

**Village of Lexington
Public Hearing and
Planning Commission Regular Meeting
Village Hall, 7227 Huron Ave., Lexington, MI 48450
Monday, May 1, 2023
7 PM**

Call to Order Public Hearing: Mike Ziegler

The purpose of the public hearing is to take comments on a proposed adoption of Section 5.29 Electrical Vehicle Infrastructure

Close the Public Hearing: Mike Ziegler

CALL TO ORDER REGULAR MEETING: Mike Ziegler

ROLL CALL: Vicki Scott

Members: Ziegler Stencil Roehl Fulton Kaatz
Picot Regan Morris Huepenbecker

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Motion to approve the minutes of the Regular Meeting of April 11, 2023

Pages 1-3

PUBLIC COMMENT: (3-minute limit)

ZONING ADMINISTRATOR'S REPORT

Pages 4-5

OLD BUSINESS

Pages 6-11

1. **Approve a recommendation to Council regarding the proposed Electrical Vehicle Infrastructure zoning ordinance (Section 5.29)**
2. **Discuss Dumpster Enclosures**
3. **Ad Hoc Committee reports**

NEW BUSINESS

Page 12

1. **Review and make a recommendation for the preliminary site plan for Gielow expansion**
2. **Discuss and recommend a proposed budget to Council**

PUBLIC COMMENT: (3-minute limit)

ADJOURNMENT

VILLAGE OF LEXINGTON
Planning Commission Regular Meeting
Village Hall
7227 Huron Avenue, Lexington, MI
April 11, 2023 7 p.m.

Regular Meeting called to order at 7:00 p.m. by Chairman Ziegler
Ziegler welcomed Tim Regan to the Planning Commission

Roll Call: Beth Grohman, Deputy Clerk

Present: Fulton, Stencel, Regan, Picot, Morris, Kaatz, Ziegler

Absent: Roehl, Huepenbecker

Others Present: Muoio, DeCoster, Adams, Huepenbecker (via phone)

Approval of Agenda:

Motion by Fulton, seconded by Stencel, to approve the agenda as amended.

New Business 1 A. Transfer of money, and Change Public Hearing date to May 11, 2023.

All ayes

Motion carried

Approval of Minutes:

Motion by Fulton, seconded by Stencel, to approve the minutes of the Regular Meeting of February 6, 2023, as presented.

All ayes

Motion carried

Public Comment: None

Zoning Administrator's Report:

Motion by Morris, seconded by Fulton, to table until next month.

All ayes

Motion carried

Old Business:

1. Discussion of Screening of Trash Containers (Zoning Ordinance 6.2.9)

Motion by Picot, seconded by Stencel to strike from the Zoning Ordinance 6.2.9

Screening of Trash Containers.

Discussion

Roll Call

Ayes- Picot, Stencel, Ziegler

Nays- Fulton, Regan, Morris, Kaatz

Motion Failed

Motion by Morris, seconded by Fulton, to remove #1 and #7, and strike "enclosure" from all lines in this section.

Discussion rewrite the section, and present amendments next month

Morris withdraws motion, Fulton withdraws support.

Motion by Morris, seconded by Kaatz to bring back next month, Fulton to work on amendments.

All ayes

Motion carried

2. **Discussion on Possible Solar Ordinance** – Picot reported Lexington Township created a solar ordinance and recommended creating a similar ordinance to fit the need for the Village. Suggestion on more information and possible item for a workshop.

New Business:

1. **Discussion on Ad Hoc Committees** – Suggested Ad Hoc Committees to work on various items. Recommendation:

Ziegler, Stencel, Picot, and Klaas to work on Solar Ordinance, Dumpster Enclosure requirements, Gielow Land Use

Fulton, Huepenbecker, Regan and Roehl to work on RRC Certification Process, Zoning Board of Appeals (bylaws, training) Klaas assistance, and Capital Improvement Plans.

Motion by Morris, seconded by Fulton, to appoint Ad Hoc Committees as presented.

All ayes

Motion carried

- 1A. **Transfer of Money** – Motion by Morris, seconded by Picot, to approve the transfer of \$300 from Advertising and Publications, to Training to cover cost of the May 25, 2023 training session.

Roll Call

Ayes- Morris, Picot, Fulton, Stencel, Regan, Kaatz, Ziegler

Nays- None

Motion carried

2/3/4 Approve Holding Public Hearing on May 11 for the following amendments to the zoning ordinances,

Sec. 3.2.6 Duties of Zoning Ordinance Administrator (violations)

Sec. 3.4.10 Violations

Sec. 3.9 Violations and Penalties

Sec. 3.4.1 Site Plan Review

Sec. 4.11.1 Footnote to Schedule of Regulations

Sec. 2.2 Definition of Accessory Buildings and Structures

Sec. 5.4 Accessory Buildings

Motion by Fulton, seconded by Morris, to approve holding a public hearing for amendments to the zoning ordinance as presented.

All ayes

Motion carried

5. Discussion of Industrial Roadway

Discussion on concerns of more truck traffic with the expansion of Gielows. Fulton stated Craig Gielow assured there would not be additional truck traffic, no production will be done on Denissen, all production will be moved to the Main Street factory.

Discussion on possible alternate routes for truck traffic.

Public Comment

- Peter Muoio (7276 Lester) – Thanks for the heavy lifting on a lot of difficult subjects, and commented on the speed limit on 25 and talked to MDOT. MDOT has already stated a study could end up increasing speed limit.

Adjournment - Motion by Fulton, seconded by Regan, to adjourn at 8:30p.m.

Respectfully submitted,
Beth Grohman

Zoning Administrator Report
Village of Lexington
April 5th, 2023

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

- I have obtained my Zoning Certification Course.
- Sent out letters to local businesses that were in violation of the trash container screening ordinance and gave them extension to the previous June 30th deadline till the Planning Commission finished their research and discussion phase on the ordinance. If the ordinance is to stay at is, then I will assign a new deadline to comply with the ordinance.
- Worked with Cynthia and the owners of Butler Photography to the demolition of their unsafe building. They are in the process of getting a contractor to demo the building.
- Currently working with the Planning Commission and Gielow LLC on the expansion of their faculty at 5120 Lakeshore.

(14) Land Use Permit Applications:

5203 Main St. Lot 163 St (Deck Permit)
5203 Main St. Lot 141 (Land Use Permit "New Mobile")
5203 Main St. Lot 111 (Demo Permit)
7009 Greenbush (Land Use Permit "Fence")
Meyer School (Land Use Permit "Cement Pad") *Denied*
5435 Main St. (Sign Permit)
5489 Dallas St. (Land Use Permit "Deck")
5435 Main St. (Commercial Land Use Permit "Open Air Farmers Market")
5536 Main St. (Commercial Land Use Permit "Parking Lot Permit")
5565 Main St. (Sandwich Board Sign Permit)
5120 Lakeshore (Commercial Land Use Permit) *In Preliminary Review Phase*
7266 Boynton St. (Sandwich Board Sign Permit)
5612 Main St. (Seasonal Open-Air Business)
7231 Simons (Land Use Permit "New Residential Home")

I am currently working on making sure that residences and business owners in Lexington are complying with the Village ordinances. I am still learning the ins and outs of the ordinances, but I am determined to ensure that all residences and businesses are following the rules and regulations set out by the Village of Lexington.

I understand that there are many nuances to consider when making sure that residences and businesses are following the ordinances, and I am committed to learning as much as I can about them. I am confident that with the help of the Planning Commission, I can ensure that all residences and businesses are meeting the requirements set out by the Village ordinances.

Sincerely,

Dennis Klaas

ELECTRIC VEHICLE INFRASTRUCTURE

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

Inclusive of Wade Trim's Suggested Revisions (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.

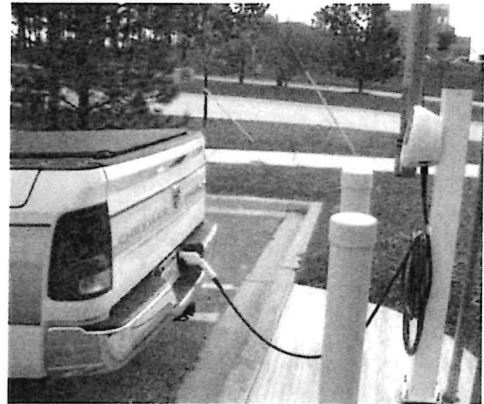
Automakers have clearly identified that to support the mass production of EVs, municipalities will need to enable and promote the necessary charging infrastructure demanded by potential customers. Thus, advanced planning at all governmental levels is critical to support the early adoption of EVs and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

EVs 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. 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.

The Village envisions EV charging stations becoming as commonplace as ADA barrier-free spaces at major workplaces and retail centers. The following 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:



SEC. 2.2 DEFINITIONS

INSERT THE FOLLOWING NEW DEFINITIONS INTO SECTION 2.2:

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.

SEC. 5.29 ELECTRIC VEHICLE INFRASTRUCTURE

INSERT THE FOLLOWING NEW SECTION 5.29:

5.29.1. Intent.

The intent of this section is to:

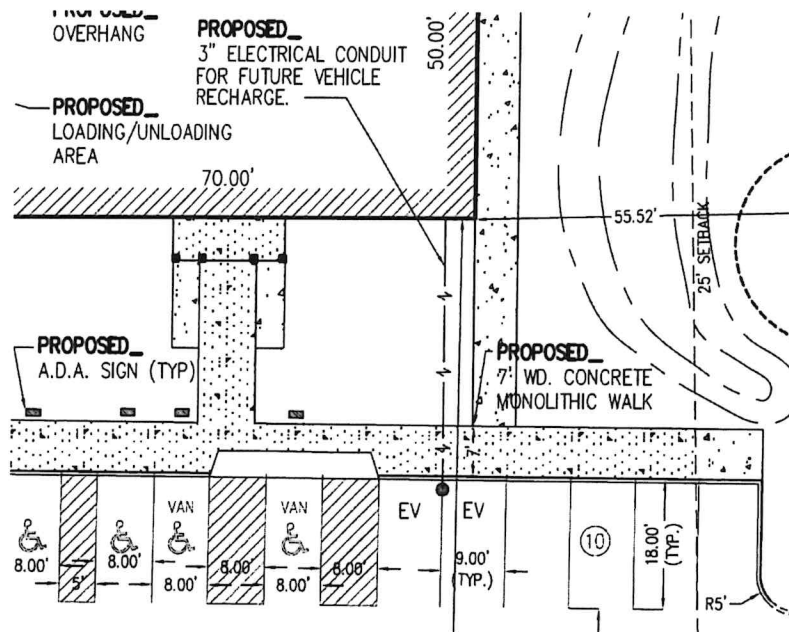
- facilitate and encourage the use of electric vehicles within the Village of Lexington and expedite the establishment of a convenient, cost-effective electric vehicle infrastructure for the benefit of citizens and visitors.
- preserve a pedestrian-oriented use pattern in mixed-use zones.
- encourage 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.
4. No EV charging 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).

5.29.3. Readiness Recommendations.

1. Residential. To proactively plan for and accommodate the anticipated future growth in market demand for EVs, it is strongly encouraged, but not required, that all new single-family, two-family, and multiple-family dwellings with garages be constructed to provide a 220-240 volt/50 amp outlet on a dedicated circuit to accommodate the potential future hardwire installation of a Level-2 EV charging station.
2. Non-Residential. To proactively plan for and accommodate the anticipated future growth in market demand for EVs, it is strongly encouraged, but not required, that all new and expanded non-residential use off-street parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 EV 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 EV charging as best suits current and future use of the site and to preserve property value.



Example Site Plan - "Rough-In" of EV Charging Stations

5.29.4. General Requirements for Multi-Family Residential and Non-Residential Development

- I. Off-Street Parking.
 - a. An EV 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 EV charging stations 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.
- private3. Lighting. Site lighting for the EV charging station shall be provided and shielded in accordance with Section 6.8.2.
4. 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.

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 66-28

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.

DRAFT Proposed Planning Commission Budget

Line Items	Proposed 2022-23	Approved 2022-23	Amend 2022-23	JH Prop 2023-24	DK Prop 2023-24	Notes on Request
Wages/Salary	16,200	8,000	21,100	22,000	32,500	Based on 25 hrs/wk
Per Meeting Pay	0	0	0	0	0	
Employee Benefits	1,250	1,150	1,620	1,700	2,500	
Employer FICA/MC	1,200	350	350	400	500	
Operating Supplies	600	150	320	400	400	
Phone	0		525	700	900	
Advertising/Publications	1,500	500	500	700	700	
School/Training	1,500	1,000	1,000	1,500	1,800	includes ZBA training
Membership/Dues	800	675	675	700	700	
Legal	2,500	1,500	500	1,500	1,500	
Mileage			200	200	200	
Contracted Services	1,000	1,000	1,150	1,200	1,200	
	26,550	14,325	27,940	31,000	42,900	