

**Village of Lexington
Planning Commission Regular Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
Wednesday, January 2, 2024
7 PM**

CALL TO ORDER REGULAR MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members: Ziegler Stencil Roehl Kaatz
 Regan Morris Huepenbecker

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:

Pages 1-3

Motion to approve the minutes of the Regular Meeting of December 4, 2023

PUBLIC COMMENT: (3-minute limit)

ZONING ADMINISTRATOR'S REPORT

Page 4

OLD BUSINESS

1. **Update on the Gielow Expansion**
2. **Update on Brown Ridge Estates**
Approve scheduling a public hearing once all the necessary documents have been submitted.
3. **Capital Improvement Plan Update**
4. **RRC Update**

NEW BUSINESS

Pages 5 - 19

1. **Election of Officers:** Chairperson
 Vice-Chairperson
 Secretary
2. **Consider changing the meeting date from February 5 to February 12 at 7:30**
Motion to approve changing the February meeting date from February 5 to February 12 at 7:30 PM.
3. **Planning Commission Annual Report for 2023** – Jackie Huepenbecker
Motion to approve the 2023 Annual Report
4. **Discussion on permitting 3-story buildings in the Corridor Mixed Use Zone**
5. **Ethics Statement**

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

VILLAGE OF LEXINGTON
Planning Commission Public Hearing and Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
December 4, 2023

Public Hearing called to order at 7:00 p.m. by Chairman Mike Ziegler

The purpose of this hearing to take comments on the proposed amendment to the Zoning Ordinance Section 3.5.2.2. Each condominium lot shall front on and have direct access to a public street approved by the Village. The word "public" struck out.

Public Comment:

Larry Adams questioned the amendment's meaning and whether the Village must approve the street.

Peter Muoio asked about approving the physical specifications and sizing.

Public Hearing Closed – Ziegler closed the public hearing at 7:02 p.m.

Regular Meeting called to order at 7:02 p.m. by Chairman Mike Ziegler

Roll Call: Beth Grohman, Deputy Clerk

Present: Regan, Morris, Picot, Huepenbecker, Roehl, Ziegler

Absent: Kaatz, Stencel

Others Present: Lori Fisher and six citizens.

Approval of Agenda: Motion by Roehl, seconded by Morris, to approve the agenda as presented.

All ayes

Motion carried

Approval of Minutes:

Motion by Morris, seconded by Huepenbecker, to approve the minutes of November 6, 2023, as presented.

All ayes

Motion carried

Public Comment

Peter Muoio- Appreciates work of the Planning Commission and the Zoning Administrator and suggests considering situations where homes reflect historic character but do not conform to the ordinance and believes some language needs amending.

Larry Adams- Concerned people may be chased away by some restrictions.

Will Morris reported the passing of Elva Mills, a long-standing citizen and great community supporter, and asked people to keep the family in their thoughts and prayers.

Zoning Administrator Report – Fisher reported that Dennis Klaas is still on leave. They have only had a few permits in the last couple of weeks. Fisher and Klaas have been working on the application process for short-term rentals, developing a process if an applicant doesn't file on time, and setting up a waiting list.

Morris asked about getting a report on what permits have been approved and applications filed. Fisher stated there were four permits: two driveways, a fence, a demolition, and an application for a porch on a home on Lake and Washington that doesn't meet the setbacks.

Motion by Morris, seconded by Regan, to accept the Zoning Administrator report as presented,
All ayes

Motion Carried

Old Business:

1. **Update on the Capital Improvement Plan** – Fisher has been working with Heiden to update the current plan. Heiden has a 10-year equipment plan. The MHP Committee and the utility department have updated their parts. The plan needs to be reformatted, dates changed and sent back to Council to be readopted.

Huepenbecker commented that a committee must get together to work on the plan. It should include the department heads, Village manager, member of the Planning Commission, member of the Council, and others.

2. **Update on the RRC** –We are close to certification. Although he is stepping down from the Planning Commission, Picot expressed interest in continuing with the RRC process.

Motion by Ziegler, seconded by Huepenbecker, to appoint Picot as a liaison for the Planning Commission.

All ayes

Motion carried

3. **Consider approving the final site plan for the Gielow Project-** Motion by Huepenbecker, seconded by Picot, to approve the final site plan for the Gielow expansion once we have received approval of the further revision from Adam Young (Wade Trim) and Chris Townley, Village Engineer.

Discussion

Huepenbecker amended the motion to read “to approve the final site plan for the Gielow expansion once the Zoning Administration has received written approval of the further revisions from Adam Young (Wade Trim) and Chris Townley, Village Engineer, Picot seconded the amendment.

Discussion

Morris requested a termination date on the motion. He asked if we get to January 1st and conditions are not met, why wouldn't it come back to Planning?

Members reviewed the written reports from Adam Young and Chris Townley regarding items that Gielow's plan did not address. Discussed landscaping, parking lot materials, buffers (trees and types, spacing requirements), and sidewalk requirements. The ordinance requires five-foot concrete sidewalks, and it is addressed in the Master Plan.

Discussion on wetlands. Craig Gielow stated that the County map shows no wetlands, but EGLE claims there are, so Gielow hired a wetlands consultant to work with EGLE.

Members reviewed a response from Gielow on items they are currently addressing.

Roehl brought up the issue of excessive noise. Gielows stated they would address this.

Members agreed to hold the sidewalk and parking lot material in abeyance.

Motion by Huepenbecker to rescind the previous motion, and Picot rescinded his support.

Motion by Morris, seconded by Roehl, to approve the site plans for the Gielow expansion once the ZA has received clarifications of the further revisions from Adam Young and Chris Townley. This motion also sets these specific criteria: The tree plan will meet the requirements of the ordinances, and the sidewalk and paved driveway requirements will be held abeyance to be reviewed at the December 2024 planning commission meeting; additionally, this motion expires in twenty days if the Zoning Administrator does not approve responses.

Discussion

Roll Call-

Ayes- Morris, Roehl, Regan, Huepenbecker, Picot, Ziegler

Nays- None

Motion carried

New Business:

1. **Amendment to Section 3.5.2.2 of the Zoning Ordinance** – Motion by Huepenbecker, seconded by Morris, to approve the amendments to Section 3.5.2.2 of the Village of Lexington Zoning Ordinances, deleting the word “public.”

Roll Call

Ayes- Huepenbecker, Morris, Regan, Picot, Roehl, Ziegler

Nays- None

Motion carried

Public Comment

Peter Muoio – Commented on the zoning administrator position.

Larry Adams- Commented a great job dealing with commercial properties and commented on the sidewalk requirements.

Mike McGovern- Good idea to appoint Dave Picot as liaison

Roehl – Commented on grants for Michigan

Regan – Thanked Dave Picot for years of service on the Planning Commission.

Adjournment – Motion by Huepenbecker, seconded by Picot, to adjourn the meeting at 8:58 p.m.

Submitted by

Beth Grohman

Deputy Clerk

**Zoning Administrator Report
Village of Lexington
December 27, 2023**

Date: 12/27/2023

Gielow Project Update:

Status of Site Plans:

Gielow's Final Site Plan is under Review, waiting to receive Village Engineers review of Final Site Plan.

(4) Land Use Permit Applications:

5203 Main Unit #141 (Driveway)
7069 Greenbush (Driveway)
5596 Washington St. (Addition To Building)
7214 Simons St. (Fence)

(0) Zoning Ordinance Violations

N/A

(0) Code Ordinance Violations

N/A

Zoning Administrators Notes:

I've compiled a file for sharing with the Planning Commission. This document contains details of issued land use permits, specifying their purposes. The information aims to keep the Planning Commission well-informed about the permits granted. The file is in an Excel format, organized with tabs for each month at the bottom. If there are any difficulties accessing this document, please feel free to contact me for assistance.

Dennis Klaas
Village of Lexington Zoning Administrator
586-372-8035
zoning@villageoflexington.com

GL NUMBER	DESCRIPTION	2023-24 AMENDED BUDGET	YTD BALANCE 11/30/2023 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 11/30/2023 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
Dept 722 - COMMUNITY & ECONOMIC DLMENT						
101-722-523.000	MEDC GRANT	0.00	0.00	0.00	0.00	0.00
101-722-670.000	SHORT TERM RENTAL	0.00	600.00	550.00	(600.00)	100.00
101-722-671.500	MISC ACCT OF REVENUE	0.00	0.00	0.00	0.00	0.00
Total Dept 722 - COMMUNITY & ECONOMIC DLMENT						
		0.00	600.00	550.00	(600.00)	100.00
TOTAL REVENUES						
		0.00	600.00	550.00	(600.00)	100.00
Expenditures						
Dept 722 - COMMUNITY & ECONOMIC DLMENT						
101-722-701.000	WAGES	32,500.00	7,642.86	250.00	24,857.14	23.52
101-722-704.100	MATCH - SOCIAL SECURITY	2,525.00	584.68	19.12	1,940.32	23.16
101-722-704.500	MICH EMP SEC COM	350.00	0.00	0.00	350.00	0.00
101-722-728.000	COMPUTER-HARDWARE-SOFTWARE	0.00	0.00	0.00	0.00	0.00
101-722-740.000	SUPPLIES	400.00	0.00	0.00	400.00	0.00
101-722-803.000	PHONE	900.00	300.00	0.00	0.00	0.00
101-722-805.000	ADVERT/PUBLICATIONS	700.00	306.00	0.00	600.00	33.33
101-722-808.000	SCHOOL/TRAINING	1,800.00	0.00	0.00	394.00	43.71
101-722-810.000	MEMBERSHIP/DUES	1,725.00	0.00	0.00	1,800.00	0.00
101-722-811.000	LEGAL	1,500.00	0.00	0.00	725.00	0.00
101-722-811.200	ZONING SURVEY	0.00	0.00	0.00	1,500.00	0.00
101-722-812.000	MILEAGE	200.00	0.00	0.00	0.00	0.00
101-722-813.000	MASTER PLAN	0.00	0.00	0.00	200.00	0.00
101-722-820.000	CONTRACTED SERVICES	1,200.00	1,950.00	0.00	0.00	0.00
101-722-821.000	STIPEND	0.00	0.00	0.00	(750.00)	162.50
101-722-969.000	MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00
Total Dept 722 - COMMUNITY & ECONOMIC DLMENT						
		42,800.00	10,783.54	269.12	32,016.46	25.20
TOTAL EXPENDITURES						
		42,800.00	10,783.54	269.12	32,016.46	25.20
Fund 101 - GENERAL FUND:						
TOTAL REVENUES						
		0.00	600.00	550.00	(600.00)	100.00
TOTAL EXPENDITURES						
		42,800.00	10,783.54	269.12	32,016.46	25.20
NET OF REVENUES & EXPENDITURES						
		(42,800.00)	(10,183.54)	280.88	(32,616.46)	23.79
TOTAL REVENUES - ALL FUNDS						
		0.00	600.00	550.00	(600.00)	100.00
TOTAL EXPENDITURES - ALL FUNDS						
		42,800.00	10,783.54	269.12	32,016.46	25.20
NET OF REVENUES & EXPENDITURES						
		(42,800.00)	(10,183.54)	280.88	(32,616.46)	23.79

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GL ACTIVITY REPORT FOR VILLAGE OF LEXINGTON
 TRANSACTIONS FROM 11/01/2023 TO 11/30/2023

Page: 1/1

Date	JNL	Type	Description	Reference #	Debits	Credits	Balance
Fund 101 GENERAL FUND							
11/01/2023			101-722-701.000 WAGES		BEG. BALANCE		7,392.86
11/01/2023	PR	CHK	SUMMARY PR 11/01/2023		250.00		7,642.86
11/30/2023			101-722-701.000	END BALANCE	250.00	0.00	7,642.86
11/01/2023			101-722-704.100 MATCH - SOCIAL SECURITY		BEG. BALANCE		565.56
11/01/2023	PR	CHK	SUMMARY PR 11/01/2023		19.12		584.68
11/30/2023			101-722-704.100	END BALANCE	19.12	0.00	584.68
11/01/2023			101-722-803.000 PHONE		BEG. BALANCE		300.00
11/30/2023			101-722-803.000	END BALANCE	0.00	0.00	300.00
11/01/2023			101-722-805.000 ADVERT/PUBLICATIONS		BEG. BALANCE		306.00
11/30/2023			101-722-805.000	END BALANCE	0.00	0.00	306.00
11/01/2023			101-722-820.000 CONTRACTED SERVICES		BEG. BALANCE		1,950.00
11/30/2023			101-722-820.000	END BALANCE	0.00	0.00	1,950.00
TOTAL FOR FUND 101 GENERAL FUND					269.12		10,783.54

Village of Lexington Planning Commission Annual Report for 2023

1. Introduction

The goal of the Lexington Planning Commission is to guide and promote the efficient, coordinated development of the Village of Lexington in a manner that will best

- promote the health, safety, and general welfare of its people;
- preserve and protect the Village and its natural resources, and
- address the goals and recommendations of the Master Plan.

2. Purpose of Report

Per the Michigan Planning Enabling Act, this report documents the Planning Commission's operations, the status of planning activities, and recommendations regarding actions by the Village Council related to planning and development. It promotes information sharing between the Commission, staff, other boards, and Council and allows anticipation of upcoming issues and priorities to prepare and budget, if necessary.

3. Planning Commission Membership for 2023

Member	Term Expires	Member	
Mike Ziegler, Chairperson	2024	Tim Regan, Commissioner	2026
Dave Picot, Vice-Chairperson	2023	Doug Roehl, Commissioner	2025
Jackie Huepenbecker, Secretary	2023	Steve Stencil, Commissioner	2024
Kristen Kaatz, Village President	2024	Vacant (previously, Mike Fulton)	2025
Dave Picot, Commissioner	2023		

4. Meetings

The Planning Commission met fifteen times, exceeding the Michigan Planning Enabling Act requirement of four annual meetings. The Village Clerk takes the minutes; the Zoning Administrator and Village Manager usually attend. The agendas and minutes are posted on the Village Website and the door of the Village, Moore Public Library, and Jeff's Marketplace.

5. Master Plan Review

Plan the farm. Farm the plan.

Are we doing that? Sure we are.

What's more important to Lexington than water? We are now ready to see extensive improvements that took root within the concepts for dockage and upland changes contained in our 2020 master plan. Edgewater Resources performed in exemplary ways as they kept the public interest in the forefront while working to find unique Lexington solutions for harborfront improvements.

We have a new boat launch, a fish cleaning station, and a boater's lounge, too. Up the hill, we have a new diner open seven days a week, a small town anchor.

The library looks amazing as it takes shape, including historically sympathetic architecture in agreement with our design guidelines and about a twofold increase in floor space.

The DDA grew its boundary with a new plan, its first update since 1986.

RRC marches on toward certification, greatly aided by the enthusiastic support of our new village manager, Lori Fisher.

There are fresh veggies and lots more to be had at the new farmer's market at M25 and Simons. This spot is compatible and welcomed by the downtown vendors.

Electric vehicle charging will find Lexington ready to welcome it as the PC adopted encouraging new regulations for safe, compatible, and well-located facilities.

Downtown events continue to be of primary importance and, over a lengthening season create the civic life we enjoy here in our downtown and lakefront areas.

Cottage lots continue to be improved and made ready to serve residential needs. They do so respectfully in conformance with our "4-rod" lot width used to establish our east of 25 neighborhoods during our town's earliest beginnings.

New growth on existing infrastructure is a best practice strategy that helps our housing market serve modern needs without adding additional cost to public services.

The north corridor is growing with new industries and residential development. Hopefully, ordinance enforcement will lead to desired new prosperity for owners and the best possible outcomes for the general welfare as imagined in the master plan.

Finally, a lot of this growth depends on good infrastructure. Plans and finances are maturing toward in-ground improvements and extensions.

No amendments were made to the plan, and the following action items were addressed.

SUPPORT HOUSING AND EMPLOYMENT OPPORTUNITIES FOR RESIDENTS OF ALL AGES		
HE3	Revise and promote the Planned Unit Development option in zoning ordinance to encourage smaller lot residential development	The Zoning Administrator, Manager, and Planning Commissioner are working with a developer on a PUD-Site Condominium Development.
HE12	Explore using Michigan Community Revitalization Funds to promote revitalization of brownfield and historic properties in the downtown area, such as Frasier property	The library purchased and is renovating the adjacent, blighted building to expand the library. The community is very supportive, the DDA donated \$10,000 toward the project.

PROMOTE A HEALTHY QUALITY OF LIFE BY CAPITALIZING ON THE VILLAGE'S WALKABILITY, ACCESS TO LAKE HURON, AND RECREATIONAL OPPORTUNITIES		
QL5	Renovate Tierney Park to improve access from downtown to water, provide community event space, add habitat and fishing opportunities, and expand/improve the beach and play facilities.	Edgewater Resources has submitted a design for the Harbor Redevelopment Project, including Tierney park.
QL6	Pursue funding of park improvements based on concept plan, primarily through the Michigan Natural Resources Trust Fund	The Village has been awarded over \$8 million dollars to address Tierney Park and the Harbor.
QL9	Promote and seek community involvement in recreation programming, as well as community feedback on present offerings and facilities.	Edgewater Resources sought community input when designing the Harbor Redevelopment Project.

ENCOURAGE COMPATIBLE INFILL DEVELOPMENT WHILE MAINTAINING LEXINGTON'S SMALL-TOWN CHARM		
IC 18	Review Zoning Ordinance standards for screening of refuse containers and amend as necessary	The Commission deleted section requiring screening of refuse containers.
IC 19	Effectively buffer other land uses from industrial land uses; review landscaping and screening standards in the Zoning Ordinance and amend them as necessary to ensure that residences are effectively protected	The Commission is working with an industrial expansion project to insure buffering of future residential neighborhood.

MAINTAIN QUALITY VILLAGE SERVICES AND INFRASTRUCTURE, FISCALLY RESPONSIBLE STRATEGIC GROWTH, AND MAINTENANCE OF VILLAGE-OWNED PROPERTIES		
S8	Create a tracking system for development projects (RRC)	This has been completed.

6. Zoning Ordinance Amendments

More amendments were adopted this year than usual.

May 1, 2023: Planning Commission recommendation

May 22, 2023: Council Approval

Purpose for EV infrastructure ordinance: Prepare for the future by setting policy and removing the red tape and uncertainty involved with installing a network of public and private EV charging stations.

ADD NEW DEFINITIONS

SEC. 2.2 DEFINITIONS

ACCESSIBLE EV 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 EV. 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:

1. Level-1 is slow charging. Voltage range from 0 through 120.
2. Level-2 is medium charging. Voltage range from 121 through 240.
3. Level-3 is fast or rapid charging. Voltage range greater than 240.

ELECTRIC VEHICLE (EV). 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:

1. Battery electric vehicle
2. Plug-in hybrid electric vehicle

EV 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.

EV 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).

EV 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).

EV INFRASTRUCTURE. Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

NON-ELECTRIC VEHICLE. Any motor vehicle that does not meet the definition of 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) can travel powered by electricity.

INSERT THE FOLLOWING NEW SECTION 5.29:

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 within the Village of Lexington and expedite the establishment of a convenient, cost-effective electric vehicle infrastructure for the benefit of citizens and visitors.
- preserve a pedestrian-oriented use pattern in mixed-use zones.
- encourage patronage of Lexington's business districts.

5.29.2. Permitted Locations.

1. Level-1 and Level-2 EV charging stations are permitted in every zoning district when accessory to the principal permitted use. Such stations located at single-family, two-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 charging is permitted as a special land use in all non-residential zones in accordance with the review and approval procedures of Section 3.3.
3. The tourist/visitor/summer resident portion of Lexington's local economy is centered around its downtown and the waterfront. Both areas are at their best with a pedestrian/walkable use pattern. EV charging holds promise for business enhancement in these areas so long as the pedestrian use pattern is preserved and the Lexington brand is not diminished. Therefore, all hosts of level 3 battery charging stations in the CBD zone shall be required to meet the following additional standards.
 - a. Traffic patterns to and from the level 3 battery charging station shall not diminish pedestrian safety, nor add to traffic-related visual or audible nuisance levels.
 - b. Actively charging vehicles will be inconspicuous from the public realm.

2. Lighting. Site lighting for the EV charging station shall be provided and shielded in accordance with Section 6.8.2.
3. Equipment Standards and Protection.
 - a. Battery charging station outlets and connector devices shall be no less than 36 inches and no more than 48 inches in height from the ground surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to 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 instead of bollards if the battery charging station is set back a minimum of 24 inches from the face of the curb.
 - c. All equipment and installation procedures shall conform to all relevant building and electrical codes and comply with all requirements of the Americans with Disabilities Act.
4. Usage Fees. The property owner is not restricted from collecting a service fee for the use of an EV charging station made available to visitors of the property.
5. Signage.
 - a. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the EV charging station.
 - b. Each EV charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an EV is parked at an EV 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.
6. Maintenance. EV 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.

May 11, 2023: Planning Commission recommendation to Council

May 22, 2023: Council Approval

Purpose of change to 3.2: Delete the specific procedures for violations (so there is no conflict with the procedures outlined in Section 3.9) and substitute general language to describe the duties of the Zoning Administrator to ensure compliance with the Ordinance or prevent violations of the Ordinance.

Section 3.2 DUTIES

The Zoning Administrator Shall:

3.2.6.

~~Shall, after determining a violation of the Ordinance, revoke the LUP. Violations determined after the completion of the LUP permit shall be notified by mail and given ten (10) days to comply. Failure to comply with the ordinance shall result in a ticket issued or served by the Zoning Administrator or Village Police Department. Any person who violates this Ordinance or fails to comply with any of the requirements of this Ordinance shall be fined pursuant to the Civil Infraction Schedule as established in the Village and shall be required to pay all costs and expenses incurred by the Village in prosecuting the violator.~~

~~The owner of record of real property, a tenant on any real property, and any builder, architect, contractor or agent or person who commits, participates in, assists in, or maintains such violation may be found responsible of a separate offence and the penalties herein provided. The imposition of any fine, and/or cost shall not exempt or relieve the violator(s) from compliance with the provisions of this Ordinance.~~

Order the discontinuance of illegal uses of land, buildings, or structures; order the removal of illegal buildings or structures; order the discontinuance of any illegal work being done; revoke land use permits where violations have been determined to occur; and/or take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Purpose of change to 3.4.1: Clarify that site plan review is not required for single-family dwellings, including additions, decks, porches, garages, and accessory structures. Rather, a land use permit from the Zoning Administrator must be secured.

Section 3.4 SITE PLAN REVIEW

3.4.1. Where required.

3. A full site plan reviewed and approved by the Planning Commission shall not be required for individual single-family dwellings, **additions to single-family dwellings, decks, porches,** or residential accessory storage or garages. However, a site **plot** plan shall accompany a land use **permit** application to be reviewed and approved by the Zoning Administrator to ensure such improvements meet all of the requirements of this ordinance.

Purpose of change to 3.4.10: Eliminate conflicting language regarding violations and simply refers to penalties "in accordance with Section 3.9

3.4.10. Violations.

The approved final site plan shall regulate development of the property and any violation of this Article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this Ordinance ~~as provided in Article 1 of the Code of Ordinances, and shall be subject to all penalties therein~~ **subject to penalties in accordance with Section 3.9.**

Purpose of change to 3.9: Make reference to Village of Lexington fee schedule, rather than a resolution..

Section 3.9. VIOLATIONS & PENALTIES

Uses of land, buildings, or structures, including tents and mobile homes, erected, altered, razed, or converted in violation of this Ordinance are hereby declared to be nuisances per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, mobile home, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine ~~of not more than "as per Council Resolution"~~ **as outlined in the "Village of Lexington Fee Schedule" adopted by the Lexington Village Council** and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist from the time of formal citation by the Village shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Purpose of change to 4.11 Delete the language suggesting that the Planning Commission must approve decks. New cross references point readers to the applicable ordinance sections dealing with the review of decks - Section 3.4.1.3 for a deck within the R-1 District and Section 3.4.1.4 for a deck on a Cottage Lot.

Section 4.11 SCHEDULE OF REGULATIONS

4.11.1. Footnotes to Schedule of Regulations.

8. Decks and porches are conditionally allowed within the front setback area if they are not supported by a permanent foundation. A land use permit is required, and approval is made on a case-by-case basis ~~by the Planning Commission~~ **(see Sections 3.4.1.3 and 3.4.1.4)**. Existing nonconforming decks and porches may be replaced without a land use permit provided the replacement is of the same size and in the same location.

Purpose of definition change: Clarify that accessory structures may include temporary and portable structures.

Section 2.2 DEFINITIONS

ACCESSORY BUILDINGS AND STRUCTURES. A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to an accessory use. This definition refers to both temporary and permanent structures, and includes canvas, vinyl or similar carports, storage tents (as opposed to personal recreational tents) and shelters.

Purpose: Amending the definition of accessory buildings and structures to include temporary and portable structures makes them subject to the requirements of Section 5.4. the first part of this amendment exempts temporary or portable accessory structures that will be on the premises for less than 72 hours. The second part adds a new subsection to prohibit using any cargo container or storage pod as an accessory building, except if they are on site for less than 72-hours or placed on property while the site is under construction.

SEC. 5.4 ACCESSORY BUILDINGS

5.4.1. Requirements Applicable to Accessory Buildings.

The following requirements shall apply to accessory buildings and structures. However, these requirements shall not apply to temporary or portable accessory buildings or structures located on the premises for less than seventy-two (72) hours during any thirty (30) day period.

[No changes to existing subsections 1 through 14]

- 15. The placement and use of any cargo container as an accessory building or structure is prohibited. For the purposes of this subsection, a cargo container shall be defined as a reusable vessel that was originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, which is capable of being mounted or moved by rail, truck or ship, including any other portable containers or pods used for storage with similar appearance and characteristics of cargo containers. This provision shall not apply to the temporary use of storage containers for construction activities on properties with an active building permit.**

July 5, 2023: Planning Commission recommendation**July 24, 2023: Council Approval**

Purpose: Eliminate the requirement for enclosures for trash containers/

ADD NEW DEFINITION

Section 2.2 DEFINITIONS

DUMPSTER: A bin or other rigid container that is placed long-term at a property for the purpose of temporary storage of solid waste, site-separated materials, or source-separated materials, as defined in this chapter for periodic pick-up by a waste hauler.

DELETE Section 6.2.9. Screening of Trash Containers.

ADD A NEW SECTION:

6.10.1 Containers and Dumpsters

1. Containers and dumpsters shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
2. Containers and dumpsters shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
3. Containers and dumpsters shall be located away from public view insofar as possible.

December 7, 2023 Planning Commission recommendation**December 18, 2023 Council Approval***Purpose: Provide greater flexibility for site condominium developments.*

3.5.2.2. Each condominium lot shall front on and have direct access to a ~~public~~ street approved by the Village.

7. Development Reviews (none involved Council)

Project	Status	Action Dates
Expansion of Industrial Building	ZA and PC members met with Gielows	4/23
	Preliminary site plan approved; permission for only grading and foundation work to proceed while the final site plan was prepared	5/1/23
	Final site plan considered. Many changes need per village engineer	7/5/23
Gielow Pickles Lakeshore Rd.	Revised final site plan (#2) considered. Many changes needed. Owner having difficulties with architect.	8/7/23
	Revised site plan (#3) considered. Planner and engineer recommended many changes.	10/12/23
Industrial Zone	Revised site plan #4 considered. Planning Commission received review from Planner and Engineer that listed over thirty items that still need to be addressed. The Commission voted to approve the revised site plan (#4) if it meets the requirements of the planner and engineer and meets the requirements of the ordinance. If not, the plan comes back to the Commission.	12/7/23
	Revised site plan (#5) submitted, but does not address all issues	12/19/23

Project	Status	Action Dates
Brown Ridge Estates PUD	Pre-application for Brown Ridge Estates for PUD	9/11/23
	Public Hearing and Preliminary Plan approved for PUD	10/16/23
North part of Village, west Lakeshore Rd Residential (R-1 Zone)	Informal meeting with Brown, ZA, manager, PC chairperson, and PC secretary to review all that will needed for approval from the Planning Commission and Village Council	12/26/23

8. Variances and Appeals to Zoning Board of Appeals (none involved Council)

Type	Location	Description	Status	Date of Action
Appeal of decision of ZA	5617 Washington	Appealed decision regarding replacing a fence on a corner lot	Denied	6/2/23

9. Actions by Village Council.

January 23, 2023 Regular Meeting

Approved working with Adam Young on proposed zoning ordinance amendments on solar ordinance not to exceed \$750

Discussed \$8 million dollar project for improving upland by harbor and harbor

April 1, 2023 Special Meeting

Approved Michigan DNR Trust Fund Acquisition Grant

April 24, 2023 Regular Meeting

Announced \$8.2 million for breakwater repairs

Contracted with Edgewater Resources for Harbor Redevelopment Design Engineering

May 22, 2023 Regular Meeting

Adopted Zoning Ordinance amendments (refer to #6)

June 26, 2023 Regular Meeting

RRC TASK LIST from PC presented, and a request was made to appoint council members to take charge of these different areas.

- Adams has been working on the training piece of it.
 - CIP plan needs to be updated. It is supposed to be updated annually.
- Roehl offered to take lead from PC; S. Klaas offered to work with Roehl.
- The president will ask the treasurer to update the numbers
- Morris suggested making it a priority for the new manager

July 5, 2023 Special Meeting

Contracted with Double Haul Solutions for Village Management—Lori Fisher as onsite manager.

July 24, 2023 Regular Meeting

Adopted Zoning Ordinance amendments (Refer to #6)

Discussed

Property boundary discrepancy at tie-down lot. Discovered Village Pub dumpster is located on Village Property. Village Manager, Zoning Administrator, and attorney are to sort this out.

CIP Plan –Lori Fisher, village manager, will work on it. S. Klaas to represent Council

August 8, 2023 Presentation

Presentation - Harbor Redevelopment 1st Townhall Presentation – Edgewater Resources

August 28, 2023 Regular Meeting

Approved \$200 Fee for Appealing to ZBA s

Introduced and set a hearing for Anti Blight Ordinance Amendments to Municipal Code, Chapter 3, Article III, Section 3-4 – 3-9 Regulation of Overflowing Trash Around Dumpsters (enforcement violation penalties)

September 10, 2023 Presentation

Presentation - Harbor Redevelopment 2nd Presentation – Edgewater Resources

September 25, 2023 Regular Meeting

Hearing held; action tabled for Anti Blight Ordinance Amendments to Municipal Code, Chapter 3, Article III, Section 3-4 – 3-9 Regulation of Overflowing Trash Around Dumpsters (enforcement violation penalties)

Awarded bid for water main improvements to Boddy Construction, subject to USDA Rural Development funding.

Approved supplementary language to increase match to 36% for DNR Trust Fund Acquisition grant. (original match submitted was 25%; minimum 26% is required)

October 23, 2023 Regular Meeting

Approved ZBA Bylaws and Rules

November 1, 2023 Presentation

Presentation - Harbor Redevelopment 2nd Presentation – Edgewater Resources

November 27, 2023 Regular Meeting

Approved fee schedule

December 18, 2023

Approved Zoning Ordinance amendment (refer to #6)

10. Zoning Map

No changes were made to the zoning map.

11. Training Attended by Planning Commission Members

All Commission members attended at least the 4 hours of training required each year.

Topic	Length	Dates	Attended by
Solar Energy Systems (St. Clair Metro Planning Spring Workshop)	1.5 hours	5/25	Huepenbecker Picot Regan Stencel Ziegler
ZBA Basics (St. Clair Metro Planning Spring Workshop)	1.5 hours	5/25	Huepenbecker Picot Regan Stencel
Open Meetings Webinar	1.0 hours	NA	Regan Stencel Ziegler
ZBA Training (piloted new program by invitation)	8 hours	2/2023	Huepenbecker
RRC Best Practices	8 hours	5/2023	Roehl

12. Joint Meetings

While no formal joint meeting occurred in 2023, the Council and Commissions had several opportunities to collaborate and share ideas. Members of the Council, Planning Commission, and DDA frequently attended meetings of other groups.

Also, the Council held three regular Town Hall meetings and three meetings for public input into the Harbor project.

13. Other Notable Items

The zoning administrator, village manager, and planning commission continue working together to strengthen processes and procedures.

The Village is nearing completion of tasks to become RRC certified. The Planning Commission appointed a liaison to help with the process, and the village manager is taking an active role. Council needs to take an active part in updating the Public Participation Plan and Capital Improvement Plan.

The Village is engaged in three scale endeavors –

- Multi-governmental unit Harbor Redevelopment initiative scheduled until 2026,
- Breakwall project led by the Army Corp of Engineers to address current wall structure issues and a
- Water and Sewer project to increase capacity and provide maintenance on the existing system.



Village of Lexington Code of Ethics Statement

The Code of Ethics Statement of the Village of Lexington is for members of Council and of the Village's Boards, Committees and Commissions ("Members") to ensure public confidence in the integrity of local government and its effective, responsible, transparent and fair operations.

1. Members shall comply with the laws of the United States of America, the State of Michigan and the Village of Lexington in the performance of their public duties.
2. Members recognize that stewardship of the public interest is their primary concern. They shall work for the common good of the residents of the Village.
3. Members shall endeavor to treat all members of the public fairly, inclusively, and with non-discrimination and conduct themselves in a businesslike manner, respecting the rights and opinions of other members and the public.
4. Members shall be committed to the concepts of effective and democratic local government and perform their duties in accordance with the processes and rules of order as established by the Village Council.
5. Members have an obligation to attend meetings for the performance of their official duties. Members should be prepared for the meetings they attend, review materials, attend trainings, and give respectful consideration to the public comments and discussions.
6. The Village values the independent advice of boards, committees, and commissions to the public decision-making process. Collaboration is valued in the deliberations and outcomes of council, committee, commission, and staff proceedings.
7. Members shall create and support a positive and constructive work place environment for Village employees and for citizens and businesses dealing with the Village. Members shall recognize their role in dealing with Village employees and in no way create the perception of inappropriate direction to staff.
8. Members accept responsibility to represent the Council, Commission, or Committee they are appointed to with dignity and pride by being a positive contributor in their role.

Board/Commission Member Signature