

**Village of Lexington**  
**Planning Commission Regular Meeting**  
**Village Hall, 7227 Huron Ave., Lexington, MI 48450**  
**January 9, 2022**  
**4 PM**

**CALL TO ORDER REGULAR MEETING:** Mike Ziegler

**Welcome New Member:** Douglas Roehl

**ROLL CALL:** Vicki Scott

Members: Ziegler      Stencil      Roehl      Kaatz  
                 Picot      Morris      Huepenbecker

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES:**

Motion to approve the minutes of the Regular Meeting of December 5, 2022

Pages 1-2

**PUBLIC COMMENT:** (3-minute limit)

**ZONING ADMINISTRATOR'S REPORT**

Page 3

**OLD BUSINESS**

1. **Update on CEDAM Fellowship** - Dave Picot  
If our application is successful, what are our funding and hospitality chores? If it is unsuccessful, how can we implement the scope of work?
2. **Training Update** – Dave Picot  
Renewable Energy Time to Learn-Time to Plan
3. **RRC Update**  
The Planning Commission has not obtained active support/buy-in from other Village Groups. What next?

**NEW BUSINESS**

Pages 4-18

1. **Election of Officers:** Chairperson  
Vice-Chairperson  
Secretary
2. **Set the schedule of meetings for 2023**  
Motion to approve the meeting schedule for 2023
3. **Planning Commission Annual Report for 2022** – Jackie Huepenbecker  
Motion to approve the 2022 Annual Report
4. **EV Charging Station Ordinance** - Dave Picot  
Motion to approve EV Charging Station Ordinance and schedule a public hearing for a future date.

5. **Consider request from the zoning administrator and Village manager to consider zoning ordinance changes on three topics and authorize them to work with Wade Trim on these changes not to exceed \$750.** A letter from Adam Young is attached.
  - a. Ordinance language for Section 3.9  
The term “nuisance” is defined in the Village’s Code of Ordinances as a civil infraction with a \$50 fee. This potential discrepancy between the Code of Ordinances and Section 3.9 of the Zoning Ordinance may need to be corrected.
  - b. Review and approval process for decks
  - c. Section 5.4 (Accessory Buildings) –  
Amendments may be necessary to clarify that the accessory building provisions of Section 5.4 are applicable to any accessory structure, whether temporary, portable or permanent. It may also be appropriate to add new language prohibiting the use of shipping containers as accessory buildings, except where associated with temporary construction activities.
6. **Discussion of Signs – Wil Morris**
7. **What’s bothering you? A Commissioner’s New Year opportunity to put forward an issue or concern for future group consideration.**

**PUBLIC COMMENT:** (3-minute limit)

**ADJOURNMENT**

VILLAGE OF LEXINGTON  
**Planning Commission Regular Meeting**  
Village Hall  
7227 Huron Avenue, Lexington, MI  
December 5, 2022

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

**Roll Call:** Vicki Scott, Clerk

**Present:** Picot, Morris, Stencel, Huepenbecker, Ziegler, Kaatz (arrived @ 7:05 pm)

**Absent:** None

**Others Present:** A. Sutton, C. Cutright, D. Klaas, K. DeCoster, L. Adams, E. Mills, and 2 citizens.

**Approval of Agenda:**

Motion by Morris, seconded by Picot, to approve the agenda as presented.

All ayes

Motion carried

**Approval of Minutes:**

Motion by Picot, seconded by Stencel, to approve the minutes of the Regular Meeting of November 14, 2022, as presented.

All ayes

Motion carried

**Public Comment:** None

**Zoning Administrator's Report:**

Klaas explained the zoning report and answered questions from the board. Letters will be going out to businesses regarding blight issues, dumpsters, and signs next week. Training will begin in January and will be completed in February.

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

All ayes

Motion carried

**Old Business:**

**1. Update on CEDAM Fellowship Host Community Grant and next steps for the Planning Commission -**

Picot explains the application will be submitted tomorrow. We will find out on January 6, 2023 who the host communities will be. We will have an opportunity to interview the hosts. Suggestions were made to change the wording to gender natural. Kaatz asked if funding has been secured. Picot suggested crowd funding. Morris thanked all who were involved in working on this.

**2. Training Update -**

Huepenbecker explained McCombs is no longer on the board. Each board member will be responsible for keeping track of their own training hours.

**3. Discussion of Signs –**

Morris asked to table this item until next meeting.

Motion by Morris, seconded by Stencel, to table the discussion on sign until the January meeting.

All ayes

Motion carried

**New Business:**

**1. Discuss Fines and Fee Ordinance language –**

Klaas explained in the zoning ordinance under section 3.9 violations are not referenced. It describes nuisances which is referred to in the code of ordinances. Language needs to be added in the zoning ordinance to reference our fee schedule for violations.

Discussion followed. Kaatz suggested looking back at the RFP to find the scope of work that was done in creating the new zoning ordinances. Board agreed to research this issue.

**2. Annual Report –**

Huepenbecker will have the annual report and the 2023 meeting schedule in next month's agenda. Discussion followed on January's meeting date. The Village offices are closed on January 2, 2023. Parks & Rec have a meeting scheduled January 9, 2023 at 6:00 p.m.

Motion by Morris, seconded by Stencel, to set the next meeting for January 9, 2023 at 4:00 p.m.

All ayes

Motion carried

Motion by Kaatz, seconded by Morris, that Huepenbecker will put together the 2023 meeting schedule for the first Monday of the month except September.

All ayes

Motion carried

**Public Comment**

- Dave Zielinski (5203 Main St. Lot #25) – commented on the language he or she be changed to the fellow in the CEDAM application.
- Kathy DeCoster (5203 Main St. Lot #181) – commented on the number of short-term rentals.

**Adjournment** - Motion by Morris, seconded by Stencel, to adjourn at 7:44 p.m.

Respectfully submitted,  
Vicki Scott

**Zoning  
Administrator  
Report Village of  
Lexington  
January 9<sup>th</sup>, 2023**

I am pleased to report that I have been able to make great strides in my role as the Zoning Administrator over the past month. I have:

- Scanned all land use permits from year 2022-2018 and created an electronic version of them.
- Sent out welcome letters to local businesses introducing myself and reminding them to follow the local ordinances.
- Worked with Cynthia and Adam Young on changes to ordinance (3.9) to reference our Fine and Fee Schedule.
- Discussed potential changes and additions to current ordinances regarding portable tented structures and steel shipping containers.
- Met with DTE and Chris Heiden on issues with 7333 Lake St.
- Assisted Northshore's Mobile Home Park Superintendent Ed Jarosz during the windstorm where a tree fell on Lot 111.
- (4) Land Use Permits Issued

My plan is to create a streamlined, up-to-date system for local businesses and residents to reference and remain compliant with local ordinances. This system could include an online portal with easy access to download/upload all relevant documents; making the necessary rules and regulations easy to access and understand, I will help to ensure that local businesses and residents are being responsible and in compliance with our ordinances. Additionally, I will work to ensure that businesses and residents are aware of any changes in ordinances that occur over time to help them remain compliant. I will aim to make the system as user friendly and efficient as possible and ensure that the information is accurate and up to date. By creating such a system, I hope to assist our local businesses and residents and help ensure that our community is operating according to the rules and regulations that have been set forth.

*Dennis Klaas*

[zoning@villageoflexington.com](mailto:zoning@villageoflexington.com)

## Planning Commission

### 2<sup>nd</sup> Draft Regular Meeting Schedule Proposal for 2023

Please review this carefully before the meeting on January 9.

Meetings are held in the Village Conference Room on the first Monday of the month at 7 PM unless otherwise indicated.

Monday	January 9, 2023 <b><u>at 4:00 PM</u></b>
Monday	February 6, 2023
Monday	March 6, 2023
Monday	April 3, 2023
Monday	May 1, 2023
Monday	June 5, 2023
<b>Decide</b>	<b>Wed, July 5, 2023 at 7 PM or Mon, July 3 at 7 PM</b>
Monday	August 7, 2023
<b>Decide</b>	<b>Wed., Sept. 6, 2023 at 7 PM or Mon. Sept 11 at 4 PM</b> <i>(Labor Day is Sept. 4)</i>
Monday	October 2, 2023
Monday	November 6, 2023 (There won't be an election in 2023.)
Monday	December 4, 2023

# Village of Lexington Planning Commission DRAFT Annual Report for 2022

## 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.

The following acronyms will be used frequently throughout this report:

CBD	Central Business District
C-MU	Corridor-mixed use
CEDAM	Community Economic Development Corporation
DDA	Downtown Development Authority
G-MU	Gateway-mixed use
LBA	Lexington Business Association
MEDC	Michigan Economic Development Corporation.
RRC	Redevelopment Ready Communities
ZBA	Zoning Board of Appeals

This year, the Planning Commission continued implementing the Master Plan and Zoning Ordinance. They adopted the design guidelines prepared by the SmithGroup with significant input from the Commission. It was funded by a \$12,000 MEDC grant with the \$3000 local match provided by the DDA.

## 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. Membership for 2022

Planning Commission Member	Term Expires
Mike Ziegler, Chairperson	2024
Wil Morris, Vice-Chairperson	2023
Jackie Huepenbecker, Secretary	2023
Mike Fulton, Village Council	2022
Kristen Kaatz, Village President	2024
Dave Picot, Commissioner	2023
Jamie McCombs, Commissioner	2022
Jim Macksey, Commissioner	2022
Steve Stencil, Commissioner	2024

#### 4. Meetings

The Planning Commission met twelve times, exceeding the Michigan Planning Enabling Act requirement of four annual meetings. The Village Clerk takes the minutes; usually, the Zoning Administrator and Village Manager 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

The Steering Committee for implementing the Master Plan (Mike Fulton, Dave Picot, Wil Morris, Larry Adams, Jackie Huepenbecker) identified gaining support for the Master Plan and continuing the steps to become a Redevelopment Ready Community (RRC) as the most critical issues.

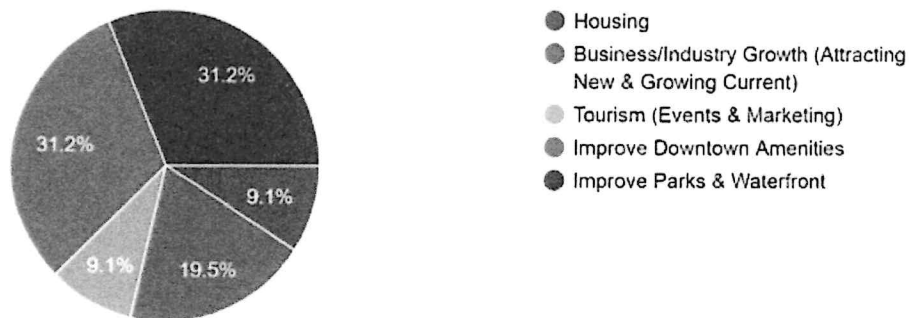
Anticipating that most business owners and village residents will not read the entire Master Plan, the Steering Committee and Clear Ideas developed a promotional brief, brochure, and short survey.

**The brief**, a one-page document with a survey and link to the whole plan, was mailed with the water bill to all residents and distributed by volunteers at the mobile home park.

**The brochure**, an eight-page overview of the Master Plan (Intent, Guiding Principles & Goals, Land Use & Development, Downtown & Waterfront, and Economic Development & Marketing Strategy), with a link to a survey, was distributed to business owners at a reception held in March at the Hidden Cavern. Find the brochure on the Village website (Planning Commission).

**The purpose of the survey** was to gain input on priorities and guide the next steps for implementing the Master Plan. It was posted on the Village website and compiled by Clear Ideas. Find the full results on the Village website (Planning Commission).

The question asked was: Which of these areas of focus do you believe benefits the community the most and should be the next step?



The survey showed that respondents favored these two areas of focus and strategies:

- Improving Downtown Amenities
  - Create a public square, a public-owned gathering place in the downtown area.
  - Expand walkability, market local assets, create wayfinding signage
- Improving parks and Waterfront.
  - Street parking and sidewalk creation/improvement
  - Boardwalk and bathroom updates
  - "Great lawn" updates. Provide space for community and small group gatherings

Most comments were about parking, the need for restrooms in the downtown, the Mobile Home Park, and retaining the small-town character.



**Action Plan** The following items were addressed in 2022.

<b>ENCOURAGE COMPATIBLE INFILL DEVELOPMENT WHILE MAINTAINING LEXINGTON'S SMALL-TOWN CHARM</b>		
IC6	Use incentives such as historic rehabilitation tax abatement/credits and facade improvements grants to encourage the rehabilitation of historic properties	The Smith Group facilitated the development of Design Guidelines for the CBD, C-MU, and G-MU zones.  In April, Kathleen Duffy (Smith Group) presented the final version at a Planning Commission meeting attended by some members of Council members and DDA.  The Planning Commission recommended approval to the Council, and Council approved them at their April meeting.
IC11	Adopt design guidelines or standards for commercial and mixed-use districts that encourage context-sensitive design	
IC12	Strengthen facade improvement program with design guidelines and criteria for funding	
IC24	Develop sign design standards for Village's commercial and mixed-use corridors	

<b>PROMOTE A HEALTHY QUALITY OF LIFE BY CAPITALIZING ON THE VILLAGE'S WALKABILITY, ACCESS TO LAKE HURON, AND RECREATIONAL OPPORTUNITIES</b>		
QL1	Foster stronger relationships between the public schools, local government, student groups, and community groups	Planning Commission members made a concerted effort to attend DDA, Council, and LBA meetings.
QL9	Promote and seek community involvement in recreation programming, as well as community feedback on present offerings and facilities	The Parks and Recreation Committee worked with McKenna to survey the community on recreational desires.
QL24	Continue to improve marketing materials that promote Downtown Lexington's historic ambiance, cultural attractions, lake resort atmosphere, and walkability.	The DDA took the lead in developing a website for the Village that provides greater access to local businesses, attractions, and activities.
QL26	Continue to update and issue First Resort North materials that highlight local businesses and attractions.	

<b>MAINTAIN QUALITY VILLAGE SERVICES AND INFRASTRUCTURE, FISCALLY-RESPONSIBLE STRATEGIC GROWTH, AND MAINTENANCE OF VILLAGE-OWNED PROPERTIES</b>		
S17	Update the Parks and Recreation Plan every five years	The Parks and Recreation committee worked with McKenna to develop a new plan that Council approved in December.

Since the Master Plan has only been in effect for two years, amendments to the Master Plan were not discussed.

**6. Zoning Ordinance Amendments**

Council approved a request to rezone Jeff’s Marketplace from CBD to C-MU, despite the Planning Commission’s recommendation to deny it.

**7. Development Reviews (none involved Council)**

Project type	Location	Description	Status	Date of Actions
Final Site Plan	5461 Main St.	Remodel gazebo from retail business to a carry-out restaurant (“Superstand” featuring hot dogs)	Approved site plan, accepting several waivers, but required modification of plan for rainwater and did not allow tree removal.  In June, the owner decided to sell the building rather than renovating it.	1/3/2022
Cottage Lot Review	5475 Washington	Revised plan for home on a cottage lot	Approved The revised plan was for a smaller home within the previously approved plan’s parameters	9/12/2022

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

Type	Location	Description	Status	Date of Action
Non land use variance	5562 Union St.	Replace asphalt driveway with concrete, keeping it the same width on the south side but increasing it slightly on the north side. (The south side exceeds the boundary limits)	Approved	6/9/2022
Non land use Variance	5573 Washington (corner lot, so has two front yards)	Permit storage of boat in front yard	Denied	6/9/2022
		Allow four-foot fence on the two fronts of a corner lot	Denied	6/9/2022
		Allow six-foot fence in backyard that did not meet required setback	Approved	6/9/2022
		Allow six foot fence on north side of property which did not meet setback requirements	Approved	6/9/2022
		Allow fence to connect the house and garage on front side of lot	Approved	6/9/2022

**9. Actions by Village Council.**

- March 28 Approved hiring Wade Trim (Adam Young) for “as-needed” services for planning and zoning.  
Supported the Planning Commission’s offer to draft an EV charging station ordinance for the Village and asked the Commission to identify funding sources
- April 25 Approved the design guidelines developed by the SmithGroup and recommended by the Planning Commission.
- June 27 Decreased the Planning Commission’s budget request of \$26,550 budget to \$14,625 (request for \$16,200 to increase hours for zoning administrator was reduced to \$8,000)
- July 25 Rejected the Planning Commission’s recommendation to deny rezoning Jeff’s Marketplace and instead rezoned it from CBD to C-MU.

**10. Zoning Map**

The Council rezoned Jeff’s Marketplace from CBD to C-MU.

**11. Training Attended by Planning Commission Members**

Planning Commission members are required to attend at least 4 hours of training per year. Jamie McCombs was the chair for Training in 2022.

Topic	Length	Dates	Attended by
<b>Placemaking Webinar</b> Corey Northrup, MSU Extension  Was organized by Dave Picot and made available to Council and all Village committee members.	1 ½ hours	Online 1/25	All Planning Commission members attended
<b>Solar Energy Webinar</b> Brad Neuman, MSU Extension	1 ½ hours	Online 5/12 available	J. McCombs W. Morris D Picot S. Stencel
<b>AI Rural Partners Conference</b> MEDC	10 hours	5/16 - 5/18	M. Fulton
<b>Problem with Solar Energy isn’t Investment; It’s Location</b> National Public Radio	1 hour	Online 9/29 available	J. Huepenbecker J. McCombs D Picot S. Stencel
<b>Health in All Policies</b> Michigan Municipal League	1 hour	Online 10/4	J. McCombs M. Ziegler
<b>How to Write a Better RFP</b> Michigan Association of Planers	1 ½ hours	Online 11/30	J. Huepenbecker
<b>Renewable Energy</b> Sanilac County Planning Commission	2 hours	Online 12/12 Available	Dave Picot Steve Stencel

## 12. Joint Meetings

The Council held quarterly Town Hall meetings quarterly. They haven't been well-publicized, so participation has been minimal, but this is a good start.

Planning Commission members frequently attended Council, DDA, and LBA meetings.

## 13. Other Notable Items

- Finding and keeping a zoning administrator is a challenge. The Village manager had to assume the duties, and we were without one for ten months, and it appeared minimal effort was being made to secure one. Finally, in October, Dennis Klaas was employed, and he hit the ground running. He has already completed the Citizen Planner training and plans to complete the Zoning Administrator Training in February.
- Electronic changeable signs continue to be a hot topic. While our citizens cited a charming, traditional town as one of their major "wants" for the Village when the Master Plan was developed, many support permitting them all along M-25.
- Lack of the financial resources to properly plan for our Village and enforce the ordinances that have been adopted has been difficult. While the Commission recommended a budget of \$26,550, only \$14,325 was allocated. The line item request for the zoning administrator was trimmed from \$16,200 to \$8,000.
- Planning Commission subcommittee, led by Dave Picot wrote and submitted a grant for a CEDAM fellowship, which would provide the Village with a fellow to work full-time for a fifteen-month placement to manage specific community economic development projects and seek additional resources, like funding and volunteers to support future sustainability.

### **Next year, we look forward to:**

**Continuing to implement the Master Plan**

**Collaborating with other Village committees and boards**

**Completing the requirements to become a Redevelopment Ready Community.**

## ELECTRIC VEHICLE INFRASTRUCTURE

DRAFT Amendment to the Zoning Ordinance (9-7-2022)

Wade Trim Red-Line Comments (12-19-2022)

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~~ require 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, in lieu 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~~ The Village of Lexington anticipates that higher gas prices, advancements in battery storage, governmental incentives, lower electric vehicle costs, and significant public/private investment in technology and infrastructure will rapidly increase EV market share.

~~We envision~~ The Village envisions EV charging stations becoming as commonplace as ADA barrier-free spaces at major workplaces and retail centers. The following ~~ordinance~~ zoning ordinance amendment language 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.

Specifically, the Village of Lexington Zoning Ordinance is proposed to be amended by adding new EV infrastructure related definitions to Section 2.2 (Definitions) of Article 2 and a new Section 5.29 (Electric Vehicle Infrastructure) to Article 5, as follows:



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**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 town-center patronage of Lexington's business districts.

**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 range from 0 through 120.
- b. Level-2 is medium charging. Voltage range from 121 through 240.
- c. Level-3 is fast or rapid charging. Voltage range 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.

**Commented [YA1]:** To be consistent with the organization of the remainder of the zoning ordinance, the definitions should be inserted within existing Section 2.2 (Definitions). Make sure to use the same format as the other definitions found within Section 2.2, such as using ALL CAPS for the definition and using 1, 2, 3 for sub-numbering instead of a, b, c.

**Commented [YA2]:** Suggest using "EV" throughout ordinance to minimize text

**Commented [YA3]:** Delete this, as rapid charging station is a new term that is not defined and is not included elsewhere in the language.

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

Commented [YA4]: This definition is unnecessary, as it is covered by the proposed signage requirement in 5.29.5, 6, b.

**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.

### 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-principal permitted use. Such stations located at one 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 ~~our~~ Lexington's local economy is centered around ~~our~~ its town center downtown and the waterfront. Both areas are at their best with a pedestrian/walkable use pattern. Electric vehicle 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 ~~charging facilities~~ 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 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.
4. No electric vehicle charging ~~equipment~~ infrastructure is allowed to be placed within any road right of way, except without the express authorization of the public road agency having jurisdiction (i.e. the Village of Lexington or the Michigan Department of Transportation).

### 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 single-family, two-family, and multiple-family homes dwellings with garages be constructed to provide a 220-240 volt/50 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.

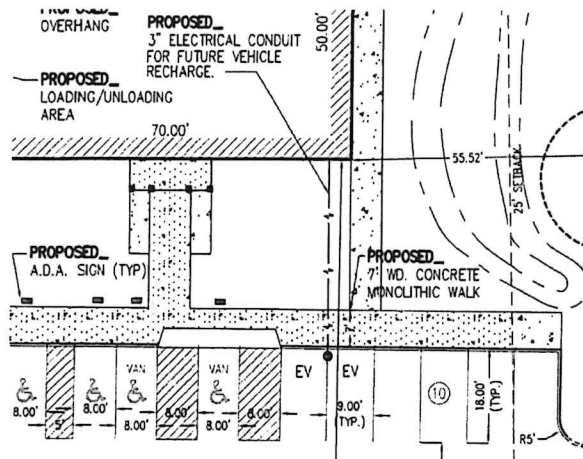
Commented [YA5]: Seems like this is obvious and unnecessary

*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~~ use off-street 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 running 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. Off-Street Parking.
  - a. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces as required by Section 9.4 of this ordinance.
  - b. Public use electric vehicle charging stations ~~are shall be 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. ~~Unless the electric vehicle charging station is for daytime purposes only, site lighting will be provided and must be down-shielded.~~ Site lighting for the electric vehicle charging station shall be provided and shielded in accordance with Section 6.8.2.
4. Equipment Standards and Protection.

**Commented [YA6]:** It would be a challenge to enforce daytime charging only. It seems most appropriate to simply require lighting to ensure safety.



- a. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher ~~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.
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 related to the electric vehicle charging station.
  - 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 on public property.

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

This provision addresses the “worst-case” scenario of a vehicle parked in an EV charging station on public property 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 on public property 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 on public property, 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 on public property 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.



Wade Trim Associates, Inc.  
500 Griswold • Suite 2500 • Detroit, MI 48226  
313.961.3650 • www.wadetrim.com

January 2, 2023

Village of Lexington  
7227 Huron Avenue, #100  
Lexington, MI 48450

Attention: Ms. Cynthia Cutright  
Interim Village Manager

Re: Proposal for Zoning Amendments Assistance

Dear Ms. Cutright:

Based on our December 16, 2022, conversation, we understand that the Village desires to develop amendments to the Village Zoning Ordinance. Specifically, the following sections/topics require review and the development of potential amendment language:

- Section 3.9 (Violations & Penalties) – We understand that the term “nuisance” is defined within the Village’s Code of Ordinances as being a civil infraction with a \$50 fee. This potential discrepancy between the Code of Ordinances and Section 3.9 of the Zoning Ordinance may need to be corrected, as the Village Council has recently adopted a new violations fee schedule with higher fees.
- The Zoning Administrator has indicated that the Zoning Ordinance is not clear as to the review and approval process for new, expanded or reconstructed decks. The only apparent reference to decks is found in Section 4.11.1,(8), which seems to indicate that Planning Commission approval is required. Amendments to the Zoning Ordinance would be necessary to clarify that a zoning permit would be required to be reviewed and approved by the Zoning Administrator.
- Section 5.4 (Accessory Buildings) – The Village would like to tighten up its regulations pertaining to portable accessory structures. Amendments may be necessary to clarify that the accessory building provisions of Section 5.4 are applicable to any accessory structure, whether temporary, portable or permanent. It may also be appropriate to add new language prohibiting the use of shipping containers as accessory buildings, except were associated with temporary construction activities.

Wade Trim will review and prepare an initial draft of amendments to address the above referenced topics. We will then meet virtually with Village administration to review the language, incorporating revisions as necessary. The proposed amendment language would then be sent to the Planning Commission for review and a public hearing will need to be held. After review and recommendation by the Planning Commission, we will prepare the amendment language in ordinance format for adoption by the Village Council. (Please note that our scope does not include the work necessary to insert the new amendments into the current zoning ordinance report document – such effort would be a separate fee.)

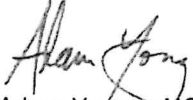
We propose to complete the above-described work for a lump sum fee of \$750. If requested by the Village, we would be available to attend any in-person meetings with the Village to discuss the proposed amendments for a fee of \$350 per meeting.

Village of Lexington  
January 2, 2023  
Page 2

If you have questions or require additional information, please contact me at 313.961.3650 or [ayoung@wadetrim.com](mailto:ayoung@wadetrim.com).

Very truly yours,

Wade Trim Associates, Inc.

A handwritten signature in black ink that reads "Adam Young". The signature is written in a cursive style with a large, stylized "Y" and "G".

Adam Young, AICP  
Vice President

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