of the total number of houses in the Village that are not restricted by deed or HOA (as of September 2017: 402 total homes x 5%= 20).

**The required minimum distance between STR properties shall be 300 ft. For the purpose of determining the distance between properties, the measurement shall begin and terminate at the closest point between the two properties, for a distance of not less than 300 ft.**

Those in operation as of ~~the passage of this ordinance~~ **May 2018** and initially registered by **July 31, 2018** will be considered established and permitted until such date as they are either sold, **fail to be used as a short term rental for more than eighteen (18) months** or the owner fails to ~~register~~ **renew the registration of the rental by the registration deadline.**

[Type text]

For public hearing

5.25.2 Registration - All dwellings used for short term rentals must be registered annually at the Lexington Village office. To register a short-term rental, the property owner or agent of the owner shall:

1. Provide and certify as true the following on a form provided by the Village:
  - a. Name, address, and telephone number of the local agent for the dwelling unit.
  - b. The street address of the dwelling unit, along with other identification if more than one dwelling unit has the same street address.
  - c. The number of bedrooms in the dwelling.
  - d. The maximum number of occupants to which the applicant intends to rent in any given rental period.
  - e. The length of the typical rental period for which the applicant intends to rent the property.
  - f. A statement certifying that the property owner or a local agent will provide at least one copy of the Village's Good Visitor Guideline materials to the renters each time the dwelling unit is rented.
  - g. A statement certifying whether or not the dwelling unit was used as a short-term rental for at least 15 days or at least three (3) times during the current or previous calendar year.
2. ~~Pay an annual registration fee of \$200.~~ **a registration fee and renewal fee determined by the Planning Commission.**
3. Upon acceptance of the registration, the Village of Lexington will issue a short term residential rental permit.
4. Applications will be time and date stamped and handled in chronological order.

5.25.3 Short-term rental regulations:

1. Local agent required- All dwelling units used for short-term rentals shall have a designated local agent who lives within 30 miles of the dwelling if the owner does not live within 100 miles of the dwelling..
2. Street number clearly posted on the exterior of the building to identify the residence.

5.25.3 Violations; revocation of registration:

*Violations as municipal civil infractions.* Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of the Code of Ordinances, violations of this article are subject to the following fines:

1. *Short-term rental of unregistered dwellings-* The fine for leasing an unregistered dwelling unit is \$750 for a first violation and \$1,000 for each subsequent violation.
2. *Other Provisions* – Subject to all civil infractions in the Village.
3. *Revocation of permit* will require the authorization of a committee which may consist of the Zoning Administrator, Village manager, and Planning Commission Chairperson or their designee. The revocation may be appealed to the Village Council

5.25.4 Review of this ordinance: This ordinance shall be reviewed within one year to determine if it is serving its intended purpose.

# Short Term Rental Dwelling Registration Form

## Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

**For information call: 810-359-8631**

**Registration fee of \$200 due with annual submission.**

**(Please complete one application for each rental unit.)**

Short Term Rental Dwelling Unit Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Phone(s): \_\_\_\_\_

Owner's E-mail: \_\_\_\_\_

Secondary Contact : \_\_\_\_\_

Secondary Contact's phone (s) : \_\_\_\_\_

Number of bedrooms: \_\_\_\_\_

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since January 1, 2017? \_\_\_\_\_

If the answer is yes, attach documentation such as income reported on tax return, advertisement on website such as VRBO or Airbnb. (Purpose: to determine if the STR is eligible to be considered established.)

Maximum number of occupants permitted: \_\_\_\_\_

Length of typical anticipated rental period per reservation: \_\_\_\_\_ days.

Number of off-street parking spaces available on site: \_\_\_\_\_

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (If other than owner): \_\_\_\_\_

Agent's Phone Number (s): \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's E-mail: \_\_\_\_\_

### AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 1) All of the information on the attached registration form is true.
- 2) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 3) Contact information will be posted in at least two prominent locations in the dwelling and will include:
  - Street address of dwelling
  - Owner's name and phone number(s) and
  - Secondary contact' name and phone number(s)
- 4) A copy of the village's *Good Neighbor* materials will be provided to the renters each time the dwelling unit is rented.
- 5) This registration form is accurate and complete.

**OWNER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

*By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.*

NOTICE: The issuance of a permit for a short term residential rental dwelling shall in no way impact the zoning of the subject property and shall not prevent the Village from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code of the Village.

Office Use Only	
This residential unit is approved for one year.	
_____	_____
Village Official	Date

# Renewal of Registration of Short Term Rental Dwelling

## Village of Lexington

7227 Huron Ave Suite 100, Lexington Michigan

For information call: 810-359-8631

Renewal Registration fee of \$50 due with annual submission.

(Please complete one application for each rental unit.)

Short Term Rental Dwelling Unit Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Phone(s): \_\_\_\_\_

Owner's E-mail: \_\_\_\_\_

Secondary Contact : \_\_\_\_\_

Secondary Contact's phone (s) : \_\_\_\_\_

Number of bedrooms: \_\_\_\_\_

Was this dwelling unit occupied as a short term rental (a period of less than 30 days) at least three (3) times in since ~~January 1, 2017~~ April 1, 2018? \_\_\_\_\_

If the answer is yes, attach documentation such as income reported on tax return.

If no, provide explanation \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If the dwelling fails to be used as a short term rental for more than eighteen (18) months the registration will not be considered a renewal. The owner may reapply, but if another dwelling is on the waiting list, their registration will be considered.**

Maximum number of occupants permitted: \_\_\_\_\_

Length of typical ~~anticipated~~ rental period per reservation: \_\_\_\_\_ days.

Number of off-street parking spaces available on site: \_\_\_\_\_

A designated 'agent' is required if the above identified owner does not reside within 100 miles of the village limits. The agent is required to live or work within 30 miles of the village.

Agent's Name (If other than owner): \_\_\_\_\_

Agent's Phone Number (s): \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's E-mail: \_\_\_\_\_

### AFFIDAVIT

The signer(s) of this form does hereby state, warrant, certify and affirm the following:

- 6) All of the information on the attached registration form is true.
- 7) Each dwelling unit will have an operating smoke detector in each bedroom and an operating carbon monoxide detector on each floor. These appliances will be maintained every ninety (90) days at a minimum.
- 8) Contact information will be posted in at least two prominent locations in the dwelling and will include:
  - Street address of dwelling
  - Owner's name and phone number(s) and
  - Secondary contact' name and phone number(s)
- 9) A copy of the village's *Good Neighbor* materials will be provided to the renters each time the dwelling unit is rented.
- 10) This registration form is accurate and complete.

**OWNER'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

*By signing above, the owner/agent of the dwelling unit certifies that the above statements are true. Statements found to be falsified on this application and affidavit will be grounds to revoke the rental permit.*

NOTICE: The issuance of a permit for a short term residential rental dwelling shall in no way impact the zoning of the subject property and shall not prevent the Village from enforcing Zoning Ordinance regulations and limitations on said property, or any other applicable code of the Village.

Office Use Only	
This residential unit is approved for one year.	
_____	_____
Village Official	Date

# Village of Lexington Good Neighbor Guide

## A Guide for Renters

Updated August 2018

**Welcome** to the Village of Lexington. We hope you enjoy our beautiful community. Please remember the short term rental home where you are staying is within a residential neighborhood. Not everyone in the neighborhood is on vacation, and some are required to rise early in the morning.

To ensure our residents' quiet and peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide." Please respect our residents and our village by following these guidelines.

Failure to comply may result in neighborhood property owners notifying local law enforcement. This may result in a fine for the renter.

### **Beach Use**

The Village of Lexington has public beaches for all to enjoy. There are also many privately owned beaches. While walking along the water is permissible in all areas, please limit your swimming activities, umbrella or blanket to the public areas only.

### **Events & Occupancy**

Large events such as family reunions and weddings can have a negative impact on residential neighborhoods due to parking and noise. Please check your vacation home's policies regarding events and day guests.

### **Parking**

In some areas street parking is limited. Use your vacation home's off street parking whenever possible. If street parking is available, please engage in good neighbor practices by parking in front of your vacation home, being mindful not to block sidewalks, mailboxes, or driveways.

Between the hours of 3:00 AM and 6:00 AM there is no parking on paved streets, highways or Village owned and/or operated parking lots within the Village limits. Ask your property owner/manager about alternative overnight parking lots that are available to help relieve parking congestion.

### **Noise**

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 11 p.m. Some residents may have to work in the morning and would appreciate a good night's sleep. In addition the Village Code of Ordinance Chapter 34.33 prohibits noise nuisance between 11:00 PM and 6:00 PM. Noise violations may result in a fine.

### **Garbage Pick-up**

Garbage shall not be left in public view except in proper containers. Monday is the regularly scheduled garbage day for the Village of Lexington. Please put your garbage out no sooner than Sunday (preferably in the evening). Emptied garbage bins should be returned to their storage location as soon as possible after pick up on Monday and shall not remain at the curb overnight.

### **Pets**

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets. When walking your dog, you are required to pick up and dispose of their waste. Please do not allow your pets to trespass on neighboring property. Pets should not be allowed to make loud and frequent noise that will disturb the peace and quiet of the neighborhood. Please note that pets are not allowed on public beaches.

### **Village of Lexington Contact Information:**

Emergency or Urgent Care – 911

Emergency – 911

Police (non-emergency)

810-648-2000 (Central Dispatch)

810-359-8242 (Lexington Police)

Village of Lexington – 810-359-8631

**Website:** [www.villageoflexington.com](http://www.villageoflexington.com)

**The address where you are staying is**

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**Other contact information including our name and phone number and a secondary name and phone number is posted in two prominent places.**

**Draft Changeable Sign Language**

Add to Section 8.4     **Definitions**

**Changeable Copy Signs:** A sign on which the copy or symbols change either automatically through electronic means or manually through placement of letters or symbols on a panel mounted on a track system.

**Digital displays:** The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays include, for example, LCD, LED, and plasma displays.

**Flashing Signs.** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. These are prohibited.

**Interactive Signs:** An electronic or animated sign that reacts to the behavior or electronic signals of automobiles. Other than the temporary signs used by law enforcement, these are prohibited.

**Mechanical Movement signs:** A sign having parts that physically move rather than merely appear to move (as might be found in a digital display). These are prohibited.

Delete from Section 8.4:

Separate definitions for automatic changeable copy sign and manual changeable copy sign

Move the current language regarding manual changeable copy signs to 8.11.3.3, and add the following above it.

8.11.3     Changeable Copy Signs.

Within the Commercial C-1 and C-2 Districts, changeable copy signs, including electronic changeable copy signs shall be permitted when incorporated into a permitted freestanding or ground sign, provided that the area devoted to changeable copy does not exceed thirty percent (30%) of the freestanding or ground sign area. They are prohibited in all other districts.

2.     Electronic changeable copy signs shall be further subject to the following:
  - a.     Sign displays shall contain static messages only, changed through dissolve or fade transitions or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels. Full animation or video broadcasting is expressly prohibited, as well as the use of flashing, traveling, scrolling, rolling, splicing, zooming, exploding, pulsating, blinking and other such characters. The top of a changeable sign shall not exceed 15 feet in height above average ground level.
  - b.     Each message must be displayed for a minimum of thirty (30) seconds, with no more than one (1) second of message change interval or "off-time" between messages.

- c. The level of illumination produced by an electronic changeable copy sign shall not exceed 0.3 footcandles over ambient (i.e., naturally illuminated environment) lighting conditions. Measurement of sign brightness shall be in accordance with the then-current methodology, sign area, and measurement distances recommended by the International Sign Association.
- d. The sign shall be equipped with, and shall use, photocell technology, a programmable dimmer or a similar mechanism to automatically adjust brightness and contrast based on ambient light conditions. The sign shall also incorporate security technology or devices to prevent unintended changes to sign messages or images by other than the sign operator.
- e. Any sign permit application shall include a certification from either the owner, operator and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the operational and performance requirements of this section. Any electronic changeable copy sign found to be in violation of the operational and performance requirements shall be turned off until such time as the Zoning Administrator determines the sign is in full compliance with such requirements.
- f. All electronic changeable copy signs shall be designed to achieve a default status during periods of sign malfunction that will turn off the sign entirely.
- g. Electronic changeable copy signs shall be installed in a manner that does not unreasonably interfere with the use and enjoyment of neighboring residentially zoned property. No electronic changeable copy sign shall be located closer than 100 feet to any dwelling in residential zoned property (R-1A, R-1B, R-2, R-3, MHP) or used for residential purposes. However, the planning commission may increase this setback distance by up to an additional 100 feet to minimize any potential nuisance effects deemed caused by the unique attributes of the sign installation in relationship to abutting residential property. These characteristics include, but are not necessarily limited to, the height and/or size of the proposed electronic changeable copy sign, the adequacy of existing or proposed buffers, or the orientation of residential sleeping quarters found in neighboring homes.
- h. Messages shall only relate to the business, event, goods, profession or services being conducted, sold or offered at the same location where the sign is erected or messages of a civic or emergency nature displayed for the benefit of the general public.

Add Section 8.12

**Prohibited Signs**

All signs that are not expressly permitted in this ordinance are prohibited, including the following prohibited signs: flashing signs, interactive signs (except temporary signs used by law enforcement), and mechanical movement signs.

**Planning Commission  
Regular Meeting Schedule for 2019**

Monday January 7, 2019

Monday February 4, 2019

Monday March 4, 2019

Monday April 1, 2019

Monday May 6, 2019

Monday June 3, 2019

Monday July 1, 2019

Monday August 5, 2019

**Either Tues., Sept. 3 or Mon, Sept. 9 (Labor Day is Sept. 2)**

Monday October 7, 2019

Monday November 4, 2019

Monday December 2, 2019