

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

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

**ROLL CALL:** Vicki Scott

Members: Ziegler Stencil McCombs Fulton Kaatz  
Picot Macksey Morris Huepenbecker

**APPROVAL OF AGENDA:**

**APPROVAL OF MINUTES:**

Pages 1-2

Motion to approve the minutes of the Regular Meeting of September 9, 2022

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

**ZONING ADMINISTRATOR'S REPORT**

Page 3

a

**OLD BUSINESS**

Pages 4-10

1. Discuss Draft EV Charging Station Ordinance
2. Training Update – Handout
3. Update on Implementation of Master Plan

**NEW BUSINESS**

1. Motion to approve the land use request at 5472 Washington St. (cottage lot)

(Note: Last November the Commission approved a land use request for this property, however, the owner changed the project by decreasing the size of the home so we need to act upon the new request.)

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

**ADJOURNMENT**

VILLAGE OF LEXINGTON  
**Planning Commission Regular Meeting**  
Village Hall  
7227 Huron Avenue, Lexington, MI  
August 1, 2022

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

**Roll Call:** Vicki Scott, Clerk

**Present:** Ziegler, Stencel, Morris, Fulton, Huepenbecker, (Kaatz @ 7:02 pm)

**Absent:** Picot, Macksey, McCombs

**Others Present:** A. Sutton, P. Muoio, K. DeCoster, and 4 residents

**Approval of Agenda:**

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

All ayes

Motion carried

**Approval of Minutes:**

Motion by Fulton, seconded by Stencel, to approve the minutes of the Regular Meeting of June 6, 2022, as presented.

All ayes

Motion carried

Motion by Fulton, seconded by Stencel, to approve the minutes of the Special Meeting of June 8, 2022, as presented.

All ayes

Motion carried

Motion by Fulton, seconded by Stencel, to approve the minutes of the Public Hearing and Special Meeting of June 29, 2022, as presented.

All ayes

Motion carried

**Public Comment:** None

**Zoning Administrator's Report:**

Sutton explained the zoning administrator's report. She commented we currently have (17) short term rentals registered.

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

All ayes

Motion carried

**Old Business:**

**1. Discuss Draft EV Charging Station Ordinance -**

Ziegler asked Morris if CMH secured funds for EV Charging Stations. Morris responded not at this time because they need to work on our parking lot first. Discussion followed on private versus public EV stations. Kaatz explained the Village does not need to compete with private businesses. Huepenbecker asked the board to look thoroughly through this draft before the next meeting. Discussion followed. The Board agreed to share this draft with LBA, DDA, and Parks & Rec for their input.

**2. Training Update – McCombs**

Motion by Morris, seconded by Fulton, to table the training update until next meeting in September.

All Ayes

Motion carried

**3. Update on Implementation of Master Plan –**

Huepenbecker explained we have been reviewing the two priorities that were identified in our survey. Once we are done with that chart, we will be choosing 3-5 priorities to work on. We will bring it to the Planning Commission. Kaatz suggested before anything is published by any sub-committee it goes by Council first. Discussion followed.

**New Business:**

**1. Motion to accept only applications for permits that include the fee and are complete –**

Motion by Fulton, seconded by Morris, to accept only applications for permits that include the fee and are complete.

Discussion

Roll Call:

Ayes: Fulton, Morris, Kaatz, Stencel, Huepenbecker, Ziegler

Nays: None

Motion carried

**Public Comment**

- Peter Muoio commented on public property promoting EV charging stations.

**Adjournment** - Motion by Fulton, seconded by Stencel, to adjourn at 8:21 p.m.

Respectfully submitted,  
Vicki Scott

Zoning Administrator Report  
Village of Lexington  
July 28, 2022

Outlined below are the activities of the Zoning Office from June 1, 2022- July 28, 2022

1. Land Use Permits (issued)-
  - a. Residential- 3
    - i. 7201 Lester- Fence
    - ii. 7094 Huron- Driveway
    - iii. 5420 Union- Shed
  - b. Commercial- 1
    - i. 5733 Main- Deck Replacement
  - c. MHP- 3
    - i. 5049 Lakeshore # 13- Deck Expansion
    - ii. 5203 Main #35- Driveway
    - iii. 5203 Main #100- Deck
  - d. Industrial- 0
2. Land Use Permits Pending or in Discussion
  - a. Residential- 1
    - i. 5547 Barmilvian- Culvert
  - b. Commercial- 0
  - c. MHP- 1
    - i. 5203 #64- Shed
  - d. Industrial- 0
  - e. Short Term Rental- 1
    - i. 7215 Hubbard
3. Sign Permits- 0

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

4. Blight-
  - a. Several Blight notices were issued for overgrown grass, trash in the lawn, sight obstructions

***LBA members: For several months, the Planning Commission has been discussing Electric Vehicle (EV) Charging Stations. Level 3 charging stations are very expensive. The purpose of a zoning ordinance is to get ahead of it and be prepared. It is not the intent of the Village to compete with local businesses.***

***We need your input. Please contact any member of the Planning Commission. Thank you.***

***Jackie Huepenbecker, Planning Commission Secretary***

## **ELECTRIC VEHICLE INFRASTRUCTURE**

**DRAFT Amendment to the Zoning Ordinance (8-15-2022)**

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

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

EVs need a much different type of fueling network than gasoline engine vehicles. This new fueling system will be based on a clustering of strategically placed charging stations at homes, workplaces, and retail stores, 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 that higher gas prices, advancements in battery storage, lower electric vehicle costs, and significant public/private investment in technology and infrastructure will rapidly increase EV market share.

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



## SEC. 5.29 ELECTRIC VEHICLE INFRASTRUCTURE

### 5.29.1 Intent.

The intent of this section is to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Non-Electric Vehicle** Any motor vehicle that does not meet the definition of 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 permitted use. Such stations located at one-family, multiple-family, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Zoning Administrator.
2. Level 3 charging is permitted as a special land use in all non-residential zones.
3. The tourist/visitor/summer resident portion of our local economy is centered around our town center 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 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 electric vehicle charging equipment is allowed to be placed within any road right of way.

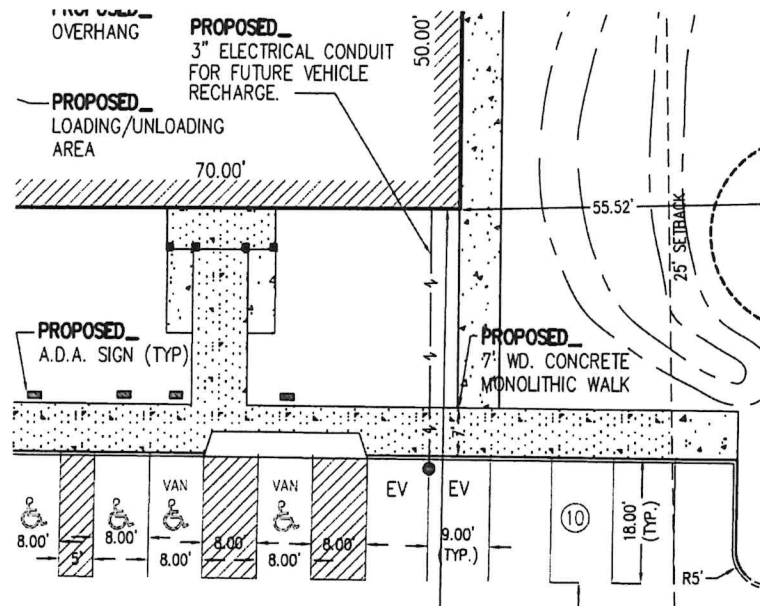
### 5.29.4 Readiness Recommendations

1. **Residential** To proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240 volt/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.

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

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

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

- I. Parking
  - a. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces as required by this ordinance.
  - b. Public electric vehicle charging stations are reserved for charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
2. Accessible Spaces. It is strongly encouraged, but not required, that a minimum of one (1) accessible electric vehicle charging station be provided. Accessible electric vehicle charging stations should be located close to the building or facility entrance and connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.
3. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed unless charging is for daytime purposes only.
4. Equipment Standards and Protection
  - a. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located 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 setback a minimum of 24 inches from the face of the curb.
  - c. All equipment and installation procedures shall conform to all relevant building codes and comply with all requirements of the Americans with Disabilities Act.
- 5. Usage Fees The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- 6. Signage
  - a. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information 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.

## **Training Report September 2022– Jamie McCombs**

This training opportunity is provided by MML (Michigan Municipal League) via zoom and is free.

### **MDHHS Michigan Climate Health Adaptation Program (MICHAP), the Michigan Green Communities Program, and EGLE’s Catalyst Communities**

**Sept. 14, 2022, 12:00 PM (Zoom)**

Public health and urban planning have a shared history and common goals. As Michigan faces more extreme weather events and a changing climate, local governments should consider how climate and health intersect and how that shows up in local policies, planning, and zoning. Health in All Policies is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas (CDC).

This workshop, presented by the MDHHS Michigan Climate Health Adaptation Program (MICHAP), the Michigan Green Communities Program, and EGLE’s Catalyst Communities program, will give participants a chance to apply a climate health lens to their work. This virtual workshop is intended for county/municipal staff and officials in Michigan.

Here is the link:

[https://www.mml.org/sites/MemberSite/Event\\_Display.aspx?EventKey=22I01&WebsiteKey=19f7d527-77ce-46b8-9594-aa3103d1a2a4](https://www.mml.org/sites/MemberSite/Event_Display.aspx?EventKey=22I01&WebsiteKey=19f7d527-77ce-46b8-9594-aa3103d1a2a4)

You will need to sign up on the MML website for an account. You will want to do this ASAP because it takes up to 24 hours to get the account verified and a password. I can’t tell whether it will be streamed.

NOTE: Check the MML website for other training opportunities.

Let me know if you have participated in training other than the Placemaking webinar last January and the Solar Energy one in May. I am giving the information to Jackie, and she is keeping a record of it. Remember, you need to have at least four hours of training per year.